

## **COMHAIRLE CHONTAE NA GAILLIMHE**

**Minutes of the Planning, Economic Development & Community Strategic Policy Committee Meeting held in Áras an Chontae on Monday 3<sup>rd</sup> February 2014.**

### ***I LATHAIR***

**Baill:** Cllr. Michael Fahy (Chair)  
Cllr. Seán O'Tuairisg  
Cllr. Dermot Connolly  
Cllr. Peter Roche  
Mayor Liam Carroll  
Mr. Ray O' Donoghue  
Mr. David Courtney  
Mr. Justin Molloy

### **Oifigigh:**

Kevin Kelly, DOS, Planning & Sustainable Development, Industrial Relations & Community, Enterprise & Economic Development  
Catherine McConnell, SP, Planning & Sustainable Development Unit  
Damian Mitchell, SEE, Planning & Sustainable Development Unit  
Eileen Keaveney, AO, Planning & Sustainable Development Unit  
Sinead Dillon, ASO, Planning & Sustainable Development Unit

### **1. Minutes of Meeting held on 30<sup>th</sup> September 2013**

The minutes of the meeting held on the 30<sup>th</sup> September 2013 were proposed for adoption by Mr. Courtney and seconded by Mr. O'Donoghue.

### **2. Matters Arising**

No matters arising.

### **3. Programme of Works and Schedule of Meetings 2014**

Mr. Kelly outlined to the meeting the proposed work programme and meeting dates for the SPC during 2014 adding that this programme could be amended throughout the year if required.

- Review of the County Development Plan
- Review of the Local Area Plans
- Building Control
- Unfinished Housing Estates

The Chairman reminded members that there may be changes to the SPC membership after the next Local and European Elections which are to be held on 23<sup>rd</sup> May 2014.

The proposed meeting dates are as follows:

- 14<sup>th</sup> April 2014 – Monday at 2pm
- 29<sup>th</sup> September 2014 – Monday at 2pm
- 10<sup>th</sup> November 2014 – Monday at 2pm

#### **4. County Development Plan Review**

Mr. Kelly informed the meeting that the draft County Development Plan (CDP) would be made available for public consultation, if agreed by the Members at the Special Meeting of the Council to be held on Friday 14<sup>th</sup> February 2014. The public consultation process would begin approximately 2 weeks after the Special Meeting. Once on public display the public consultation process lasts for 10 weeks. The draft will then come before the Council meeting in September where members shall consider the draft and submissions, at this stage there will be an opportunity for new council members to have an input into the plan.

Mayor Carroll enquired whether or not the Managers Report would be available for consideration at the Council meeting in July.

In response Mr. Kelly informed the meeting that the date of availability of the Managers Report had not been fully decided at this stage.

The Chairman asked if the Planning SPC should make a submission to the Special Council meeting to be held on 14<sup>th</sup> February.

In reply to the Chairman Mr. Kelly suggested that the next SPC meeting in April would be the most appropriate time to make a submission as this would be within the public display time period.

Cllr. Roche enquired as to when the next Local Area Plan (LAP) for the town of Tuam would come under review.

In response Mr. Kelly stated that the Tuam LAP is in place for the time period 2011 to 2017 and the time period could be extended to 2020 if the plan is still consistent with the Core Strategy. This of course would be kept under review.

Mr. Molloy expressed his concern regarding the current debate in relation to housing market constraints and the realities of obtaining planning permission. The mistakes of the past must be considered to ensure that in whatever way possible these are not repeated, the possibility of artificially increasing the price of lands must also be taken into account.

In response Mr. Kelly stated that what can be achieved in the County Development Plan alone was limited. The current population figures are set out in the Core Strategy and previous department requirements to zone from the centre out. There could be a question over land availability in the future, the previous RPS population targets for the period 2010 to 2016 were 15,760 the new population allocation for 2015 to 2021 is just over 13,000. The Plan does not contain specific zoning as this is addressed in the individual LAPs.

Cllr. Connolly questioned if the provision of Development Charges would be addressed in the draft.

In response Mr. Kelly explained that the amendment of Development Charges was contained in a different piece of legislation and this would be reviewed in the second half of 2014.

Cllr. Connolly acknowledged that Tuam was categorised as the Hub Town for County Galway but that the town of Ballinasloe has an important economic history, in the past, manufacturing was the main industry. Is there any way to be more focused on Ballinasloe as a strategically placed town to accept development, the town has the educational facilities, the housing stock and people available to be involved in industry. It is important to highlight the benefits and attributes of Ballinasloe and encourage people and industry to the area.

