

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
Aras an Chontae
LEIFEAR
18 Aibreán 2011

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Máirt, 26 Aibreán 2011, ag
11.00 r.n. in Áras an Chontae, Leifear

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

Mise, le meas

A. MacSuibhne

Riarthóir Cruinnithe(RÚNAI CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
18th April, 2011

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Tuesday 26th April, 2011, at **11.00am in the County House, Lifford.**

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

You are summoned to attend this meeting of the Council. The Agenda is attached.

The Register of County Manager's Orders will be available for inspection at the meeting.

Yours sincerely

E. Sweeney

Meetings Administrator (County Secretary)

AGENDA

1. Confirmation of Minutes

- a) Confirmation of Minutes of Special Meeting of Donegal County Council held on the 21st March, 2011.
 - b) Confirmation of Minutes of Meeting of Donegal County Council held on the 28th March, 2011.
2. Consideration by the Council, in accordance with Section 180 of the Local Government Act 2001, of report dated 12th April, 2011 of Investigation by the Standards in Public Office Commission of alleged contraventions of the Ethics in Public Office Acts 1995 and 2001, and Part 15 of the Local Government Act 2001 – Councillor Terence Slowey, Donegal County Council and the Border Regional Authority.

MOTIONS

- (L) Local
(C) County
(O) Other

STRANORLAR ELECTORAL AREA

Water and Environment

3. Clr. McBrearty

"I am calling on Donegal County Council to address the problems that have been ongoing on a weekly basis in St Johnston concerning the sewage infrastructure and that they start the appropriate works necessary to address the ongoing suffering that residents are being put through due to the failure of funding being made available to build the new sewage treatment plant." (L)

4. Clr. Harley

"That the Council agree to open Civic Amenity Sites in the county free of charge for one weekend in the month of May to encourage people to clean up their localities for the upcoming tourist season." (C)

Corporate

5. Clr. McGowan

"That the Council in cooperation with the Citizen Information services seek to provide a full time information service in Ballybofey/Stranorlar and in addition seek funding to provide information on a cross border basis, which effects so many families

who have family members working and paying tax and other charges on either side of the border, while at the same time struggling to access benefits they are entitled to." (L)

Roads and Transportation

6. Clr. Crawford

"That this Council debate the urgent need for action on Finn Valley Roads." (L)

GLENTIES ELECTORAL AREA

Roads and Transportation

7. Clr. Slowey

"That this Council discuss the importance of the Donegal Road links to the Derry/Omagh A5/N2 Road Project." (C)

8. Clr. Ó Domhnaill

"That Donegal County Council lobby the relevant departments and bodies to ensure that a proper package of monies is allocated to repairing, widening and re-instating bridges in Donegal." (C)

Planning and Economic Development

9. Clr. M.T. Gallagher

"That this Council implement a gender proofing policy within the review of the County Development Plan 2012 - 2016, as was debated at the Women Into Public Life Event in the Council Chamber." (C)

INISHOWEN ELECTORAL AREA

Roads and Transportation

10. Clr. Murray

"That a cross-party delegation, in conjunction with senior Council officials, seeks a meeting with Minister for Agriculture, Marine & Food, Simon Coveney, in order to agree a process which would lead to the speedy completion of the Greencastle Breakwater." (L)

Planning and Economic Development

11. Clr. Canning

"That Donegal County Council holds a special workshop involving the Planning Section, Housing Section and Environment Section with the Members to discuss the ongoing problem of derelict buildings remaining in place due to planning attachment?" (C)

12. Clr. Ryan

"That this Council act on the Member's Motion adopted at our meeting on 25/01/2010 and again on 31/05/2010 that a variation, under Section 13 of the Planning & Development Act 2000, be made to the Wind Energy Policy - NRD 33 in the Donegal County Development Plan 2006-2012." (C)

LETTERKENNY ELECTORAL AREA

Roads and Transportation

13. Clr. Larkin

"That the Council furnish the members with all relevant information around the policy and resources that have been pursued in rolling out of all public lighting (members, infill, schools, energy efficient primary routes etc) over the last three years, and also inform us of the proposals for the year ahead." (C)

Community and Enterprise

14. Clr. McBride

"That Donegal County Council would engage with Sligo County Council, Leitrim County Council, the Northern Ireland Assembly and the Department of Foreign Affairs for the purpose of establishing a Passport Office in the Northwest." (O)

15. Clr. Quinn

"That this Council recognises that the Universal Social Charge is an unjust and regressive tax, bearing down most heavily on those least able to afford it, and calls on the Government to abolish the Universal Social Charge." (O)

Housing

16. Clr. McGarvey

"To seek the approval of this Council to allow the S.I. Houses go out for Tender." (O)

DONEGAL ELECTORAL AREA

Water and Environment

17. Clr. McEniff

"That the Council put in place a barring order on the use of Jet Skis at the Boatquay in Bundoran." (L)

Planning and Economic Development

18. Clr. O'Neill

"That Donegal County Council introduce a bye law to stop the practice of on-street Casual Trading on the streets of Ballyshannon on the June Bank Holiday weekend, so as to support the local business/ratepayers during the busiest weekend of the year." (L)

19. Disposal of Land – Section 211 Planning and Development Act, 2000

- a) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Moness, Burt to John Joseph Gallagher, Moness, Burt.
- b) Notice under Section 183 of the Local Government Act, 2001 to dispose of land and footpath, by way of lease at Main Street and Milltown, Convoy to Convoy Community and Environmental Committee, Co Donegal.

20. Endorsement of Minutes

- a) Endorsement of the Confirmed Minutes of Meeting of the Stranorlar Electoral Area Committee held on the 21st September, 2010.
- b) Endorsement of the Confirmed Minutes of Meeting of the Glenties Electoral Area Committee held on the 17th January, 2011.
- c) Endorsement of the Confirmed Minutes of Meeting of the Inishowen Electoral Area Committee held on the 18th January, 2011.
- d) Endorsement of the Confirmed Minutes of Meeting of the Stranorlar Electoral Area Committee held on the 18th January, 2011.
- e) Endorsement of the Confirmed Minutes of Meeting of the Donegal Electoral Area Committee held on the 19th January, 2011.
- f) Endorsement of the Confirmed Minutes of Meeting of the Island Committee held on the 14th September, 2011.
- g) To note the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 24th January, 2011.

21. Planning and Economic Development

Rescheduling of the following Electoral Area Meetings to accommodate presentations on the Draft County Development Plan:-

- Inishowen Electoral Area Meeting on the 17th May.
- Stranorlar Electoral Area Meeting on the 17th May.

22. Housing

“That in accordance with the provisions of the Local Government (No2) Act 1960 and Section 27 of the Housing (Miscellaneous Provisions) Act, 1992, the members of Donegal County Council hereby authorise the borrowing of a loan in the sum of €900,000 from the Housing Finance Agency for the purpose of payment of Annuity Loans.”

23. Finance

Report on the Outturn of Income and Expenditure in the Local Financial Year ended 31st December, 2010.

To approve the actual gross expenditure figure of €153,671,338 on Table 2, Page 2 when compared to the Revised Budget of €157,357,750 Budget as amended by net reductions in funding received for 2010) for all Divisions in accordance with Subsection 7 of Section 104 of the Local Government Act, 2001.

24. Corporate

To agree date for Annual General Meeting 2011.

25. Conference Reports

Clr. Patrick McGowan – The Local Government Finance held in Bunclody, Co Wexford from 10th to 12th December, 2010.

Clr. Dessie Larkin - Renewable Energy Wind Turbines held in Dundalk on 25th January, 2011.

Clr. Dessie Larkin – Strategic Planning for Councillors held in Westport from 18th to 20th February, 2011.

Clr. Patrick McGowan – Employment Law – You & Your Local Authority held in Galway from 4th to 6th March, 2011.

Clr. Seamus Ó Domhnaill – Equal Status Legislation – It’s effects on service provision in Local Authorities held in Westport from 18th to 20th March, 2011.

Clr. Martin Harley – Equal Status Legislation – It’s effects on service provision in Local Authorities held Westport from 18th to 20th March, 2011.

Clr. Brendan Byrne – Association of County and City Councils Conference 2011 held in Tullamore on 24th and 25th March, 2011.

26. Authorisation of representation at a Seminar, Meeting or Event

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No 668

of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010:-

HOME

- MSB Events Ltd – First Public Forum Debate on Energy Issues with an Taoiseach Enda Kenny- Robert John Kane Energy Symposium to be held from Wednesday 27th to Friday 29th April, 2011 at the Ramada Hotel, Lough Allen, Drumshambo, Co Leitrim.
- Border Midland and Western Regional Assembly – BMW Annual Conference “Innovation and Competitiveness – Restoring the Regional Economy to be held Friday 6th May, 2011 at the Sheraton Hotel, Athlone.
- Feile Pan Cheilteach, Corca Dhuibhne 2011 – Festival Symposium: Regional Development in Minority Language Areas, to be held Friday 29th April, 2011 in the Ostan na Sceilge, An Daingean, Co Chiarrai.
- The Institute of Professional Training – “Local Governance Training Seminar “Programme for Government! And Local Government?” to be held Friday 29th and Saturday 30th April, 2011 in the City North Hotel, Gormanstown, Co Meath.
- Irish Planning Institute – National Planning Conference 2011, “Innovation in Practice – Reshaping Irish Planning” to be held Thursday 5th and Friday 6th May, 2011 at the Radisson Blue Hotel and Spa Galway.
- Innovation in Delivering Public Services Seminar to be held Tuesday 10th May, 2011 at the Chartered Accountants House, Dublin.
- Transport Ireland 2011 – Exploring the new political and economic climate for Ireland’s transport sector to be held Wednesday 18th May, 2011 at the at the Chartered Accountants House, Dublin.
- IPA – Conference for Local Authority Elected Members “The Current Challenges Facing Irish

Local Authorities in Delivering Effective Customer Service with Ever-Decreasing Resources” to be held Thursday 26th and Friday 27th May, 2011.

ABROAD

- Launch of Earagail Arts Festival in Brussels on the 24th May, 2011.

27. Mayor's Business

28. Manager's Report

QUESTIONS

- (L) Local
(C) County
(O) Other

STRANORLAR ELECTORAL AREA

Finance

29. Clr. McBrearty

"Was there a final report by Donegal County Councils Audit Department regarding procurement and value for money available in October 2009 and if so why was it not presented to the members for their consideration at that time?" (C)

Housing

30. Clr. McBrearty

"Can the Council confirm that the new housing development in Dungloe comprising of 28 units for this local authority is costing €172,000 per unit and if this is not the case can you confirm what the actual price is per unit?" (C)

Roads and Transportation

31. Clr. Harley

"Can this Council list the number of road workers in each electoral area employed by this Council?" (C)

32. Clr. McGowan

"Please give a report and drawings of plans for the realignment works on the Donegal road (Meencaragh) Ballybofey and outline

what plans/funding requests are pending for accident black spots on the approach roads from Kilross/Stranorlar and Killygordon/Stranorlar." (L)

33.Clr. McGowan

"Please give details of the following projects in the Stranorlar Area, outlining funding details, Design, Contractor's name and start date of each project - Doneyloop/Clady Footpath, Lower Drumbo/Finn Valley College Footpath, Trusk Road Supervalu/The Weavers Footpath, Castlefin Bridge lights and approach road upgrade." (L)

34.Clr. Crawford

"What has been the result of the recent safety audit carried out on Quarry Road, Porthall?" (L)

35.Clr. Crawford

"How many personal injury claims has the Council paid in year ending December 2010? (C)

GLENTIES ELECTORAL AREA

Roads and Transportation

36.Clr. Slowey

"What is the present position regarding the connections to Donegal in the A5/N2 Road Project and what involvement does our Roads Section have to make sure that the Donegal Links are delivered as an integral part of the project? (C)

37.Clr. M.T. Gallagher

" Will this Council ensure that a full overlay will be carried out on the Chapel Road Dungloe after extensive infrastructure has been installed?" (L)

38.Clr. Ó Domhnaill

"Can this Council ensure that a budget is made available so as All Island Piers in Donegal can be provided with Pier Lights so as the Pier users can do so safely?" (C)

39.Clr. Ó Domhnaill

"Can this Council ensure that the public carpark at Magheroarty Beach is re-surfaced with Tar & Chip at the earliest possible stage and before the summer tourists converge on the beach?" (L)

Corporate

40. Clr. Slowey

"Are Donegal County Council going to put the provision of Legal Services to this Local Authority out to public tender in 2011 as per Government Guidelines?" (C)

Water and Environment

41. Clr. M.T. Gallagher

"Will this Council ensure that the pipe replacement for Crolly village will be a priority in 2011?" (L)

INISHOWEN ELECTORAL AREA

Planning and Economic Development

42. Clr. Murray

"What preventative measures can the Council introduce which could help families living in unfinished estates where the ESB has threatened to cut off electricity to streetlights and water pumping stations?" (C)

