

3rd June, 2010

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
--

The Adjourned May Meeting of Donegal County Council, will be held on Monday 14th June, 2010 at 10.00am, in the County House, Lifford.

Questions and Motions

Item 3

Items 8 – 16

Items 18 – 22

Items 24 – 66

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

Meetings Administrator

MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 14th
JUNE 2010

C/293/10 MEMBERS PRESENT

Clrs. B. Byrne, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, J. Harte, C. Harvey, D. Larkin, P. Mac Lochlainn, F. McBrearty, N. McBride, C. Mc Conalogue, I. McGarvey, P. McGowan, S. O'Domhnaill, B. O'Neill, T. Pringle, M. Quinn, J. Ryan and T. Slowey.

C/294/10 APOLOGIES

Apologies were received from Clrs. Crawford, Mc Eniff and McGuinness who were unable to attend the meeting.

C/295/10 OFFICIALS PRESENT

Mr Michael McLoone, County Manager, Mr Liam Ward, Acting Director of Corporate and Housing, Mr Seamus Neely, Director of Water, Environment and Emergency Services, Mr Garry Martin, Acting Head of Finance, Mr Michael Heaney, Director of Community, Culture and Planning, Mr James Boyle, Senior Engineer, Mr. Bartley McGlynn, Senior Executive Officer, Mr Eunan Quinn, Senior Executive Planner, Mr Eunan Sweeney, Meetings Administrator, and Ms Anne Marie Crawford, Staff Officer.

C/296/10 CONSIDERATION OF MANAGER'S REPORT ON THE DRAFT VARIATION NO.1 TO THE LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN 2009 – 2015 AND TO MAKE THE VARIATION

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

Clr. Brogan advised that the matter had been considered by Letterkenny Town Council, and that concerns had been raised in relation to the route selection. It had been agreed to exclude certain lands from this particular zoning. He called on Members to adopt the variation with the amendments agreed by Letterkenny Town Council.

Clr. Larkin suggested that the public consultation process as it exists, was flawed as public advertisement of the variation was insufficient. He suggested that the Council write to the

Minister requesting that it be a requirement to consult with parties affected and this was agreed.

On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved to proceed with Variation No. 1 of the Letterkenny and Environs Development Plan 2009-2015 in accordance with Section 13(4) of the Planning and Development Act 2000-2007, subject to the following amendments as agreed by Letterkenny Town Council at a meeting held on the 2nd June, 2010:-

- The route corridor is to revert back to that of 2009-2015 Development Plan between the existing dwelling and 'Kelly's Builders Suppliers' where the reserved route corridor meets the Sallaghagrane Road.
- Exclude the buildings of the Meehen Family.
- To amend the reserved route corridor between 'Kelly's Builders Suppliers' and the Rockhill Road as shown on the annotated map..
- Restrict the width of the corridor to 20meters from the road edge on the south eastern arm of the reserved route corridor and amend the south western arm as shown on the annotated map.

C/297/10

REQUEST THAT COUNCIL SUPPORT BE GIVEN TO TOURISM PROJECTS IN THE GLENTIES ELECTORAL AREA

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

"That Donegal County Council assist and support Tourism projects within the Glenties Electoral Area such as Ards Forest Park, Errigal Mountain, the islands and beaches to enhance and revive the Area for tourism."

Members were informed that:-

"Tourism is an important resource for the Donegal economy and is a priority sector for Donegal County Council and for Donegal County Development Board.

Donegal County Council, working with various CDB partners is advancing and supporting a range of activities relating to promotion of the county, events and tourism

product development. Donegal County Council is placing particular emphasis at present on Product Development and on Cultural Tourism. The Council continues to contribute to and to work with relevant partners in promoting the county through Donegal Tourism Ltd.

At present specific projects are being developed in relation to the Offshore Islands (working in association with Northern Ireland and Scotland partners) and for Ards Forest Park (working in partnership with Coillte). All aspects of Marine Tourism, including Beaches will be promoted in the context of the Sail West Project which has just commended work.

Other flagship projects being advanced by Donegal County Council with various partners include Sliabh Liag, Inch Levels and Malin Head. The recent Donegal Live Event which was held in Dublin proved to be a major success in raising the profile of the community. Other events such as the 2010 Earagail Arts Festival will place a strong focus on its role as a tourism resource for the county.

Members will be kept updated on progress in relation to this sector.”

Clr. O’ Domhnaill advised that he had had anticipated a more positive reply and cited the necessity of actively promoting tourism projects such as Ards Forest Park and Errigal Mountain. Ancilliary works such as the development of an adequate roadway, effective signage, and the provision of litter bins were urgently required at Errigal.

Clr. O’Domhnaill proposed, seconded by Clr. Mc Garvey, and it was resolved that a Tourism Development Workshop be held to follow up on these and other tourism related matters.

The Director Community, Culture and Planning agreed to look at the possibility of developing the potential of the area through the initiation of an iconic tourism project.

He confirmed that a Tourism Workshop would be held in the near future to look at ways of progressing these and similar type projects in the county, and would provide an opportunity to explore the various funding options available.

On the proposal of Clr. Alcorn , seconded by Clr. Mc Garvey , the following motion was adopted:-

"That Donegal County Council discuss our hedgecutting policy and the difficulty in having landowners keep their landholdings trimmed, in particular because of the danger in overgrowth."

Members were informed that:-

“As referred to in the motion, it is part the Councils policy on hedge cutting to request landowners to have their hedges trimmed.

Some of the steps taken to implement the policy include:

1. Notify landowners of their responsibilities regarding hedge cutting.
2. Erect notices along roads where hedges have to be cut.
3. Organising hedge cutting where it is the County Council's responsibility to do so.
- 4 Notify owners through the local media regarding their responsibilities to have their hedges cut.

Any other proposals in this regard can be considered by the Roads and Transportation SPC.”

Members outlined the need for adequate enforcement of the hedge-cutting policy, which should be made more stringent, so as to deal effectively with the compliance issue. The road safety aspect of the matter required active promotion.

Concern was expressed in relation to holdings owned by Coillte, with a number of Members asking that they be contacted in relation to the serious overgrowth at a number of these properties.

Members outlined the necessity of ensuring that the general public were adequately informed of their obligation to cut, and maintain hedges and overgrowth.

It was agreed to write to the Road Safety Authority in relation to the possibility of running a national advertisement campaign on the associated safety issues.

On the proposal of Clr.Slowey, seconded by Clr.Mc Bride, the following motion was adopted:-

"That Donegal County Council review its Litter policy with particular reference to enforcement."

Members were informed that:-

“It is intended to scope the contents of the new litter Management Plan at the next SPC meeting scheduled to take place on 15th June. This will provide a framework for Council Policy in this area and in particular cover areas such as, prevention, control, enforcement, community and voluntary engagement and public awareness in relation to litter generally. In the interim, the Council is reviewing priorities and operational response in the more critical areas with a view to improving the effectiveness of enforcement efforts. The Water & Environment SPC has examined the use of covert surveillance (hidden cameras) and has concluded that same is effective. The Council as a result is now proceeding to purchase additional equipment to enable continuous deployment of surveillance in each electoral area.”

It was acknowledged that effective enforcement of litter laws was the key to solving the litter problem in the county. The need for specific byelaws forcing people to avail of collection services was also debated.

Concern was expressed in relation to the number of fines issued and the high rate of non-collection.

Members acknowledged the excellent work carried out by the various Tidy Towns Committees and other community based groups across the county.

A number of possible solutions were debated including:

- The use of Covert Cameras.
- Introduction of Community Day of Action/ Community Clean-ups.
- Introduction of an effective prize giving mechanism for towns/villages who maintain specific standards of cleanliness.

The Director of Water, Environment, and Emergency Services called for a positive focus on the matter, and noted that despite significant inputs from the Environment Section the problem was wide spread and ongoing.

The installation of covert cameras at various locations in the county was, he confirmed, proceeding, but there would be an initial delay whilst a specific upgrade to the system was installed. It was intended to fully examine a range of issues at SPC level, including the bar coding of fast food boxes and the deployment of a system similar to that used in the detection of speeding offences.

The initiation of specific bye-laws was, he stated, being examined nationally and it would be possible to explore the use of same at local level.

Issues in relation to a possible Community Day of Action could he advised, be developed on a joint basis with the Roads Directorate. A range of matters would be considered by the W.E.E. Strategic Policy Committee and then presented to the Council as a body.

These included:-

- Strengthening the message re litter pollution.
- The re-deployment of specific resources.
- Examining methods for the effective enforcement of the litter laws.
- Exploring the Funding Options available for specific tourist routes.

C/300/10 CALL ON THE COUNCIL TO RE-OPEN FOOTPATH BETWEEN MOVILLE AND GREENCASTLE AT SITE COMPOUND FOR BREAKWATER PROJECT

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

"That Donegal County Council re-open footpath between Moville and Greencastle at site compound for breakwater project."

