

30<sup>th</sup> May, 2013

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
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The Adjourned May Meeting of Donegal County Council, will be held on Thursday 6<sup>th</sup> June, 2013, at 11.00am, in the County House, Lifford to consider the unfinished business listed at Items:-

10, 12, 13, 14, 15, 16, 21-22, 23 – 47.

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

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Meetings Administrator

MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY  
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 6<sup>TH</sup> JUNE,  
2013.

C/283/13     MEMBERS PRESENT

Clrs. F. McBrearty, Mayor, D. Alcorn, L. Blaney, C. Brogan, J. Campbell, P. Canning, G. Crawford, R. Donaghey, M. Farren, M. T. Gallagher, M. Harley, D. Larkin, M. McBride, N. Mc Bride, S. Mc Eniff, I. Mc Garvey, P. Mc Gowan, B. Mc Guinness, J. Murray, S. O' Domhnaill, M. Quinn, J. Ryan.

C/284/13     OFFICIALS IN ATTENDANCE

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

C/285/13     APOLOGIES

Apologies were received from Clrs Boyle, Byrne, M. Doherty, P. Doherty, C. Harvey, B. O' Neill and T. Slowey who were unable to attend the meeting.

C/286/13     CALL FOR THE COLLECTION OF WATER RATES TO BE SUSPENDED IN PARTS OF THE COUNTY WHERE WATER QUALITY IS POOR

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

"That this Council suspends the collection of Water Rates in the parts of the county where the water is of poor quality."

Members were informed that:-

"The Local Government (Financial Provisions) Act 1997 empowers Local Authorities to levy water charges on all non domestic users.

Donegal County Council has over 8,500 non domestic customers and more than 10,000 non domestic connections within the County. Bills are issued on a monthly, quarterly or six monthly basis

depending on the billing cycle which in turn is dependent on the level of usage. An annual fixed charge is levied for non domestic users who do not have a meter installed.

Cash collected from non domestic charges in 2012 was €6.3m, an increase of €850,000 from 2011. This income contributes to supporting the costs associated with providing the service. While the legislation provides for full cost recovery, the charging regime does not reflect this at present. The meter standing charge has reduced from €350.00 per annum in 2008 to the current rate of €150.00. The fixed charge varies from €400.00 to €600.00 depending if there is a domestic allowance, if the connection is discharging to a public sewer, etc. The actual cost per meter cubic is €1.51 for water and €1.01 if the connection is discharging to a public sewer.

A large number of customers pay their bills when they become due while a number have entered into payment plans to discharge historical charges due over a period. Unfortunately it has been necessary to take enforcement action against customers who have refused to pay the charges due. To date, 20 customers have had supplies restricted or disconnection due to non payment and a number of other customer accounts have been referred for further enforcement/legal action.

The Drinking Water Monitoring Programme monitors the quality of both public and private supplies serving more than 50 person or serving facilities where the general public gather. This programme is carried out by staff of the Health Services Executive (HSE), and Council staff, with HSE laboratories, the Council laboratory and external laboratories all playing a role. The Environmental Protection Agency (EPA) publishes a report on the quality of drinking water annually based on the results of the Monitoring Programme. Their most recent report, for 2011, for Donegal reflected overall compliance levels of 98.39% for public water supplies

As you would expect, the Council receives from time to time complaints regarding water quality which are generally related to repair work being undertaken to fix bursts. This may result in a temporary interruption to the supply and/or discolouring of water for a short period. The Council routinely advises the public about planned interruptions for remedial work in order to avoid

disruption to business activity that has a reliance on the service. The Council will, as it has been doing, continue to engage with customers on an individual basis as required.”

Clr. Quinn welcomed the detailed response, but said he was of the opinion that his question had been misinterpreted. The overriding issue was, he said, water quality and whether or not the consumer was obliged to pay for poor quality water. Consumers in the Churchill area, he noted, were currently experiencing difficulties with water, which was badly discoloured and not fit for drinking. This problem, he advised, had significant implications for the hospitality industry. It was acknowledged that the public were looking to Donegal County Council to establish good and fair practice so that when Irish Water was up and running and billing householders they would be obliged to ensure that the quality of water they were providing was up to standard.

Concerns were raised with regard to the water quality across all Electoral Areas, with a number of Members highlighting the ongoing implications for the hospitality industry in particular. They outlined the need to set particular standards prior to Irish Water taking over, and advised of the need to maintain pressure on the Department with regard to the sourcing of additional funding.

It was noted that ongoing works in the Castlefin area combined with reduced water pressure had created considerable difficulties for consumers.

The need to procure funding at EU level was acknowledged with Members welcoming the fact that there was ongoing contact with the Department regarding funding requirements.

The public they advised needed adequate reassurance with regard to water quality and maintenance issues.

Donegal County Council, they contended, was obliged to ensure that the water quality was of the highest standard, and if not, had an obligation to inform the public that the water being provided was not of a particular quality.

It was generally acknowledged that the motion had implications for all service areas and had particular relevance where the quality of

the service being provided was inconsistent with the charges being sought.

The need for specific exemptions and waiver schemes was noted.

A number of problem areas were highlighted including ongoing difficulties with limescale, an issue which Members confirmed had been raised many times over the years. It was noted that water deemed to be of EU quality was consistently clogging up pipes throughout the network.

Intermittent water supplies in some areas had also caused problems.

It was generally acknowledged however that Donegal despite the problems alluded to, had in general potable water of excellent quality.

Mr. Joe Peoples, Director Water & Environment informed the meeting that there were significant challenges involved in providing and maintaining a potable water supply and ensuring that it was fit for human consumption on a daily basis.

Significant investment, he said, was required and there were currently proposals with the Department under the auspices of the Capital Investment Programme to deal with a number of directives from the EPA regarding water quality

He outlined the need for a strategic approach to procure large scale investment which, he hoped, would improve the overall infrastructure deficit and minimise a number of the problems mentioned.

The Mayor acknowledged the excellent work carried out by the WEE Section and noted that 99% of representations received by the service were able to be resolved at local level.