43. Clr. Farren

"Can Donegal County Council designate areas in the towns of Moville and Carndonagh for Casual Trading?" (L)

Finance

44. Clr. Ryan

"Can this Council confirm when the existing mobile phone contract with Vodafone is due to expire?" (C)

Community and Enterprise

45. Clr. Murray

"Is the Council committed to the continuation of the Greencastle to Magilligan ferry and if so, what is the situation with regards to funding from both Donegal County Council and Limavady Borough Council?" (L)

Roads and Transportation

46. Clr. Canning

"In relation to the newly constructed high embankment located where the old compound stood at Maherabeg, Manorcunningham just off the N13, I would like clarity as to what the Council plans to locate behind this embankment or what proposals do they have for this location?" (L)

47. Clr. Canning

"In relation to the National Primary Road resurfacing work commencing shortly between Manorcunningham and Bridgend, I would ask if adequate information and advance notification will be given to the public as to the time frame, procedure and disruption that is involved?" (L)

LETTERKENNY ELECTORAL AREA

Roads and Transportation

48. Clr. Larkin

"Will work be completed on the much needed new junction at Woodlands School for the school year commencing September 2011?" (L)

49. Clr. Larkin

"Have this Council re-applied for funding from the NRA to carry out badly needed strengthening works on the national primary road at Lurgybrack?" (L)

50. Clr. McBride

"Can Donegal County Council carry out works at Mulroy crossroads on the R245 so that road width and vision lines be increased in particular on the Gortnabrade side?" (L)

51. Clr. McBride

"Can Donegal County Council Roads Dept. cut back hedging and trees that are obscuring signage throughout our county?" (C)

52. Clr. Quinn

"Does this Council intend to erect crash barriers on Knockalla Drive, at locations where fatal and serious accidents have occurred?" (L)

53. Clr. Brogan

"At what stage is the design at for the Blue Banks Coolboy Section of the N56 as 250,000 Euro was awarded by the NRA in this years allocation and could we have a progress report on this?" (L)

Water and Environment

54. Clr. Quinn

"What is the current need throughout the county for water pipe replacement scheme's the locations of these schemes and estimated cost?" (C)

55.Clr. McGarvey

“What is the Sewerage Treatment position for Lennon Grove & Coylin Court, Ramelton?” (L)

56.Clr. McGarvey

“Has the site for Rathmullan Sewerage Treatment Plant been discussed?” (L)

Corporate

57.Clr. Brogan

"What progress has been made as agreed by this Council Re: Community Employment Schemes with FAS and Donegal County Council?" (C)

DONEGAL ELECTORAL AREA

Roads and Transportation

58.Clr. Campbell

"Will the Roads Section bring forward the take over the Casson Sound Road on St John's Point, Dunkineely without delay as the take over has already been passed by the Donegal Electoral Area Committee in 2010?" (L)

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD ON 26TH APRIL, 2011

C/137/11 MEMBERS PRESENT

Clrs. Cora Harvey, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, J. Harte, D. Larkin, F. McBrearty, N. McBride, S. McEniff, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, J. Ryan and T. Slowey.

C/138/11 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Corporate and Housing, Mr John McLaughlin, Director of Roads and Transportation, Mr Joe Peoples, A/Director of Water and Environment, Mr Michael Heaney, Director of Community, Culture and Planning, Mr Garry Martin, Director of Finance and Emergency Services, Mr James Boyle, Senior Engineer, Mr. Eunan Quinn, A/Senior Planner, Mr. Eunan Sweeney, Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer.

C/139/11 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 21ST MARCH, 2011

On the proposal of Clr. Alcorn, seconded by Clr.Larkin, the Minutes of the Special Meeting of Donegal County Council, held on 21st March, 2011, were adopted.

C/140/11 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 28TH MARCH, 2011

On the proposal of Clr. Alcorn, seconded by Clr. McEniff, the Minutes of the Meeting of Donegal County Council, held on 28th March, 2011, were adopted.

C/141/11 CONSIDERATION BY THE COUNCIL, IN ACCORDANCE WITH SECTION 180 OF THE LOCAL GOVERNMENT ACT 2001, OF REPORT DATED 12TH APRIL, 2011 OF INVESTIGATION BY THE STANDARDS IN PUBLIC OFFICE COMMISSION OF ALLEGED CONTRAVENTION OF THE ETHICS IN PUBLIC OFFICE ACTS 1995 AND 2001, AND PART 15

OF THE LOCAL GOVERNMENT ACT 2001 –
COUNCILLOR TERENCE SLOWEY, DONEGAL
COUNTY COUNCIL AND THE BORDER REGIONAL
AUTHORITY

The Mayor advised members that the report, circulated with the agenda, in relation to the above had been issued for due consideration by the members of Donegal County Council.

The County Manger further advised that the SIPO Report, dated 13th April, 2011, had been forwarded initially to the Mayor and the County Manger. Members were now obliged to consider the report in accordance with Sub Section 3 of Section 180 of the Local Government Act, 2001.

Clr Slowey addressing the Council said that he very much regretted what had happened and apologised to his Fine Gael colleagues, his fellow Councillors, the Executive of the Council and the constituents of the Glenties Electoral Area. He had, he confirmed, made a regrettable mistake, one which was rectified as soon as he became aware of the situation. On a personal level, he noted that it had been a difficult 16 months for himself and his family and, all things considered, he had paid a high price for what had been a genuine mistake.

Clr McGuinness noted that the Standards in Public Office Commission had at their disposal a number of options but ultimately decided to refer the matter back to Donegal County Council on the basis that there had been no criminal intent involved.

Clr. Slowey, he stated, had repaid the monies concerned and apologised for his actions.

Clr. Quinn, speaking on behalf of the Sinn Fein Party, said that politics in Ireland were at a particularly low ebb, and called for a number of specific measures to be introduced with the aim of providing greater transparency in relation to the whole area of conference attendance.

He outlined the necessity of making the following data available on the Council Website:-

- List of attendees at approved conferences

- Location of event, including arrival and departure time for each individual councillor.
- Subject matter of the conference.
- Expenses Paid
- Conference Report

Conference reports, he stated, should be appended to each Council agenda.

He expressed disappointment at the lack of leadership within the Fine Gael Party, and their failure to deal with the matter in question.

Clr. Quinn thanked Clr. Slowey for the courtesy shown to him personally, and applauded the fact that he had admitted to his error at an early stage. In the interest of accountability and transparency, he called on Clr Slowey to resign his position.

Clr. McGuinness proposed, seconded by Clr. Harley, that the report be accepted and in light of the findings of SIPO and the actions by Clr. Slowey to address the matter, that no further action was necessary and that the file be closed.

Clr Brogan, speaking on behalf of the Fianna Fail Party, said that, on consideration of the SIPO report, it was apparent that the process had been carried out in a proper and ethical manner. His party accepted the overall findings of the SIPO report.

He said that he was of the opinion that the matter had been dealt with in an upfront manner by all concerned.

Clr. Byrne addressed the meeting and read a statement outlining his own involvement in the process as the Mayor of the Council at the time. He noted that as soon as he and the County Manager became aware of the matter, advice was sought from the Council Solicitor and, based on the advice, there were two options available, i.e., to send the file to the DPP or forward same to the Standards in Public Office Commission.

He proceeded to outline an account of the events leading up to the eventual decision to send the file to SIPO. He informed the meeting that it was decided to send the report

to SIPO on the basis that it was best placed to consider the matter from both an ethics perspective and within the confines of the Local Government Act, 2001.

Acknowledging the professional manner in which the press had conducted their investigation, he confirmed that any initial delay in releasing information had been cautionary and mindful of the fact that there were serious consequences for the individual involved.

Clr. McGarvey, speaking on behalf of the Independent Grouping on the Council, said that he accepted Clr. Slowey's account that an error had been made. He asked that conference attendance be limited to those conferences being held closer to Donegal.

Clr. Mc Brearty, speaking on behalf of the Labour Party, alluded to the reference by Clr. Byrne in his statement to the legal advice he (Clr. Byrne) and the County Manager had relied upon in reaching their decision to refer the matter to SIPO and proposed that it be made available for inspection, as it was impossible for members to make a judgement on the matter without access to all the information involved. The motion was seconded by Clr. Byrne.

Clr. McGuinness challenged this on the grounds that the advice was irrelevant to the Council's decision as the only issue before the Council at the meeting for consideration was the SIPO Report. He noted that SIPO had the authority to refer the matter to the DPP but had chosen not to do so. They were, he advised, of the opinion that the contraventions in question did not constitute an offence and, on that basis, had referred the matter back to Donegal County Council.

Clr. Harte outlined the need for proper legal advice and clarity as to the exact role of the elected members in the proceedings.

The County Manager responding to a number of queries raised, advised that:-

- The legal advice referred to by Clr Byrne related to the initial stages of the investigation, and had been obtained in order to decide whether or not to refer the

matter to SIPO. The advice in question, he affirmed, had no relevance to the decision required today.

- The Local Government Act, 2001, provided some clarity as to the role of the members, but was somewhat ambiguous in relation to the consideration to be given to such reports.
- SIPO had taken the view that none of the contraventions concerned constituted an offence and thus the Council should be strongly guided by that assertion.
- It was a matter for the Council to consider the SIPO Report and decide on action to be taken as the Council considered appropriate in all the circumstances.
- The options were, he stated, to consider, note, accept, or reject the findings of the report.
- The Members must act judiciously in considering the matter.

The County Manager referred to the motion already proposed and seconded to accept the report as presented and move forward from there.

After some further discussion, the Mayor declared the motion carried.

Responding to Clr. Brogan's request for clarity in relation to Conference Expenses, the Meetings Administrator outlined the current arrangements for including conferences on the Council agenda for approval, and pointed out that conference expenses were only paid on receipt of confirmation of attendance from the conference organisers, together with a conference report from each individual councillor concerned. Conference Reports were, he advised, included on the agenda and copies of same were available for inspection both at Council Meetings and in the County Secretary's Office.

It was agreed with the consent of the Mayor to vary the order of business and deal with Motions No 17 and No 7 at this juncture.

C/143/11 BARRING ORDER ON THE USE OF JET SKIS AT THE BOATQUAY IN BUNDORAN

On the proposal of Clr. McEniff, seconded, by Clr. Brogan, the following motion was adopted:-

"That the Council put in place a barring order on the use of Jet Skis at the boatquay in Bundoran."

Members were informed that:-

“The Council introduced Beach and Maritime Craft Byelaws in 2009. The effect of the byelaws is to regulate jet skis and recreational craft at a number of beaches countywide including the main beach at Bundoran. Effectively at Bundoran, no jet skis or recreational craft are allowed to launch into or operate within 300 metres of the mean low water mark. Where directions from life guards employed by the Council are ignored in this regard, the Gardai will be advised so that the byelaws can be enforced.”

C/144/11 DISCUSSION ON THE DONEGAL ROAD LINKS TO THE DERRY/OMAGH A5/N2 ROAD PROJECT

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

"That this Council discuss the importance of the Donegal Road links to the Derry/Omagh A5/N2 Road Project."

Members were informed that:-

“The A5 WTC project, due to open in 2015, will be a major step forward in providing high quality access to the County. The A5 WTC provides for a link to Donegal south of Strabane to connect to existing national primary roads. This link is currently being developed by the NRDO in partnership with the Northern Ireland Roads Service and the NRA.

The Lifford link to the A5 WTC will provide considerable benefit in its own right, however, it will not realise its full potential until such time as the national primary roads feeding into this link are developed, in particular the N14 from Manorcunningham to Lifford which provides access to Donegal's designated Gateway town of Letterkenny.

At present lack of funding means that these important national roads projects remain suspended. Donegal County Council officials and political representatives should continue to emphasise the importance of these roads to the county at every opportunity. The Council should also consider if any other avenues may now be available to secure the funding necessary to reactivate these projects.”

Clr. Slowey expressed satisfaction with the reply and noted that there had been considerable progress in terms of the Lifford Link.

On the proposal of Clr. Brogan, seconded by Clr. Harvey, it was resolved that each Electoral Area Committee be briefed on the current status of the programme.

C/145/11 ADJOURNMENT OF MEETING

On the proposal of Clr. McBrearty, seconded by Clr. Slowey it was resolved to adjourn the meeting for a five minute recess.

C/146/11 CALL ON COUNCIL TO START WORKS ON ST JOHNSTON SEWAGE INFRASTRUCTURE PROBLEMS

On the proposal of Clr. McBrearty, seconded, by Clr. Crawford, the following motion was adopted:-

"I am calling on Donegal County Council to address the problems that have been ongoing on a weekly basis in St Johnston concerning the sewage infrastructure and that they start the appropriate works necessary to address the ongoing suffering that residents are being put through due to the failure of funding being made available to build the new sewage treatment plant."