Members were informed that:-

“By way of information for Councillors the pathway was blocked off to keep the public away from the construction site of the Greencastle Harbour Expansion project. Currently walkers are directed onto the public road where they can

complete the walk onto Greencastle. It is intended that the pathway be reopened when the project is complete. At present, construction work is on hold due to lack of finances but the site is still a construction site. If the pathway was to be reopened before completion of the project, it would be necessary to erect extra security fencing to keep the public off the site. No funding is available to carry out these works.”

Clr. Doherty said the footpath was a vital amenity for tourists using the ferry and that it would be possible for the footpath to reopen and not interfere with the ongoing works. Remedial works, would cost in the region of €10,000, and would leave the path safe for walking.

Concern was expressed in relation to the status of the Breakwater Project.

Mr. James Boyle, Senior Engineer, agreed to speak to Mr. Vincent Lynn, Senior Engineer in relation to the overall plans for the Breakwater and the possibility of obtaining costings for the re-opening of the pathway.

C/301/10 VARIATION OF THE WIND ENERGY POLICY NRD33
IN THE DONEGAL COUNTY DEVELOPMENT PLAN
2006 - 2012

On the proposal of Clr. Ryan, seconded by Clr. Mc Bride, the following motion was adopted:-

"That this Council act on the Members Motion adopted at our meeting on 25/01/2010 that a variation, under section 13 of the Planning & Development Act 2000, be made to the wind energy Policy NRD33 in the Donegal County Development Plan 2006 - 2012."

Members were informed that:-

“It has not been possible to date to progress a Variation to the County Donegal Development Plan, 2006-2012, as requested by Members, due to the following issues; the limited staffing resources available to the Central Planning Unit, the complex process and time consuming statutory requirements of preparing a Variation, and the present priority focus of the Unit on the impending launch of the full scale review of the County Development Plan in early July.

The Directorate is, however, continuing to seek ways of having the required work undertaken and will keep members updated on progress.”

Members debated at length the necessity of having a specific policy in place. It was suggested that an annual contribution be collected in respect of wind farms in the county and the monies received used for the benefit of the local communities concerned.

A number of issues were discussed including:

- The effects of wind turbines on tourism development.
- Need to look at all the issues and problems surrounding the damage to local communities.
- That any review of the County Development Plan provide for effective liaison with local communities and incorporate specific forward planning measures.
- Use of Hydro Energy and that the production of Hydro Energy be fully explored.
- Necessity of obtaining state aid so as to ensure that local communities are fully compensated for the intrusion on the landscape.
- The need for measures to ensure that the indigenous population have access to the employment associated with such developments.
- Need to further promote and enhance associated training and development courses related to this activity.

C/302/10 RETENTION OF COUNCIL STAFF AND SERVICES IN THE CARNDONAGH PUBLIC SERVICES CENTRE

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

"That the County Council staff and services be retained in Carndonagh Public Service Centre to serve the people of Inishowen."

Members were informed that:-

“The Manager in his report to the Council meeting in July 2009 set out proposals to reorganise the management of Council services to deal with reductions in staff numbers,

reductions in budgets and the change in the number of electoral areas from six to five. The proposal included the reconfiguration of directorates from seven to five and described in broad outline what services would be delivered from the electoral areas and the management and staffing structure to deliver the services (having regard to the reduction in the budget and the reductions in staff numbers). The proposal included, inter alia, for the continuation of the Area Management structure with three Area Managers based in each electoral area with each Manager responsible for one of the following services;

- Housing/Corporate Services,
- Roads, Transportation and Housing (Capital) Services and
- Water, Environment and Emergency Services.

The proposal provided for Community, Culture and Enterprise and Planning Services to be managed centrally to achieve economies of scale but with field staff available in the electoral areas. The Manager sought and obtained "the endorsement of Donegal County Council at its meeting on July 20th, 2009 to the policy and service framework "within which the proposals were made for consultation with the Unions on staffing/management issues".

Work on proposals in relation to the re-structuring of Central Services management and staffing, including an analysis of the links between the reorganisation of this work and the proposed reorganisation of the electoral areas, is at an advanced stage.

In his budget report presented to the Council on December 22nd, the Manager stated "It is proposed to have more detailed plans prepared by mid-January for consultation with Staff, the Unions and Members on how various services will be reconfigured as between headquarters and areas e.g. Planning.

However, in January 2010, Industrial Action was initiated by the Public Service Trade Unions arising "from the Government decision to cut the rates of pay of Public Servants and their threats to make further cuts in pay, pension, benefits and jobs". The Industrial Action included

a refusal to cooperate with the National Transformation of Public Services agenda or with redeployment and reassignment of staff without Union agreement, etc. As a result of this notice, the implementation of the policy and service framework endorsed by the Council on July 20th (within which the staffing and management changes were being proposed) has been put on hold.

It is understood that the Trade Unions are currently undertaking ballots in relation to the Public Service Agreement negotiated nationally, under the auspices of the Labour Relations Commission. It is hoped that this will achieve an outcome which will result in the current Industrial Action ceasing and in turn create the conditions for continuing the discussions and negotiations locally with Unions on the restructuring programme.”

Clr. Farren advised of the importance of retaining staff in Carndonagh PSC and asked for an update in relation to a request by the Inishowen Electoral Area Committee for a meeting with County Manager in relation to same. The County Manager advised that there was significant links between this matter and the whole area of Organisational Development. Considerable work on the review of staffing had, he confirmed, been carried out by Mr. John Mc Laughlin, Director of Roads and Transportation, and Mr. Seamus Neely, Director of Water, Environment and Emergency Services. This, he noted, would form the basis for the resumption of talks with the Union Groupings. A final statement, he confirmed would be available at the end of the month after these discussions had taken place.

C/303/10

VARIATION OF ORDER OF BUSINESS

On the proposal of Clr. Larkin, seconded by Clr. Pringle, it was resolved to vary the order of business to take items 26A and 26B and 29 at this juncture.

C/304/10

CONSIDERATION OF REPORT ON THE OUTTURN OF INCOME AND EXPENDITURE FOR THE LOCAL FINANCIAL YEAR ENDED 31ST DECEMBER, 2009 (ITEM 26A)

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

The A/Head of Finance outlined the main aspects of his report.

The County Manager thanked the Directors of Service, the A/Head of Finance and Mr. Bartley Mc Glynn, Senior Executive Officer for their efforts in achieving an excess of income over expenditure for the 6th year in succession. Details were requested in relation to current borrowing on both the revenue and capital budgets.

On the proposal of Clr. Larkin, seconded by Clr. Pringle, it was resolved to approve actual gross expenditure of €156,866,849, as set out in Table 2, Page 2, when compared to the Revised Budget of €161,096,156 (Adopted Budget as amended by net reductions in funding received for 2009) for all Divisions in accordance with Subsection 7 of Section 104 of the Local Government Act, 2001.

C/305/10 CONSIDERATION OF REPORT ON VAT ON COUNCIL SERVICES (ITEM 26B)

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

On the proposal of Clr. Larkin, seconded by Clr. Pringle, the report on the immediate implications of VAT on Council Services was noted.

Concern was expressed that the imposition of same would, in the long run, result in the privatisation of a number of Council Services.

C/306/10 APPROVAL OF THE RAISING OF A CAPITAL LOAN IN THE AMOUNT OF €1.5m FOR THE PURPOSE OF COMPLETING THE CAPITAL PHASE OF THE COUNTY DONEGAL NON-DOMESTIC METERING PROJECT (ITEM 29)

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

On the proposal of Clr. Larkin, seconded by Clr. M. Doherty, it was resolved to approve the raising of a capital loan in the amount of €1.5m for the purpose of completing the capital phase of the County Donegal Non-Domestic Metering Project.

Members were informed that the sum in question was not an additional cost but rather related to the final €1.5m segment of the €9.6m overall costing.

C/307/10 ADJOURNMENT OF MEETING

On the proposal of Clr. P. Doherty, seconded by Clr. Brogan it was resolved to adjourn the meeting for lunch until 1.30pm.

C/308/10 VARIATION OF ORDER OF BUSINESS

It was resolved on the proposal of Clr. Larkin, seconded by Clr. Brogan, to vary the Order of Business to deal with motions from Letterkenny EA Members at this juncture.

C/309/10 STEERING GROUP TO DEAL WITH THE TAKEOVER OF ESTATES IN THE LETTERKENNY AREA

The following motion submitted by Clr. Larkin was proposed by him and seconded by Clr. Brogan:-

"That this Council set up a steering group from all the relevant services to deal with the takeover of estates in the Letterkenny area as a matter of urgency."

Members were informed that:-

“The economic downturn has brought into sharp focus the problem with unfinished housing estates nationally and the demand for the Council to takeover housing estates continues to expand, particularly where services have not been provided to proper standard. The legislation governing the take-over of housing estates is contained within the Planning and Development Act 2000 and the Roads Act 1993. The legislation allows the Council to take-over housing estates, in appropriate circumstances, and requires that the Council satisfy itself that the road is of “general public utility” and to consider the financial implications of taking in charge. The Council policy in respect of the take-over of housing estates was adopted on 26/09/2005.

