

COMHAIRLE CHONTAE NA GAILLIMHE

Minutes of the Planning, Environment, Agriculture & Emergency Services Strategic Policy Committee Meeting held on MS Teams, Wednesday 30th March, 2022 at 11am

I LATHAIR:

Baill: Cllr. Michael Connolly, Chairperson
Cllr. Donagh Killilea
Cllr. Michael Maher
Cllr. Daithí Ó Cualáin
Cllr. Dermot Connolly
Aodán MacDonncha, Uasal
Mr. Mark Green
Mr. Colm Ryan
Ms. Ann Mitchell

Oifigigh: Mr. Michael Owens, Director of Services
Ms. Valerie Loughnane, Senior Planner, Planning
Mr. Alan O’Connell, Senior Executive Planner, Planning
Mr. Brendan Dunne, Senior Executive Planner, Planning
Ms. Eileen Keaveney, Administrative Officer, Planning
Ms. Ann Dolan, Senior Executive Scientist, Environment
Ms. Rita Gately, Veterinary Inspector, Environment
Mr. David O’Loughlin, Executive Engineer, Environment
Mr. Mark Molloy, Assistant Environmental Awareness Officer, Environment
Ms. Sinéad Burns, Assistant Staff Officer, Planning

Apologies: Gerry O’Malley, Chief Fire Officer, Galway Fire Station

Item No. 1 - Minutes of the meeting of the Planning, Environment, Agriculture & Emergency Services SPC dated 30th September, 2021

The minutes of the meeting dated 30th September, 2021 were proposed by Cllr. Michael Maher, seconded by Cllr. Daithí Ó Cualáin and agreed.

Matters arising: Cllr. Maher asked if there was a date for review of the Loughrea Local Area Plan.

Ms. Loughnane said that there were four Local Area Plans for review and these would commence in the 3rd or 4th quarter subject to available resources.

Item No. 2 - Draft Galway County Development Plan 2022 – 2028

Ms. Loughnane said that it is near the end of the process. The Forward Planning Team are currently preparing the Chief Executive's Report – there are around 250 submissions. A report will be presented to the Elected Members shortly. The process is slightly different in that debate will be limited on any amendments. There are two options – either to adopt the plan with the material alterations or to go back to a draft plan. It is hoped that the plan will be adopted by the 12th or 13th of May and will take six weeks to implement. Ideally two or three meetings will be held before adoption of the plan. It has been a long process which started on the 16/06/2020.

Cllr. Michael Connolly acknowledged the huge amount of work that went into working on the County Development Plan.

Cllr. Maher said he hoped that there would not be too many meetings after all the work and consultation that had already taken place. He asked if O.P.R. would be discussed at the first meeting as some members may not be able to attend all the meetings but would like to attend for this discussion.

Ms. Loughnane clarified that yes, O.P.R. would be discussed at the first meetings followed by submissions from the prescribed bodies and then the public submissions.

Cllr. Killilea acknowledged the input from the S.P.C. members and also the hard work of the outgoing chair of the I.F.A. Ann Mitchell.

Cllr. Michael Connolly also acknowledged the work and commitment from Ann Mitchell. Cllr. Michael Connolly also commended the Forward Planning Team for their hard work.

Ms. Loughnane thanked Cllr. Connolly for the kind words and acknowledged the work of the Forward Planning Team – Brendan, Brian, Aoife, Fiona, Liam, Aaron, Jordan and the admin team Ann Power and Carmel Egan.

Item No. 3: Commencement of the Large-scale Residential Development Provisions

Alan O'Connell explained that initially the legislation for Strategic Housing Developments (SHDs) was to stimulate the housing market. The original expiry date was 31/12/2019, then extended until 31/12/2021 and further extended to 25/02/2022.

420 applications were made to An Bord Pleanála, 250 granted and 99 commenced. The legislation has not been extended beyond 25/2/2022.

