



Comhairle Chontae na Gaillimhe  
Galway County Council

## **COMHAIRLE CHONTAE NA GAILLIMHE**

**Minutes of the Planning, Environment, Agriculture & Emergency Services Strategic Policy Committee Meeting held on Tuesday 31<sup>st</sup> January 2023 at 11am in the Council Chamber.**

I LÁTHAIR:

Baill:

Cllr. Shane Curley, Chairperson  
Cllr. Daithí Ó Cualáin  
Aodán MacDonncha, Uasal  
Mr. Mark Green  
Cllr. Shelly Herterich Quinn

Oifigigh:

Mr. Michael Owens, Director of Services  
Ms. Valerie Loughnane, Senior Planner, Planning  
Ms. Mary Hughes, Assistant Staff Officer, Planning  
Ms. Eileen Keaveney, Administrative Officer, Planning  
Ms. Ann Dolan, Senior Executive Scientist, Environment

### **Item No. 1 - Minutes of the meeting of the Planning, Environment, Agriculture & Emergency Services SPC dated Tuesday 29<sup>th</sup> November 2022**

The minutes of the meeting dated Tuesday 29<sup>th</sup> November 2022 were adopted on the proposal of Cllr. Daithí Ó Cualáin, seconded by Aodán MacDonncha.

**Matters arising:** None.

### **Item No. 2 Update on Residential Zoned Land Tax**

Ms. Valerie Loughnane gave an update on the RZLT, 58 submissions have been received, 14 submissions regarding rezoning, 16 rezoning requests,

The RZLT will be going on public display on 1<sup>st</sup> May 2023 with supplementary maps attached.

Cllr. Ó Cualáin enquired could further submissions be made.

Ms. Loughnane replied saying no further submissions could be made, only zoning requests to be dealt with later in the process.

### **Item No. 3 Tuam LAP**

Ms. Loughnane gave an overview of the Tuam LAP, the plan was presented to Tuam MD before Christmas , and it will be going on public display shortly for a period of six weeks, a CEO report will then be completed and presented to the members at the Tuam MD meeting.

Cllr. Curley asked did the Tuam LAP include Traffic Management and speed limit reviews as there is so much danger on our roads.

Ms. Loughnane responded saying that Traffic Management and speed limit reviews are in the remit of the Infrastructure and Operations Directorate and that the policy objectives relating to these would be inserted into the LAP for traffic management.

Cllr. Curley asked that the two directorates work together in relation to traffic management.

Ms. Loughnane responded saying they were working together on the Local Transport Plan.

### **Item No. 4. New Planning and Development Bill - Outline to the Proposed Planning and Development Bill (prepared by DHLGH)**

Mr. Owens gave an overview on the main provisions in the Bill which will be:

- Strengthened legal status for Ministerial guidelines: Ministerial guidelines and policy directives will be upgraded to 'National Planning Policy Statements' and 'National Planning Policy Guidance'. These will be approved by Government. Alignment of other planning documents with these will be mandatory.
- Amended focus and lifespan of Local Development Plans: these will be extended from six years to ten years, with a review after Year 5. Plans will be more strategic in nature. They will give a strong sense of what is being planned for particularly areas before any planning applications emerge. This will help ensure that public engagement and major local debate is focused on the plan-making rather than planning application stage. Local Area Plans will be replaced by specific types of area-based plans to meet needs (Urban Area Plans; Priority Area Plans; Joint Area Plans; Strategic Development Zones/Urban Development Zones).
- Statutory mandatory timelines for all consent processes, including An Bord Pleanála (ABP) decisions, to bring certainty to the planning consent process: timelines are being introduced for

appeals and consents applications made to ABP (including Strategic Infrastructure Developments). Where ABP fails to make decisions with these timelines, it will be subject to fines. The exact timelines will be included in the finalised Bill. It is intended that the timelines for ABP will be introduced on a phased basis, starting with those for Strategic Infrastructure Developments (including energy projects).

- Changes to Judicial Reviews (JRs) of planning decisions: there will be timelines for various steps in the Judicial Review process. ABP will be able to correct an error of fact or law in a planning decision and will be able to apply for a stay on the determination of JR proceedings whilst making such corrections. The Bill will bring clarity to the role of different parties in accessing justice. In the case of applications for JRs by an organisation, these will have to be taken by an individual or individuals.
- A re-structuring of An Bord Pleanála (ABP) : the agency will be re-named An Coimisiún Pleanála and its decision-making and governance structures separated. It will consist of Planning Commissioners (consisting of a Chief Planning Commissioner and up to 14 full-time Planning Commissioners), who will replace the Chairperson and Board Member roles. A new Governing Executive (led by a Chief Executive) will be responsible for the organisation's governance and organisation. The draft Planning and Development Bill 2022, when enacted, will bring greater clarity, consistency, and certainty to how planning decisions are made.

Cllr. Herterich Quinn said these were positive steps as many projects were being delayed by timelines not being met by ABP and asked where we can find these timelines.

Mr. Owens said that ABP have timelines that can be extended at their discretion and that these new changes will introduce statutory timelines.

Cllr. Herterich Quinn asked where the funding for these fines that may be imposed on ABP will be sourced.

Mr. Owens responded saying that ABP would have a funding stream from their fees for appeals.

Mr. Green asked was there going to be a restructuring of the Enforcement Sections of Local Authorities.

Mr. Owens explained that Local Authorities would still have a role in enforcement, and that some elements would have a regional approach, quarries are one of the areas that may move to regional level.

Mr. Green noted it was a very good idea to extend the life of the County Development Plan to 10years.