The take-over of housing estates needs to be informed by the associated issue of unfinished housing estates. The Department of Environment, Heritage and Local Government has advised that the Department is to take the

lead to achieve a nationally consistent and co-ordinated approach across the country and has consequently established a multi-disciplinary team to address the issue at central level. The key objectives for the team include: -

- (1) Quantifying the level and distribution of unfinished housing developments across the country in order to establish a firm evidence base for further analysis and policy development by the end of Summer 2010;
- (2) Identifying practical issues concerning planning, housing and other matters in unfinished housing developments and preparing a manual on best practice by Autumn 2010; and
- (3) through (1) and (2) above, supporting and guiding local authority responses to the issue on an ongoing manner including, the identification of any issues for further analysis and legislative reform.

The Council has nominated a liaison person, Denis Kelly A/SP, and proposes to set up a Cross- Directorate group for co-ordination of a focus on the topic, paralleling the Departmental approach. This approach will enable the investigation of the problem to proceed, the range of issues in each estate to be clarified and a suite of actions identified for implementation depending on the most appropriate route for each and every case.

This work will be resource intensive (both human and financial) and will enable an evidence-based approach to the development of a centralised policy direction in respect of the unfinished housing estates and the take-over of housing estates. We will proceed on the basis of a countywide approach, including the functional area of the three Town Councils, and this will also require input from them.”

Clr.Larkin asked that priority be afforded to Letterkenny given the sheer number and volume of unfinished estates in the area. He asked that an audit of all estates in the county be undertaken, commencing with the Letterkenny area, which it was acknowledged was well placed to be the pilot area for the project.

A progress report on the findings in each Electoral Area was also requested.

Members cited the need to work with the various residents associations, and noted the need for active dialogue on all sides. The necessity of amending the planning legislation to provide for effective compliance and enforcement was also highlighted.

Information was requested in relation to bonds held by the Planning Service.

Acknowledging that the problem was a county-wide issue Clr. Larkin agreed to amend his motion to include the takeover of estates in all Electoral Areas.

Thus on the proposal of Clr. Larkin, seconded by Clr. Brogan, the following motion was adopted:-

“That this Council set up a Steering Group from all relevant services to deal with the takeover of estates in all Electoral Areas as a matter of urgency, with the Letterkenny Area serving as the pilot project.

C/310/10 **CALLS BY DONEGAL COUNTY COUNCIL FOR THE ABOLITION OF VEHICLE REGISTRATION TAX**

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

"That this Council views Vehicle Registration Tax as an unjust tax and calls on the Government to make immediate plans for its abolition."

Clr. Mac Lochlainn advised that the Vehicle Registration Tax went against the spirit and principles of the Single European Act.

Given the lack of public transport in Donegal it was imperative, he added, that the county be the first to voice its opposition.

A lengthy debate ensued with a number of Members outlining the necessity of repealing what was effectively a double form of taxation. They called on the government to investigate same and also explore the possibility of tax harmonisation, particularly in relation to the difficulties currently being experienced by the Border Counties.

The Deputy Mayor, Clr. Mc Conalogue took the Chair for a short period in the absence of the Mayor who had to attend to other business.

Members noted that there had been considerable adverse publicity in relation to the matter, but cited the need to be mindful of the obligation to obey the law in relation to the payment of the tax.

It was acknowledged that there needed to be a root and branch reform of the tax system to iron out such inequalities.

The Mayor returned to the Chair at this juncture.

The need for a realistic solution to the problem was identified, given that there was a necessity to maintain an adequate revenue income base.

Clr. Mac Lochlainn, in conclusion, stated that it was imperative that the correct message went out that V.R.T was an unjust tax, and that both the EU President and the EU Commissioner believed that to be so.

It was further agreed to circulate the motion to all Local Authorities.

C/311/10 MEMBERSHIP OF THE WESTERN INTERCOUNTY RAIL COMMITTEE

On the proposal of Clr. Mc Bride, seconded by Clr. Mc Gowan, the following motion was adopted:-

"That this Council requests membership of the western inter-county rail committee in order to further pursue the connection of the western rail corridor and the fourth largest city in Ireland (Derry City) via Co. Donegal."

Members were informed that:-

“The Border Counties Rail Group consists of a number of local authority bodies and interest groups on both sides of the border, which includes Donegal County Council. The aim of this group is to investigate and discuss the re-establishment of Rail Links into the northwest of the island.

To date, the Group has requested that elected representatives should be nominated from Donegal County Council to join the Group and contribute to the debate.

The nomination of councillors to sit on the Cross Border Rail Group has been included on the agenda for this meeting of Donegal Council.

In addition to the Border Rail Group, the Council can request membership of the western inter-county rail committee.”

A range of social and economic arguments for the development of rail links in the county were put forward. Members were of the opinion that the matter was a viable long term project and needed to be kept on the agenda. Rail infrastructure, it was acknowledged, needed to be pursued in tandem with other infrastructural developments so as to allow for maximum access to the county.

Mr. James Boyle, Senior Engineer advised that the request for membership on the Western Inter- County Rail Committee would be actively pursued.

C/312/10

APPLICATION OF A WAIVER ON SMALL BUSINESSES THAT HAVE NO WATER SUPPLY ON THEIR PREMISES

On the proposal of Clr. Mc Garvey, seconded by Clr. Blaney, the following motion was adopted:-

"That Donegal County Council apply a waiver on small businesses that have no water facilities on their place of business."

Members were informed that:-

“Where there is a water supply at a property and there is a business being operated at the property the Council is obliged to charge for water under the Water Pricing Policy. In 2010 the charges have not been increased and the standing charge has been reduced significantly to €175 which recognised in particular that it was disproportionate in the case of customers that are using small amounts of water, particularly small business.”

Concern was expressed in relation to the difficulties being experienced by local indigenous businesses and the small farming community.

The Director of Water, Environment and Emergency Services advised that there were anomalies, particularly where businesses were located on site, adjacent to private dwellings. It was, he noted, not possible to have a policy which covered all eventualities, and that these would continue to be dealt with on a case by case basis.

Responding to various the concerns raised, he advised that the Standing Charge needed to be maintained at its present level in order to assist with the cost of delivering the supply. There was, he confirmed, a need to look at the base costs of the public services generally. It would, he added, be wrong at this juncture to say that private companies were more expensive generally.

It was agreed that a number of individual cases relating to the volumetric charge imposed on specific members of the small farming community would be discussed on a one to one basis with the Director of Service.

Members asked that a Workshop be held as soon as possible to consider the difficulties being experienced by local indigenous businesses, and the small farming community.

C/313/10 THAT DONEGAL COUNTY COUNCIL PROVIDE FUNDING FOR THE INSTALLATION OF SOLAR PANELS FOR BALLYSHANNON LEISURE CENTRE

The following motion submitted by Clr. Mc Eniff was moved on his behalf by Clr. Byrne, seconded by Clr. Alcorn and adopted:-

"That the Council provide €38,000 plus 13.5% VAT for installation of solar panels for Ballyshannon Leisure Centre."

Members were informed that:-

“Assuming that the efficiency / rate of return supports the installation of equipment such as solar panels at the Ballyshannon Leisure Centre it is possible that part of the sum required for same and / or other energy efficiency measures may be available under funding previously approved by the Council for capital works at the Centre. Quotations will have to be sought for the required works to determine exactly what the shortfall will be.”

C/314/10 CALL FOR MANAGER NOT TO SIGN OR RENEW CONTRACTS WITH VEOLIA AND TO ENSURE THAT ALL MULTINATIONAL COMPANIES HAVE A CLEAR ETHICAL RECORD

The following motion submitted by Clr. Pringle was proposed by him and seconded by Clr. MacLochlainn:-

"This Council calls on the County Manager not to sign or renew any contracts with Veolia and implement a policy of ensuring that all multinational companies that tender for projects in Donegal have a clear ethical record."

Members were informed that:-

“Veolia Water Ireland is currently under contract to Donegal County Council for the operation of the Donegal Bay Group A Wastewater Treatment Works at Donegal Town, Rosstown, and Ballyshannon. Veolia are also partnering with BAM (formerly Ascon) contractors in respect of the operation of the new main pumping station to be delivered under Killybegs Sewerage Scheme Contract 2. Veolia Water Ireland is also the rebranded name of Bowen Water Technology a long established Irish company based in County Kilkenny. It is understood that Veolia Water Ireland is now a subsidiary company of Veolia Water, which in turn is a subsidiary of Veolia Environnement, a multinational company. The Council is not aware of any matter that would prohibit the Council entering into contracts with Veolia Water Ireland.”

Clr. Pringle advised that the motion had been introduced as a direct response to the controversy surrounding the attack on the Gaza Aid Flotilla.

The Director Water, Environment and Emergency Services urged caution on the matter as Donegal County Council had a formal contract with Veolia Water Ireland. Members, he confirmed, needed to be aware of the implications of rescinding signed contracts .

Responding to concerns raised by the Director of Service, Clr. Pringle confirmed that the motion was not intended to challenge in any way the current arrangements. The aim, he

advised, was to create an awareness of the Council's ethical obligations.

Clr. Pringle asked that his motion be amended to include Veolia Water, Veolia Water Ireland and Veolia Environment and this was agreed.