Members were informed that:-

“St Johnston is currently not listed as a Major Capital Sewerage Scheme on the Department of Environment Heritage and Local Governments Water Services Investment Programme 2010-2012. The Council has, however, included the scheme on the Rural Water Small Schemes Programme and works to provide a collection system for St Johnston have been completed under that programme. Although the Council made a comprehensive bid for an increased allocation under Rural Water for 2011 the allocation subsequently received is insufficient to allow construction works to commence on the St Johnston treatment plant in 2011. The Council does, however, intend to advance the project to tender stage in 2011. In the meantime, emergency measures will be continue to be employed to prevent sewer overflows and until a more permanent solution can be found.”

Clr. Mc Brearty outlined the urgency of dealing with the odour problem at this location, noting that it was directly related to the storm water drain close by.

Council officials were, he advised, acutely aware of the ongoing problems. Clr. Mc Brearty proposed, seconded by, Clr. Harvey, that appropriate measures be put in place on a weekly/fortnightly basis to prevent sewer overflows until such time as a more permanent solution was found.

Members asked that in future replies relating to sewerage/water schemes be accompanied by the relevant programme listing.

The A/Director Water & Environment outlined the executive’s ongoing commitment to bring the project to fruition.

C/147/11 OPENING OF CIVIC AMENITY SITES FREE OF CHARGE FOR ONE WEEKEND IN THE MONTH OF MAY.

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

"That the Council agree to open Civic Amenity Sites in the county free of charge for one weekend in the month of May to encourage people to clean up their localities for the upcoming tourist season."

Members were informed that:-

“The Council provides support to community groups who volunteer to carry out litter clean up activities in their local areas through the Spring/Summer Clean Up campaign and National Spring Clean. The support that the Council provides includes the supply of refuse bags, gloves, litter-pickers and high-visibility vests. The Council also organises the disposal of the waste materials collected by the voluntary groups through the Mobile Litter Unit service and, where appropriate, the provision of skips.

The Litter Wardens liaise with voluntary groups prior to clean ups taking place to assess the level of support required. In cases where a large scale clean up is planned, community groups apply for assistance through the local Environment Office. These arrangements ensure that the Council’s resources are directed to assist groups carrying out bona fide community clean ups. It is felt that allowing free access to Council waste and recycling facilities, even for a limited period, is not the best method of assisting the voluntary sector in carrying out community clean ups. This could result in the service being abused, in that some people may use the free services as an opportunity to dispose of waste they would otherwise be expected to dispose of through other waste collection services”

Clr. Harley advised that such a gesture would be of enormous benefit over the upcoming tourist season and would serve to raise awareness in relation to the range of services available.

Updates were requested in relation to the following:-

- Privatisation of Civic Amenity Sites
- Data in relation to the final destination of recyclable material.
- Details in relation to the number of litter fines issued and paid both at area and county level.

A number of observations were made including:-

- That the culture of littering needed to be addressed, together with careful consideration of the cost element

involved in depositing material in Civic Amenity Sites.

- General Public needed to be encouraged to use CAS.
- That the private ownership of such facilities could possibly generate greater innovation in the marketplace.

The A/Director Water & Environment acknowledged the excellent clean up campaign which had taken place recently in Inishowen. The Council, he advised, would be increasing its efforts to enforce the relevant litter legislation.

With regard to the Civic Amenity Sites, it was not the intention to privatise the sites but rather to offer the Private Sector the opportunity to bid for the operation of such sites on a three- year rolling basis.

The County Manager acknowledged that the way forward was through active community participation. He paid tribute to recent initiatives in Inishowen. Donegal's greatest attribute was its fabulous landscape and welcoming persona, aspects which required adequate care and protection.

In conclusion, Clr. Harley accepted that it was unlikely that the sites would be able to open free of charge over a dedicated weekend.

He called, however, for consideration be given to increasing the statutory fines.

C/148/11 VARIATION IN THE ORDER OF BUSINESS

It was resolved with the consent of the Mayor to vary the order of business and consider motion No 8 at this juncture.

C/149/11 CALL FOR PROPER ALLOCATIONS OF MONIES TO REPAIR BRIDGES IN DONEGAL

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

"That Donegal County Council lobby the relevant departments and bodies to ensure that a proper package of monies is allocated to repairing, widening and re-instating bridges in Donegal."

Members were informed that:-

“As a result of a recent survey of Bridges in the in the county carried out by the Council staff, it is obvious that substantial monies will be required to repair/replace several Bridges. Initial discussions have taken place in regard to funding for this work.

The NRA have indicated they intend to do a national survey of Non-National road bridges starting with those on Regional roads. It is expected that funds will be allocated for those bridges in most need of repair.

The national survey being organised by the NRA is expected to commence later this year.

Separately, there has been a substantial programme of bridge inspections and repairs on National Roads since 2001 and this has seen many improvements on national roads over those years.”

It was acknowledged that the recent severe winters had caused considerable damage to the bridge network. Members asked that a count of all bridges be undertaken, and that specific attention be given to bridges in cross-border areas.

The need for weight restrictions on certain bridges was also identified.

Concern was expressed in relation to the usage of particular bridges by Coillte, and the problems associated with the private transportation of timber.

The Director of Roads and Transportation agreed to follow-up on the funding issue.

C/150/11 ADJOURNMENT FOR LUNCH

On the proposal of Clr. McGowan, seconded by Clr. Crawford it was resolved to adjourn the meeting for lunch until 2.20pm.

C/151/11 CALL FOR THE PROVISION OF A FULL TIME CITIZEN INFORMATION SERVICE IN BALLYBOFEY/STRANORLAR AREA

On the proposal of Clr. McGowan, seconded, by Clr. Crawford, the following motion was adopted:-

"That the Council in cooperation with the Citizen Information services seek to provide a full time information service in Ballybofey/Stranorlar and in addition seek funding to provide information on a cross border basis, which effects so many families who have family members working and paying tax and other charges on either side of the border, while at the same time struggling to access benefits they are entitled to."

Members were informed that:-

“The provision of Citizens Information Services throughout the County is provided by Donegal Citizens Information Service (DCIS). At present an Outreach Service is available in the Ballybofey/Stranorlar Area on a one per week basis. Following discussions with DCIS, the Council has been informed that it is unlikely that this service will be extended to a full time service due to current budgetary constraints.

Notwithstanding the above, DCIS is currently engaged in a number of joint projects with DLDC and other service providers with a view to hosting an event aimed at unemployed people and which would involve employment/unemployment support agencies. It is understood that active consideration is being given to hosting this event in the Ballybofey/Stranorlar Area.”

Clr. Mc Gowan said that he was disappointed with the reply and the fact that it had been labelled a local issue, when in reality there were county-wide implications. He asked that consideration be given to increasing the level of service and the opening hours for the Citizens Information Services in Ballybofey/Stranorlar.

It was suggested that the Community & Enterprise Section look into the possibility of obtaining EU funding for the development of CIS services given the cross-border element of the service.

The Director of Housing and Corporate agreed to liaise with Donegal Citizens Advice Board in relation to the possibility of increasing opening hours in Ballybofey/Stranorlar. It would be possible, he confirmed, to collaborate with the Community & Enterprise Section in relation to funding initiatives.

Members asked that an update be provided as soon as practical.

C/152/11 CALL FOR A DEBATE BY COUNCIL ON THE STATE OF THE FINN VALLEY ROAD NETWORK

On the proposal of Clr. Crawford, seconded, by Clr. McGowan, the following motion was adopted:-

"That this Council debate the urgent need for action on Finn Valley Roads".

Members were informed that:-

I.
INTRODUCTION

It is understood that this motion relates to the Lifford RSS Area of Stranorlar Electoral Area which generally stretches from Raphoe to St. Johnston. This reply will start by examining the situation for the overall Stranorlar Electoral Area and then focus on the Lifford RSS Area.

II.
BACKGROUND

In mid January 2011, the Council staff carried out an evaluation of the roads around the entire county and estimated the approximate cost to repair roads that were mainly damaged as a result of the severe weather. This was the second year in a row of severe weather and extensive road damage. The following table lists the estimated cost of repairs and was presented to the Council in a meeting at the end of January 2011 :

Electoral Area	€
Letterkenny	2,500,000

Stranorlar	3,000,000
Donegal	650,000
Glenties	1,000,000
Inishowen	900,000
Total	8,050,000

As can be seen from the above table, the Stranorlar roads have been estimated to be significantly more damaged than any other electoral area.

It is important to note that to date no further monies in respect of repairing severe weather damage has been provided this year. In addition, while sought by this Council, no extra flexibility was provided this year on the spending and associated criteria for state road grants. This had been provided last year and afforded some help in dealing with severe weather repairs.

The Council discussed a similar motion at it's February meeting regarding Stranorlar roads. That motion highlighted the policy of the Council and indeed the Department of Transport to allocate road grants based on road mileage. This does not necessarily align with the condition of the roads and this is certainly highlighted in the table above.

Based on the monies allocated to date this year for the Lifford RSS Area, the following roads are on the programme for both strengthening and surface dressing:

Strengthening

SRR R236/4/5 Raphoe to Convoy 11	€60,000.00
SRL L2464/4 From Beltoney Xroads to Coolderry 11	€63,000.00
SRL L1264/4 From Hillhead to Altaskin 11	€56,000.00

SRL L1264/1 From Galdonagh Xroads to Ardagh 11	€30,000.00
SRL L2444/3 Ballindrait to Toberoneill 11	€58,000.00
SRL L1224/1 Lismoghry to Ryelands 11	€35,000.00
SRL L2264/3 Cloghfin to Raphoe at Magherhan 11	€38,035.00
CAS Lifford RSS 11	€ 2,950.00

Surface Dressing

RSD R236/8 Ballinalecky Xroads - Momeen 11	€35,844.00
RSD R236/5 Raphoe - Convoy 11	€14,225.00
LSD L2384-1/2 Rossgier - Drumlene 11	€53,000.00
LSD L244-2/3 Ballindrait - Castlefin 11	€34,000.00
LSD L1264/2/3/4 St Johnston - Galdonagh 11	€33,829.00

While welcomed, the above programme will only repair a fraction of the damaged roads in the Lifford RSS area.

In addition, two work crews have been working on drainage and pothole repairs (one crew on drainage and one crew on pothole repairs) in the Lifford RSS Area for the past several weeks. They have been focusing on the heavier trafficked roads.

However, based on the above programme and monies available, it is unlikely that all the damaged roads in Lifford RSS Area can be repaired this season without additional resourcing.

III. SUGGESTED OPTIONS

Based on the situation as outlined above including the position that:

- (a) Stranorlar Electoral Area roads have suffered more damage than other areas based on the January analysis;
- (b) The current programme is not sufficient to fix all the damaged roads without supplementary resources; and,
- (c) The Department has not provided any additional monies for repairing roads after the damage from the severe weather

The following options are suggested:

- (1) Continue to make the case to the Department of Transport for additional monies to deal with severe weather damage. These monies should be distributed according to the damage and not based on road mileage. As far as we know, the Department has not ruled out such an allocation although there has been no indication of it being allocated.
- (2) The Council Executive to re-examine all road monies and in cases where small amounts are yet to be allocated, these should be allocated on a “once-off” basis according to the condition of the roads as determined in the January 2011 evaluation. This would weight monies towards the more damaged areas such as Stranorlar on a once-off basis.
- (3) The full-Council could consider the re-distribution of previously allocated monies to generate supplementary funds for Stranorlar. For example, if each of the other four electoral areas re-distributed €75,000 each, a fund of €300,000 would be made available.
- (4) The Council is currently exploring options to involve the local community and farmers on the local roads with possibly the Council supplying materials, signage and “blocking off” roads while work is underway.
- (5) The work being done on drainage both by work crews to carry out works and by the office/field staff in pursuing water running onto roads from adjacent lands and developments

must continue to be resourced as this is a fundamental to preventing damage to roads.

Clr. Crawford outlined the ongoing hardship being experienced by road users in the Finn Valley area, highlighting, in particular, road conditions in the Raphoe, St Johnston, Ballindrait and Lifford areas.

Acknowledging the reply, and the range of possible solutions, he noted that any long-term resolution would entail collaboration between all Electoral Areas.

He note that the reply gave credence to long-standing issues raised by Members in the Stranorlar Electoral Area, and requested that the contents of the reply be forwarded to the Department as soon as possible.

Members enquired as to the possibility of obtaining a derogation from the moratorium on recruitment to allow for the employment of casual roads workers in the Stranorlar Electoral area.

The Director of Roads and Transportation stated that it was essential that all involved were clear as to the range of criteria involved.

He reminded members that there had not been any agreement to any change in the method of allocating funds, and that allocation criteria continued to be based on road mileage.

He asked members to consider the options outlined in the reply.