Cllr. Curley agreed that is was a positive step to extend the life of the plan to 10 years. He also asked where the money would be used from ABP fines and could we receive extra funding for Local Authorities.

Mr. Owens said under resourcing of Planning has been raised, and that there is a budget of €5 million for the whole country for 2023 and we must wait for Galway County Councils allocation.

### **Item No. 5. New Online Resource Explaining the Three Key Stages in the Planning Application Process using Animated Explainer Videos and Flowcharts**

Mr. Owens said the OPR has just launched a new online resource to provide easy access to information on the three key stages of the planning application process.

These stages are identified as the 'Pre-Application Consultation' stage, the 'Planning Application' stage and the 'Planning Decisions and Appeals' stage.

This new resource is entitled 'The Planning Process' and contains animated explainer videos, flowcharts, links to planning authority online resources and planning leaflets.

The resource has been designed and developed to help prospective applicants for planning permission to navigate their way through the planning application process, it will prove to be a useful tool for planning authorities when dealing with queries from people who want to learn more about what is involved in preparing and submitting a planning application and the timelines and processes involved from the project inception stage to the decisions/appeals stage.

Mr. Owens also noted that Galway County Council has a link to the resources available on our social media platform.

Cllr. Herterich Quinn asked was there a link for this.

Mr. Owens said the link was available on the OPR website and Galway County Councils twitter page.

Cllr. Curley thanked Mr. Owens and asked had Galway County Council an Instagram account, Mr. Owens replied no and Cllr. Curley said we should have one as most under 35's use this method of social media.

Cllr. Herterich Quinn asked could we use Tik Tok, Cllr. Curley said probably not as we were a public body.

Mr. Greene queried whether the whole process with the County Development plan been concluded.

Mr. Owens replied that the ministerial directions have been considered and the process is finalized.

### **Item No.6. Online briefing session for local authorities on Land Fund and new planning measures for LA housing developments**

Mr. Owens gave an outline of these new planning measures for LA housing developments.

- Introduction of temporary time-bound provisions to facilitate accelerated delivery of social and affordable housing

- Section 179 of Planning Act outlines the Part 8 planning approval process for specified local authority “own development” proposals
- Amendment to section 179 to provide that Part 8 approval process shall apply to local authority own development except for development covered by new section 179A
- In effect, new section 179A temporarily dis-applies the section 179 Part 8 planning approval process for LA housing developments in strictly defined circumstances
- Criteria to be satisfied to avail of exemption:
  - the land is owned by the local authority or a specified State body
  - the land is zoned for residential development
  - the proposed development does not materially contravene the development plan or local area plan for the area
  - the proposed development is in accordance with the local authority’s housing strategy
  - the land is serviced, or will be serviced, with the necessary supporting infrastructure and facilities within the timeframe of the development
  - the proposed development is not required to undergo environmental impact assessment under EIA Directive or appropriate assessment under Habitats Directive
  - Chief Executive to provide plans and particulars of proposed development to elected members, as well as give public notice and enable public inspection of plans
  - Development works to be commenced by no later than 31 December 2024

Where any of criteria are not satisfied, normal Part 8 process applies.

#### **Item No. 7. Section 254 Licences - ‘No-Smoking’ Condition**

Mr. Owens explained that the volume of Section 254 applications for licences had increased and ASH Ireland had asked that we include in the process that these areas granted a Section 254 licence would be No- Smoking areas.

Mr. Greene suggested we introduce this on a pilot basis.

Cllr. Curley proposed we pilot it for 6 weeks.

Cllr. Herterich Quinn was concerned of the impact it would have on the business of the premises and agreed a pilot would be good.

Cllr. O’ Cuailin said he was concerned about the impact it would have and said six weeks was not long enough for the pilot.

Mr. Owens explained that the no-smoking condition would have to be linked to the duration of the licence and it would not be feasible to have a six-week pilot.

Cllr. Curley proposed that it would be added to the agenda for the Plenary Council Meeting.

Cllr. Herterich Quinn said she would personally like to see no smoking anywhere and welcomes this representation.

Mr. MacDonncha said a pilot would be a good idea.

Ms. Loughnane said that we rarely get Section 254 applications for outside pubs in the evenings /nights and that we would usually have a condition to remove the outdoor seating by 6pm.

Cllr. Herterich Quinn stated that this was a great point and it may not apply to the nighttime economy.

Cllr. Curley said we should bring this item to the Plenary Council.

Cllr. O' Cualain enquired as to how many Section 254 licenses we receive.

Ms. Loughnane replied that we receive a large volume of applications as they are for broadband, telecommunications, restaurants, and coffee shops as well.

#### **Item No. 8. Department Circulars.**

Cllr. Curley said that these circulars were circulated to the members of the committee and that the contents were noted by the members.

#### **Item No. 9. Correspondence**

Reply to Motion from Planning SPC - Laws on cats.

Cllr. Curley stated that as Cllr. Connolly was not present this item would be dealt with at the next meeting.

#### **Item No. 10 Any other business**

Cllr. Herterich Quinn enquired was there merit in informing the inhabitants of towns and villages of the zoning in their towns in relation to Local Area Plans and knowing about the zoning matrix for their areas and how to go about changing the zonings.

Mr. Owens explained that engagement in person takes place in each town, and we can host webinars to include zoning if members see benefit in going through the zoning we can do so at the next meeting.

Cllr. Herterich Quinn proposed we discuss the zoning matrix at the next SPC meeting, Cllr. Curley seconded this.

Cllr. Curley set the date for the next meeting on Tuesday 21<sup>st</sup> March at 11am

Cllr. Curley noted that there were huge fees for well tests and could we have a briefing on Flood Risk Assessment for the next meeting.

**Meeting concluded**