

COMHAIRLE CHONTAE NA GAILLIMHE

Minutes of the Planning, Environment, Agriculture & Emergency Services Strategic Policy Committee Meeting held on Tuesday 29th November 2022 at 11am in the Council Chamber.

I LÁTHAIR:

Baill:

Cllr. Shane Curley, Chairperson
Cllr. Michael Connolly,
Cllr. Donagh Killilea
Cllr. Daithí Ó Cualáin
Aodán MacDonncha, Uasal

Oifigh: Mr. Michael Owens, Director of Services
Ms. Valerie Loughnane, Senior Planner, Planning
Mr. Alan O' Connell, Senior Executive Planner, Planning
Ms. Eimear O' Doherty, Senior Executive Planner, Planning
Ms. Elaine Coffey, Staff Officer, Planning
Ms. Mary Hughes, Assistant Staff Officer, Planning

Apologies: Cllr. Michael Maher, Mr. Mark Green

Item No. 1 - Minutes of the meeting of the Planning, Environment, Agriculture & Emergency Services SPC dated Tuesday 13th September 2022

The minutes of the meeting dated Tuesday 13th September 2022 were adopted on the proposal of Cllr. Daithí Ó Cualáin, seconded by Cllr. Donagh Killilea.

Matters arising: None.

Item No. 2 Presentations from Planning seminar

- Avoiding Delays in the Development Management Process
- Rural Design

Mr. Owens gave a general overview of the recent seminar held for Agents. Ms. O' Doherty made a presentation regarding Avoiding Delays in the Development Management Process. Mr. MacDonncha asked that the presentation be circulated to the members of the SPC. Mr. O' Connell gave a presentation on Rural Design.

Cllr. M. Connolly noted that over the years grants were available for thatching houses but now insurance companies are not inclined to insure thatched houses, he also asked would agents and applicants be in favour of this design policy.

Mr. O' Connell said the purpose of the presentation was to advise agents and that it was a personal decision on the design of houses, they should consider the opportunities for designs, he also noted that we get four/five applications per year to change from thatch to different materials as some of the applications are down to a resourcing issue.

Cllr. M. Connolly also asked why when a preplanning meeting is held, certain house plans are agreed and afterwards the planners change and ideas around design have changed from preplanning meetings.

Mr. O' Connell responded saying that the preplanning stage is advisory only and detailed design is not part of the preplanning process, that is for the agent and applicant to decide upon.

Cllr. M. Connolly asked what the logistics were of doing preplanning meetings on site.

Mr. O' Connell responded saying there were no resources available to hold onsite preplanning meetings.

Cllr. D. Killilea noted the presentation was a great education on design, he said the number of planning applications was huge and there was a large volume of further information requests, he asked did we expect 2331 planning applications in 2023, he said the further information requests were mostly due to agents not submitting the documents required.

Mr. O' Connell said the proportion of further information requests were higher than they should be, in the period before the development Plan was adopted there was an increase in further information requests and that maybe agents were busy in this period.

Cllr. D. Killilea said a confirmation letter from Irish Water regarding the feasibility of a water connection was now required with a planning application.

Cllr. D. O' Cualáin thanked Ms. E. O' Doherty and Mr. A. O' Connell for their presentations. He said that if a dwelling is assimilated into the landscape, it is easier to receive planning permission, he also said there is an issue around the definition of substantial works, if there was no site notice when planner visited a site what would happen?

Ms. E. O' Doherty said the file would be invalidated.

Cllr. D. O' Cualáin said livestock are often present on sites when the planner inspects the site, how is this dealt with.

Ms. E. O' Doherty said the planners would reorganise a visit and this is usually done by way of a further information request.

Mr. A. O' Connell explained that the definition of substantial works was taken on case-by-case basis and the tendency is to rely on a site visit.

Cllr. D. Killilea thanked the planning section and Mr. M. Owens, and everyone involved in the preplanning meetings process as over 150 meetings were held.

Cllr. S. Curley noted that there were 942 further information requests out of 2331 planning applications, he asked could the eight-week period for a decision be extended, he said there was a huge volume of work for the planners, and a high refusal rate for the Loughrea MD.

Mr. A. O' Connell responded saying that the eight-week period is a statutory timeframe and this could only be changed by amending the regulations. He also noted that the view of the CIF and Irish Planning Institute is to tighten the timeframe. He explained that there is a 17-20% refusal rate across the county.

Mr. M. Owens informed the meeting that Galway County Council have recruited engineers until such a time that we can recruit and retain planners, he also noted that there were several vacancies across all areas in planning – DM, Forward Planning and Enforcement.