New legislation (Planning and Development (Amendment) (Large-scale Residential Development) Act and Statutory Instruments) published in December, 2021 replaces Strategic Housing Developments (SHD) with a new planning process for Large Scale Residential Developments (LRDs) and restores planning decision-making to local authorities. The purpose is to fast track the planning process for large residential developments. There will be a mandatory pre application process. The new legislation retains some similarities to

the SHD arrangements. The Local Authority will be the consent authority and An Bord Pleanála the appellant body. There will be a mandatory pre-application process with a lot of work done by the Local Authority Executives and the Developers. An LRD is a housing development of 100 or more units, student accommodation comprising 200 beds or more or a combination of the two. There is limited scope for further information requests which are confined to unforeseen issues that would not have arisen at the LRD pre planning meeting stage e.g. technical issues or environmental concerns. Under the SHD legislation there was a 15% cap on uses other than residential, that has now increased, up to 30% of the gross floor space of the proposed development can be for other uses e.g. mixed use developments.

Mr. O'Connell explained that transitional arrangements are in place, cases that are already in the SHD system and have yet to be determined and are waiting for an opinion from the Board, 16 weeks are allowed to make an SHD application to the Board. Also, if an opinion has been received, 16 weeks are allowed to submit an SHD application which would bring the deadline to the middle of June.

The first stage is a Section 247 meeting – this is informal but mandatory similar to a standard pre planning meeting. The meeting is to be held within 4 weeks of the S.247 request for a meeting submitted. Thereafter, Section 32B is a request from the developer to hold a more detailed meeting. Section 32C, an LRD meeting is held within 4 weeks of the request for a meeting and under Section 32D an LRD opinion is given which would constitute a basis for an LRD application within 4 weeks of the LRD meeting. A planning application is then made to the Planning Authority with an 8 week decision timeframe. The decision of the planning authority may be appealed to An Bord Pleanála, in which case the Board has a mandatory 16-week decision timeframe. If there is an oral hearing there is a 24 week timeframe. There will be an additional validation process for the planning application under Section 34. The Elected Members will be notified and a notice of the LRD is to be published on the website.

Arrangements are currently being made to facilitate this new process with multi-disciplinary teams being allocated to update the website and arrange the planning process.

Cllr. Michael Connolly thanked Alan O'Connell for the update and said that the statutory timeframe for appeal decisions was welcome.

Mr. Greene asked what information is included on the website when a Section 32B request for an LRD meeting is submitted. Mr. O'Connell confirmed that the developers name and date is published but doesn't think the location is to be included. This will be checked further as the measures are put in place.

Cllr. Killilea said that the new legislation would be somewhat welcome and the definitive timelines are positive. He added that a lot more work would be involved and could pre planning meetings be facilitated, how would the pre planning meetings be dealt with, would the Director of Services be present or would the Chief Executive attend as was done in the past? Cllr. Killilea also invited comments from Mr. Colm Ryan from a development/construction perspective.

Mr. Ryan said that the new legislation is broadly welcome and would have some benefits, mainly the early engagement with the Planning Authority. A significant body of information would have to be provided from the developer's side and the Local Authority's side and hoped that any problems would be ironed out at the pre planning stage so the Local Authority could provide a formal opinion.

Mr. Greene asked for the prescribed timeframe for an LRD opinion from the Local Authority after the Section 32C meeting. Mr. O'Connell confirmed that this was 4 weeks.

Mr. Owens said that he was conscious of the resource implications from the new legislation on top of the current increase in applications. It is intended to strengthen the structure in the Development Management area and that advertisements have been published for additional posts which will include planners for this area. Work is underway on website arrangements and additional measures to meet the obligations of the legislation.

Mr. Owens clarified that the Chief Executive is not involved in the making of planning decisions. The current Chief Executive has given the full remit of the planning decisions to the Director of Services.

Mr. Owens added that the Director of Services will be kept informed in the early stage of the LRD meetings submitted to the Planning Authority.

Mr. Owens said that it is intended to re-commence pre planning meetings in April, maybe not to the full extent as previously until full resources are available.

Cllr. Dermot Connolly asked if there was any hope of regional meetings in the Municipal District Offices. Mr. Owens said that it is hoped to restore full service by the end of year on the basis of an increase in staff.

Cllr. Michael Connolly questioned if there are full facilities available in the M.D. offices, will there be access to all the I.T. technology required. Mr. Owens answered that a full online facility should be available once meetings are held again in the M.D. offices.

Cllr. Michael Connolly asked again for clarity on the Director of Services / Chief Executives role in the planning decision making process.