Clr. Quinn concluding the debate advised that his main concern was water quality and advised of the need to establish good and fair practice so as to ensure the provision of quality potable water. Commercial businesses should not, he said, have to pay rates where the water was not up to standard.

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

"That this Council review the implementation of the current Housing Loans Policy so as to make it more attractive for people to buy their own homes."

Members were informed that:-

“All loans are now assessed in accordance with the Housing (Local Authority Loans) Regulations 2009 and the associated Credit Policy.

As part of the comprehensive assessment process, the Housing & Sustainable Communities Agency provide an underwriting service on behalf of the Council including the carrying out of credit and judgement checks and all applications are considered by the Credit Committee which comprises of senior officials in the Housing & Corporate Services and the Finance Directorates.

In considering applications, the Council must be mindful of individuals desires to acquire their own dwelling while at the same time balancing this against the need to ensure that they are not undertaking a level of debt which is unsustainable which can ultimately lead to a substantial financial loss for the Council.

The level of mortgage arrears in the Country has received very considerable media coverage over recent times and a number of schemes have been initiated to attempt to deal with this very serious issue. Donegal Co. Council is in a similar situation in that a significant number of borrowers find themselves in difficulty and in some cases the loans which they have from the Council are unsustainable.

Given this context, the Council must apply very serious criteria to each application received in order to reduce as far as possible the risk to the Council should the borrower ultimately end up in default.”

Clr. Brogan called for a review of the policy and asked for clarification as to whether Donegal County Council was able to draw down funding from the HFA for housing loans. It was imperative, he added, that persons who could demonstrate a clear

ability to pay were allowed to avail of a loan facility regardless of whether they were in receipt of social welfare or not. The overall result it was acknowledged would be the return of capital to the Council. He asked that the matter be reviewed and a report brought to Council over the next number of months.

Members noted that there were a number of anomalies in the current loans policy, a fact supported by the low level of interest in the scheme. Other issues such as the strict criteria laid down for the provision of loans to private tenants and the minimal uptake in the scheme generally, they advised, warranted immediate attention.

Details in relation to the number of loans applied for and sanctioned was also requested.

Clr. Dessie Larkin advised that the Housing SPC had looked at many of the issues raised and acknowledged the fact that specific criteria contained in a number of the schemes to date had excluded up to 70% of those with a potential interest in buying out their own homes. He noted that moves were afoot to open up a number of such schemes again. With regard to private loans, he said, that the Council was seen as a lender of last resort something which was not fair on Donegal County Council or the applicant. He advised that he would support any initiative which would allow people to buy their own home.

Members outlined the need for discussion at SPC and Area level. Concern was expressed that the Glenties Electoral Area was not represented on the Housing SPC and therefore at a disadvantage as there were different problems being experienced within the various Electoral Areas.

It was suggested also that a specific effort needed to be made and advice given to the general public on whether or not they had a realistic chance of getting a housing loan. It was imperative, they added, that the Council did not provide false hope for intending applicants.

Long-term leasing it was noted was not working in Donegal and the turnaround time for processing same was far too time consuming.

The use of the Household Budget Scheme operated through the Post Office was considered to be an excellent system and one that could be utilised for loan repayments.

Mr. Liam Ward, Director of Housing & Corporate thanked Members for their comments, advising that as suggested by the Chair of the Housing SPC, it would be possible to accommodate a review of the policy. He confirmed that money was available to Donegal County Council from the HFA for the provision of housing loans.

He continued by outlining the fact much of the criteria involved had been drawn up at national level. The Department, he affirmed, had a stated objective of attempting to meet the accommodation needs of those on the Housing Waiting List. However this did not extend to providing the means to purchase their own homes. He agreed to provide details in relation to the number of loans applied for and granted, acknowledging that there were specific arguments as to whether the Council should be in the business of giving loans at all. It would be possible he said to convey the views of Members to the Department.

Mr. Garry Martin, Head of Finance & Emergency Services acknowledged that there were many challenges going forward not least the increasing level of housing loan arrears.

He noted that many of the applicants concerned had been turned down by the Banking Sector and that there was at this juncture a case for reviewing the overall policy with a view to equalising the risks.

Clr. Brogan welcomed the debate and in conclusion called for the Council to be more proactive in its approach to housing loans advising of the need to support those who demonstrated a robust ability to pay.

C/288/13

DISCUSSION ON THE HISTORY OF COUNTY ROAD  
EXTINGUISHMENTS AND RIGHTS OF WAY AT THE  
TOWNLAND OF CLOGHORE AT THE BATTERY,  
BALLYSHANNON

On the proposal of Clr. Mc Guinness, seconded by, Clr. Harley, it was resolved to adopt the following motion submitted by Clr. O' Neill:-

“That Donegal County Council discusses the history of County Road Extinguishments and Rights of Way at the townland of Cloghore at the Battery Ballyshannon”.

Members were informed that;

“From discussions with the Elected Member submitting this motion, it is understood that the focus of this motion is around the granting of a planning permission that affects a road in the locality. Based on the local knowledge of roads staff in the Electoral Area and available records, there has been no extinguishment of right-of-way by the Council in the last twenty years for roads in this vicinity.”

C/289/13 RETENTION OF ALL SCHOOL OF TOURISM ACTIVITIES AT THE KILLYBEGS CAMPUS OF LYIT

On the proposal of Clr. Campbell, seconded by, Clr. Mc Eniff, the following motion was considered:-

"This Council supports the retention of all School of Tourism Activities at the Killybegs campus of LYIT, and notes the integral role the school's activities form as a driver of job creation in the recent report of the high level group on the jobs initiative for the Killybegs region, and calls on all public representatives on the LYIT governing body not to support any move that will see a diminution of the Killybegs campus activities."

Members were informed that:-

“The Council will continue to work with LYIT to promote the Tourism aspects of the campus as an economic driver for the area.

