

COMHAIRLE CHONTAE NA GAILLIMHE

Report of Oranmore Area Committee Meeting held at Áras an Chontae on the 8th January, 2009

I LATHAIR:-

Baill: Cllr. J. Cuddy,
Cllr. M. Hoade.
Cllr. J. McDonagh
Cllr. M. Carey (Chairman)

Oifigigh:-

Ms. C. McConnell, Senior Planner, Planning & Sustainable
Development Unit
Ms. G. Clerkin, A/A.S.O. Planning & Sustainable
Development Unit

SECTION 5: HOUSING PROVISION

Ms. McConnell stated that numerous submissions had been received in relation to local authority housing policies which requested a separate policy which positively supports the housing needs of the elderly in the community and also a request to include a specific policy under Section 5.1.2 relating to the implementation of the provisions of the Derelict Sites Acts.

Ms. McConnell outlined that a new policy under Section 5.1.1 would be included in the Plan to show the Planning Authority encouraging the provision of appropriately designed and located residential units to meet the need of the elderly. She further outlined that a policy will be included to implement the provisions of the Derelict Sites Act to prevent or remove injury to amenity arising from dereliction.

Ms. McConnell gave a synopsis of the submissions received in relation to housing outside of urban areas and towns.

Cllr. Cuddy referred to his submission and requested that a local person be defined as a person born in the area or who has lived in the area for a minimum of seven years and within 8km of the family home.

Ms. McConnell stated that attempting to define how long a person has to spend in a community before they can be classified as having intrinsic links would be problematic and by dealing with each application on a case by case basis a degree of flexibility can be applied to each individual application. She further added that by relying on the evidence submitted by each applicant to support their application, a clear transparent decision can be made on each case.

Cllr. Cuddy requested that where an application is made in future for retention of a particular development that under no circumstances would a life enurement clause be

attached to the grant of the application irrespective of what enurement clause applied to the original planning permission granted for the development.

Ms. McConnell stated that unless the application itself referred to the lifting of the life time enurement clause that the previous planning conditions attached to the original planning permission would still apply.

She further added that in the application for retention the applicant needed to set out clearly why they want the enurement clause lifted.

Cllr. Cuddy referred to urban generated housing need and requested where the only available lands for an applicant are outside the town, village or settlement centre in which their family live, such a person should be able to get planning for their first family home on the lands that are outside the town where they are from subject to the housing need.

Cllr. Cuddy referred to his own submission and questioned the area of family lands and in particular the position of nieces and nephews getting permission on family lands even though they had no intrinsic links to the area.

Ms. McConnell stated that we have to adhere to the Departments guidelines in relation to rural housing and they state that an applicant needs to have intrinsic links to the area in question. Special consideration may be given to a niece/nephew when the landowner has no immediate family, however, it would have to be one family member not four or five. It was agreed to look at the issue at the next Council Meeting with a view to looking more favourably on certain cases.

Ms. McConnell stated that each application would be dealt with on a "case by case" basis.

Cllr. Cuddy requested that where family lands are defined there should be no need to show intrinsic links.

Ms. McConnell stated that the removal of the necessity to provide evidence of the applicants intrinsic links to the community or locality in which they are seeking to build is contrary to the provisions of the guidelines.

Cllr. Hoade outlined a position where lands have been in a family for two generations but because the grandchild had no intrinsic links to the area would be unable to get planning.

Ms. McConnell stated that we have to adhere to the Ministerial Guidelines on Sustainable Rural Housing which make specific reference to the need to accommodate persons that have intrinsic links to a community. These links can only be demonstrated on the basis of the applicant's actual connection to that community and not on the basis of ownership of property or blood relations.

Cllr. Hoade stated that she would prepare a submission in relation to family lands and present it at the next Full Council Meeting.

Cllr. Hoade questioned what exactly is meant by intrinsic links.

Ms. McConnell outlined that the applicant would have to have established ties in that area and would have to be able to demonstrate that in his/her application.

Cllr. Cuddy requested that all enurement clauses be applied to the first occupier of the rural house.

Ms. McConnell stated that the wording of the enurement clauses used in Galway County Council decisions conforms with the wording as set out in the Ministerial Guidelines and applies to the applicant as it is on the evidence supplied by that applicant that the decision is partially based. There is no basis for a first occupier clause in the Guidelines.