Thus on the proposal of Clr. Pringle, seconded by Clr. Mac Lochlainn, the following motion was adopted:

"This Council calls on the County Manager not to sign or renew any contracts with Veolia, Veolia Water, Veolia Water Ireland and Veolia Environment, and implement a policy of ensuring that all multinational companies that tender for projects in Donegal have a clear ethical record."

It was further agreed to circulate the motion to all Local Authorities.

Members requested that the Department of the Environment, Heritage and Local Government be contacted in relation to the revision of policies regarding the award of Public Sector Contracts.

C/315/10 DISPOSAL OF OLD COURTHOUSE LIFFORD TO LIFFORD ASSOCIATION FOR TOURISM, COMMERCE AND HERITAGE LTD (LATCH)

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

On the proposal of Clr. Mc Brearty , seconded by Clr. Harvey, it was resolved to dispose, by way of 50 year lease, of Old Courthouse Lifford to Lifford Association for Tourism, Commerce and Heritage Ltd, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

The Meetings Administrator, responding to a query on the duration of the lease, advised that necessary safeguards had been incorporated into the lease to ensure it remained in public ownership should it cease to be used for the purpose of the lease.

C/316/10 DISPOSAL OF LAND AT FINTOWN (S.I. 4947), CO DONEGAL TO MR HUGH MCDEVITT,

LORGANLARKIN, BALLINAMORE, FINTOWN, CO.
DONEGAL

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

On the proposal of Clr. Slowey, seconded by Clr. Alcorn , it was resolved to dispose of land at Fintown (S.I. 4947) to Mr Hugh McDevitt, Lorganlarkin, Ballinamore, Fintown, Co Donegal, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/317/10 DISPOSAL OF LAND AT GORTNABRADE,
CARRIGART (S.I. 5743), CO DONEGAL TO MS ANNIE
COLL, GORTNABRADE, CARRIGART, CO. DONEGAL

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

On the proposal of Clr. Mc Bride , seconded by Clr. Mc Garvey, it was resolved to dispose of land at Gortnabrade, Carrigart (S.I. 5743) to Ms Annie Coll, Gortnabrade, Carrigart, Co Donegal, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/318/10 TAKING OF DECISION WITH REGARD TO PROPOSED
CONSTRUCTION OF 1 NO. SPECIFIC INSTANCE
COTTAGE AT LEENAN, CLONMANY, INISHOWEN,
LIFFORD, CO DONEGAL

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

On the proposal of Clr. Ryan, seconded by Clr. McGarvey, the carrying out of works under Part XI of the Planning and Development Act, 2000 and Part 8 of the Planning and Development Regulations 2001, with regard to the proposed construction of 1 No. Specific Instance Cottage (S.I 10023) and Associated Site Works at Leenan, Clonmany, Inishowen, Lifford, Co Donegal.

C/319/10 TAKING OF DECISION WITH REGARD TO PROPOSED
CONSTRUCTION OF 1 NO. SPECIFIC INSTANCE
COTTAGE AT BALLEEGHAN, UPPER MALIN,
INISHOWEN, LIFFORD, CO DONEGAL

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

On the proposal of Clr. Ryan, seconded by Clr. McGarvey, the carrying out of works under Part XI of the Planning and Development Act, 2000 and Part 8 of the Planning and Development Regulations 2001, with regard to the proposed construction of 1 No. Specific Instance Cottage (S.I 10024) and Associated Site Works at Balleeghan, Upper Malin, Inishowen, Lifford, Co Donegal.

C/320/10 TAKING OF DECISION WITH REGARD TO PROPOSED CONSTRUCTION OF A WASTEWATER PUMPING STATION IN THE TOWNLAND OF CASHEL, GLENCOLMCILLE

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

On the proposal of Clr. Byrne, seconded by Clr. Boyle, the carrying out of works under Part XI of the Planning and Development Act, 2000 and Part 8 of the Planning and Development Regulations 2001, with regard to the proposed construction of a Wastewater Pumping Station in the townland of Cashel, Glencolmcille, Co Donegal.

C/321/10 CONSIDERATION OF REQUEST TO CHANGE THE DATE OF THE ANNUAL GENERAL MEETING OF DONEGAL COUNTY COUNCIL FROM 28TH JUNE TO 30TH JUNE, 2010

On the proposal of Clr. Alcorn, seconded by Clr. Mac Lochlainn, it was resolved that the Annual General Meeting be held on Wednesday 30th June, 2010 at 10.00am in the County House, Lifford.

C/322/10 CONSIDERATION OF THE INTERIM REPORT OF MEETING OF AUDIT COMMITTEE HELD ON MAY 11, 2010

Members considered the report circulated with the agenda, together with a report from the County Manager dated 14th June, 2010, circulated during the meeting.

The County Manager provided an overview of the Programme of Organisation Development, outlining the need for clarity in relation to the work that needed to be done to deliver services, including assessing:-

- The number of staff and managers required to deliver the service.

- Work divisions
- The budgetary requirement and standard of service required.
- The need for effective governance arrangements including appropriate arrangements for managing performance, focusing on customers and relating inputs to outputs to generate efficiencies.

The Donegal County Council Organisational Development Project was, he advised, a research and development project and any support secured since 1994 was part of this research and development work and was not, in his opinion, a breach of EU or any other procurement rules as it was derived from a body of work which had not been commercialised.

It was, he acknowledged, only fair to both the external and internal auditors and himself to have an independent expert assessment carried out on the procurement aspects given the specialist nature of the work.

The County Manager stated that all payments for the organisation development work had his authorisation, and that he was fully satisfied that the work to date represented value for money. Referring to the previous decision to submit the project documentation to the Local Government Efficiency Review Group (E.R.G.) for evaluation, it would now, he noted, be appropriate for this group to assess independently the value for money aspect of the work.

The supporting software, he contended, was developed by One Sigma Ltd at high financial risk and was available to the Council free for testing, but a licensing arrangement would have to be negotiated, if it was decided to continue with the project.

The County Manager asserted that the WSW project could assist with two of the biggest weaknesses in Public Service Management, namely the current inability to link inputs to outputs and the absence of a management system to manage performance on a real time basis.

He stated that in his meetings with the E.R.G he had outlined the need for an implementation plan and had ventured the view that Donegal County Council may be the only local authority in the State to have a fully worked implementation plan and a set of tools for managers to show them how to implement it.

The County Manger called on members to agree to the use of the new management system (Whole System of Work) over the next six months and test whether or not it could deliver productivity gains of 4% to 5% per annum. If agreed, he would negotiate the implementation of the WSW with the Unions involved.

He also recommended that subject to the agreement of both the Council and the Unions, that Donegal County Council offer to act as a pilot site for the implementation of the Transforming Public Services agenda.

The County Manager acknowledged that in order to succeed, the programme would require the agreement of all the Unions and every member of staff. Progress on the development of the project would be demonstrated at public meetings, with all aspects relating to the intellectual property rights and licensing of software resolved during the trial period. He would, he advised, be available to assist his successor, if required, so as to ensure that the Council got the best possible terms.

A lengthy debate ensued with Members considering a range of issues namely,

- That Donegal County Council needed to be accountable for all monies spent.
- That the matter needed to be looked at objectively and required further discussion together with the provision of additional information particularly in relation to the processing of payments and expenses before approval to proceed could be given.
- That issues raised by the Internal Auditor in relation to the amount budgeted as against the amount spent had not been addressed.

- That the project should not be moved forward until the results of the two external reviews were made available
- Concerns about the indemnification of One Sigma against all claims, the intellectual property rights and the copyright issue.
- Need for more effective communication between Members and the Management Team.
- Queries raised in relation to the ownership of the Whole System of Work, and the possible projected return on the Council's investment.
- Whether it would be possible to quantify the level of savings and distinguish between those that had emanated from the Croke Park Agreement and those from W.S.W. Project.
- That Council examine the potential of the system in light of the amount of money spent to date.

The County Manager informed the meeting that he could not have effected the changes in Donegal County Council without outside assistance. He advised that the W.S.W. was available for use by the Council but that it was not in a position to sell it for monetary gain.

It was proposed by Clr. Pringle, seconded: Clr. Mc Garvey, and resolved:

“That the Internal Audit Section look at the level of expenditure on Organisational Development in the six year period, 2004 – 2009, and it how it came to be so under budgeted, and what lessons could be learned from it”

Clr. Pringle further proposed:

“That the Council do not proceed with any further work on the WSW system until it received a response to the two external reviews sought”

The County Manager then made a revised recommendation to the following effect:

“That if Members were prepared to approve the testing of the WSW for a period of 6 months he would offer One

Sigma Ltd a reduced fee of €15000 per month, with no expenses, the costs to be charged to the Capital Account and to be funded from savings to be made, with the balance of fees only becoming payable if the system demonstrated appropriate savings”.

He confirmed that it would also be possible in the above period to further consider the issue of the intellectual property rights. He acknowledged that the software would have to be provided free for the testing period with negotiations taking place if it was decided to go forward with the system thereafter.

It was proposed by Clr. Brogan, seconded by Clr. O’Neill:

“That the Council agree to the County Manager’s revised recommendation”.