Donegal County Council is also working closely with LYIT to develop the Killybegs campus in the area of renewables and are seeking to develop this further in the future with regard to offshore wind and wave technology.”

Clr. Mc Guinness queried the validity of discussing such a motion given that it could be construed as interfering with the affairs of another body.

Clr. Brogan proposed at this juncture, seconded by Clr. Mc Brearty to adjourn the meeting until 2pm.

Clr. Campbell proposed however to continue with the meeting and this was seconded by Clr. Mc Eniff.

The Meetings Administrator informed the meeting that it was in order to proceed with the motion given that in the past there had been discussion on a number of issues relating to other bodies all of which had been deemed acceptable.

Clr. Campbell outlined the background to the motion and expressed concern that the LYIT Board in drafting a three year plan for the Institute were considering relocating the School of Tourism in Killybegs to the Letterkenny Campus. He advised that it was incorrect to look at the matter solely in the context of unit costs and that the economic and social benefits for Killybegs needed also be taken into consideration.

Members of the Donegal Electoral Area cited the need to retain the facility given its reputation as one of the best Tourism Schools in the Country.

Clr. Brogan advised that a decision in relation to the matter needed to be taken soon, as further delay would result in its closure or possible relocation to Sligo or Galway.

Letterkenny, it was acknowledged, was better placed to offer a more comprehensive package for students wishing to study in the Catering and Hospitality Sector.

Clr. Gallagher advised that it was essential that the Catering College was retained in Killybegs, affirming that the town had suffered enough trauma over the past few years and totally necessary in an area that was remote from many of the main educational institutions.

It was noted also that the value to the local community was in the region of €2 million per annum.

Clr. Campbell thanked Members for their support outlining again the need for the retention of adequate service levels.

He enquired if there was any substance to the report that upwards of 250 jobs would be relocated to Letterkenny should the proposed relocation go ahead

C/290/13 ADJOURNMENT FOR LUNCH

On the proposal of Clr. Donaghey, seconded by Clr. Mc Garvey, it was resolved to adjourn the meeting until 2.15pm

C/291/13 STRATEGY FOR THE LOCATING OF DAY CARE CENTRES IN THE COUNTY

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

"That this Council draw up a strategy for locating Day Care Centres across the County based on the Centres already established which are improving the quality of life for the elderly living in these areas and works with all other relevant national and local Agencies in a effort to achieve this."

Members were informed that:-

“This issue will be raised with the relevant agency through the CDB Social Inclusion Measures (SIM) Coordination Group.”

Clr. Mc Gowan noted that a similar motion had already been presented to the HSE West Forum. The HSE had, he confirmed, reacted positively and advised that they would look into the matter further.

Prevention was, he affirmed better than the cure and such a strategy would allow for better care for people in the community preventing in many cases re-hospitalisation. It was acknowledged that the time was opportune to initiate such a strategy and that within the next 20 years the elderly would account for up to 50% of the population. The importance also for areas such as Donegal was noted given the isolation of the region.

He asked that the matter be followed up through the County Development Board and under the auspices of the various Social Inclusion Measures.

Members outlined their support for the motion.

Mr. Michael Heaney, Director of Service agreed to progress same through the SIM CO-ordination Group and advised that he would update Members as appropriate.

On the proposal of Clr. Mc Gowan, seconded by, Clr. Mc Garvey, it was further resolved to amend the motion as follows:-

“That this Council draw up a strategy for locating Day Care Centres across the County based on the Centres already established which are improving the quality of life for the elderly living in these areas and works with all other relevant national and local Agencies in a effort to achieve this, and that a representative from the Health Service Executive be invited to address Members in relation to the progression of this objective”

This was unanimously agreed.

C/292/13

PROBLEMS WITH THE EXISTING LIFFORD BALLYBOFEY WATER MAIN AND CONSIDERATION OF ALL POSSIBLE SOLUTIONS

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

"That this Council debate the problem existing with the Lifford-Ballybofey water main and all possible solutions."

Members were informed that:-

“The Lough Mourne Regional Water Supply scheme serves a geographical area of over 320 square km. It serves an area extending from south of Ballybofey, northwards as far as Lifford and St Johnston, and westwards to Cloghan. It has approximately 488km of watermains of which approximately 50 km comprises cast iron. Cast iron is one of the oldest materials used for water pipe networks being first used in standardized sizes in the early 20th century, but more recently has not been in common usage for some time as a water pipe material. Cast iron pipes are prone to corrosion over time with much of cast iron pipe currently in use in the County being close to the end of its serviceable life. When bursts are experienced on such mains as happened recently in the Lifford area, poor water quality resulted when internal deposits on cast iron pipelines became disturbed, even though the source water is very good. When bursts occur Water operations try in the first instance to ensure that consumers are not left without a water

supply while the burst is being repaired and when normal service resumes, controlled flushing of the distribution system is carried out to mitigate localised discolouration issues. The only realistic effective permanent solution is to have the mains replaced under the water conservation programme which will ensure consistent water quality throughout the extended network.

Under successive Water Services Investment Programmes funding for water conservation has been made available in three distinct stages – stage 1 which involves the setting up of appropriate water management systems (now complete); stage 2 which involves active leakage control i.e. finding and repairing leaks (this is ongoing and continuous); and stage 3 which involves the rehabilitation and replacement of defective pipes where repair is uneconomic due to the age/ condition of the pipes (also ongoing and continuous). Under stages 1 and 2 of the County Donegal Water Conservation Programme an initial 10 year investment programme has been prepared with the highest priority pipes targeted for investment first based on burst frequency, leakage, physical condition, corrosion, pressure, age, and importance. The estimated cost of the 10 year investment programme for County Donegal is €2.0m approximately with the cost of the replacement of all of the Lough Mourne cast iron mains estimated at €5.48m. Replacement of 8km of pipes on the Lough Mourne network at Ballindrait, Cavanacor, Rossgier, and Porthall under the water conservation programme is currently nearing completion. Further works planned include the Ballybofey to Killygordon Crossroads section having priority 2, and the Killygordon to Lifford section having priority 6, with the remaining works having priority 10 (when ranked on a countywide basis). Replacement of the priority 2 pipelines on their own will bring about noticeable improvements in water quality, and the Council is confident of funding being made available for those works in the very near future.”