In response Mr. Kelly acknowledged that in the first instance there is an increased presence for Ballinasloe in the Draft Plan and this is reflective of where Ballinasloe sits in the hierarchy. Nationally Tuam as the Hub for Galway sits higher on the hierarchy of importance. While acknowledging that Ballinasloe has been hard hit throughout the economic recession, it must be recognised that it is very difficult to attract investors to a particular area, the Draft Plan seeks to be supportive and encourage employment creation.

Cllr. Connolly highlighted the transition of Ballinasloe UDC to Galway County Council after the next Local Elections in May and while having significant Council offices in the town there could be a possible decline in local knowledge and the delivery of important services to the people of Ballinasloe.

Cllr. O'Tuairisg highlighted the importance of attracting industry to Connemara and welcomed the announcement by Rossport Pharmaceutical that 138 jobs would be created over the next 3 years in Corr na Mona at an existing facility provided by Údarás na Gaeltachta. He also welcomed the foresight of Údarás na Gaeltachta in building such facilities in areas where it may be difficult to obtain planning permission under current rules and regulation.

Cllr. O'Tuairisg questioned objective RHO 7 Renovation of existing derelict dwelling/semi ruinous dwelling

Cllr. O'Tuairisg wondered if there was much point in redeveloping certain types of buildings as in many cases throughout Connemara old dwellings have solid walls which would be very difficult to redevelop and a derelict building should be allowed to be demolished.

Cllr. O'Tuairisg also questioned the provision of the Wind Energy Strategy (WES) in particular the distance the turbines should be from houses.

In response Mr. Kelly stated that the WES will accompany the Draft Plan and was inserted by alteration to the previous plan. A Department circular has been issued to Local Authorities advising not to alter policy until the Department have issued revised guidelines. The policy with regard to replacement dwellings follows on from the previous plan where there is a clear intent for this to relate to the refurbishment of a dwelling. In many cases these types of developments are located in scenic locations and these properties need to be considered carefully.

The Chairman welcomed the regular updates being provided by South Galway OPW and the Manager of GCC in relation to the flood mitigation progress report. He expressed his concern for the families in the South Galway area where minor roads were closed due to flood waters and those homes were effectively cut off from services. He felt that a provision to bring excess water to the sea at Ballinderreen should be looked into further. He also expressed concern that it is not the recession that is hindering the progress of Gort but the fact that that 98% of traffic is using the by-pass and not entering the town. Town centres are struggling and finding it very difficult to do business, there are lots of units available but there does not seem to be enough demand. Why do certain towns attract people and what can be done to protect the small rural town?

Mr. Kelly in response stated that with regard to specific flood mitigation measures proposals would need to be inserted into the Draft Plan while also taking into account the environmental constraints associated with this process. The Draft Plan seeks to address the difficulties of small rural towns by supporting what positive actions are already in place.

The Chairman asked if a motion or resolution could be put to the Department to support town centres and increase employment.

Mr. Kelly stated we could put a motion to the Department to support town centres but with reductions in spending towns need to focus on what can make them most attractive to shoppers and visitors.

Cllr. Connolly raised concern regarding the fact that town centres are struggling and he felt that the cost of rates was a real issue for businesses, for example, where two business are operating side by side such as a betting shop and a book shop the turnover for each is completely different and their ability to take on staff is also completely different. Rates should reflect turnover rather than floor size. We should replicate things that work well in other local authorities for example in

Wicklow town there seems to be a system whereby when parking in the town centre the first hour is free and after that you pay for the time you park.

Cllr. O'Tuairisg with reference to the additions to the Record of Protected Structures (RPS) List asked if the owners of these protected structures would be informed that they are being included on the list.

Mr. Kelly explained that a huge number of structures had been identified mainly by the Department and a search would be carried out to identify the owners; a letter would then be sent to inform them of the structures inclusion on the list and as part of the public display process people could make a case for inclusion or not as the case may be but ultimately it is up to the Members to decide if they want to preserve these structures, to consider if they are of value and do they reflect our heritage.

The Chairman informed the meeting that in his experience where a roof fell in and walls become damaged a case could be made to have the structure removed.

Mr. O' Donoghue wished to support the view of the Chairman in protecting and enhancing our town centres and questioned if the Draft Plan is proactive enough for balanced development for all towns, we should support joined up thinking with consultation with the IDA and Enterprise Ireland.

Mr Kelly in response explained that it is national policy to support and encourage appropriate development, it is not envisaged that every small area has the capacity to develop an industrial estate, the Draft Plan is written in a way to achieve balanced development with a hierarchy supporting larger towns to attract larger development thus encouraging major employment into the bigger towns.