Mr. Owens clarified that it is the choice of the Chief Executive for the delegation of all functions to the Director of Services.

Cllr. Killilea welcomed a clear path that queries for larger applications can be directed to the Director of Services rather than meeting the Chief Executive and that it could be discussed again at the adoption stage of the County Development Plan.

Item No. 4: Joint Meeting with the Galway City Council Planning SPC

Mr. Owens explained that following discussions with Patricia Philbin, Director of Services in Galway City Council, it was felt that there would be a benefit for the Planning SPC's of both Galway County and Galway City to meet. A meeting could be scheduled for the end of May subject to agreement with the chairs and members of both SPCs. An invitation would be extended to Irish Water and to the North West Regional Assembly. The meeting would take place preferably in person if possible, in order for members to have an opportunity to meet face to face or if not the meeting could be held online. The meeting would be jointly chaired.

Cllr. Michael Connolly welcomed the proposal.

Mr. Greene also welcomed the proposal and said it was beneficial to invite other bodies to attend.

Cllr. Killilea proposed to agree to hold a meeting and both Cllr. Ó Cualáin and Cllr. Maher seconded.

Mr. Owens agreed that there would be a benefit in the joint SPC meetings. The Planning Team and Infrastructure Team would meet on a quarterly basis. There would be joint work on the County Development Plan and the Master Plan and consultation on the Galway Airport site owned by both Authorities. There would also be engagement at Executive level.

Cllr. Maher said that it was right timing for the SPCs to come together and was an opportunity for discussion especially when there is to be a change in boundaries.

Item No. 5: Planning Policy Work Programme 2022

There will be work in reviewing the Development Contribution Scheme following the adoption of the County Development Plan in order to provide a source of funding to facilitate delivery of the various policy objectives included in the Plan.

Items 6, 7 and 8 tie in with Item 5 Planning Policy Work Programme 2022.

Cllr. Killilea asked about the planning policy in relation to the Derrybrien Windfarm and looking at the process of decommissioning at the site.

Mr. Greene asked if the issue of derelict sites would be included in the Work Programme or could it be discussed at a later meeting.

Cllr. Michael Connolly asked does the Work Programme include derelict sites. Mr. Owens confirmed that yes it did.

Cllr. Ó Cualáin said that there was an issue in rural areas in that there was a decrease in population in some areas due to people leaving the area resulting in derelict buildings and schools being closed.

Ms. Loughnane clarified that derelict sites fall under the Environment Section and that vacant sites are under the Planning Section. Ms. Loughnane added that under the settlement strategy there would be a focus on towns and villages and there are opportunities in the County Development policies to develop and aid these areas.

Ms. Loughnane also said that in relation to decommissioning Derrybrien, An Bord Pleanála have made their decision to refuse on this site and it is out of the hands of Galway County Council. E.S.B. cannot do anything either.

Cllr Michael Connolly said that it is important that we need to change our ways in the context of climate change. If a windfarm is being decommissioned, roads would need to be redone and with the huge work involved, more environmental damage may be done decommissioning the site.

Item No. 6: DHLGH: NRUP 01/2022: Launch of the Town Centre First Policy

Mr. Owens noted a circular on the Launch of the Town Centre First (TCF) Policy was sent to members. This document was published in February with a list of thirty three actions to prioritise and revitalise towns to make them more viable locations. There will be a National Town Centre First Office to co-ordinate and drive Town Centre First actions and engagement at a national level.

There is a funded post for a Town Regeneration Officer (TRO) who would lead Town Centre First implementation, work with town teams, develop Town Centre First Plans for towns and to assist towns in accessing funding schemes e.g. Clár and U.R.D.F.

Cllr. Michael Connolly asked would the position of Town Regeneration Officer be someone with Local Authority experience or an outside person. Mr. Owens said that it would generally be open competition.

Mr. Greene asked how town teams will be put together, what would the timescale for the Town Centre First Plans and would the Local Area Plans be compatible with the Town Centre First Plans. Mr. Owens answered that structures are currently being formalised and there would be engagement at local level. Some Local Area Plans will be moving ahead of the Town Centre First Plans as Town Centre First Teams will not yet be place.