Clr. Crawford acknowledged that works were ongoing in the Lifford /Ballybofey Area, but expressed concern that some of the upgrades being implemented were actually leading to problems in other areas. By flushing out specific sections of the system the Council was, he noted, causing some difficulties in other areas. This only served, he advised, to expand the case for additional funding. He noted however that the response from the Water and Environment Section was nothing but positive and reactive at all times.

He asked for reassurance that the priority lists for the various water and sewerage schemes going forward would remain to the fore in the changeover to Irish Water. It was imperative, he added, that a proactive stand was taken.

It was noted that a considerable amount of money had been spent on water treatment, yet only 3% of the water processed was used for drinking purposes.

Mr. Joe Peoples, A/Director Water & Environment acknowledged concerns raised in relation to water discoloration, and advised that staff did their best to minimise the impact of such works.

Engagement had taken place on a regular basis with the Department, he noted, regarding capital funding for pipe replacement.

He was, he confirmed hopeful that funding would be forthcoming.

Clr. Crawford in conclusion asked for an update when applicable in respect of the ongoing discussions with the Department.

## C/293/13 MAYOR'S BUSINESS

### *Votes of Sympathy*

A vote of sympathy was extended to the following:-

- The family of the late Pat O' Brien, formerly Dunfanaghy Roads
- Enda Mc Carry, Dungloe Fire Brigade, on the death of his father, John Mc Carry.
- Clr Gerry Crawford on the death of his mother-in law, Cassie Melaugh.
- Deputy Thomas Pringle on the death of his sister Lulu Pringle.

The Mayor informed Members that he had attended the following events:-

- Launch of the Bealtaine Festival in Letterkenny.
- Launch of Active Donegal Week organised by Myles Sweeney, Donegal Sports Partnership.
- Presentation of the proceeds of the recent 5K Run in Ballybofey to the Breast Care Unit, Letterkenny General Hospital.

- Launch of the Litter Gum Litter Task Force organised by Suzanne Tinney in conjunction with IBEC and aided by the Department of the Environment, Community and Local Government.
- Launch of the North West 10k
- Shaun Cuddy Celebration Event in the Clanree Hotel.
- The recent Civic Reception for the Lord Provost of Glasgow, Sadie Docherty held in the County House, Lifford.
- Launch of Donegal “Showing Racism the Red Card” Finn Harps Schools Programme.
- Opening of the Donegal Craft Village following recent renovations.
- Laurentic Conference in Buncrana attended by the Canadian Ambassador, Loyola Ahearn.
- Hosted visit of Senator Therese Murray, President of the State Senate of Massachusetts. This visit also provided Senator Murray with the opportunity to visit CoLab at the LYIT.
- Opening of the new School Computer Room at St Eunan’s NS Raphoe.
- Launch of the Country Jamboree taking place in the Clanree Hotel in July 2013.
- Attendance at the Evening for Older People Event organised by Roisin Mc Nulty and funded by the River Links Project.
- Presentation of Best Practice Customer Care Certs.
- Presentation of DCC Gaeltacht Scholarships to students from across the County. Tribute was paid to Clr. David Alcorn in respect of his ongoing commitment to the development of the Irish Language in the County.
- Launch of Business BootCamp in the Regional Cultural Centre. The assistance of Donna Maskery and Barney Mc Laughlin was acknowledged and tribute paid to many of the small businesses that had exhibited at the launch.
- Opening of the Rory Gallagher Festival.
- Mayor’s Charity Dance – Thanks was extended to Mickey Joe Harte, Matthew Mc Granaghan, Shauna Scanlon and Aine Ni Chuireann. Monies raised to be presented to the Rape Crisis Centre and the Finn Harps School Programme.
- Attendance at the official opening of the North West Garden Show and White House Garden Launch.
- May Day Event in Raphoe with tribute being paid to the excellent organising committee.
- Attendance at the Hands of History Diaspora Conference.

The Mayor acknowledged the eminent line up of speakers who had taken part in the event.

- Roots Music Event in Raphoe organised by Raphoe Heritage and the Riverine Project. Tribute paid to Ronan Mc Connell and all the musicians in the Raphoe Pipe Band.

- Sport Aiding Mental Health Conference

The Mayor thanked all who had contributed to the success of the conference thanking RTE and the local media including Miriam O' Callaghan for their input. The input from Danny Ryan and Minister of State, Kathleen Lynch, T.D was also widely welcomed. He acknowledged the support of the County Manager and the following Staff Members who had helped make the conference an outstanding success:

- Darren Nash
- Caitlin Ui Chochlainn
- Christina O' Donnell
- Anne Marie Conlon
- Caroline Mc Cleary

- Congratulations was extended to all who had taken place in the recent "Relay for Life"

- Civic Reception – Paddy Crerand

Members were reminded that the Civic Reception for Paddy Crerand was scheduled to take place in the County House, Lifford at 2pm on the 7<sup>th</sup> June, 2013.

#### C/294/13 MANAGER'S REPORT

Members considered the report circulated during the meeting in relation to the above.

#### ***Local Electoral Area Boundary Committee Report 2013***

A copy of the above report was circulated to Members for their attention. It was noted that there were a number of issues that needed to be discussed in relation to the report including accommodation issues and that it was hoped to focus on these at an early date.

An update was provided in relation to the following:-

*Roads and Housing Capital*

- Report to Council on the Department of Agriculture, Fisheries and Food's allocation of grants under The Fisheries Harbours and Coastal Infrastructure Development Programme 2013.
- Community Involvement Schemes.

*Water and Environment*

- Donegal Tops Blue Flags Awards 2013.

*Corporate Matters*

- Proposed nomination to the Audit Committee to fill vacancy. The County Manager informed Members that he was appointing Mr. Paul Carr, Letterkenny to fill the vacancy on the Audit Committee occasioned by the death of Mr. Donal Mac Lochlainn.