Mr. O' Donoghue agreed with the placing of towns within a hierarchy but questioned how small towns can attract people to live within them.

Mr. Kelly went on to explain the importance of aligning policy, for example supporting rural development programmes to complement what is necessary to make a town attractive and encourage people to come to those towns. Communities have a role to play too and our policies should support active community involvement in as far as possible.

The Chairman complimented the work of the Tidy Towns Committees across the County in enhancing their local towns and villages.

Mr. Molloy raised concerns with regard to the high level of development contributions attached to planning permissions in particular within the Oranmore area which he felt was causing a hindrance to future development. He also highlighted the fact that the County has large coastlines which are very attractive to tourists, and questioned if someone wants to develop a tourist industry what can be done to make this type of facility attractive and sustainable. The Draft Plan is

apparitional and can't be achieved in isolation, the infrastructure to support development is not in place, the plan should be done in consultation with a programme of works with the roads and other departments.

In response Mr. Kelly highlighted that the Draft Plan identifies the importance of our coast and supports tourist and outdoor purposes specifically. There is an issue with regard to infrastructure but the Draft Plan has been developed with our other departments and is generally supportive of increased economic development.

Mayor Carroll highlighted the €100,000 levy in place in Oranmore which is not viable for people and is a huge limiting factor for development and stressed the serious need to look at this issue. He complimented the work of the Tidy Towns committee in Oranmore and acknowledged the huge amount of work and effort involved which was all provided for on a voluntary basis. He also acknowledged that the motorway may have affected towns like Gort but also had the positive effect of getting people quickly into places of employment. The fact that Aldi and Lidl are opening stores in these towns highlights that there is a market there and this is welcomed.

Mayor Carroll also questioned if there was a provision for the Council to decide if a particular structure could be demolished. In the Oranmore area an inhabitable building with a thatch roof turning green has been included on the RPS list; this building looks dilapidated and is bringing down the tone of the area, what is the amenity value of a building like this?

In response Mr. Kelly stated that the inclusion of a particular structure depended on a number of issues.

Ms. McConnell added that the Conservation Officer would be able to expand on the merits of a particular structure, and the reasons for its inclusion on the list. The structure might show a particular conservation technique or unique building style and each would be looked at on its own merit.

Cllr. Connolly welcomed the inclusion in the Draft Plan of the Western Rail Corridor and commended the Council on the support for the opening of the remaining sections, online rail bookings are up 38% on the Limerick line, this increase shows that when there is value for money and a convenient service people will respond.

Mayor Carroll also welcomed the opening of the Oranmore Station on the 29<sup>th</sup> July last and stated that it was a great service to the people of the area.

Cllr. Roche asked why the Ball Alley in Abbeyknockmoy was put on the RPS list as it is mass concrete and this may restrict the use for the local community.

## **5. Local Area Plans**

Ms. McConnell acknowledged that there are a number of Local Area Plans (LAP) to review, at present resources are being allocated to the review of the County Development Plan. A Local Area Plan for Ballinasloe is the core priority after the transfer from an Urban District Council to a municipal district takes place.

Mayor Carroll asked if the protection of trees in Bluebell Woods was a specific objective in the Oranmore LAP and where damage occurs who was responsible.

In response Ms. McConnell stated that green areas are not maintained by the Council.

The Chairman asked if the Kinvarra and Craughwell LAP are in the programme of works for this year.

In response Ms. McConnell explained that the next LAP reviews would be undertaken for the towns of Portumna, Headford and Claregalway with the remaining areas looked into after those were complete.

## **6. Building Control**

Mr Mitchell circulated to the meeting a handout titled Update on the Building Control Regulations 2014 and provided an update of the new Building Control Regulations which come into effect on 1<sup>st</sup> March 2014.

The main changes are a process of statutory certification, lodgement of plans, mandatory inspections and validation.

The following building or works will require certification;

- Buildings and works that require a fire safety certificate
- New dwellings
- Extensions with a floor area greater than 40sq/m

The statutory certification process requires a commencement notice to be lodged on-line through a centralised website between 14 and 28 days prior to works commencing or a material change of use taking place. This on-line process now requires the lodgement of drawings showing details of compliance with the Building Regulations, a schedule of design documents, an inspection plan, a certificate of design compliance signed by the builder who will carry out the works and an assigned certifier who will inspect and certify the works.

The system allows for automatic validation unless documentation is missing or incorrect. The validated notice will go on the public register after 7 days. Where notices and documentation are submitted to the Planning Authority in written format additional administrative charges will apply.

The Building Control Authority should adopt a formal policy for the assessment and inspection of works during construction, at present there is a 15% to 20%

inspection rate. Records of assessment and inspection reports should be forwarded to the relevant builder and assigned certifier.