Cllr. Cuddy requested that where property boundaries are set back from the road in accordance with planning conditions, some discretion should be allowed to the applicant for a replacement fence.

Ms. McConnell stated that the proposal that some discretion regarding the replacement of a front boundary with either a wall of proper fence/hedge is considered reasonable.

Cllr. McDonagh queried if there was a stipulation with regard to the size of rural houses.

Ms. McConnell stated there was no stipulation with regard house size but that the size of the house would depend on the size of the site. She further added that DC Standard 16 of the Plan stated that for house sizes greater than 200m² site size shall be increased by 10m² for each m² of house area over 200m².

Section 6: Infrastructure: Roads and Transportation

Ms. McConnell gave a synopsis of the submissions received in this section.

Cllr. Cuddy reverted back to the submission he made in relation surface water. He stated that where road works are carried out by the Council, they should ensure surface water does not flow onto driveways of private developments.

Ms. McConnell stated that she had been in contact with the Roads Department in relation to the matter and that the Roads Department had stated that it was an operational issue rather than a policy issue. She advised Cllr. Cuddy to approach the Roads and Transportation SPC.

Ms. McConnell stated that the main recommendations in relation to Strategic Economic Infrastructure were to include a policy under Section 6.1 to address the need to safeguard strategic economic infrastructure. An objective for the Eastern Strategic Corridor was recommended for inclusion that seeks to identify sites of adequate size and location to accommodate necessary infrastructure or support activities which would not be appropriate in proximity to centres of population or sensitive environments or environmentally sensitive economic activities.

Ms. McConnell outlined the recommendation of the DOEHLG with regard to transport, particularly the protection and management of new transport infrastructure and the need to coordinate our land use priorities and how this should be

incorporated into the Draft Plan amendments. She stated a number of new policies would be included in Section 6.6.2 to take note of the DOEHLG recommendations.

Cllr. Cuddy requested a policy for river walks and nature trails should be put in place in consultation with the landowners.

Ms. McConnell stated that it was recommended to include a new objective to work towards the provision of a coastal walkway/cycleway from Bearna to Oranmore in conjunction with Galway City Council.

Ms. McConnell outlined that other recommendations in relation to Road Safety Audits stated that all new proposed commercial, industrial and retail developments and all proposed residential developments of 4 or more units, will be required to submit Road Safety Audits. She further added that all new proposed commercial, industrial and retail developments, and all proposed residential of 4 or more units will be required to submit Traffic Impact Assessments.

The members welcomed all the recommended inclusions to the Plan.

Section 7: Infrastructure: Water, Waste, Energy and Telecommunications

Ms. McConnell gave a synopsis of the submissions received in this section.

Cllr. Cuddy stated that any town, village or settlement centre which is within close proximity of a water source must have a proper municipal sewerage treatment plant.

Ms. McConnell stated that the implementation of municipal waste water treatment plants is a costly and lengthy procedure.

She further added that it is unrealistic in the current economic climate to expect the council to develop a municipal waste water treatment plant in every settlement centre near water sources.

Cllr. Cuddy stated that a policy for the transport and treatment of sludge should be strictly enforced.

Ms. McConnell stated that the treatment and transport of sludge was not a planning and land use issue and that it was regulated by EPA regulations.

Cllr. Cuddy referred back to his submission and his request for an objective to support the provision of bottle and clothing bank sites in co-operation with the local communities in the towns, villages and settlement centres.

Ms. McConnell stated that the inclusion of an additional objective supporting the provision of bottle banks and clothing banks was welcomed and would be put forward for recommendation.

Cllr. Carey queried the policy in relation to public lighting and the possibility of using solar energy for public lighting.

Ms. McConnell stated that a submission be put forward by Cllr. Carey to amend the recommended Policy IS34 which reads: *“Encourage planning applications for developments which maximize energy efficiency through their location, layout or design or which make appropriate use of energy conservation techniques, provided the development would not have a detrimental impact on the amenities of occupiers of nearby properties or the amenities of the area”* to include Galway County Council projects also.

Ms. McConnell further added that the recommended new DM Standard *“encouraging the developers of new projects – residential and commercial, to specify at planning application stage, proposals for a target percentage of electricity useage in new developments to be derived from renewable energy resources”* be amended so it applies to Galway county Council projects also.