*Community Culture and Planning*

- Donegal Youth Council.
- Massachusetts State Senate President Therese Murray visit to Donegal on 10<sup>th</sup> May 2013.
- John Cullinane, Irish American Entrepreneur visit to Donegal on 26<sup>th</sup> May 2013.
- Donegal/Irish Diaspora Conference – 4<sup>th</sup>/5<sup>th</sup> June 2013.
- Donegal Museum Detectives Backpack.

C/295/13

DATE FOR RESCHEDULED PLANNING WORKSHOP

On the proposal of Clr. Brogan, seconded by, Clr. Mc Gowan, it was resolved to reschedule the Workshop on Unfinished Estates until 2pm on Tuesday 18<sup>th</sup> June, 2013.

**Members noted the following questions:-**

C/296/13

DETAILS IN RELATION TO THE MAGHERAROARTY VILLAGE ENVIRONMENTAL IMPROVEMENT PROJECT

The following question was submitted by Clr. Slowey:-

"In relation to the Magheraroarty Village Environmental Improvement Project, please provide the following details:-

The current status of the Project.

The overall costs associated with bringing the project to a satisfactory completion.

Breakdown of funding requests submitted by Donegal County Council since 2006.

Details of funding opportunities which have been exploited.

Is the project included in Donegal County Council's Capital Works Programme?

And Confirmation as to where the ultimate responsibility lies in relation to targeting and providing funding to progress this project to completion?"

Clr. Slowey was informed that:-

The current status of the Magheraroarty Village Environmental Improvement Scheme is as follows :

1.Preliminary designs were prepared in 2006 for the enhancement of the car parking area at the Pier by way of a traffic management plan and received Part VIII approval by the Council in July 2006.

2.The estimated costs (including VAT) in 2006 was €337,627.84 which did not include the boat park.

3.Magheraroarty EIS was included on the Urban & Rural Development Programme 2000 – 2006 Sub Programme 2: Villages but due to funding constraints, the project did not go ahead.

4.The said project would ultimately be a Roads & Transportation Project but Community, Development & Enterprise works closely with all directorates in sourcing external funding opportunities for their priority projects.

5.Funding secured for the project to date is -  
An Roinn Gnothai PobailTuaithe agus Gaeltacht allocated €7,500 for the provision of a preliminary design for the pier area.

6.A number of funding opportunities have been explored since 2006 to allow the works in Magheraroarty to proceed include an Roinn, LEADER but unfortunately no monies are available at this time to fund this type of work.

Community, Culture & Planning will continue to work with Roads & Transportation in exploring funding opportunities for the Magheraroarty Village Environmental Improvement Scheme.

The community in Magheraroarty recently applied under the Community Involvement Scheme for funding for drainage pavement and ancillary footpath works to the road from the pier to the Regional Road and have been granted €9,000 toward €85,000 of works. These shall be progressed with the community over the coming months.

C/297/13 UTILISATION OF DOE CASTLE AS A TOURISM PROJECT

The following question was submitted by Clr. M.T. Gallagher:-

"Will this Council consider implementing a plan to have Doe Castle (the home of Clann MacSiubhne) utilised as a tourism project?"

Clr. M.T. Gallagher was informed that:-

"The Council's Cultural services section have in the past worked with the OPW in using Doe Castle as a venue for a performances as part of the Errigal Arts Festival , and would seek to use the Castle again in the future for other events and performances as deemed appropriate."

C/298/13 CALL FOR A FOOTPATH/WALKWAY BETWEEN FALCARRAGH AND GORTAHORK SO AS TO ASSIST WITH THE TOURISM INDUSTRY IN THE AREA

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

"Can this Council draw up plans and engage with the NRA and Tourism Bodies to apply for a Footpath/Walkway between Falcarragh and Gortahork so as to assist with the Tourism Industry in this area asap?"

Clr. O'Domhnaill was informed that:-

"The Council will bring this proposal forward for consultation with Failte Ireland and the NRA with regard to seeking their support for the development of a footpath/pathway between Falcarragh and Gortahork, and seek to identify a funding source to enable the project to be progressed."

C/299/13 TENDERING FOR THE PROVISION OF LEGAL SERVICES

The following question was submitted by Clr. Slowey:-

"What is the up to date position regarding Donegal County Council going to tender for the provision of legal services as required by Government policy?"

Clr. Slowey was informed that:-

“The provision of Legal Services to the Council has been under consideration for some time. The matter has been raised previously, both at Council meetings, and also in reports by the Local Government Auditor.

Circular FD 01/2010 sets out recommendations in accordance with National and EU procurement rules which are aimed at addressing how legal services are procured.

Following the publication of the Legal Services Regulations Bill, the Council carried out a very detailed review of existing practice. This process documented findings in respect of Legal Services provided to the Council, and supported the preparation of Tender Documents for the procurement of certain legal services. This work was well advanced in early 2012.

During 2012, the Local Government Sector, as part of the Local Government Efficiency Review, an initiative driven by the Department of Public Expenditure and Reform across all Government departments and subsidiary sectors, identified a range of service areas for analysis with a view of developing a Shared Service approach to service delivery. The provision of Legal services to Local Authorities was identified and was the subject of a business case analysis. The objective of this was to identify and apply models of service delivery across a range of areas, including legal services, in a cost effective manner whilst maintaining, at a minimum, current service levels.

In relation to legal services, this consisted of an assessment of the various practices used by all local authorities nationally and had as its aim the preparation of a business case that will see a sectoral response, balancing efficiency (cost) and effectiveness (service delivery) as part of any recommended service delivery model. It is envisaged that respective Local Authorities will be required to adopt a best practice model as suitable to them and as identified and agreed on as part of this process.

The initial business case review has been completed but further work is required before the final outcome is arrived at.

As a consequence, the Council has not concluded its work on the tendering for legal services, pending completion of this process. That being said, the Council will continue to monitor and control expenditure on legal services so as to ensure maximum return and value for money for the Council.”