A draft Code of Practice for Persons Inspecting and Certifying Buildings or Works outlines the roles and responsibilities of the Assigned Certifier

The final stage is Validation and Registration whereby on completion of works a Certificate of Compliance is submitted to the BCA, along with any plans and particulars showing any amendments which may have taken place from those submitted at commencement stage and an inspection plan as implemented by the assigned certifier.

The Certificate is signed by the Assigned Certifier and the Builder confirming that the building or works have been carried out in accordance with the Building Regulations. This is then entered onto the Register before a building or works can be opened, operated or occupied.

The Regulations do not allow for any regularisation procedure, if a valid commencement notice is not on the register, then you may be unable to get a Certificate of Compliance on Completion.

Cllr. Roche raised concern that the new regulations may have a negative impact on people who have tradespeople within the family who would have been available to help out in the construction of a family home. He noted that the handout stated that a competent builder must execute the work and questioned what constitutes competency. It is a fact that we are now operating in a changing environment, where do competent local builders fit in to these regulations? This would most likely increase the already expensive costs for the construction of family dwellings for young couples. We should have a more cost effect way to the building process.

In response Mr. Mitchell explained that the designer of the building can also be the builder.

Cllr. O'Tuairisg expressed concern that there would be an increased cost of building a rural house by direct labour which would be carried out in stages due to difficulties in accessing funding as people are finding it difficult to get a mortgage. He questioned whether these regulations apply to existing buildings?

In response Mr. Mitchell explained that the new regulations are only applicable where the commencement notice is to be submitted from 1<sup>st</sup> March 2014. He explained that this was in accordance with National Policy.

Mr. Molloy stated that the new regulations from an industry perspective were very welcome. This now gives recognition for the work of professional builders and the future of the building industry and added that the system will now eliminate

the shadow economy and regulate the industry. He raised concerns over the operation of the new on-line IT system.

Mr. Mitchell explained that Fingal County Council would trial the IT system on 17<sup>th</sup> February 2014, this would then be rolled out on a regional basis. The software system is centralise and similar to the NPPR system. The information is stored centrally and the decision making process will be similar across the country. While operated at a local level it will still be a uniform system. Unfortunately no funding has been put in place for public consultation.

Mr. Molloy stated that at present there is no facility for the public to distinguish between builders who meet the building standards and those who don't. He explained that the Construction Industry Federation (CIF) will administer a system of registration for competent builders. This system has been approved by the Department of Environment, Community and Local Government. To obtain a Construction Industry Register Ireland (CIRI) number builders must comply with the building regulations and an industry code of ethics, they must be tax compliant and meet health and safety regulations relating to the construction industry. Anyone on this register will be deemed competent and eligible to sign the undertaking on the commencement notice and Certificate of Compliance on Completion. Further details and information can be found on the website [www.ciri.ie](http://www.ciri.ie)

Cllr. Roche acknowledged that the regulations are important particularly for public buildings and large scale developments but it was bad news for people trying to build a one-off house, the individual is paying a heavy price for this as it will increase the costs,

Mr. Courtney explained that there has been little or no public consultation with regards this process and estimated that the increased costs would be approximately €5,000 to €6,000 depending on the type of development. These costs would be considered with regards the level of inspection required, the level of work involved in issuing the Certificate of Compliance on Completion. Consideration must also be given to the legal requirements involved.

The Chairman enquired if the regulations would discourage people from building new homes.

Mr Mitchell explained that the regulations apply to every building and works that requires a fire safety certificate, every new dwelling and extensions with a floor area greater than 40sq/m.

## **7. Unfinished housing estates**

Mr. Kelly explained to the meeting that the Department has secured funding in Budget 2014 for a Special Resolution Fund (SRF) to assist in addressing the legacy of unfinished housing developments. At a local level a small number of

estates have been identified where the SRF will address the outstanding issues, developers and receivers are encouraged to engage with us in relation to this process. The SRF is just one element of a complex ongoing process. We have to assess what the developer is putting in and what level of work is required to bring the estate to a taking in charge level.

The Chairman expressed his concern with the difficulties the ordinary people of Gort have to deal with everyday in estates which have been left incomplete.

Mr. Courtney added that the Building Control regulations should have been brought in 20 years ago and we may not be in the position we are today with the problems of unfinished housing developments.

The Chairperson thanked the Members for their contribution and closed the meeting.

The next SPC meeting will take place on Monday 14<sup>th</sup> April 2014 at 2pm.

**CRIOCHNAIGH AN CRUINNIÚ ANSIN.**