Cllr. Carey welcomed the recommended amendments to include Galway County Councils own projects.

Section 8: Cultural, Social and Community Development

Ms. McConnell gave a synopsis of the submissions received in this section.

Cllr. Cuddy noted in his submission that no housing or other developments should be allowed on lands adjoining burial grounds in order to retain the lands for future expansion of the burial grounds.

Ms. McConnell stated that the provision of burial grounds is a function that can be provided by either the public sector, private sector or by church authorities. She added that there is no provision in the exercise of planning functions to support the making of a recommendation to refuse planning permission on the basis of proximity to an existing graveyard.

Ms. McConnell outlined that the main recommendation in relation to burial grounds would be for the inclusion of new policy under Section 8.4 where the Planning Authority shall seek to acquire lands where the extension of public burial grounds in the ownership or charge of the Council are likely to be necessary during the Plan period.

Cllr. Cuddy queried if there was any policy in relation to size of headstones erected in cemeteries throughout the County.

Ms. McConnell stated that the Environment Section of Galway County Council has policy and guidelines regarding the erection of monuments in graveyards.

Ms. McConnell stated that a new policy would be included in the Plan in relation to Creche and Childcare facilities and that the Planning Authority would seek the provision of crèche facilities in mixed use/residential developments in accordance with the ministerial guidelines for Planning Authorities on Childcare Facilities.

Ms. McConnell added that further inclusions in relation to schools would be added to the Plan, i.e site reservations for primary and post primary schools shall be

implemented in consultation and in accordance with the Department of Education and Science guidelines and recommendations proposed during the Local Area Plan process and ensuring that an appropriate site is reserved for a new stand alone post primary school in the Tuam Hub.

The members welcomed all the recommendations.

Ms. McConnell stated that a new objective would be added in relation to allotments. She added that the Planning Authority would consider positively the provision of, or permission for, the development of allotments within rural and agricultural areas where they are accessible from the built-up area of the county, to be available to the community.

Section 9: Heritage, Landscape and Environmental Management

Ms. McConnell stated that the Planning Authority has agreed that an Appropriate Assessment should be prepared at an early stage in the County Development Plan preparation process.

She further added that screening for appropriate assessment and/or appropriate assessment will be required with all applications where it is considered that the proposed development may impact on a Natura 2000 designated site i.e. a Special Area of Conservation (SAC) or a Special Protection Area (SPA), to inform decision making.

She also stated that a Ecological Assessment will be required with all significant planning applications, where it is considered that the proposed development may impact on a National designated site or a proposed National designated site i.e. Natural Heritage Area (NHA) or a proposed Natural Heritage Area (pNHA).

Cllr. Cuddy requested that only lands that are already classed as SAC or NHA should be considered as such unless and until new information on the lands become available.

Ms. McConnell stated that we had no discretion as local level and that the Department has overriding power.

Cllr. Hoade queried if there was a recent review on the Record of Protected Structures.

Ms. McConnell stated that the report on protected structures was forwarded to the members earlier in the year but that the Record of Protected Structures can be amended independently of the County Development Plan Review.

Cllr. Cuddy suggested that where it is proposed to zone or rezone any property or lands that the property owner involved should be notified by Galway County Council so that the owner of such property would be in a position if they so desire to make a submission with regard to the particular property.

Ms.McConnell stated that landowners are not notified when zoning lands and that landownership is not a consideration taken into account when zoning lands.

Section 10: Agriculture, Mariculture and Silviculture

Ms.McConnell gave a brief synopsis of the submissions received in this section. She stated that a policy was recommended for inclusion in the Plan that encouraged alternative rural tourism, agri-tourism in the rural county areas.

She further added that that objective CS4 will be amended it will now set out to develop and implement a recreation, amenity and play policy for the County within the lifetime of the Plan based on the recommendations of the Recreational Needs Study being undertaken by Galway county council. The policy will have regard to the needs and aspirations of local communities, the potential for mutual benefits between the County and City areas and the Galway City Recreation and Amenity Needs Study 2008.

The members welcomed all recommendations to the Plan.

It was agreed to hold the next meeting on the 26th January 2009 at 12.00 noon.

Criochnaigh an Chruinniu Ansin