C/300/13 FUNDING BID FOR THE REINSTATEMENT OF THE MULLANTIBOYLE BRIDGE

The following question was submitted by Clr. M.T. Gallagher:-

"Has this Council contacted the Dept with regard the Mulantiboyle Bridge collapse, to discuss the funding that will be needed to reinstate this bridge, and does this Council believe that the Department will look on this application favourably?"

Clr. M.T. Gallagher was informed that:-

Mulantiboyle bridge located on the L 2693 local road near Glenties collapsed in 2010. Having surveyed the bridge, the Council determined it was not repairable and a new bridge is required. Council members and members of the local community have made representations stating that they require a bridge suitable for vehicular traffic. The construction of a new bridge, to current design standards within this ecologically sensitive area, is beyond the limited financial base of Donegal County Council. Projects such as this are funded from Department of Transport Tourism and Sport Grants based on the priorities put forward by the Council. The overall cost of a new bridge and the minor improvements to the approach roads is estimated at over €700,000 excluding design fees. In 2012 the Council spent approximately €30,000 progressing design and site investigation work on the bridge. We have obtained a grant of €100,000 in 2013 towards further design works; statutory (including planning) consents; and ancillary works such as removing the existing bridge or replacing a nearby culvert needed for construction of the bridge. The Department have approved this work. The Council's ability to rebuild the bridge in 2014 or subsequent years will be determined by factors including the availability of funding from the Department and the priority given to the project by the Council. In relation to funding, these types of

works have been funded from Specific Grants in previous years and levels of funding under this category of grant have fallen from a high of €7.4m in 2008 to €1.49m in 2013. The Department have indicated by circular in March that specific grant funding is unlikely to be provided in 2013 for projects except for contractual commitments such as land or contracts previously entered into with their approval.

Expenditure on the bridge may also be funded from the department's discretionary grant heading however the decision to do this would be one for the Council and would require curtailment or cessation of other services provided for under this heading including winter service and / or general maintenance in one or more electoral areas

C/301/13 UPDATE REGARDING THE MAHGERAROARTY VILLAGE AND PIER ENHANCEMENT SCHEME

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

"Can I be given an update and maps in regards to the Magheraroarty Village & Pier enhancement Scheme Application?"

Clr. O'Domhnaill was informed that:-

"Please see question No. 2695. A pdf copy of the plan will be forwarded.

The Community in Magheraroarty recently applied under the Community Involvement Scheme for funding for drainage pavement and ancillary footpath works to the road from the pier to the Regional Road and have been granted €59,000 toward €85,000 of works. These shall be progressed with the community over the coming months."

C/302/13 PROGRESS ON CROSS BORDER MEETING WITH DERRY CITY COUNCIL, DRD, AND THE DOE

The following question was submitted by Clr. Murray:-

"What progress has been made subsequent to the successful passing of my motion asking for a crossborder meeting with Derry City Council, as well as the north's DRD and DOE and when is this meeting expected to take place?"

Clr. Murray was informed that:-

“A meeting to discuss the issues raised and any other areas of mutual interest will be organised between Inishowen EAC members and Derry City Councillors.

Work will be commencing in the near future on the North West Action Plan for North West Gateway Initiative. This plan will cover infrastructural, economic, social and cultural projects.”

C/303/13 DETAILS OF THE PROPOSAL TO UPGRADE MAIN STREET MANORCUNNINGHAM

The following question was submitted by Clr. Canning:-

"What is the proposal in relation to Manorcunningham Main Street with regards upgrade of road?"

Clr. Canning was informed that:-

“The works at Manorcunningham will involve some minor drainage works, kerb renewals (including minor level changes) and road and footpath surface renewals.

It is also intended to provide some bins as requested by the Tidy Town Committee. The works have been programmed for September to October 2013.

The local area engineer will be in contact with members and the Tidy Towns Committee over the coming weeks regarding the proposals.”

C/304/13 COUNCILS POSITION REGARDING THE TAKEOVER OF ESTATES IN LIGHT OF THE COURTS DECISION IN BUNDORAN

The following question was submitted by Clr. Canning:-

"Has this Council's position changed in relation to the takeover of Housing estates in lieu of the courts decision in Bundoran?"

Clr. Canning was informed that:-

“The recent decision of the High Court in relation to the application of policy under S.180 of the Planning & Development

Acts 2000-2012 has informed the current review of the Council's review of the 'take-over' policy. It is proposed as part of this process to present the reviewed policy to a future meeting for the Members consideration."

C/305/13 DEVELOPMENT OF MARICULTURE IN CO DONEGAL

The following question was submitted by Clr. McGuinness:-

"Will the council engage with the Department of the Marine and National Parks and Wildlife Service re Natura Sites with a view to encouraging the development of mariculture in Co Donegal?"

Clr. McGuinness was informed that:-

"It is proposed to set up a meeting with NPWS to discuss a range of relevant issues. This can be placed on the agenda. The Department of Marine will also be approached for discussion on this."

C/306/13 TIMEFRAME FOR THE PROVISION OF PUBLIC TOILETS IN RATHMULLAN

The following question was submitted by Clr. McGarvey:-

"When will Donegal County Council provide Public Toilets in Rathmullan as agreed?"

Clr. McGarvey was informed that:-

"The Council has provided toilet facilities in Rathmullan over a number of years utilising portable toilets. In order to provide a more practical and permanent facility the Council has been engaging with a local community group to establish how a suitable facility could be provided through either a shared arrangement or through the development of a project that could access grant funding. The Council would not be in a position to provide a facility from its own resources."

C/307/13 INFORMATION PROVISION FROM THE DEPARTMENT TO THE COUNCIL REGARDING THE TAKEOVER OF WATER SERVICES BY IRISH WATER

The following question was submitted by Clr. McGarvey:-

"What information is available from the Dept. to Donegal County Council for the proposed takeover of Water Services by Irish Water?"