Option 1

On the proposal of Clr. Mc Gowan, seconded by Clr. Larkin, it was resolved to proceed with Option 1, as outlined below, on the basis that it was a once off arrangement:-

“Continue to make the case to the Department of Transport for additional monies to deal with severe weather damage. These monies should be distributed according to the damage and not based on road mileage. As far as we know, the Department has not ruled out such an allocation although there has been no indication of it being allocated”.

Option 2

On the proposal of Clr. Mc Gowan, seconded by Clr. Harvey, it was resolved to proceed with Option 2 as follows:-

“The Council Executive to re-examine all road monies and in cases where small amounts are yet to be allocated, these should be allocated on a “once-off” basis according to the condition of the roads as determined in the January 2011 evaluation. This would weight monies towards the more damaged areas such as Stranorlar on a once-off basis”.

Option 3

On the proposal of Clr. O’Neill, seconded by Clr. Crawford, it was resolved that Option 3, as outlined below, be referred to the Electoral Areas for consideration and the outcome of same brought to the next Council Meeting.

“The full-Council could consider the re-distribution of previously allocated monies to generate supplementary funds for Stranorlar. For example, if each of the other four electoral areas re-distributed €75,000 each, a fund of €300,000 would be made available.”.

Option 4

On the proposal of Clr. Mc Gowan, seconded by Clr. Crawford, it was resolved to proceed with Option 4 as follows:-

“The Council to explore options to involve the local community and farmers on the local roads with possibly the Council supplying materials, signage and “blocking off” roads while work is underway.

Option 5

On the proposal of Clr. Crawford, seconded by Clr. Mc Gowan, it was resolved to proceed with Option 5 as follows:-

“That the work being done on drainage both by work crews to carry out works and by the office/field staff in pursuing water running onto roads from adjacent lands and developments must continue to be resourced as this is a fundamental to preventing damage to roads.

C/153/11 CALL FOR THE IMPLEMENTATION BY THE COUNCIL OF A GENDER PROOFING POLICY WITHIN THE COUNTY DEVELOPMENT PLAN 2012-2016

The following motion was submitted by Clr. Gallagher.

"That this council implement a gender proofing policy within the review of the County Development Plan 2012 - 2016, as was debated at the Women Into Public Life Event in the Council Chamber."

Members were informed that:-

“The review of the County Development Plan is ongoing and will be going out for public consultation in June. Donegal County Council continues to lead out on the "Women in Public Life Project" and is working with a wide range of stakeholders. A range of issues relating to gender are being dealt with through the project and will be addressed as appropriate with the relevant bodies.”

Clr. Gallagher outlined the necessity of implementing a gender proofing policy within Donegal County Council.

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

“That this Council in conjunction with the Women in Public Life Project implement a gender proofing policy within the review of the County Development Plan 2012-2016 as was debated at the Women into Public Life Event in the Council Chamber”.

The motion was duly adopted.

The Director of Community, Culture and Planning outlined the value of the Women into Public Life Project, advising that it was intended to develop many of the issues raised with members in workshop format over the coming weeks.

C/154/11 MOTION UNDER URGENT BUSINESS

The Council considered a motion signed by Clrs Murray, Canning, Donaghey, Farren and Ryan to have the following discussed as urgent business:-

“That a working group is established in Inishowen in order to address the ongoing problems faced by many citizens who live in unfinished estates. The working group should include all County Councillors in the area, as well as the Director of Services of Housing, Roads, Water & Environment and Planning”.

Members were reminded of the Standing Orders dealing with such motions and, in particular, that to be passed the motion required the number voting in favour to be 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.

It was acknowledged that urgent action was necessary to tackle the ongoing problems in unfinished estates in Inishowen.

On the proposal of Clr. Murray, seconded by Clr. Donaghey, the motion as outlined was accepted and also adopted as it was agreed that there was no necessity to debate the issue later in the meeting.

C/155/11 CALL FOR A CROSS-PARTY DELEGATION TO MEET THE MINISTER FOR AGRICULTURE, MARINE AND FOOD TO DISCUSS A PROCESS FOR COMPLETION OF THE GREENCASTLE BREAKWATER

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

"That a cross-party delegation, in conjunction with senior council officials, seeks a meeting with Minister for Agriculture, Marine & Food, Simon Coveney, in order to agree a process which would lead to the speedy completion of the Greencastle Breakwater."

Members were informed that:-

“This delegation can be sought when agreed by Council. The Council staff recently meet with the Department of Marine to discuss how the project might be advanced and are

currently preparing a response to the Department outlining our position.”

Members of the Inishowen Electoral Area outlined the need to adequately address the problem as the unfinished nature of the project presented a serious threat to the safety of those using the harbour.

The Director of Roads and Transportation agreed to proceed with the relevant arrangements for the deputation in conjunction with Minister Coveney’s forthcoming visit to Greencastle.

C/156/11 WORKSHOP TO DISCUSS THE ONGOING PROBLEM OF DERELICT BUILDINGS REMAINING IN PLACE DUE TO PLANNING ATTACHMENT

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

"That Donegal County Council holds a special workshop involving the Planning Section, Housing Section and Environment Section with the Members to discuss the ongoing problem of derelict buildings remaining in place due to planning attachment?"

Members were informed that:-

“There is a ready opportunity to discuss issues relating to rural dereliction as part of the review of the County Development Plan and the Central Planning Unit can facilitate these discussions. Further preliminary discussions are proposed in advance to detail the scope and nature of the issue.”

Clr Canning advised that the issue of derelict buildings was a grey area, particularly in rural areas. Members advised of the need for a clearly structured policy to deal with the issue , and noted that the 2011 budget allocation of €10,000 was insufficient to deal with the problem.

Welcoming the proposal for a workshop it was acknowledged that the organisation of same did not need to be tied in with the current round of presentations on the review of the Development Plan.

The Director of Community, Culture and Planning, noted that whilst the matter could be considered in conjunction with the on going review of the County Development Plan, it did not necessarily have to wait for the culmination of the process.

The Council were informed that the 2011 Budget had provided €10,000 for Derelict Buildings and €10,000 for Dangerous Buildings.

C/157/11 THAT A VARIATION BE MADE TO THE WIND ENERGY POLICY IN DONEGAL COUNTY DEVELOPMENT PLAN 2006-2012

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

"That this Council act on the Member's Motion adopted at our meeting on 25/01/2010 and again on 31/05/2010 that a variation, under Section 13 of the Planning & Development Act 2000, be made to the Wind Energy Policy - NRD 33 in the Donegal County Development Plan 2006-2012."

Members were informed that:-

“Progress on the proposed variation has ceased, principally due to the need to avoid confusion and retain transparency given the advanced stage of the review of the County Development Plan and the forthcoming publication of the Draft Plan. This also has regard to available resources, budgetary and efficiency considerations.

Any proposed developments influenced by the existing policy will, of course, continue to be assessed on individual merits. Where the Members are aware of individual proposals that are influenced by the policies referred to, there remains the policy framework in the current Plan for such assessments to be made by the proposers for consideration by the Planning department. The current County Development Plan provides for the assessment of small pockets of land that do not fully meet the definitions of EHSA designation where the applicants demonstrate that the site does not meet the characteristics of the EHSA and that any development applied for shall not adversely affect the landscape value of the wider designation (policy BHN 5 refers).”

Clr. Ryan expressed disappointment at the reply noting that the issue had been brought to the fore on a number of occasions but no consistent effort made to address the situation.

The County Manager advised that the issue presented a challenge, with two number options available:-

- Varying the County Development Plan, as proposed on two previous occasions.
- Incorporating the policy within the formal review of the County Development Plan.

He said that the matter would be reviewed as a matter of priority over the coming weeks with the aim of establishing the most effective method of accommodating wind energy.

C/158/11 REQUEST FOR INFORMATION ON THE POLICY AND RESOURCES IN ROLLING OUT PUBLIC LIGHTING AND THE PROPOSALS FOR THE YEAR AHEAD

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

"That the Council furnish the members with all relevant information around the policy and resources that have been pursued in rolling out of all public lighting (members, infill, schools, energy efficient primary routes etc) over the last three years, and also inform us of the proposals for the year ahead."

Members were informed that:-

A meeting took place with Airtricity Utility Solutions on the 12th April 2011 and this reply takes into account the outcome of that meeting.

Airtricity Utility Solutions agreed at this meeting that:

- All outstanding ordered councillor's lights would be erected and lit by June 2011
- All outstanding infill and extension lights under the lighting improvement plan would be erected and lit by June 2011.

Donegal County Council has been reviewing and examining the best solution to providing maintenance of public lighting in conjunction with the LUTS sub committee of the CCMA. It is anticipated that groups of counties will join together for regional contracts in due course. Donegal County Council has renewed its contract for the maintenance of the public lighting network in Donegal for 2011 having negotiated a 15% reduction in the price.

The ESB/Airtricity have the Maximo database of lights which is description based on addresses. This database reflects that Donegal Local Authorities has 13,500 lights while the Council has its own database of lights, which is not exhaustive, which is GPS databased relating to Map Info. This database contains 9,500 lights. This database contains a lot of inventory in relation to each lighting unit.

These data bases need to be reconciled and the Council is presently evaluating the best method to update a database which will reflect both databases, relate to existing M.P.R.N. billing numbers, give an accurate inventory of our total lighting stock above with the characteristics of each lighting unit and link this database through to an internet based fault reporting system.

In addition, it is expected that any new contracts will examine a capital replacement option for older lights together with smart metering/lighting options to save energy and reduce costs.

The following is a table, which indicates the monies available for public lighting over the last few years:

Year	Maintenance Improvements	Members Lights	Lighting
2008	€1,055,000	€2,800	€157,000
2009	€1,263,000	€2,800	€157,000
2010	€1,113,125	€2,800	€157,000
2001	€1,113,125	€2,800*	
	€157,000*		

* While there is no specific budget allocation in the Budget Book 2011, a provision is made in the accounts to provide for this amount in 2011

€100,832 is accrued into 2011 accounts from the member's allocation and remains to be allocated by some members.

€157,200 is accrued into the 2011 accounts from the lighting improvement budget and remains to be allocated.

The following lights have been erected by the Marine Section over the last three years:

Conventional Electric Lights

Ramelton Quay	4 No.
Inishboffin Island Pier	2 No.

Renewable Energy Public Lights

Kerrykeel Pier	1 No. Hybrid
Portaleen Glengad Pier	1 No. Hybrid
Ned na gCedh, Burtonport Pier	1 No. Hybrid
Inis Caorach Island Pier	1 No. Hybrid
Portnacross Pier, Killybegs	1 No. Hybrid

These renewable lights on the piers are working satisfactorily and continue to be monitored.

There were 17 solar powered lights installed at Mí n na Cuigne on the N56 in Gweedore and a further 2 near Manorcunningham on the N13 in November 2008. These 19 lights were a pilot scheme designed to provide independently powered, contract free public lighting. The expected light intensity from the lights was 0.5 lumens. That is equivalent to moonlight conditions. The lights also go to standby mode once it gets dark and switch on once movement by pedestrians or motorists is detected. These lights have been checked intermittently since they were installed and they appear to function as promised.

There have been some complaints about the lights because they do not give off anywhere near the same light as more conventional public lighting which ranges between 2 and 20

lumens from pedestrian lighting on paths to full motorway lighting.

It is proposed to replace these lights with an alternative light and a number of different lights are being evaluated at present. Lights currently being evaluated come from different countries including Korea, China, Britain and one, which has recently been patented in Ireland.

Attached see up to date report on renewable lights from our Community and Enterprise Section (see overleaf)

Clr. Larkin welcomed the reply and asked that an update be provided in relation to the recent meeting with Airtricity/ESB.

A lengthy debate ensued with a variety of issues raised including:-

- The need to examine infill aspects on National Primary and
- Secondary Roads.
- Concern that planning condition re the provision of public lighting were not being fulfilled.
- Problems with members's allocations.
- Ongoing issues in relation to the provision of lights at Island locations. Acknowledged that the use of hybrid lights would be beneficial at these locations.
- School Lighting and the need for a comprehensive review.

Members identified particular problems around the county highlighting the need to review lighting at the following locations:

- Ramelton Road- Thorndale
- The Quay, Ramelton
- Killygordon
- Annagry Village
- Meenacuing
- School Road, Gleneely

The Director of Roads and Transportation agreed to follow up on the range of issues raised, and revert to members in due course through the at Electoral Area process.

C/159/11 CALL FOR THE ESTABLISHMENT OF A PASSPORT OFFICE IN THE NORTHWEST

The Deputy Mayor, Clr. Gallagher took the chair in the absence of the Mayor who had to leave the Chamber for a brief period.

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

"That Donegal County Council would engage with Sligo County Council, Leitrim County Council, the Northern Ireland Assembly and the Department of Foreign Affairs for the purpose of establishing a Passport Office in the Northwest."

Members were informed that:-

“Contact has been made with the Department of Foreign Affairs to seek guidance on how this type of application could be progressed. An update will be given when available.”