Clr. Mc Garvey seconded Clr. Pringle’s motion *“That Council do not proceed with any further work on the WSW system until it received a response to the two external reviews sought”* and the motion thereby became an Amendment to Clr. Brogan’s motion.

It was agreed at this juncture to suspend the debate, and vary the order of business to enable consideration of a motion under Urgent Business, accepted at the Council meeting on 31st May 2010.

MOTION UNDER URGENT BUSINESS.

The following motion, in the names of Clrs. Gallagher, Slowey, P. Doherty, Mc Gowan, and S.O’ Domhnaill, was adopted on the proposal of Clr. Gallagher, seconded by Clr. Mac Lochlainn:

“That this Council discuss EPA Regulations and Handbook that were published in November 09 and how these regulations will impact on the future development of the county”

C/323/10 CONSIDERATION OF THE INTERIM REPORT OF MEETING OF AUDIT COMMITTEE HELD ON MAY 11, 2010 - CONTINUED

The County Manager advised that he was preparing to meet with the various Unions over the next week to discuss ways of changing work processes and delivering services with less staff.

It was resolved, on the proposal of Clr. Alcorn, seconded by Clr. Slowey, to adjourn the meeting for 5 minutes.

On resumption, Clr. Pringle advised that he was prepared to withdraw his amendment provided it was agreed *that clear and viable measures of the outcomes to be achieved during the testing period be laid out to the Council in advance*, and same was agreed.

The motion in the name of Clr. Brogan, seconded by Clr. O'Neill was, therefore, adopted subject to clear and viable measures of the outcomes to be achieved during the testing period being laid out to the Council in advance.

C/324/10 ADOPTION OF THE INDICATIVE TEXT OF ANNUAL REPORT 2009

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

On the proposal of Clr. Alcorn, seconded by Clr. Mc Bride, Members adopted the indicative text of the Annual Report, 2009 was adopted.

C/325/10 TO NOTE COMPLETED MEMBERSHIP OF AN COISTE LOGAINMNEACHA

Members considered the report circulated with the agenda in relation to the above, and on the proposal of Clr. Alcorn, seconded by Clr. P. Doherty, noted the completed membership of An Coiste Logainmneacha/Placenames Committee.

C/326/10 APPROVAL OF THE HIGHER EDUCATION GRANTS SCHEME FOR 2010

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

On the proposal of Clr. Alcorn, seconded by Clr. Donaghey, the HEG Scheme 2010 was adopted.

C/327/10 NOMINATION OF 2 COUNCILLORS TO SIT ON THE CROSS BORGER RAIL GROUP

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

On the proposal of Clr. Brogan, seconded by Clr. Alcorn, the it was resolved to appoint the following Members to the Border Counties Rail Group:

- Clr. Pádraig MacLochlainn, in his capacity as Chair of the Roads and Transportation SPC.
- Clr. Patrick Mc Gowan.

C/328/10 APPROVAL OF THE PROPOSED 2010 BRIDGE STRENGTHENING WORKS PROGRAMME

On the proposal of Clr. Brogan, seconded by Clr. O'Domhnaill, it was resolved to approve the 2010 Bridge Strengthening Works Programme.

C/329/10 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 and directives issued by the Minister in that regard, on the proposal of Clr. Alcorn, seconded by Clr. Brogan, it was resolved to authorise any member, if he/she so wished, to attend the following conferences, 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
- 16th Byrne Perry Summer School, "Entwined Histories II: Ireland, France and America." To be held from Friday 25th June to Sunday 27th June, 2010 at the Christian Brothers School, Wexford Street, Gorey.

- Training Seminar, “Wind and Solar Energy” to be held from Friday 25th June to Sunday 27th June, 2010 at the Country Arms Hotel and Leisure Club, Moorpark, Birr, Co. Offaly.
- Training Seminar, “Transformation of the Public Service, Insurance for the Public Service, Will the Croke Park Deal deliver?” to be held from Friday 4th June to Sunday 6th June, 2010 at the Carlton Hotel Tralee, Dan Spring Road, Tralee, Co. Kerry.

C/330/10 COUNTY MANAGER’S REPORT

Retirement of Mr. Sean Sheridan

The County Manager extended best wishes to the former Director of Corporate Services, Mr. Sean Sheridan who had retired on the 21st May 2010. He extended his sincere appreciation to Mr. Sheridan for his lifetime work in local government and thanked him for the enormous contribution he had made to Donegal County Council, the County as a whole and Bundoran Town Council over the last number of years. On a personal level, he acknowledged his role as a member of the Senior Management Team in Donegal since 2001. He thanked him for his loyalty and commitment and support over the years.

He wished, Sean, his wife Mary and daughter Niamh a long and happy retirement and many good times together.

Votes of Congratulations

Congratulations were extended to the following Athletes from Inver in Co Donegal who had been successful in the recent Special Olympics Ireland Games in Limerick:-

- Declan Friel
- Ciaran Gallagher
- David Gallagher

The following Questions and Replies were noted:

C/331/10 PRIORITISATION OF THE ELATAGH BRIDGE FOR ANY FUTURE GAELTACHT FUNDING

The following question was submitted by Clr. McGowan:-

"Will this Council prioritise the Elatagh Bridge R252 between Ballybofey and the Glenties, Dungloe Area for any Future Gaeltacht Funding, and request the Minister and the

Department for Gaeltacht to visit the Bridge and see for themselves how inadequate it is?"

Clr. McGowan was informed that:-

“Indications are that no money will be allocated by Roinn Na Gaeltachta for Strategic roads in the coming year.

However as Roinn Na Gaeltachta prioritise such works it may be worthwhile requesting the minister and department officials to do a site visit and acquaint themselves of the condition of this Bridge and this will be requested.”

C/332/10 DESIGN OF CYCLING LANES WITHIN TOWNS AND VILLAGES

The following question was submitted by Clr. McGowan:-

"Can the Councils design cycling lanes on roads with sufficient width within Town and Village areas as opposed to narrowing roads with hatched areas in the middle forcing cars to drive close to footpath kerbing and that any hatching should be along the footpath and act as a Cycling lane as well as traffic calming?"

Clr. McGowan was informed that:-

“Proposal to use hatched areas for cycling lanes.

Roads are designed in accordance with the Design Manual for Roads and Bridges, and NRA Traffic Calming Guidelines. As a rule, hatching is used for traffic calming purposes and to demarcate right and left turning lanes, which would not be suitable for such purposes.

Design of Cycling Lanes within Town and Village Areas

This issue will be added to a future Roads SPC agenda for further examination. Any identified locations can be examined on a case by case basis.”

C/333/10 TIMEFRAME FOR PROPOSED ROADWORKS ON THE ARDAGH – GLENTOWN ROAD AND THE BALLINDRAIT – TOBER ROAD

The following question was submitted by Clr. Crawford:-

"When is the proposed works to improve conditions on the Ardagh - Glentown Road and the Ballindrait - Tober Road likely to be carried out?"

Clr. Crawford was informed that:-

“The surfacing element of both of the above schemes have been tendered following the consultation with the members regarding the programme in March. A contractor is in the process of being appointed for both schemes, Balindrait - Tober is expected to be completed in late June while the contractor is currently being selected for Ardagh- Glentown sections. It is expected that this contractor should also be completed in late June subject to his programme for other works.”

C/334/10 COSTS OF CONSULTANCY ON THE BALLYBOFEY STRANORLAR BYPASS

The following question was submitted by Clr. Harley:-

"How much has been paid to the consultancy company Hyder McCarthy for works carried out on Ballybofey Stranorlar Bypass?"

Clr. Harley was informed that:-

“Mc Carthy Hyder were procured by Donegal County Council in 2000 to undertake the design of the Ballybofey Bypass and since that date have been paid in the region of €3,000,000 by the Council which was fully funded by the NRA.

Originally it was envisaged that the Design would be completed and the road built within a five year time scale approximately. In the event, the design process became much more protracted through no fault of the consultants. Beginning with the Foot and Mouth disease restrictions on farm access, there were many issues that arose that delayed the process. Chief among these was the further restrictions on farm access caused by the IFA dispute, the delays in funding, changes to cross-section of the carriageway, going

from the initial single carriageway to a two-plus-one carriageway, to the current dual carriageway cross-section. There were also changes to environmental legislation and to Design Standards. All of these contributed to the delay and to the additional costs.”

C/335/10 ERECTION OF WARNING SIGNS HIGHLIGHTING THE OPERATION OF TRAFFIC LIGHTS IN KILLYGORDON

The following question was submitted by Clr. Harvey:-

"In relation to the new erected traffic lights in Killygordon, when will warning signs be erected on the road sides to alert the motorist that these lights are operational in the village?"

Clr. Harvey was informed that:-

“The traffic lights are now operational and the majority of signage that is in place is in accordance with the standards. Our Area-based staff are monitoring the effectiveness of the lights and the attendant works on an ongoing basis as are staff in the NRDO. At present the NRDO are satisfied with the operations and are making arrangements for installing the outstanding signs.

The matter can be reviewed in a couple of weeks and a further determination made on any further signage.”