Cllr. Dermot Connolly welcomed this policy and hoped it would be put in place soon. He also said it was a worthwhile initiative for towns and villages. Cllr. Connolly also said that Elected Members should have input.

Cllr. Killilea said it was worth noting that the Master Plan for Tuam was very positive and was a good strategy achievable over time. He also asked if there was a definition for a town and is there any plans to do a Master Plan for any other town.

Mr. Owens said the policy references population for large towns, medium towns and small towns. The purpose of the Town Centre First Plans would be to replicate what happened in developing Tuam for example.

Item No. 7: DHLGH: PL 02/2022: Planning and Development Act (Exempted Development) Regulations 2022 (S.I. 75 of 2022)

This circular was sent to Members. Mr. Owens said that regulations were introduced in 2018 and are now extended to the end of 2025. It applies to the conversion a public house for residential use as an exempted development. The Planning Authority must be notified in writing of the details of the development at least 2 weeks prior to the commencement of the proposed change of use.

Mr. Greene asked what was the experience of the Planning Authority of these applications to date and asked how two weeks notice before work commenced would allow developers to comply with building regulations etc.

Ms. Loughnane said that the legislation expired at the end of last year. The developer is obliged to give notice and the details are put on a register to indicate what the building was previously used for and what it was intended to be converted to. Most notifications were for one or two units as developing more than that might lead to issues to meet all the criteria for example the requirement

for open space. There may be more take up in the future now that Covid restrictions are being lifted. Ms. Loughnane also added that the Planning Authority have been promoting at various workshops that this exemption is available as it is very useful.

Item No. 8: DHLGH: PL 01/2022: Timeline for Determining Compliance Condition Submissions from Developers

This circular was sent to Members. It was published on 17th December, 2021. There is a statutory timeframe of eight weeks for the Planning Authority to respond to compliance queries. Additional members of staff are being allocated to deal with these requirements.

Item No. 10: Galway County Council/LAPN Grant aid for water fountains in secondary schools 2021

Mr. Molloy gave a presentation on the Local Authority Prevention Network Grant aid for water fountains in secondary schools. It is a joint programme between the Environmental Protection Agency's National Waste Prevention Programme and Local Authorities in Ireland. The principle is to promote waste prevention at grassroots level and to encourage the elimination of single use items. Unfortunately, during Covid there were health implications in re-using bottles etc and there was less waste prevention. The aim is to encourage students to integrate good practice into every day life. Funding of €10,000 was secured from LAPN for ten secondary schools to receive a grant of €1,000 to install a water fountain. Fifteen schools applied for funding. Galway County Council funded the additional five schools and signage for all the schools.

Cllr. Michael Connolly thanked Mr. Molloy for the presentation and said that this was a wonderful initiative and invited questions from the members.

Ms. Mitchell asked if the initiative would be extended to National Schools. She also added that it is important to get on to manufacturers to have one standard size bottle and not to have small size and sample size bottles.

Cllr. Ó Cualáin agreed that it was a great initiative and also asked if there were any plans for National Schools to be included in the initiative. He also suggested having water fountains in public areas.

Mr. Molloy said that there was great uptake on the initiative from secondary schools. Thirty six secondary schools are in the county and it was hoped to target the rest of the secondary schools next. He said there were currently no plans to extend the initiative to national schools. The aim was to focus on the cohort of the age groups in secondary schools and then consider national schools. Mr. Molloy also added that there would be limited funding and hadn't expected such interest in the scheme. New schools that are being built already have water fountains supplied. A requirement of the initiative was to deliver the details of the project to the SPCs and promote the initiative. It is hoped to extend the programme in the future.

Item No. 9: Update on Burial Grounds

Mr. O'Loughlin gave an update on Burial Grounds and how requirements are met.

The Provision of new burial grounds are the responsibility of the Environment Department. There are four stages:

1. The need for a new burial ground is identified – the burial ground caretaker or committee would usually report on remaining capacities within existing burial grounds. Requests for new developments and extensions are examined on a case by case basis. The capacity of the existing burial ground would be assessed on the remaining capacity of the burial ground,

capacity in nearby burial grounds. The projected cost and availability of financial resources would also be taken into consideration.