Clr. Mc Bride suggested that the Milford Public Service Centre would be an ideal location for this type of service. Acknowledging the reply, he called for members to be updated in relation to the response from the Department of Foreign Affairs.

Clr. Harvey returned to the chair at this juncture.

On the proposal of Clr. Larkin, seconded by Clr. McBride, it was resolved that correspondence be forwarded to the Department of Foreign Affairs and the Minister for Finance highlighting the Council’s opposition to the re-introduction of passport fees for the over 65s.

Clr. McBride, in conclusion, advised that Donegal would be an ideal location for a passport office given the cross-border element of the service.

C/160/11

CALL FOR THE GOVERNMENT TO ABOLISH THE UNIVERSAL SERVICE CHARGE

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

"That this council recognises that the Universal Social Charge is an unjust and regressive tax, bearing down most heavily on those least able to afford it, and calls on the Government to abolish the Universal Social Charge."

Clr. Quinn advised that Letterkenny Town Council had passed a similar motion.

The Universal Social Charge, he confirmed, was an unjust tax which disproportionately affected low income earners and as a result impacted severely on the local economy.

A number of Members outlined their support for the motion. Clr Quinn, asked that it be forwarded to all Local Authorities, and to Mr. Michael Noonan, Minister for Finance.

C/161/11 SEEKING OF COUNCIL APPROVAL TO ALLOW S.I. HOUSES TO GO OUT FOR TENDER

The following motion was submitted by Clr. McGarvey:-

"To seek the approval of this Council to allow S.I. Houses go out for tender."

Members were informed that:-

“The Capital Allocation for Donegal Local Authorities (Incl. Town Councils) under the Social Housing Investment Programme (SHIP) for 2011 is €4,400,000. The contractual commitments of the above Authorities for 2011 is €5,866,700 and clearly a significant shortfall exists. As a consequence there is no provision to advance the tendering process for S.I. Houses in the current year. This matter was discussed in some detail at the meeting of Donegal County Council on 28th March, 2011, in the context of considering the Capital Programme 2011 - 2013. Arising from this discussion, the Council made a decision to seek a deputation to meet with the Minister for Housing & Planning to discuss the 2011 capital allocation and the resulting concerns.

A formal request has been made to the Minister's office which has been acknowledged. The Council is awaiting formal notification from the Minister as to when he might be in a position to receive the delegation from Donegal.”

Clr. Mc Garvey noted that the provision of Specific Instance Cottages provided excellent value for money and allowed families to remain within their local communities.

Clr Quinn suggested that the motion be amended to include a provision for extra funding to provide for those not already in the system who wished to avail of S.I. Housing.

Clr. Larkin advised that the matter had been debated extensively by the Housing & Corporate SPC, and that there was ongoing recognition that the shortfall in capital funding would have a severe impact on housing provision in 2011. Recognising that housing provision encompassed a number of variables, he outlined the necessity of providing additional funding for the building of S. I. Houses

Members were in agreement that a workshop be held to consider the various aspects of housing policy, and its ensuing impact on Local Authority Housing in the County.

Responding to the clarification provided by the Director of Housing & Corporate, Mr. Liam Ward, Clr. Mc Garvey agreed to put the motion on hold, and await the outcome of the formal request to meet with the Minister for Housing and Planning.

C/162/11

CALL FOR DONEGAL COUNTY COUNCIL TO
INTRODUCE BYE-LAWS TO STOP ON-STREET
CASUAL TRADING IN BALLYSHANNON DURING
THE JUNE BANK HOLIDAY WEEKEND TO SUPPORT
THE LOCAL BUSINESS/RATEPAYERS DURING THE
BUSIEST WEEKEND OF THE YEAR

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

"That Donegal County Council introduce a bye law to stop the practice of on-street Casual Trading on the streets of Ballyshannon on the June Bank Holiday weekend, so as to support the local business/ratepayers during the busiest weekend of the year."

Members were informed that:-

“Casual trading is defined as “selling goods at a place (including a public road) to which the public have access as of right or at any other place that is a casual trading area”.

The Casual Trading Act 1995 enables Local Authorities to regulate and control casual trading within its functional area. It enables each Local Authority to designate specific areas for the purpose of casual trading. Once an area is designated no trading can take place outside the designated casual trading area, unless it is a class of selling that is exempted by:-

- (i) The Casual Trading Act or
- (ii) Casual Trading Regulations or
- (iii) Any Casual Trading Bye-laws made by a Local Authority.

An exception to this rule is where the trading takes place at an event, in such circumstances a casual trading licence can be obtained – often referred to as an “events licence”.

The Donegal County Council (Casual Trading) General Bye-Laws 2004 made additions to classes of selling exempted by the Act and Regulations and therefore is not subject to the licensing regime. The additions are:-

(i)The selling of hot food by touring Hot Food Vendors provided that they do not remain static for a period exceeding four hours at any one stop and provided that they do not trade within 100 metres of any commercial premises trading in hot food, between the hours of 20.00 and 9.00 hours

(ii)The selling of ice-cream by touring ice-cream vendors which do not remain static for a period exceeding four hours at any stop.

The motion seeks to introduce a bye-law to stop on-street casual trading in Ballyshannon on the June Bank Holiday and the justification is to support the local business/ratepayers during the busiest weekend of the year. An annual event is held during that weekend and the Casual Trading Act 1995 provides that a person can obtain an events licence that allows them to undertake casual trading at the event. This is provided for under the Casual Trading Act 1995 and cannot be amended or revoked by a Bye-law.

It would appear that the purpose of the bye-law may be contrary to Guidelines issued by the Minister for Enterprise,

Trade and Employment for Local Authorities for the carrying out of their Functions under the Casual Trading Act 1995. It states that certain general principles be applied, including that local Authorities acknowledge that casual trading makes a valuable contribution to local economies; that the Act requires that they regulate this activity and this should be done in good faith; and that the Local authorities should actively promote casual trading as it contributes to the economic benefit of consumers.

It is considered that the measures proposed are not appropriate and if they are pursued they may be open to challenge. If it is decided to provide the control envisaged in the Motion then it will be necessary to amend the exempted classes of selling established by the Donegal County Council (Casual Trading) General Bye-Laws 2004 so that it is no longer exempt from control. This will require the making new Bye-laws that they take all material considerations into account and ensure that they do not have an anti-competitive effect on the local market that would act as a barrier to entry for certain types of trader.

The making of new byelaws will require the assessment of conflicting needs that often lead to legal challenge of the draft byelaws, initially in the District Court. It will be necessary to undertake public consultation and thereafter public notification that proposed byelaws are available for inspection during a period of not less than one month and a further period of 2 weeks is available to make a submission and that they may also appeal the draft byelaws to the District Court. Where an appeal is made to the District Court the Council cannot proceed to make the bye-laws. Thus the making of new byelaws before June 2011 is not achievable.

Members are advised that a separate motion has been made in respect of the making of byelaws to designate a casual trading area for Moville and Carndonagh. It is acknowledged that there is a demand elsewhere within the County for the designation of alternative areas for casual trading that would require separate byelaws. It would be appropriate to consider whether the review of casual trading within the county is a priority action for members and if so then the designation of new areas and the classes of selling that are exempted can be

considered. It will be necessary at the outset to dedicate resources to enable the statutory process to be delivered and thereafter support infrastructure may be necessary and staff resources will be required to manage the licensing and policing of the designated areas.

The priority of this work within the context of Budget 2012 will be examined and report furnished to the SPC.”

Clr. O’ Neill outlined the impact that casual trading was having in Ballyshannon, and in particular the losses being incurred by local businesses over Bank Holiday Weekends and during organised events in the town.

Noting that it was not possible at this late stage to amend the byelaws, he enquired as to who would be policing casual trading over the period in question. With regard to the Rory Gallagher Festival over the June Bank Holiday weekend, he advised that it could not be classed as an event given that there would be less than 1200 persons attending. He asked the Planning Office not to issue an event licence in this instance.

The festival, he affirmed, brought significant income to the town and the committee itself, had made a contribution to the ensuing clean-up operation He called on Donegal County Council to bring the practice to an end, as it was unfair to local ratepayers.

The County Manager clarified that the bye-laws could not be amended without going through the due legal process.

The Council, he advised, would comply with the law and if it was determined that the festival was not an event then an events licence would not be issued.

He agreed to take on board the issues raised in relation to the definition of an “event”. Further checks, he noted, would have to be carried out to determine the correlation between the two pieces of legislation.

C/163/11 DISPOSAL OF LAND AT MONESS, BURT, COUNTY DONEGAL TO JOHN JOSEPH GALLAGHER, MONESS, BURT, CO DONEGAL

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

On the proposal of Clr. Ryan, seconded by Clr. Donaghy, it was resolved to dispose of land at Moness, Burt, Co. Donegal to John Joseph Gallagher, Moness, Burt, Co Donegal, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/164/11 DISPOSAL OF LAND AND FOOTPATH BY WAY OF LEASE AT MAIN STREET AND MILLTOWN, CONVOY, COUNTY DONEGAL TO CONVOY COMMUNITY AND ENVIRONMENTAL COMMITTEE, CO DONEGAL

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

On the proposal of Clr. Crawford, seconded by Clr. Harley, it was resolved to dispose of land and footpath, by way of lease, at Main Street, Convooy, Co. Donegal to Convooy Community and Environmental Committee, Co Donegal, for a period of 60years and an annual fee of €100 per year, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/165/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 21ST SEPTEMBER, 2010

On the proposal of Clr. Harley, seconded by Clr. Crawford, it was resolved to endorse the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 21st September, 2010.

C/166/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF GLENTIES ELECTORAL AREA COMMITTEE HELD ON 17TH JANUARY, 2011

On the proposal of Clr. Alcorn, seconded by Clr. Gallagher, it was resolved to endorse the Confirmed Minutes of Meeting of Glenties Electoral Area Committee held on the 17th January, 2011.

C/167/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF INISHOWEN ELECTORAL AREA COMMITTEE HELD ON 18TH JANUARY, 2011

On the proposal of Clr. M. Doherty, seconded by Clr. Donaghey, it was resolved to endorse the Confirmed Minutes of Meeting of Inishowen Electoral Area Committee held on the 18th January, 2011.

- C/168/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 18TH JANUARY, 2011
On the proposal of Clr. Crawford, seconded by Clr. Harley, it was resolved to endorse the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 18th January, 2011.
- C/169/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON 19TH JANUARY, 2011
On the proposal of Clr. Boyle, seconded by Clr. O'Neill, it was resolved to endorse the Confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 19th January, 2011.
- C/170/11 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF THE ISLANDS COMMITTEE HELD ON 14TH SEPTEMBER, 2010
On the proposal of Clr. Gallagher, seconded by Clr. Alcorn, it was resolved to endorse the Confirmed Minutes of Meeting of Islands Committee held on the 14th September, 2010..
- C/171/11 TO NOTE THE CONFIRMED MINUTES OF MEETING OF THE CORPORATE POLICY GROUP HELD ON 24TH JANUARY, 2011
On the proposal of Clr. Gallagher, seconded by Clr. Alcorn, the Council noted the Confirmed Minutes of Meeting of Corporate Policy Group held on the 24th January, 2011.
- C/172/11 RESCHEDULING OF ELECTORAL AREA MEETINGS TO ACCOMMODATE PRESENTATIONS ON THE DRAFT COUNTY DEVELOPMENT PLAN.
Members agreed to reschedule the following Electoral Area Meetings in order to accommodate presentations on the Draft County Development Plan.

Meeting of Inishowen Electoral Area on the 17th May to be rescheduled to 1pm on Monday 16th May, 2011.

Meeting of Stranorlar Electoral Area Committee on the 17th May to be rescheduled to 2pm that day.

C/173/11 AGREEMENT OF DATE TO HOLD ANNUAL GENERAL MEETING

On the proposal of Clr. Alcorn, seconded by Clr. Crawford, it was resolved to hold the 2011 Annual General Meeting on Monday 17th June, 2011 at 5pm in the County House, Lifford.

C/174/11 AUTHORISATION OF BORROWING OF A LOAN IN THE SUM OF €900,000 FROM THE HOUSING FINANCE AGENCY FOR THE PURPOSE OF PAYMENT OF ANNUITY LOANS

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

On the proposal of Clr. Larkin, seconded by Clr. Crawford, it was resolved, in accordance with the provisions of the Local Government (No 2) Act, 1960 and Section 27 of the Housing (Miscellaneous Provisions) Act, 1992, to authorise the borrowing of a loan in the sum of €900,000 from the Housing Finance Agency for the purpose of payment of Annuity Loans.

C/175/11 AUTHORISATION OF REPRESENTATION AT A SEMINAR, MEETING OR EVENT (ITEM (9))

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 & 2010 and directives issued by the Minister in that regard, on the proposal of Clr. Larkin, seconded by Clr. Alcorn, it was resolved to authorise the attendance of members at the following conferences/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 and complying with the legal requirements.