C/336/10 SPEED REDUCTION MEASURES ON THE GLENFIN FROM COIS NA FINE ESTATE TO JACKSONS HOTEL

The following question was submitted by Clr. Harvey:-

"What would be the most suitable speed reduction measures for the Glenfin road mainly from Cois na Fine estate to Jacksons Hotel?"

Clr. Harvey was informed that:-

“This location will be reviewed by the Road Design Office Road Safety Engineer in Quarter 3 2010. The review will include an examination of:

- Prevailing speeds and other driver behaviour
- Recorded accident history

- Requirements for any traffic calming measures
- Funding options

A report will be prepared and made available to the Roads Area Engineer for presentation at Electoral Area Committee meeting.”

C/337/10 TIMEFRAME FOR THE LETTING OF COUNCIL PROPERTIES WHICH ARE VACANT IN ST JOHNSTON, PORTHALL AND LIFFORD

The following question was submitted by Clr. Crawford:-

"In view of the numbers seeking accommodation when will the council properties (Houses) which are vacant in St Johnston, Porthall and Lifford be offered?"

Clr. Crawford was informed that:-

“Offers will issue for some of the vacant properties in St. Johnston as soon as Building Energy Rating Certificates have been received. Three other properties in Lifford, Porthall and St. Johnston require works before they can be reallocated. It is proposed to have these works completed as soon as possible, with a view to having offers made immediately thereafter.”

C/338/10 STAFFING LEVELS AT DONEGAL COUNTY COUNCIL YEAR BY YEAR SINCE 1999

The following question was submitted by Clr. Harley:-

"Can I have a year by year list of staffing levels at Donegal County Council since the year 1999?"

Clr. Harley was informed that:-

“The details requested is available electronically from 2004 onwards. The figures set out in the table below therefore refer to staffing returns for the period 2004 to 2009. However similar information for the period 1999 to 2003 can be provided at a later date, if required.

The Council submits staffing returns in respect of Donegal Local Authorities on a quarterly basis to the Department of

the Environment, Heritage and Local Government. The information in the table below reflects the information contained in these returns regarding the number of core staff and contract staff, both of which are expressed as whole-time equivalents, and also retained fire-fighters and non DOEHLG staff, employed by Donegal Local Authorities at 31st December for each year from 2004 to 2009.

Year	Core Employees	Contract Employees	Retained Fire-fighters	Non DOEHLG Employees	Total
2004	975	178	144	15	1,312
2005	958	223	153	15	1,349
2006	991	249	153	11	1,404
2007	972.5	262.5	150	14	1,399
2008	984	210.3	144	12	1,350.3
2009	999.86	50	158	10	1,217.86

C/339/10 THAT THE COUNCIL ENSURE THE INSTALLATION OF A CLARIFIER AT ARDSBEG PUMP HOUSE TO ERADICATE THE PROBLEM OF DISCOLOURATION IN THE PUBLIC WATER SUPPLY

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

"Can this Council ensure that a clarifier is put in place at Ardsbeg Pump house immediately to eradicate the problem of discolouration in the public water supply?"

Clr. O'Domhnaill was informed that:-

"There is already a clarifier at the Gortahork Water Treatment Works however additional capacity is required at the plant. One possible technical solution has been identified and the procurement process may identify other solutions. Although the procurement stage is being funded under the Small Schemes Programme this will be reviewed post tender due to significant other demands on the Rural Water Programme block grant."

C/340/10 REQUEST FOR STATISTICS IN RELATION TO ISSUING OF LITTER FINES IN 2009 AND RESULTING PROSECUTIONS

The following question was submitted by Clr. Slowey:-

"How many litter fines were issued by Donegal County Council in 2009 and how many were paid. In addition how many prosecutions were commenced and how many were successful. Perhaps this information might be provided for each electoral area?"

Clr. Slowey was informed that:-

"A total of 191 litter fines were issued by the Council in 2009. These were broken down by electoral area, as follows:

Inishowen - 57

Letterkenny - 25

Glenties - 19

Donegal - 45

Stranorlar - 45.

In the same period a total of 55 fines were paid. Two prosecutions were initiated in the period and one conviction was secured."

C/341/10 PROVISION OF A POWER SUPPLY TO THE EXISTING TOILETS AT NARIN BLUE FLAG BEACH

The following question was submitted by Clr. Slowey:-

"When will power be provided to the existing toilets at the Narin Blue Flag beach?"

Clr. Slowey was informed that:-

"Access funding has facilitated the recent construction of a new disabled toilet at Narin blue Flag beach. The construction work is complete and the electrician's cert has been forwarded to the ESB for the electricity connection to be made. The Council is making every effort to ensure that the connection is made as soon as possible."

C/342/10 REQUEST TO HAVE A SCHEME PUT IN PLACE FOR IMPROVEMENT WORKS TO THE BACK OF MUCKISH REGIONAL ROAD R256 FROM FALCARRAGH TO CALIBER BRIDGE

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

"Can this council put in place a scheme and plan to upgrade, widen and resurface the back of Muckish Regional Road (R256) from Falcarragh to Caliber Bridge which is in a deplorable state?"

Clr. O'Domhnaill was informed that:-

"The Muckish Regional Road (R256) links Falcarragh to the Back of Errigal Route. Substantial monies have been expended on this regional route over the last number of years, with previously narrow sections widened and other sections re-surfaced. Previous applications to Roinn na Gaeltachta for strategic road monies for this route were unsuccessful.

On this years agreed Road Works Programme there is an allocation (€16,500) for surface dressing and also an allocation (€15,000) for repairs to Fairy Bridge.

A plan to upgrade can be discussed at the local area meeting in the context of future Road Works Programmes."

C/343/10 REQUEST FOR DETAILS OF THE FULL MEMBERSHIP OF THE DONEGAL COUNTY COUNCIL ISLANDS COMMITTEE AND THE PROPOSED DATE OF THE FIRST MEETING OF THE COMMITTEE

The following question was submitted by Clr. Alcorn:-

"Could I have a list of the full membership of the new Donegal County Council Islands Committee and also the proposed date of the first meeting of this Committee?"

Clr. Alcorn was informed that:-

“Islands Committee

- All Members Glenties Electoral Area
- All Members Letterkenny Electoral Area

Island Representatives

Owey Island

William Boyle, Ballindrait, Bunbeg

Rutland Island

Michael Boyle, Lackenagh, Butonport

Inis Caorach Island

Hughie Gallagher, Saltpans, Dungloe

Island Roy

Maire Ui Dochartaigh, Cathaoirleach

Islandroy Group, Mulroy Bay

Downings,

Gola

Mr. Owenie McBride

Upper Cotteen, Derrybeg

Inishboffin

John O'Brien, Coiste Forbartha, Innis Bo Finne

Machaire Rabhartaigh

Tory

Ms. Bridget McGarvey, Bainisteoir

Oilean Thorai, Na Doiri Beaga

Aranmore

Seamus Bonner, Comharcuman

Forbartha & Fostaiochal

Ms Noirín Ui Mhaoldomhnaigh

Manager, Comharchumann Oilean

Arainn Mhor Teo, Arainn Mhor

Inisfree

Mr. Naul McCole, Ailt a Chorrain

Inis-shinney

Mr. Seamus Rodgers, Annagry West, Annagry

Representatives in an advisory capacity only

Mr. Diarmuid O Mordha (Gnothai Pobail Tuaithe agus Gaeltachta)

Ms. Marie Ni Fhearraigh (Islands Council)

The Area Manager will consult with the Cathaoirlaigh of the Glenties & Letterkenny Electoral Area Committees on a suitable date for the inaugural meeting of the Islands Committee.”

C/344/10 LIST OF SI HOUSES READY FOR TENDER AND THE TIMEFRAME FOR TENDERING

The following question was submitted by Clr. Alcorn:-

"Could I have a list of S.I. houses ready for tender, and confirmation as to when these houses will be tendered?"

Clr. Alcorn was informed that:-

“Funding has been provided in the 2010 allocation to allow for the construction of 9 no. SI Cottages. It is intended to seek tenders in the first week of June with construction to commence in August and completion scheduled for April 2011. The relevant SI's are as follows:

SI 10023 - Annette Duffy (Inishowen EA)

SI 10024 - Daniel Synott (Inishowen EA)

SI 20016 - Andrew & Eileen Lennox (Donegal EA)

SI 30055 - Irene Doherty (Glenties EA)

SI 30057 - Margaret Trimble (Glenties EA)

SI 30059 - Margaret Browne (Glenties EA)

SI 30066 - Wilma Wallenberg (Glenties EA)

SI 50011 - Mary Shields (Letterkenny EA)

SI 60010 - Jacqueline Harvey (Stranorlar EA)”

C/345/10 PROVISION OF REQUESTED INFORMATION OF PROPOSED NEW SEWERAGE WORKS IN MOVILLE/GREENCASTLE TO AN BORD PLEANALA

The following question was submitted by Clr. M. Doherty:-

"Has Donegal County Council forwarded information requested by An Bord Pleanala on proposed new sewerage works in Moville, Greencastle?"