Clr. McGarvey was informed that:-

“Irish Water has recently been established and is beginning a period of engagement with the local government sector in relation to the transfer of the water service function from local Councils to the new utility. It is proposed that local authorities will enter into service level agreements with Irish Water and continue to provide the service as agents of Irish Water. Indications initially were that the transfer would be fully complete by the end of 2017 but it has been confirmed that local authorities will continue to provide services under service level agreements after 2017. It is expected that the Council will be engaging with Irish Water in the coming months in order to agree the scope and detail of the service level agreement.”

C/308/13 COUNCIL SUBMISSION TO THE NORTH-SOUTH STUDY AIMED AT REDUCING AIR POLLUTION IN TOWNS OF 15000 POPULATION +

The following question was submitted by Clr. Larkin:-

"Has this Council made a submission to the North-South study aimed at reducing air pollution in towns of 15,000 population +?"

Clr. Larkin was informed that:-

“The Council has not made a submission to the North-South study to date. The introduction of the smoky coal ban is expected to have a major positive impact on air quality particularly in large urban centres. However initiatives such as this will only have a limited impact where similar standards and compliance monitoring arrangements are inconsistent in neighbouring jurisdictions. Consequently, it is hoped that the study will lead to a consistent approach being applied North and South in order to reduce air pollution levels further.”

C/309/13 SIGNIFICANCE OF THE DECISION OF THE “BUNDORAN CASES” FOR DONEGAL COUNTY COUNCIL AND ITS POLICIES FOR THE TAKEOVER OF ESTATES

The following question was submitted by Clr. Larkin:-

"What is the significance of the decision of the "Bundoran Cases" for this Council and it's policies for the take over of estates?"

Clr. Larkin was informed that:-

“The recent decision of the High Court in relation to the application of policy under S.180 of the Planning & Development Acts 2000-2012 has informed the current review of the Council’s review of the ‘take-over’ policy. It is proposed as part of this process to present the reviewed policy to a future meeting for the Members consideration.”

C/310/13     RESPONSE TO THE COUNCILS REQUEST FOR FUNDING TO ADDRESS THE SAFETY ISSUES IN UN-FINISHED ESTATES

The following question was submitted by Clr. Quinn:-

"What response has the Council received regarding it's request for funding to address the safety issues in un-finished estates?"

Clr. Quinn was informed that:-

“Following recent direct contact with the Department it is envisaged that the position regarding the application for funding under the Public Safety Initiative will be clarified in the coming weeks.”

C/311/13     FIGURES FOR TOURIST INCREASE AS A RESULT OF THE GATHERING

The following question was submitted by Clr. Quinn:-

"Are figures available to indicate the possible increase in tourists to the County during The Gathering?"

Clr. Quinn was informed that:-

“Audience surveys are being requested from all events that have been supported through IPB community funds and Failte Ireland funding. The data will be collated and presented in latter part of the year.”

C/312/13 REQUEST FOR ROADWORKS AT THE AREA KNOWN AS THE ROISEEN ON THE CARRIGART/CREESLOUGH ROAD WHICH WOULD ELIMINATE THE ONGOING FLOODING PROBLEM

The following question was submitted by Clr. N. McBride:-

"What is the possibility of having the level of the road raised at the area known locally as "The Roiseen" on the Carrigart/Creeslough road which would eliminate the ongoing flooding problem?"

Clr. N. McBride was informed that:-

“The Road Design Section will be requested to survey the road in question, and develop an elevated design of the road over this section such that it is above the known flooding levels. The proposed design will be costed to establish the feasibility of carrying out the works under the current budgets. Initial investigations indicate that this falls outside of the remit of the ‘Low Cost Flood Mitigation Programme.’”

C/313/13 CURRENT STATUS OF THE A5 STRABANE TO LETTERKENNY ROAD PROJECT

The following question was submitted by Clr. Brogan:-

"What is the current status of the A5 Strabane to Letterkenny Road and has there been any response to the request from Donegal County Council to meet with the Taoiseach in relation to this matter and as agreed by this Council in 2011?"

Clr. Brogan was informed that:-

“A5 DERRY TO BALLYGAWLEY  
Following the High Court ruling, the A5 Design Team in Omagh is preparing an Appropriate Assessment of the Foyle River Catchment. As a result, the start of construction on the two sections Derry to Strabane North and Omagh South to Ballygawley has been put on hold indefinitely.

**MEETING WITH TAOISEACH:**

The Taoiseach's office has acknowledged our request on 6 March 2013 and indicated that it would be brought to the attention of the Taoiseach.

MANOR/LIFFORD and A5 LINK ROAD PROJECT.

"The NRO has had discussions with the NRA over the last number of weeks with a view to accelerating the delivery of the N14 Letterkenny to Lifford Road Project Design. As a result of the discussions, a draft programme for delivery of the N14 EIS & CPO docs by mid December of the current year has been prepared and submitted to the NRA for discussion. The programme is tight but having discussed it with the Consultants and among ourselves we feel that it is achievable provided that we don't hit any major unforeseen problems along the way.

The programme and the project will be the subject of discussions between the NRA and the NRO at the steering meetings that are due to take place on Thursday of this week, the 30th May."

C/314/13 DETAILS OF FUNDING WITH REGARD TO PHASE II OF THE N56 ROAD – COOLBOY/TERMON BLUEBANKS ROAD

The following question was submitted by Clr. Brogan:-

"With regard to Phase II of the N56 Road - Coolboy/Termon-Bluebanks Road please confirm the following:-

The amount of funding sought originally for the project.  
Total amount of funding received to date.  
The amount of funding presently available?"

Clr. Brogan was informed that:-

"With regard to Phase II of the N56 Road - Coolboy/Termon-Bluebanks Road please note the following:

The amount of funding sought originally for the project-

Funding sought for 2011 (the first year of the project) was €100,000. An allocation of €250,000 was actually received from the NRA. From the outset, we knew that we would have great difficulty spending this amount of money at that early stage of the project.