3. The submission of a Conference Report by any member attending a conference.
- MSB Events Ltd – First Public Forum Debate on Energy Issues with an Taoiseach Enda Kenny- Robert John Kane Energy Symposium to be held from Wednesday 27th to Friday 29th April, 2011 at the Ramada Hotel, Lough Allen, Drumshambo, Co Leitrim.
 - Border Midland and Western Regional Assembly – BMW Annual Conference “Innovation and Competitiveness – Restoring the Regional Economy to be held Friday 6th May, 2011 at the Sheraton Hotel, Athlone.
 - Feile Pan Cheilteach, Corca Dhuibhne 2011 – Festival Symposium: Regional Development in Minority Language Areas, to be held Friday 29th April, 2011 in the Ostan na Sceilge, An Daingean, Co Chiarrai.
 - The Institute of Professional Training – “Local Governance Training Seminar “Programme for Government! And Local Government?” to be held Friday 29th and Saturday 30th April, 2011 in the City North Hotel, Gormanstown, Co Meath.
 - Irish Planning Institute – National Planning Conference 2011, “Innovation in Practice – Reshaping Irish Planning” to be held Thursday 5th and Friday 6th May, 2011 at the Radisson Blue Hotel and Spa Galway.
 - Innovation in Delivering Public Services Seminar to be held Tuesday 10th May, 2011 at the Chartered Accountants House, Dublin.
 - Transport Ireland 2011 – Exploring the new political and economic climate for Ireland’s transport sector to be held Wednesday 18th May, 2011 at the at the Chartered Accountants House, Dublin.
 - IPA – Conference for Local Authority Elected Members “The Current Challenges Facing Irish Local Authorities in Delivering Effective Customer Service with Ever-Decreasing Resources” to be held Thursday 26th and Friday 27th May, 2011.

ABROAD

- The attendance of the Mayor, together with Clr. Dessie Larkin, Chair of the County Development Board at the launch of the Earagail Arts Festival in Brussels on the 24th May, 2011.

C/176/11 TO NOTE CONFERENCE REPORTS

On the proposal of Clr. Gallagher, seconded by Clr. Larkin, the following Conference Reports were noted: -

Clr. Patrick McGowan

The Local Government Finance held in Bunclody, Co Wexford from 10th to 12th December, 2010.

Clr. Dessie Larkin

Renewable Energy Wind Turbines held in Dundalk on 25th January, 2011.

Clr. Dessie Larkin

Strategic Planning for Councillors held in Westport from 18th to 20th February, 2011.

Clr. Patrick McGowan

Employment Law – You & Your Local Authority held in Galway from 4th to 6th March, 2011.

Clr. Seamus Ó Domhnaill

Equal Status Legislation – It's effects on service provision in Local Authorities held in Westport from 18th to 20th March, 2011.

Clr. Martin Harley

Equal Status Legislation – It's effects on service provision in Local Authorities held Westport from 18th to 20th March, 2011.

Clr. Brendan Byrne

Association of County and City Councils Conference 2011 held in Tullamore on 24th and 25th March, 2011.

C/177/11 CONSIDERATION OF REPORT ON THE OUTTURN OF INCOME AND EXPENDITURE FOR THE LOCAL FINANCIAL YEAR ENDED 31ST DECEMBER, 2010

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

The Director of Finance and Emergency Services outlined the main aspects of his report, dated 14th April, 2011.

The County Manager said that the report represented a good outcome for what had been a difficult year. The Revenue Account, he noted, had improved in 2010 thanks to the huge effort by staff.

Members thanked the County Manager, the, Head of Finance and Mr. Bartley Mc Glynn for their efforts and valuable input to the report.

On the proposal of Clr. Larkin, seconded by Clr. Slowey, the Council approved the actual gross expenditure figure of €153,671,838, as set out on Table 2, page 2, when compared to the Revised Budget of €157,357,750 (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/178/11 MAYOR'S BUSINESS

Donegal Live Events

The Mayor informed the meeting that a number of events aimed at promoting tourism to Donegal would take place during the month of May.

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 & 2010 and directives issued by the Minister in that regard, on the proposal of Clr. Harvey, seconded by Clr. Crawford, it was resolved to authorise the attendance of members at the following events, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences, events.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance and complying with the legal requirements.
3. The submission of a report by any member attending the event.

Donegal Live Events to be held in,

- Glasgow on Saturday 1st May, 2011.
- Dublin on Saturday 22nd May, 2011

Congratulations

Congratulations were extended to the Donegal Gaelic Football Team on winning the NFL Division 2 League Final.

Charity Walk in Glenveagh

The Mayor reminded members that a charity walk in aid of Donegal Diabetes Association would take place on the 15th May, 2011 in Glenveagh.

Vote of Sympathy

A vote of sympathy was extended to the family of the late PSNI Officer, Ronan Kerr.

It was agreed that a letter of sympathy, signed by the Mayor, would issue to the Kerr family.

C/179/11 MANAGER'S REPORT

Members considered the report circulated prior to the meeting

Major Clean Up in the County

The County Manager acknowledged that the recent clean up in Inishowen had been a resounding success, and congratulated all involved in the initiative.

This he advised tied in well with the Civic Responsibility Week recently announced by the Minister for the Environment, Community and local Government scheduled to run from Monday 9th May to Sunday 15th May.

The following Questions and Replies were noted:

C/180/11 AVAILABILITY OF A FINAL PROCUREMENT AND VALUE FOR MONEY REPORT FROM THE AUDIT DEPARTMENT

The following question was submitted by Clr. McBrearty:-

"Was there a final report by Donegal County Council's Audit Department regarding procurement and value for money available in October 2009 and if so why was it not presented to the members for their consideration at that time?"

Clr. McBrearty was informed that:-

“A report entitled "Procurement and Value for Money: Organisational Development" was completed in October 2009 by the Council's Internal Audit Department. As related issues had been raised by the external auditor, a copy was made available to him at that time in parallel with a copy to the then County Manager.

The protocol for review of Internal Audit reports generally is that they are considered by Senior Management and a subsequent summarised response is then presented at the next available Audit Committee meeting, at which the Committee reflect their thoughts, views and recommendations to Management on the findings of the Audit and on the Management response. The Audit Committee then submits an annual report to the full Council for their information on the key issues arising in any preceding year.

In view of a delay in the appointment of the Audit Committee, subsequent to the Local Elections in June 2009, the above protocol could not be met until the Committee was established in April 2010. The Audit Committee considered the above report at its meeting on 11th May 2010 and the interim report of that meeting was considered at the May Council meeting (and subsequently at the adjourned meeting held on 14th June 2010, minutes C/322/10 and C/323/10 refer).”

C/181/11 COST OF UNITS IN THE NEW HOUSING DEVELOPMENT IN DUNGLOE

The following question was submitted by Clr. McBrearty:-

"Can the Council confirm that the new housing development in Dungloe comprising of 28 units for this local authority is costing €172,000 per unit and if this is not the case can you confirm what the actual price is per unit?"

Clr. McBrearty was informed that:-

“The Turnkey Housing development at Meenmore, Dungloe contains 28 units made up of: 2 number four bedroom seven person 2 storey houses, 12 number three bedroom five person two storey houses, 2 number three bedroom 4 person 2 storey houses, 4 number two bedroom four person 2 storey houses, 2 number two bedroom three person single storey houses and 6 number two bedroom four person apartments, including land costs, design fees, all related site development works, fit for purpose and complete in all respects. The all in cost is €4,812,400 and the contract period is 54 weeks giving an average unit cost of €71,871.43 inclusive of VAT.”

C/182/11 STAFFING NUMBERS EMPLOYED IN THE ROADS SECTION PER EACH ELECTORAL AREA

The following question was submitted by Clr. Harley:-

"Can this council list the number of road workers in each electoral area employed by this council?"

Clr. Harley was informed that:-

“The number of Road Workers including Road Services Supervisors (Overseers) is as follows:-

Inishowen EA	30
Letterkenny EA	30
Stranorlar EA	24
Glenties EA	36
Donegal EA	34

These figures include Road Services Supervisors (Overseers), Foremen, Gangers and Multiskilled. It does not include the 21 Lorry Drivers that are assigned to Roads.”

C/183/11 REALIGNMENT PLANS FOR THE DONEGAL ROAD (MEENCARAGH) BALLYBOFEY AND PENDING FUNDING REQUESTS FOR ACCIDENT BLACKSPOTS AT KILROSS/STRANORLAR AND KILLYGORDON/STRANORLAR

The following question was submitted by Clr. McGowan:-

"Please give a report and drawings of plans for the realignment works on the Donegal Road (Meencaragh)

Ballybofey and outline what plans/funding requests are pending for accident black spots on the approach roads from Kilross/Stranorlar and Killygordon/Stranorlar."

Clr. McGowan was informed that:-

"A topographical survey has been procured and is due to start w/c 18 April. On receipt of the survey the design of the re-alignment will be carried out. A procurement process for an environmental consultant is also underway. Plans of the re-alignment will not be available until the design is completed.

Some works were carried out last year by Stranorlar Area on the Kilross to Stranorlar (N13) section at one junction where vision lines were improved and additional lining and signing was erected by the area at other locations. These works were funded through the Accident Remedial Measures Programme.

This year funding has been made available to investigate, design and install traffic signals at the junction of the N13 and N15, McClay's Corner.

Funding has also been provided to investigate and remedy the apparent spate of single vehicle loss of control crashes in the vicinity of the bends at Corcam on the Lifford side of the Stranorlar speed limits. This study will include an examination of the cambers at the bends and appropriate remedial measures if there is a problem identified and a check on mean speeds at the bends. It will also provide funding for additional signage if warranted.

If there are other specific areas or issues which anyone believes are hazardous or may warrant investigation which has not already been addressed the NRDO Safety Engineer would be glad to receive information on them."

C/184/11

ROADS PROJECTS IN THE STRANORLAR AREA

The following question was submitted by Clr. McGowan:-

"Please give details of the following projects in the Stranorlar Area, outlining funding details, Design,

Contractor's name and start date of each project -
Doneyloop/Clady Footpath, Lower Drumbo/Finn Valley
College Footpath, Trusk Road Supervalu/The Weavers
Footpath, Castlefin Bridge lights and approach road
upgrade."

Clr. McGowan was informed that:-

"The following is the updated position from the local Area:

Doneyloop: There was no specific funding identified for this project in the agreed 2011 Stranorlar Electoral Area Roads Programme. We understand that Funding has been secured under the Rivers - Link EU Project by Donegal County Council, Strabane District Council and BASIC which includes footpath improvements at Donnyloop. Area Roads have arranged a meeting with C & E for the 5th May 2011 to help establish the conditions and constraints governing this funding to satisfy themselves as to the best value way to deal with the procurement and implementation of this project.

Footpath at Trusk Road: The lands on which the works are intended have yet to be purchased, but the price has been agreed with the Landowner. DCC are awaiting a response from the Landowner's solicitor to the land purchase agreement which was sent them. Progress will be subject to concluding a land purchase agreement, after which time the Developer responsible should be in a position to complete the works.

Drumboe Road Footpath: Agreement with landowner has been reached for them to vacate property at end May 2011. We are currently assessing the procurement options for construction. There are a number of issues that arise with the construction of this which may preclude us undertaking the works entirely by contract. These include being able to fully define the quantities of work for a contract, and the lack of records of underground services in the location. However the demolition of the existing house can be contracted and we are considering this at the moment.

Castlefin Bridge: We have €45,000 under the restoration programme to deal with damage to parapet walls on the

approach roads to the bridge. The approach roads walls on both sides are damaged and will need to be repaired as a priority. The longer term aspiration to widen the approaches is a very worthwhile scheme but is unlikely to be undertaken in advance of the wall repairs. We will be approaching the landowner however to establish costs of purchase of lands which will help enable the widening project to be developed.

C/185/11 RESULTS OF THE SAFETY AUDIT CARRIED OUT ON THE QUARRY ROAD PORTHALL

The following question was submitted by Clr. Crawford:-

“What has been the result of the recent safety audit carried out on Quarry Road, Porthall?”

Clr. Crawford was informed that:-

“The motion relates to an ongoing Road Safety Check being carried out at Porthall.

The Road Safety Engineer visited the site on the 23rd of March.

The location is within a 50km/h section of road where a query has been raised in relation to a length of a wall not being sufficiently long enough to protect vehicles from entering a water body.

The Road Safety Engineer is currently drafting his report, but it will likely include the following.

- > A look at the geometric and speed characteristics of the location (as described above)
- > A look at the accident history at this location (none have been recorded to date)
- > A look at the options including (but not limited to):
 - Construction of cantilevered parapet wall
 - Installation of traffic calming
 - Do nothing

It is important to note that the final Road Safety Check report may identify more options. All options will be costed and benefits highlighted, with a recommended option being proposed.

It is expected that this report will be completed by the beginning of May 2011 and it can be discussed at a future Electoral Area Meeting.