Clr. M. Doherty was informed that:-

"The further information sought by An Bord Pleanala in connection with Moville Greencastle Sewerage Scheme was returned to An Bord on 25th March 2010. Subsequent to that, An Bord have asked the Council to place the further information and the responses thereto on public display, and the Council has now complied with that request."

C/346/10 AVAILABILITY OF FUNDING FOR THE PROPOSED SEWERAGE WORKS AT MOVILLE/GREENCASTLE

The following question was submitted by Clr. M. Doherty:-

"If proposed sewerage works at Moville, Greencastle was given the go ahead is funding available?"

Clr. M. Doherty was informed that:-

"Funding is being made available under the Water Services Investment Programme 2010-2012 to advance the Moville Greencastle Sewerage Scheme through planning. This will allow the Council to advance the project to tender document stage if the proposed development is approved by An Bord Pleanala and if the Preliminary Report is approved by the Department. While the published WSIP does not indicate a construction start for the scheme before the end of 2012 conditions of the Councils EPA licence for the agglomeration may dictate that some infrastructural works take place in advance of that date to address environmental issues."

C/347/10 CONFIRMATION OF THE DATE FOR THE TAKEOVER OF THE IDA BUSINESS PARK, LISFANNON, BUNCRANA

The following question was submitted by Clr. Ryan:-

"Can this Council confirm when the proposed takeover by Donegal County Council of the IDA Business Park in Lisfannon, Bunrana will take place?"

Clr. Ryan was informed that:-

“Update will be provided at the earliest opportunity.”

C/348/10 PROGRESS ON ARRANGING FOR THE MEETING OF ALL LOCAL AND NATIONAL STAKEHOLDERS TO DISCUSS THE PROMOTION OF GRIANAN OF AILEACH

The following question was submitted by Clr. MacLochlainn:-

"What progress has been made on arranging the meeting of all local and national stakeholders to discuss how to promote Grianan of Aileach as agreed at the last Council meeting?"

Clr. MacLochlainn was informed that:-

“The Heritage Officer is now organising a meeting of relevant stakeholders on a cross-border basis with a view towards exploring the various actions that can be undertaken to gain optimum benefit from this flagship tourism project for the North West. Arising from this a report will be prepared which will outline the steps that will be taken to promote this asset - by the various individual stakeholders and on a collaborative basis. This report will be brought to the Inishowen EAC.”

C/349/10 STEPS TO ADVANCE PLANS FOR THE DIVERSION OF TRAFFIC ON THE ARTERIAL ROUTE R238 AWAY FROM COCKHILL BRIDGE

The following question was submitted by Clr. MacLochlainn:-

"What steps do the Council propose as necessary to advance plans for a new road and bridge, to divert traffic on the main Inishowen arterial route, the R238, away from the Cockhill Bridge, Bunrana?"

Clr. MacLochlainn was informed that:-

“In November 2009 a workshop was held with the Councillors of Inishowen EA and Bunrana TC. The

conclusion of that meeting was that the Councillors wished to abandon the proposals for the installation of traffic lights and the provision of a pedestrian footbridge in favour of bringing a full scheme forward for the Design, Planning approval, EIS, CPO of the bridge and off line construction of a new road. To this end, they indicated their preference that the allocation made under the DCS in 2008/2009 for the footbridge be made available for progressing the Design etc. with a view to making an application to the Department for some form of strategic funding under the NNR grants.

To date, a draft detailed design brief and a preliminary road alignment have been prepared and are currently being developed into full tender package with a view to tendering the preliminary design of the bridge. The proposed tender includes options for procuring a design, site investigations, for public consultation and preparing an Environmental Impact Assessment (if required). Once complete Departmental approval for tendering the works shall be sought for this as any future funding will have to be provided by the DOT.”

C/350/10 ACTIONS TO HAVE CARNDONAGH COURTHOUSE RE-OPENED

The following question was submitted by Clr. McGuinness:-

"What is the current position regarding Carndonagh Courthouse and what action has the Council taken to have the Courthouse reopened?"

Clr. McGuinness was informed that:-

“The Courts Service, under the auspices of the Department of Justice, Equality & Law Reform, is the responsible body in relation to the Carndonagh Courthouse. Donegal Co. Council assists the Courts Service in relation to arranging cleaning and some maintenance when requested. It is accepted that the Carndonagh Courthouse has been closed for a considerable period of time. It is understood, following direct contact with the Courts Service, that it is proposed to re-open the Carndonagh Courthouse later this year.”

C/351/10 CURRENT STATUS OF THE DEVELOPMENT CONTRIBUTION SCHEME AND PROPOSED SPEND FOR 2010

The following question was submitted by Clr. McGuinness:-

" What is the current status of the Development Contribution Scheme and give details of proposed spend for 2010?"

Clr. McGuinness was informed that:-

As detailed earlier this year as part of the 3 year Capital Plan considerations, the level of DCS available in 2010 is severely limited - See tables taken from the plan attached.

Table 8 below summarises the level of unfunded capital balances per Directorate as at 31st December 2009 (Tables 2 – 7). This figure amounts to €14,133,719.

Table 8 - Unfunded Balances Summary Table					
		Funding - 2010			
Description	Balance at 31st Dec 2009	DCS	Other	Total	
<i>Unfunded Balances</i>					
Housing	24,102		24,102	24,102	Table 2 attached
Roads	3,646,631	1,704,098	1,942,533	3,646,631	Table 3 attached
Marine	1,415,981		1,415,981	1,415,981	Table 4 attached
Water Services		0		0	Inc. in Committed*
Planning	1,379,437		1,379,437	1,379,437	Table 5 attached
CC&E	1,715,480	500,000	1,215,480	1,715,480	Table 6 attached
Organisation Wide	5,952,088		5,952,088	5,952,088	Table 7 attached
Total	14,133,719	2,204,098	11,929,621	14,133,719	

Details of Committed Development Contribution Levies (DCS)

Table 9 - Committed DCS Summary Table		
<i>Committed Development Contribution Levies</i>	Amount	

Housing	0	Table 10 attached
Roads	530,000	Table 10 attached
Marine	658,000	Table 10 attached
Water Services	5,807,190	Table 11 attached
Planning	986,587	Table 10 attached
CC&E	0	Table 10 attached
Organization Wide	307,875	Table 10 attached
Total	8,289,652	

Table 12 - Summary DCS				
Total DCS Levies				
Received to-date		25,372,709	Note - Specific Charges	
Specifics Included		(4,227,162)	Specific Charges Collected	4,227,162
General Charges Transferred to Projects to-date		(17,660,119)	Specific Charges Transferred to-date	2,365,424
Balance of General Charges Available		3,485,428	Balance of Specific Charges Available	1,861,738
Net Position of DCS after funding the Unfunded (Table 8) & the Committed (Table 9)		(10,493,750)	Debit	
Unfunded - Others (Table 8)		(11,929,621)	Debit	
	Total Debit	(18,937,943)		

A balance in the amount of €3,485,428 net is available but it must be noted that against this the DCS amount in the Unfunded category (as discussed at 3 year capital meeting and as detailed in Table 8 therein) is €2,204,098 and DCS committed (as detailed in Table 9) is €8,289,652 giving a total of €10,493,750, as summarized in Table 12 above, again drawn from 3 Year capital presentation.

It should also be noted that it was highlighted at the 3 year capital meeting that taking into account DCS monies transferred to date, balances remaining available for transfer and eligible projects currently classified as unfunded and committed to, the net position of the DCS is €7,008,322 oversubscribed at present prior to the proposals for 2010 - 2012 being considered. Bearing in mind that it is estimated, at current collection rates, that a figure of some €1 million

will be available per annum under the DCS (excluding specific charges estimated at €200,000 per annum) for the foreseeable future it is clear that the DCS is severely limited in its ability to fund at any meaningful material level any aspect of Capital expenditure going forward.

€7,008,322 is net of €3,485,428 and (€10,493,750). 2010 - 2012 proposals include DCS at €6,670,000 of which €2,890,000 relates to 2010.

The Council is currently in discussions with the DOEHLG regarding the provision of approval in principle to raise loans to address both the unfunded balances and to allow us to co fund aspects of the 3 year plan that would originally have been targeted for funding through DCS but which cannot now be realized.”

C/352/10 CLARIFICATION ON ROADS FUNDING FOR THE FANAD AREA

The following question was submitted by Clr. McBride:-

"The €500k that was recently announced for roads in Fanad, is it a special allocation or is it coming out of the previously announced €2.5m for that area?"

Clr. McBride was informed that:-

“As outlined in circular RLR 4/2010 dated 22 Feb 2010 Donegal County Council were allocated €2.5m for "Mulroy Bay Bridge and Approach Roads". The Council subsequently requested permission from the Department of Transport to spend €500,000 out of the €2.5m on the approach roads to the bridge.

Approval to spend €500,000 out of the €2.5m was approved by the DOT on 15th April 2010.”

C/353/10 PROPOSAL TO HAVE DONEGAL COUNTY COUNCIL PURCHASE TOWN CENTRE PROPERTIES IN CARRIGART TO PROVIDE CARPARKING AND OTHER FACILITIES

The following question was submitted by Clr. McBride:-

"What is the possibility of Donegal County Council purchasing 2 town centre properties that are on the market in Carrigart, which could be used for car parking and other facilities needed in the area, (namely the old health centre and former nurses cottage)?"