After the scope of the scheme was established the NRO proceeded with the preliminary design and the Part 8 was published on 22nd September 2011. The Part 8 was approved by the Council on 27 February 2012.

We requested NRA approval to publish the CPO on 21 June 2012 but at that time the NRA were not in a position to commit the necessary funding to allow for this publication to proceed. In actual fact, €64,000 was spent IN 2011 which was close to our original estimate of €100,000.

Total amount of funding received to date-

Total Funding allocated for 2011, 2012 and 2013 was €250,000 + €1,400,000 + €120,000 = €1,770,000. The figure of €1,400,000 in 2012 would only have been spent if the NRA had been in a position to allow us to proceed to buy the land. In actual fact, they were not in a position to do so.

The amount of funding presently available-

Funding of €120,000 has been allocated by the NRA for 2013.

We have assumed that the question relates to the current PMI scheme. We had been dealing with this section of the N56 as a Major Scheme some years ago, subsequently it was resubmitted as a Pavement Scheme. Then late in 2010, following a request from NRA for proposals for suitable schemes, it was again re-submitted to suit the potential funding stream. The initial cost estimate of the scheme was €6m.

The present situation is that detailed design and tender documents have been completed as has the CPO documents and we await NRA approval to publish.”

C/315/13 DETAILED INFORMATION REQUEST ON THE PUBLIC SEWER SYSTEM PER EACH ELECTORAL AREA

The following question was submitted by Clr. Campbell:-

"Can you provide me with the following information on the public sewer system (PSS) for each electoral area in tabular form:

Name and location of each PSS in the county.

Type and level of treatment at each PSS.

Discharge point of each PSS.

Volume of waste handled by each PSS per year.

Whether the facility is council owned and controlled or otherwise.

Clr. Campbell was informed that:-

“Attached is a file of wastewater treatment plants extracted from one of the Councils databases which lists each wastewater scheme, its location, level of treatment, the discharge location, the population provided for, and ownership.” Vide Appendix 1

C/316/13

DETAILED INFORMATION ON REQUEST ON THE HOUSING STOCK PER EACH ELECTORAL AREA

The following question was submitted by Clr. Campbell:-

"Can you provide me the following housing information for each electoral area in tabular form:

Name of each housing estate where DCC owns property in the County.

Number of properties in each estate in DCC ownership.

Overall number of properties in each estate listed.

Location of each estate.

Number of S.I. houses in each electoral area.

Clr. Campbell was informed that:-

“The Council presently own 3,756 dwellings. 3,067 of these are dwellings located within 272 individual estates with the remaining 689 being rural cottages spread across the County.

Within the “estates” category, there are 52 estates where there are only one property owned and this can arise where dwellings previously owned by the Council have already been sold or where the Council acquired a dwelling on a one off basis.

The attached table contains further details in relation to the locations of the dwellings including the estates and the numbers of dwellings owned by the Council therein. Unfortunately, the Council do not have details of the number of private dwellings within the estates.” Vide Appendix 2

C/317/13

PROGRESS REPORT ON CLR MCGOWAN’S MOTION REGARDING THE ESTABLISHMENT OF A THIRD COUNTYWIDE FESTIVAL IN THE COUNTY

The following question was submitted by Clr. McGowan:-

"Please can a progress report be given on my Motion to establish a third county-wide festival in the County which was accepted and supported by management?"

Clr. McGowan was informed that:-

"The Council will present a progress report with regard to this motion in the third quarter of this year."

C/318/13 CROSSBORDER WALK/CYCLE PATHWAYS FROM STRABANE THROUGH BALLYBOFEY/STRANORLAR TO BARNES GAP

The following question was submitted by Clr. McGowan:-

"Can a report be brought to Council outlining potential Cross-border Walk/Cycle Pathways from Strabane Canal at Ballymagorry up to Clady, Castlefin, Killygordon, Ballybofey/Stranorlar, and through Barnes Gap using existing paths, railways, and river banks so that a strategy/funding can be identified and applied for in the future?"

Clr. McGowan was informed that:-

"This is recognised as a key resource for this county and the region. It is desirable that an integrated and comprehensive strategy be prepared to develop this resource.

Council will seek as resources become available to commence work in the near future on preparing a report on this, that will capture the Walking and Cycling potential; of the canals and pathways and old railway lines as identified with cross border links to have a strategic plan prepared for future funding opportunities."

C/319/13 ALLOCATION OF HOUSES IN STRANORLAR EA IN 2013

The following question was submitted by Clr. Crawford:-

"How many houses has this Council let in the Stranorlar Electoral Area in 2013, including the location of same and how does this compare with demand in these areas?"

Clr. Crawford was informed that:-

“Tenancy of twenty local authority houses has been offered this year to date. The table below indicates the number of approved applicants seeking social housing in each town / village in the Stranorlar Area. Also included is the location of the fourteen houses returned to stock in the same period.

Position at 21st May 2013	Approved Applicants	Houses Offered	Houses Returned
Town Total			
Ballybofey	137	6	3
Stranorlar	91	4	1
Lifford	76	4	3
Convoy	40	1	
Castlefin	51	2	2
Raphoe	45	2	3
St Johnston	39		
Killygordon	28		2
Porthall	14	1	
Drumkeen	9		
Liscooley	3		
Ballindrait	7		
Cloghan	3		
Totals	543	20	14”

Vide Appendix 3

C/320/13 PROGRESS ON A RESOLUTION TO THE FLOODING PROBLEMS IN RAPHOE

The following question was submitted by Clr. Crawford:-

"What has been the progress to date in finding a resolution to the flooding problems in Raphoe?"

Clr. Crawford was informed that:-

“Following on from the reply to your question on this matter for the January 2013 Council Meeting, the most recent update received from the OPW in relation to the Raphoe Flood Study reads 'The Raphoe Flood Risk Management Study commenced at the end of March 2013 and is currently at the hydrology/hydraulics stage within a 12 month programme. Public consultations will be held on the draft flood maps in September 2013 and on the draft Flood Risk Management Plan in January 2014.’”

This concluded the business of the Meeting