C/186/11 NUMBER OF PERSONAL INJURY CLAIMS PAID IN THE YEAR ENDING DECEMBER 2010 BY THE COUNCIL

The following question was submitted by Clr. Crawford:-

“How many personal injury claims has this Council paid in year ending December 2010?”

Clr. Crawford was informed that:-

“This information is currently being compiled and will be provided to Clr. Crawford as soon as possible.”

C/187/11 CONNECTIONS TO DONEGAL IN THE A5/N2 ROAD PROJECT

The following question was submitted by Clr. Slowey:-

"What is the present position regarding the connections to Donegal in the A5/N2 Road Project and what involvement does our Roads Section have to make sure that the Donegal Links are delivered as an integral part of the project.?"

Clr. Slowey was informed that:-

“The Statutory Orders for the A5 WTC project have been published by the Northern Ireland authorities. The A5 WTC project is scheduled to open in 2015. The A5 WTC proposals provide for two links to Donegal from the new road, one to maintain the existing link at Lifford (A38) and one to allow for a new link to the N14/N15 south of Lifford. The development of the link to the N14/N15 is the responsibility of Donegal County Council and the NRDO are currently developing plans for this link. This work is being undertaken in close consultation with the Northern Ireland Roads Service team responsible for the A5 WTC to ensure simultaneous opening of the two projects. It is expected that the EIS and CPO for the bridge will be submitted to An Bord Pleanála for approval in July of 2011.”

C/188/11 CALL TO HAVE FULL REINSTATEMENT OF OVERLAY ON THE CHAPEL ROAD DUNGLOE AFTER THE INSTALLATION OF EXTENSIVE INFRASTRUCTURE

The following question was submitted by Clr. Gallagher:-

"Will this Council ensure that a full overlay will be carried out on the Chapel Road Dungloe after extensive infrastructure has been installed?"

Clr. Gallagher was informed that:-

“Extensive new and upgrading of infrastructure (ESB, Foul Drainage, Watermain, Storm Drainage) is nearing completion on the Chapel Road from the graveyard Junction towards the LIDL Junction.

There is a grant of circa €27,000 on the restoration programme for this Local Road. In addition, the Contractor shall be reinstating part of the carriageway as part of his Development.

Currently, a shortfall of funding exists to overlay the entire 640m section. However, the local Engineers are examining all options to achieve funding to overlay the entire width, as this is the preferred option.

GEA Members will be briefed on progress at the May EA Meeting and if necessary options can be reviewed in detail at this setting.”

C/189/11 AVAILABILITY OF BUDGET FOR THE PROVISION OF PIER LIGHTS IN THE COUNTY

The following question was submitted by Clr. Ó Domhnaill:-

"Can this Council ensure that a budget is made available so as All Island Piers in Donegal can be provided with Pier Lights so as the Pier users can do so safely?"

Clr. Ó Domhnaill was informed that:-

“A report has been prepared on lights for island piers. The cost of providing lights is in the region of €2,500. An application has been made to An Roinn for funding. The Marine Section will provide a copy of the report separately.”

C/190/11 RESURFACING OF THE PUBLIC CARPARK AT
MAGHEROARTY

The following question was submitted by Clr. Ó Domhnaill:-

"Can this Council ensure that the public carpark at Magheroarty Beach is re-surfaced with Tar & Chip at the earliest possible stage and before the summer tourists converge on the beach?"

Clr. Ó Domhnaill was informed that:-

“The roads service are committed to repairing sections of the Magheraroarty Pier road utilising the Road Maintenance Allocation.

However at this time, there is no roads funding in place to Tar & Chip the car park area. The Roads Service shall prepare an estimate for the project and will liaise with other services/agencies to ascertain whether funding could be made available.

The estimate will also be forwarded to Clr. Ó Domhnaill when complete.”

C/191/11 TENDERING FOR THE PROVISION OF LEGAL
SERVICES TO DONEGAL COUNTY COUNCIL

The following question was submitted by Clr. Slowey:-

"Are Donegal County Council going to put the provision of Legal Services to this Local Authority out to public tender in 2011 as per Government Guidelines?"

Clr. Slowey was informed that:-

“The Department of the Environment, Heritage & Local Government issued a Circular, FD 01/2010, dated 28th September 2010, stating, inter alia, that:

“While non-priority services (such as legal service) are a matter for each local authority and are outside the scope of EU Procurement directives, the award of such contracts remains nonetheless subject to the principles of transparency, equivalence, effectiveness and equal treatment”

The Circular recommends that, in accordance with National and EU procurement rules: -

“Procurement of legal services in respect of significant capital projects should be carried out on a project by project basis in accordance with procurement principles, outlined earlier”

“Procurement of legal services for ad hoc purposes (retainer type work) should be carried out at frequent intervals as determined by the local authority, but in any event, at intervals of no longer than 3 years”

The Elected Members were advised at the November 2010 Council meeting, and again in the 2011 Budget Book, that the Council was exploring a number of options on the best arrangement(s) for the provision of legal services going forward and planned to conclude deliberations in the next few months and agree an implementation plan based on the decisions reached.

The Senior Management Team agreed in January, as a first step, to establish the “live files” with the Council Solicitor at 31st December 2010, and that work is ongoing. It involves, inter alia, categorising and quantifying the various types of legal services being procured, and will form the basis for the preparation of tender documentation. When this exercise is complete, a decision will be taken on what types of work should be tendered and how best to do it e.g. by batching similar services. Among the factors also to be considered will be the overall management of the service, a review of in-house practices and procedures and document management and storage arrangements.”

The following question was submitted by Clr. Gallagher:-

"Will this Council ensure that the pipe replacement for Crolly village will be a priority in 2011?"

Clr. Gallagher was informed that:-

While grant aid has recently been approved under the water conservation pipe replacement programme for pipe rehabilitation on priority DMA's on the Rosses Regional Water Supply, the Crolly village DMA is not included in the present approval for the Rosses of €627k (out of a County approved expenditure of €1.782m). However depending on the outcome of the tender process for the approved works limited works may be possible on the Crolly village DMA. This cannot be determined with any certainty until the tender processes for the approved works have been completed.

C/193/11 PREVENTATIVE MEASURES BY THE COUNCIL IN UNFINISHED ESTATES WHICH ARE THREATENED WITH DISCONNECTION OF ELECTRICITY BY THE ESB TO STREETLIGHTS AND WATER PUMPING STATIONS

The following question was submitted by Clr. Murray:-

"What preventative measures can the Council introduce which could help families living in unfinished estates where the ESB has threatened to cut off electricity to streetlights and water pumping stations?"

Clr. Murray was informed that:-

"The economic downturn has brought into sharp focus the problem with unfinished housing developments nationally and the Department of Environment Heritage and Local Government established a multi-disciplinary Unfinished Housing Development Team to address the issue at a central level and to achieve a nationally consistent and co-ordinated approach across the country. It had a National Housing Development Survey conducted in mid-2010 that was published in October last year, which identified 133 housing developments in County Donegal. The DEHLG required that the developments be categorised having regard to

specified characteristics, including health and safety, occupancy and whether the developer still existed. It also required a person to be nominated as contact person with responsibility for the co-ordination and management of work associated with those unfinished housing developments identified in the national survey and Mr Denis Kelly A/Senior Planner has been confirmed to the DoEHLG as that person. The required information has been furnished to the DEHLG and the next step is for the developer to address any Health and Safety issues that arise within their developments.

The findings in the National Survey has informed the DEHLG Draft of Guidance Manual for Managing and Resolving Unfinished Housing Developments and it is anticipated that it will be finalised in the coming months. It aims to provide the necessary tools to ensure that those unfinished housing developments identified in the national survey are effectively managed through the current economic difficulties. It can also inform the approach to be taken in respect of other housing developments that face similar type problems, such as those raised in this query.

The tools available to leverage a solution may necessitate a range of actions being taken against the developer/property owner under different legislative provisions if a collaborative process with stakeholders is not effective. The residents themselves may play a central role in this process as each individual dwelling formed part of a grant of permission that itself was predicated upon all the associated common services being provided and maintained. In those circumstances it would be reasonable to expect that the conveyance of individual houses would have incorporated rights and obligations between the buyer and seller in respect of the provision and maintenance of those common services. Thus their contractual arrangements with the developer may assist in delivery of a solution. In any event the residents of the housing developments have a responsibility to participate in this collaborative process and actively participate in the development and management of appropriate solutions and deliver local governance, which will lead to an empowered and sustainable local community.

The review of the County Development Plan provides an opportunity to provide policy direction that delivers appropriate development where necessary support infrastructure exists or is to be provided in time to facilitate the development, thus limiting circumstances where electrical and mechanical plant and equipment will be permitted in the future to those strategic locations that will facilitate the wider catchment. The draft plan that has been furnished to Members includes these preventative measures together with other provisions, such as an increase in the level of bonds and that more onerous requirements be satisfied before residential developments be connected to water and sewer infrastructure and before bonds are to be released.”

C/194/11 CALL TO HAVE AREAS WITHIN MOVILLE AND CARNDONAGH DESIGNATED AS CASUAL TRADING AREAS

The following question was submitted by Clr. Farren:-

Can Donegal County Council designate areas in the towns of Moville and Carndonagh for Casual Trading.?

Clr. Farren was informed that:-

“The Casual Trading Act 1995 enables Local Authorities to regulate and control Casual Trading within its functional area. Casual Trading is defined as “selling goods at a place (including a public road) to which the public have access as of right or at any other place that is a casual trading area”.

There are currently two designated areas operating within the County at locations in Ballyshannon, and Killybegs. It is acknowledged that there is a demand elsewhere within the County for the designation of alternative areas for Casual Trading, including in the towns of Moville and Carndonagh. Past experience indicates that this would be best delivered within a countywide framework (rather than a piecemeal one-off settlement approach) in order to facilitate a strategic provision across the county and use Council resources to best effect.

The delivery of designated areas requires the assessment of conflicting needs that often lead to legal challenge of the draft byelaws, initially in the District Court. It will be necessary at the outset to dedicate resources to enable the statutory designation process to be delivered. Thereafter support infrastructure may be necessary and staff resources will be required to manage the licensing and policing of the designated areas.

The priority of this work within the context of Budget 2012 will be examined and a report furnished to the SPC.”

C/195/11 COUNCIL MOBILEPHONE CONTRACT WITH VODAFONE

The following question was submitted by Clr. Ryan:-

Can this Council confirm when the existing mobile phone contract with Vodafone is due to expire.?

Clr. Ryan was informed that:-

“The Council signed a contract with Vodafone in June of 2010 with a duration of 18 months. This was a continuation of the original Government framework agreement originally signed in 2008 which has seen savings of some €2,000 on council mobiles up to the end of 2010. It should be noted that as a result of further framework agreements, there is a new and additional reduction of €4.50 per user per month for standard mobile services effective from April 1st 2011. This should result in savings of €2,250 approx. per month from April of this year onwards.

On balance, and given the contract content for services to the Council, it is felt that the Council is receiving a very competitive rate at present for this service.”

C/196/11 CONTINUATION AND FUNDING OF THE GREENCASTLE TO MAGILLIGAN FERRY

The following question was submitted by Clr. Murray:-

"Is the Council committed to the continuation of the Greencastle to Magilligan ferry and if so, what is the

situation with regards to funding from both Donegal County Council and Limavady Borough Council?"

Clr. Murray was informed that:-

“The current Contract between Donegal County Council, Limavady Borough Council and the Lough Foyle Ferry Company for the provision of the roll on/roll off ferry service between Greencastle, County Donegal and Magilligan, County Derry expired on Thursday 31st March 2011.

The Councils confirmed that they had no objection to the Ferry Company (entirely at their own risk and their own responsibility and without establishing any contractual agreement) to continue to operate the ferry service on a temporary basis, until such time as a definite decision had been taken regarding the options available to all parties in light of reduced funding available in this financial year. A meeting took place with the Ferry Company on the 19th April 2011 to further discuss options for the service for the period April to December 2011. At this meeting representatives conveyed that their Board of Directors would have to convene to discuss the actual amount of funding available and to take a decision on the way forward based on this. Officers in attendance from Limavady and Donegal Councils requested that the decision should be sent in writing c/o Limavady Borough Council which would clearly indicate:

- (a) the Company’s intention to operate a service, restricted or otherwise, with full back up rationale for the proposal
- (b) the Company’s decision to terminate the operation of the service from a date to be specified.

It was agreed that whatever decision is taken that all three parties should meet to agree a joint press statement, advising the users of the service and potential users of the service of the situation. The Company indicated that they would advise Councils of their decision at the earliest possible opportunity.

C/197/11 PLANS FOR THE OLD COMPOUND AT
MAGHERABEG, MANORCUNNINGHAM

The following question was submitted by Clr. Canning:-

"In relation to the newly constructed high embankment located where the old compound stood at Maherabeg, Manorcunningham just off the N13, I would like clarity as to what the council plans to locate behind this embankment or what proposals do they have for this location?"