Clr. McBride was informed that:-

“Even in the current climate, substantial monies would be required to purchase the town centre properties outlined.

With regard to car-parking in Carrigart, the Strand car-park which is a short distance from the Main Street, has a capacity of circa 25 spaces. This car-park is generally under utilised and is rarely at capacity.

Car-parking signage is in place at the junction at the Main Street. The Roads Service will consider advance signage subject to available resources.

In addition, Road Design have been requested to examine Carrigart in its Car parking Study and the issue of these properties will be raised.”

C/354/10

ERECTION OF STREET LIGHTING ON THE MAIN RAMELTON ROAD FROM TARA COURT TO THE THORNDALE ENTRANCE

The following question was submitted by Clr. Larkin:-

"Will this Council in partnership with Letterkenny Town Council erect the much needed street lighting on the main Ramelton Road from Tara Court to the Thorndale entrance?"

Clr. Larkin was informed that:-

“The development granted under 00/6349 required that a two metre wide footpath and public lighting scheme be provided between the site and the existing footpath at Arena 7. The footpath with ducting has been provided as required but the lighting has not been provided.

The Council has an ongoing investigation in respect of alleged non-compliance with the terms of the permission,

including the requirement to provide public lighting. It is considered appropriate to allow the enforcement process to be advanced to seek the developer to meet the requirements under the planning acts.”

C/355/10 TIMEFRAME FOR THE CARRYING OUT OF WORKS ON THE FOOTPATHS ON BALLYRAINE ROAD FROM THE NATIONAL SCHOOL TO ALDI

The following question was submitted by Clr. Larkin:-

"When will the much needed work be carried out on the footpaths on Ballyraine Road from the national school to Aldi?"

Clr. Larkin was informed that:-

“Members of Letterkenny EAC have prioritised €80,000 worth of minor improvement road works in Letterkenny Electoral Area in March. This includes €20,000 towards the above footpaths.

As noted at that time these were to be funded from the Development Contribution Scheme. With the adoption of the Capital Budget in March it is anticipated that €100,000 will be made available in 2010 for the entire county. If this funding is forthcoming and Letterkenny EA were to secure 20% of the money then this would address approximately 50-70m based on the priorities agreed by members for the Electoral Area. No DCS funding has been made available in the year to date. A decision on the available DCS funding is likely to be made in the next few months.

Members may also wish to consider making representations to Letterkenny Town Council who are the Planning Authority for the area in which this footpath lies and maker of the relevant development contribution scheme(s). This footpath may form part of the public infrastructure and facilities set out under that scheme and as such may be eligible for funding.”

C/356/10 PROPOSAL TO HAVE DONEGAL COUNTY COUNCIL PURCHASE THE PROPERTY KNOWN AS

MCCAFFERTY'S CORNER MILFORD TO ACCESS
AND PARKING IMPROVEMENTS IN THE TOWN

The following question was submitted by Clr. McGarvey:-

"Will Donegal County Council consider buying what is known as McCafferty's Corner, Milford as it will No. 1 give better vision lines, give easier access to the Main Street, and will allow parking for an additional 10 cars off the street.

Clr. McGarvey was informed that:-

"Even in the current climate, substantial monies would be required to purchase this town centre property.

The Milford Environmental Improvement Scheme is currently underway, which involves a substantial financial investment by Donegal County Council in Milford Town Centre. This scheme is progressing very well with substantial works completed in the new car park.

Road Design will be requested to consider the need to purchase this property in terms of sight lines."

C/357/10

PROGRESS ON THE AMENDMENT OF THE COUNTY
DEVELOPMENT PLAN IN RELATION TO PLANNING
APPLICATIONS FOR TELECOMMUNICATIONS
MASTS FOLLOWING A COUNCIL MOTION CALLING
FOR SAME

The following question was submitted by Clr. Quinn:-

"What progress have Donegal Council's planning section had in amending the County Development Plan in relation to planning applications for telecommunications mast to reflect a Council motion passed months ago?"

Clr. Quinn was informed that:-

"It has not been possible to progress a Variation of the County Development Plan, in regard to policies related to telecommunications masts, due to the following critical issues; limited staffing resources, the complex and time consuming statutory process of a Variation, and the present priority focus of the Unit on the review of the County

Development Plan in July. The Directorate is however continuing to seek ways of having the required work undertaken and will keep members updated on progress.”

C/358/10 UPGRADING OF RATHMULLAN’S WATER SUPPLY

The following question was submitted by Clr. Quinn:-

"How are Donegal County Council progressing with plans to upgrade Rathmullan's water supply and then resurface roads in the village?"

Clr. Quinn was informed that:-

“The Cranford Regional Water Supply has been included on the Water Services Investment Programme 2010-2012 as a ‘Scheme at Planning’ and the study area for this scheme includes the Rathmullan Water Supply network. In this context, it is unlikely that any significant infrastructural improvements will take place on the Rathmullan scheme within the period of the programme although operational and water conservation improvements may be implemented on an ongoing basis.”

C/359/10 UP-TO-DATE POSITION ON DERELICT BUILDINGS IN RAMELTON

The following question was submitted by Clr. McGarvey:-

"What is the up-to-date position on Derelict Buildings in Ramelton?"

Clr. McGarvey was informed that:-

“The only structure on the register at present is a warehouse at the Quay. This site has been temporarily fenced off by the Council to protect the public from any immediate risk from falling debris or guttering from the building. A land search has indicated that the property is not registered in land registry so at present the Council is unable to identify the owner of same. An inspection of the property was undertaken by the Conservation Officer who indicated that the building was surveyed by the National Inventory of Architectural Heritage in Dec. 2008 and the building was rated as being of regional importance and thus may be

included on the list of protected structures in the future. A planning application to refurbish the building was lodged in 2004 but was subsequently withdrawn. The Council proposes to contact the person who lodged this application in a bid to establish ownership and have remedial works to the structure undertaken.”

C/360/10 TIMEFRAME FOR THE COMPLETION OF THE BALLYSHANNON SEWERAGE SCHEME

The following question was submitted by Clr. McEniff:-

"When is it hoped to complete the Ballyshannon Sewerage Scheme?"

Clr. McEniff was informed that:-

“The only significant work remaining to be completed on Ballyshannon Sewerage Scheme is the final road reinstatement. Tenders for the final road reinstatement have been received and are being assessed. It is expected that the works will commence shortly and be completed by September 2010.”

C/361/10 FUTURE PLANS FOR THE PURCHASE OF LANDS TO PROVIDE SOCIAL HOUSING IN THE DONEGAL ELECTORAL AREA AND ALSO COUNTYWIDE

The following question was submitted by Clr. Pringle:-

"Do Donegal County Council intend to purchase or compulsorily purchase any land for social housing in the Donegal Electoral Area or countywide in the next few years?"

Clr. Pringle was informed that:-

“As previously reported the SHIP allocation (Social Housing Investment Programme) has been significantly reduced in the past two years in line with budgetary constraints, and the indications from the Dept. are that the allocations will be further reduced in the medium term. New schemes submitted by the Council for approval to proceed to various stages of design and tender have been deferred indefinitely by the Dept. While Donegal County Council has a loan facility

approved by both the Council and the Dept for the acquisition of land for social housing, the Dept has introduced an approval procedure into the land acquisition process in that the HFA will not advance any monies to the Council without Dept Approval. Given the fact that new schemes on existing landbank are being deferred it is improbable that any approval to acquire any additional lands will be forthcoming. The Council have no plans therefore to acquire any lands for social housing anywhere in the County in the medium term.”

C/362/10 COUNCIL OWNED LANDS EFFECTED BY THE LAND AGGREGATION SCHEME

The following question was submitted by Clr. Pringle:-

"What land belonging to Donegal County Council will be covered by the new Land Aggregation Scheme and returned to the state through NAMA?"

Clr. Pringle was informed that:-

“Circular Letter SHIP 2010/09 dated 9th April, 2010 from the Department of the Environment, Heritage & Local Government set out details in relation to revised arrangements for the funding of land for Social Housing Purposes including a new ‘land aggregation scheme’.

In relation to the land aggregation scheme, each Local Authority is requested to undertake an audit of all land owned for social housing purposes in respect of which there

is an outstanding Housing Finance Agency loan. Following completion of the audit, local authorities may, if they so wish, apply to the DoEHLG to pay off the capital and loan costs attached to a parcel of land identified. It is proposed that the DoEHLG will recoup to the Local Authority the outstanding capital remaining on the loan as well as the interest paid to date, subject to a maximum of seven years. It is then proposed that the ownership of the land will transfer to a central body.

The situation in Donegal is that we are in the process of completing the land survey/audit and no decisions have been

taken to date in relation to participation in the land aggregation scheme. There is no onus on a local authority to partake in the scheme but the DoEHLG has advised that it will be of benefit to local authorities who are servicing land loans where it is unlikely that the land in question will be developed in the short to medium term.”

This concluded the business of the meeting.

Certified: _____
Mayor.

Date: _____