2. Assessment of site suitability – consideration would be given to the size of the available plot, location in terms of road safety & sightlines, transport accessibility, depth of soil cover, presence of rock, good drainage, overhead and underground restrictions. Archaeological, Special Protection Areas, Special Areas of Conservations, National Monuments would also have bearing on decision making. Consent would be needed from the H.S.E on site suitability.
3. Land acquisition – can the Local Authority acquire the site or can ownership be transferred. The Council will only develop burial grounds on lands/sites that are in the ownership of Galway County Council.
4. Application for Planning Permission – a Part 8 planning application is made by the Environment Section to the Planning Section when it has been decided to progress a project. There would be input from the H.S.E., the O.P.W. and other bodies. If the application is successful the development can proceed and the process of tendering for services can commence.

Mr. O’Loughlin added that the operation and maintenance of the burial ground is the responsibility of Galway County Council unless it is a privately owned burial ground which then would be maintained by the private owners. There are significant challenges in the process of new burial grounds. Recent burial ground developments have taken place in Clynagh, Leenane, Bealandangain, Ballynahown, Killimordaly, Quansboro. Part 8 applications have been submitted for Creagh and Ballyconneely and tenders are currently being assessed for Brooklodge.

Cllr. Michael Connolly thanked Mr. O’Loughlin for the information and asked if any questions.

Cllr. Ó Cualáin said that there were issues in some burial grounds in the Connemara area i.e. Inverin, Lettermore, Lettermullen and asked if there have been any development on the issues in those areas.

Mr. O’Loughlin said that no other opportunities have come up in those areas. He added that the starting point is a suitable site and that the ground conditions are challenging in those areas of Connemara.

Cllr. Killilea said that there were two issues in his electoral area. Kilbannon burial ground is at full capacity and Belclare, Tuam is nearing full capacity. Most people that have land adjoining the burial grounds are reluctant to donate land and landowners are not getting paid enough for the land if they do. Compulsory Purchase Orders are the only alternative for lands that are suitable. The only other option is compulsory cremations. Cllr. Killilea added that we need to look at changing the way things are done and funding has to be made available to give proper money to landowners.

Mr. O’Loughlin said that Kilbannon burial ground has challenges due to archaeological constraints and the same applies to Claretuam, there are National Monuments on site. In general there are approximately 200 burial grounds in the County. Any works in proximity to National Monuments are limited. The only option is a new site where no challenges would exist.

Cllr. Michael Connolly added that upkeep of existing burial grounds is a difficult task and said it was important to get new burial grounds and to maintain existing grounds.

Item No. 11: Any Other Business

Ms. Gately stated that a 2nd Dog Warden had been appointed to replace the retired Warden and that there is a new dog shelter in Corofin.

Cllr. Michael Connolly thanked Ms. Gately for this update.

Mr. Greene asked about getting more notice of the agenda for meetings. He pointed out that the agenda was only circulated on Monday for Wednesday's meeting and it is not enough time to consult with others ahead of the meeting. It should be ensured that the agenda is sent out two weeks beforehand to bring forward comments from other groups.

Cllr. Michael Connolly said it was difficult to confirm a date for this meeting as some were unable to attend on dates proposed and then difficult to have an agenda shared. He also pointed out that a huge amount of work and meetings had been held in progressing with the County Development Plan and it was difficult to hold a meeting.

Mr. Owens acknowledged Mr. Greene's comments and will endeavour to give notice ahead of further meetings.

Cllr. Michael Connolly asked if a date could be agreed for the next meeting.

Mr. Owens said as the joint SPC meeting may be held in May that possibly a meeting could be held in June.

Mr. Greene said that it had been six months since the last meeting.

Cllr. Michael Connolly paid tribute to Frank Hennigan who had been transferred from the Planning Section to the Finance Section and wanted to acknowledge his hard work and the manner in which he dealt with queries in such a professional manner.

Cllr. Michael Connolly also congratulated Cllr. Ó Cualáin and his wife on the birth of their new baby.

Cllr. Dermot Connolly said that the SPC meetings should be held each quarter.

Mr. Owens said he would liaise with Patricia Philbin from Galway City Council on scheduling a date for the Joint SPC meeting and a date would also be scheduled for the County SPC meeting also.

The meeting concluded.