Clr. Canning was informed that:-

"The Council is currently setting up and securing this area for use as storage for plant and materials (stone, pipes, road making materials, etc.) for the Inishowen Roads Area. It is not intended to have any other use."

C/198/11 PROVISION OF INFORMATION AS TO TIMEFRAME,
PROCEDURE AND DISRUPTION INVOLVED IN THE
ROAD RESURFACING BETWEEN
MANORCUNNINGHAM AND BRIDGEND

The following question was submitted by Clr. Canning:-

"In relation to the National Primary Road resurfacing work commencing shortly between Manorcunningham and Bridgend I would ask if adequate information and advance notification will be given to the public as to the time frame, procedure and disruption that is involved?"

Clr. Canning was informed that:-

There are three projects scheduled for construction on this stretch of road this year. The first of these is Traffic Calming works in the vicinity of Manorcunningham village. It is planned to complete these works over the next three months. They will be constructed by our own area staff who will keep the public and the Gardai informed.

The second project is the re-surfacing works between Drum Barnett and Killyverry. This is scheduled for construction in June and is to be completed by late August or early September. This will be carried out by a Contractor.

The third project is the re-surfacing works between Magherabeg and Veagh which is scheduled for construction

at the end of the summer and should be complete by late October. This work is also to be carried out by a Contractor. In the case of each project, traffic management plans will be drawn up to minimise disruption. The plans are kept under review for the construction period.

In the case of Contract, the Contractor informs the Gardai of his programme of works. It has become normal practice on these contracts to encourage contractors to erect signage giving details of construction start and finish dates and to draw attention to the works through the local papers and the local radio. That will be done on these two pavement contracts.

In addition, Councillors will be kept informed through the local Electoral Area Councils.

People should expect delays during the works. These delays will be kept to a minimum.

C/199/11 TIMEFRAME FOR THE COMPLETION OF NEW JUNCTION AT WOODLANDS SCHOOL

The following question was submitted by Clr. Larkin:-

"Will work be completed on the much needed new junction at Woodlands School for the school year commencing September 2011?"

Clr. Larkin was informed that:-

“Following public consultation, the Council has commenced the realignment of the R245 from Loughnagin towards Ballymaleel. The works are intended to remove the existing crossroads at Woodlands junction- replacing it with a safer staggered junction and right turning lane along with widening the existing road from Loughnagin to connect to the previously widened section at Ballymaleel.

The Council and the Department of Transport have allocated €13,000 towards the project since 2010 (€263,000 in 2010 and a further €250,000 in 2011).

The Council was unable to agree terms with some landowners for purchasing all the lands necessary in 2006. A Compulsory Purchase Order (C.P.O.) was therefore made

for the lands concerned. No objections were received to the C.P.O. and it was duly confirmed.

The relevant statutory provisions permit the Council to enter on lands prior to agreeing compensation where the C.P.O. is confirmed, a Notice to Treat (i.e. indicating a willingness to negotiate compensation) and a separate Notice to Enter have been served. Those Notices were served on all affected landowners in 2010 and the works commenced. However one landowner refused access and the Council may now have to take the available statutory steps open to enforce its right to enter.

In tandem with the above, the Council are also seeking to finalise compensation in all cases. Where agreement has not been possible final offers will shortly be made followed by referral of the cases to the statutory independent arbitration process which then fixes the figures for compensation.

As matters stand, the Council cannot confirm the works will be completed prior to September of this year but will seek to ensure that they are completed at the earliest possible date.”

C/200/11 FUNDING FOR STRENGTHENING WORKS ON THE NATIONAL PRIMARY ROAD AT LURGYBRACK

The following question was submitted by Clr. Larkin:-

"Have this Council re-applied for funding from the NRA to carry out badly needed strengthening works on the national primary road at Lurgybrack?"

Clr. Larkin was informed that:-

“Donegal County Council carried out a Pavement Evaluation across the county late in 2010 and applications made to the NRA for funding. Significant funding was made available in February but not for this particular section of the N13. A further Priority Pavement Evaluation was carried out in February of this year. Again sections were identified in that review. Lurgybrack was not at that time considered high on that particular list. In the interim further stressing of the road pavement has become evident. At a meeting with the NRA

in March it was agreed that strengthening works at this location would be appropriate. Works would be considered when and if funding became available either within this year's allocation or through additional funding from the NRA. It is expected that Teams working on the first tranche of pavement contracts for 2011 will complete these by May. A review of the available budget, resources and prioritisation of remaining works for 2011 will be carried out at that time and Lurgybrack will be considered further in the next two months.”

C/201/11 CALL TO HAVE ROADWORKS CARRIED OUT AT MULROY CROSSROADS ON THE R245 IN ORDER TO INCREASE VISION LINES AND ROAD WIDTH PARTICULARLY ON THE GORTNABRADE SIDE

The following question was submitted by Clr. McBride:-

"Can Donegal County Council carry out works at Mulroy crossroads on the R245 so that road width and vision lines be increased in particular on the Gortnabrade side?"

Clr. McBride was informed that:-

“The location in question is the junction of the L 5229-1 the L1062-2 and the R 245-19. The Council previously improved the vision lines at this junction by cutting back vegetation to the Carrigart side (the south west side of the junction). The junction remains non-standard with issues that include vision lines, width and it being a cross roads on a rural road.

The Council will carry out a safety check on the junction to determine the current problems (which are not limited to vision lines) and the most appropriate remedial measures. Once these are determined consideration can be given to either providing funding under the Low Cost Accident funding allocations or by some other means.”

C/202/11 CALL TO HAVE HEDGING AND TREES CUT BACK THROUGHOUT THE COUNTY BY THE ROADS SECTION

The following question was submitted by Clr. McBride:-

"Can Donegal County Council Roads Dept. cut back hedging and trees that are obscuring signage throughout our county?"

Clr. McBride was informed that:-

"Staff in the Roads Areas are now being reminded (due to the season and recent growth) of the importance of having vegetation / hedging cut back from around signage in the interest of Road Safety in the county. Reminders will also be sent during the summer months."

C/203/11 ERECTION OF CRASH BARRIERS ON KNOCKALLA DRIVE AT LOCATIONS OF FATAL AND SERIOUS ACCIDENTS

The following question was submitted by Clr. Quinn:-

"Does this Council intend to erect crash barriers on Knockalla drive, at locations where fatal and serious accidents have occurred?"

Clr. Quinn was informed that:-

"The Council annually review accidents that have occurred on the entire roads network to ascertain if there are any accident cluster locations. The Council also meets regularly with the Gardai as part of the Collision Prevention Programme and discusses accidents in the area and possible remedial measures. This road the R268-3,4,5 has not been highlighted in either of these processes as having any clusters of Accidents. In the absence of any accident history it is unlikely that this route would obtain funding under the Department of Transports Low Cost Accident Scheme as there are locations in the County with higher Cost Benefit Ratios. The Council will re-check the route and the statistics it has to identify if there are specific issues that need to be addressed. It is anticipated that the Council shall draft a Low Cost Accident Application for 2012 which will be tabled for members consideration at Electoral Area Meetings in due course."

C/204/11 UPDATE ON STATUS OF THE DESIGN STAGE OF THE BLUE BANKS COOLBOY JUNCTION

The following question was submitted by Clr. Brogan:-

"At what stage is the design at for the Blue Banks Coolboy Section of the N56 as 250,000 Euro was awarded by the NRA in this years allocation and could we have a progress report on this?"

Clr. Brogan was informed that:-

“Preliminary design is almost complete. A procurement process for an environmental consultant has been started to prepare an environmental impact report for the Part 8 planning process. Part 8 publication is scheduled for September 2011. Land acquisition by agreement is key to fully using this allocation in 2011.”

C/205/11 CURRENT STATUS OF WATERPIPE REPLACEMENT NEED THROUGHOUT THE COUNTY

The following question was submitted by Clr. Quinn:-

"What is the current need throughout the county for water pipe replacement scheme's the locations of these schemes and estimated cost?"

Clr. Quinn was informed that:-

“Under the current Water Conservation Programme there is a requirement for the Council to produce a countywide pipe replacement strategy by June 2011 and this will rank and prioritise district metering areas (DMA’s) on schemes where the pipe replacement needs are greatest. Factors taken into account in ranking DMA’s include water quality, unaccounted for water, burst frequency, pipe material and pipe age, etc. and the Councils consultants are actively collating this type of data for the strategy at present. The county's monetary needs for pipe replacement are considerable and total costs are likely to run into tens of millions of euro with a matching funding requirement on the Council side of 10%. Current indications from the Department suggest annual allocations for Donegal for pipe replacement of circa €3m to be directed to those DMA’s prioritised under the countywide strategy. Priority DMA’s that have recently received approval of grant aid under the

water conservation pipe replacement programme include DMA's on the Rosses Regional Water Supply, the Lough Mourne Supply, and the Frosses Inver Water Supply with a total approved spend of €1.7m."

C/206/11 SEWERAGE TREATMENT POSITION FOR LENNON GROVE AND COYLIN COURT, RAMELTON

The following question was submitted by Clr. McGarvey:-

"What is the sewerage treatment position on Lennon Grove and Coylin Court, Ramelton.?"

Clr. McGarvey was informed that:-

"Lennon Grove Query

Planning permission was granted for the erection of 33 no houses and also all associated site works including foul drainage treatment/pumping system and connection to existing foul public sewer via rising main at Ramelton. The development was not carried out in compliance with the permission and it was necessary to instigate enforcement proceedings in respect of a number of issues, including the absence of the treatment system to treat sewage effluent on site prior to secondary discharge into the public sewer. An Enforcement Notice issued on 8th April 2011 requiring certain steps to be taken, including the provision of the treatment system and connection to the sewer.

Coylin Court Query

This development was granted permission on the prerequisite that the treatment plant be provided but it was installed otherwise than in accordance with the permission, An Enforcement Notice issued on 26th April 2010 requiring that the treatment plant to be installed in accordance with the permission. The Council agreed to the Developer bypassing the treatment plant thus allowing untreated discharge direct to the public sewer. This was done as an interim measure in order to facilitate the necessary steps to have the wastewater system installed as approved but the developer has since not it was not taken the necessary steps to have the wastewater

system installed as approved. Accordingly the Council is now seeking a prosecution for non compliance with the Enforcement Notice.”

C/207/11 SITE FOR RATHMULLAN SEWERAGE TREATMENT PLANT

The following question was submitted by Clr. McGarvey:-

"Has the site for Rathmullan Sewerage Treatment Plant been procured.?"

Clr. McGarvey was informed that:-

“The Rathmullan SS has been included as a Scheme at Planning in the Water Services Investment Programme 2010 - 2012. A Preliminary Report is being finalised for submission to the Department of the Environment based upon a site for the Wastewater Treatment Plant as discussed with the landowner. A Part 8 will also be required to come before the Council in this regard. This site has not yet been acquired.”

C/208/11 PROGRESS ON AGREED COMMUNITY EMPLOYMENT SCHEMES WITH FAS AND DONEGAL COUNTY COUNCIL

The following question was submitted by Clr. Brogan:-

"What progress has been made as agreed by this Council Re: Community Employment Schemes with FAS and Donegal County Council?"

Clr. Brogan was informed that:-

“Donegal County Council has engaged with FAS to progress a number of initiatives aimed at assisting people who are currently unemployed. These initiatives include:

1. Graduate Placement Programme
2. Redundant Apprenticeship Scheme.

To date approximately 10 people have been accommodated and the Council is considering further options to increase this number.

In relation to the Council becoming involved through FAS with Community Employment Scheme, it was envisaged that further guidelines would issue from Government to facilitate this initiative. To date this has not happened. It is noted that within the new Programme for Government, that reference is made to the restructuring of FAS. It is likely that this restructuring will have to be advanced before any progress is made with the Council's proposed involvement in Community Employment Schemes.”

C/209/11 TAKEOVER OF THE CASSON SOUND ROAD ON ST JOHN’S POINT, DUNKINEELY

The following question was submitted by Clr. Campbell:-

"Will the Roads Section bring forward the take over of the Casson Sound Road on St John's Point, Dunkineely without delay as the take over has already been passed by the Donegal Electoral Area Committee in 2010?"

Clr. Campbell was informed that:-

“The take over of the Casson Sound Road was raised at a meeting of the Donegal Electoral Area in September last year. No decision was taken in relation to the take over as there are reservations in relation to its suitability. Before any recommendation can be considered a full report must be compiled based on the Council's criteria for take over of roads. The criteria includes minimum standards in relation to width, length, drainage, and condition of the road. The engineer must also certify that the road in every respect is considered to be suitable for take over. The local engineer is now being asked to consider this proposal and report back to the Donegal EA in the first instance.”

This concluded the business of the meeting.

Certified: _____
Mayor.

Date: _____