Item No. 3 Extension of Duration – '*substantial works*'

Mr. M. Owens gave an outline of substantial works, saying it is in Section 42 of the Planning & Development Act - stating that substantial works must be carried out within the period of the planning permission in order to apply for an Extension of Duration. The Planning Authority has little discretion, if the applicant meets the requirements, the Planning Authority must issue a decision. It can be brought to the Plenary Council to have a guide drawn up regarding substantial works. The courts have favoured a formula on expenditure spent on the works, it is not possible to do up such a formula at present, a considerable amount of works must be completed to apply for an Extension of Duration, which rules out the approach of a ready reckoner or rule of thumb process. Preference for a guide is impossible as each file is on a case-by-case basis and is as lenient as it can be.

Cllr. M. Connolly said we will have no template/guide as to what substantial works are, works on one site may not be substantial on another site.

Mr. M. Owens explained that if we produced a guide it would be unfair to the applicants as it would remove any discretion.

Cllr. D. O' Cualáin said that substantial works were different on every site and putting markers on the definition is not a one size fits all and the decision should be left for the planners. Discretion is needed, people have an idea they can extend their planning

permission, can we inform the public that the five years cannot necessarily be extended unless substantial works are carried out.

Mr. M. Owens explained that only Extension of Duration applications where no substantial works were carried out had to be refused.

Item No. 4. Dept Circulars-

- Circular Letter: PL 07/2022 Solar Planning Exemptions
- NRUP 05/2022 Burial Sites
- Circular Letter PL 09/2022 Irish Water planning applications – S.I. No. 565 of 2022 Planning and Development (Amendment) (No. 2) Regulations 2022
- Circular Letter PL 08/2022 Commencement of New Provisions Relating to Judicial Reviews

Ms. O' Doherty gave a briefing on the Solar Panel Exemptions

Cllr. M. Connolly asked in relation to Circular Letter PL 09/2022 Irish Water planning applications does the CPO process have to be complete.

Mr. M. Owens said Irish Water can apply for planning permission and start the CPO process at the same time.

In relation to circular NRUP 05/2022 Burial Sites, Cllr. M. Connolly noted that there were lots of burial sites that were unmarked/half marked and enquired could something be done to protect these.

Mr. M. Owens explained that this circular was for the protection of unrecorded burials associated with institutions and we needed to be careful how we frame these objectives in our plans.

Cllr. M. Connolly enquired would there be any additional guidelines.

Mr. M. Owens said further guidelines for plans and other burial grounds that may never be excavated were needed.

Mr. M. Owens gave a brief outline of Circular Letter PL 08/2022 Commencement of New Provisions Relating to Judicial Reviews. He explained that any existing available appeal process should be used before a Judicial review is sought, except in certain circumstances but there are no guidelines on this. The courts have been given the option to revert the application back to the previous stage of the planning process.

Cllr. D. Killilea asked what happens if someone missed the appeals process.

Mr. M. Owens said each application would be taken on a case by case basis.

Item No. 5 Work programme & schedule of meetings 2023

Cllr. S. Curley proposed that the SPC meetings be held on the last Tuesday of every second month and enquired could the meetings be facilitated online.

Mr. M. Owens said the standing orders for online meetings were not ready yet.

Cllr. S. Curley set the next date for a meeting on Tuesday 31st January 2023 at 11.00am in the Council Chamber.

Cllr. D. Killilea enquired could anything further be done to educate people on the Residential Zoned Land Tax, he asked could a fact sheet on the criteria for land to be included in the RZT be circulated. He also noted that time would need to be allocated to completing Material Alterations of the County Development Plan.

Mr. M. Owens responded saying there was a FAQ document issued by the Department and this could be circulated to agents and members and that we were waiting on further guidance from the Department.

Cllr. M. Connolly said there was no point having land zoned on edges of towns where the land was being farmed and would never come to the market. He also noted that if the revenue tax is 3% on the value of lands, people are going to apply to have their lands rezoned and we will not meet our targets.

Cllr. D. Killilea noted that the RZLT was complicated as we do not know a lot in relation to it, he explained how he had met with a farmer and was going to advise him not to rezone as it may be a valuable asset in the future as he was not liable for the tax now.

He was optimistic as to whether the tax would go ahead as there was a lot of work for the Local Authorities. Cllr. M. Connolly said 5 % of farmers are only interested in farming and not concerned about the RZLT.

Mr. M. Owens said some owners may be land locked and how would we identify alternatives if people rezone and how would we distribute the population, he said we needed more clarity from the Department in relation to this.

Item No. 6 Any Other Business

Cllr. D. Killilea enquired was there anything in the standing orders in relation to attendance at meetings and would a member be replaced if they did not attend a certain number of meetings.

Mr. M. Owens explained that there was an 18% attendance requirement for Councillors, and we would revert to the Plenary Council for another nomination or back to the sector organization for another nomination to represent their sector.

Cllr. D. Killilea asked could we contact the IFA to get a new nominee to represent that sector on the SPC committee.

Cllr. S. Curley thanked everyone and wished everyone a Happy Christmas.

Meeting concluded.

