

Notes on Planning SPC Meeting on the 12th October 2022 (a hybrid meeting)

Present:

Cllr Peter Keane (Chair), Cllr Michael J. Crowe,
Cllr Frank Fahy (online – left meeting at 09:30), Cllr Imelda Byrne? (online), Cllr Owen Hanley
(online), Cllr Niall McNelis (online - joined late)

Derrick Hambleton, Brendan Mulligan

In attendance:

Patricia Philbin, Director of Services, Caroline Phelan, Senior Planner, Helen Coleman, Senior
Executive Planner, Liam Blake, Senior Executive Planner

Peter Staunton, Executive Planner (online), Maura Harrington, Executive Planner (online)

Apologies

Betsy Boland, Galway Chamber (recently appointed to the Planning SPC).

Meeting started at 8:40am.

1. Minutes and matters arising

The minutes were adopted.

Matters of accuracy

B. Mulligan observed that the proposed provisional date, 13th September, for a meeting with the
County Planning SPC was not recorded in the minutes.

Cllr F. Fahy noted that Terryland Castle is being incorrectly referred to as Tirellan Castle.

Matters Arising

B. Mulligan raised the following matters:

Item 1 - Recruitment of additional staff to tackle of Short-Term Lettings

Patricia Philbin, Director of Services, responded that a number of administrative staff had been
recruited and that additional technical staff will be recruited.

Item 2 – Date for a Joint Meeting with County SPC to discuss common interests in the Galway MASP

Patricia Philbin responded that the NWRA has secured a researcher to work on the MASP
and she expected there would be a joint meeting of the City and County Planning SPCs in
November.

Item 5 – Why was there no meeting of the Planning SPC in September to discuss the proposed
material alterations (to the GCDP 2023-2029)?

Patricia Philbin responded that it had not been possible to find a suitable date.

B. Mulligan observed that the Planning SPC has been afforded no opportunity to have an
input during the development plan process

Item 8 - Why are the items proposed for inclusion on the Agenda not on the Agenda?

Patricia Philbin enquired what those items were – B. Mulligan referred her to the minutes of the previous meeting. Patricia Philbin said something to the effect that it was a matter of sufficient time being available. She said she would review the process for selecting items for the Agenda for meetings.

2. Update on Draft City Development Plan

Helen Coleman, Senior Executive Planner, gave an update on the process which is approaching the end of the 99-week schedule. See the copy of the presentation circulated after the meeting.

The 108 submissions following the Public Consultation, which closed on the 6th October, are being reviewed and the Chief Executive's Report is being prepared which is expected to be issued to Councillors before the end of this month. A Council Meeting to consider the CE's Report is provisionally scheduled for the 21st November. It is expected that the GCDP 2023-2029 will be adopted in December and will come into effect 3 weeks later in early January 2023. Helen Coleman explained that there may be submissions/directions from the Office of the Planning Regulator. Any sections affected by such submissions/directions will not come into effect in January.

D. Hambleton enquired if the CE's Report will be circulated to the Planning SPC members – the answer was no.

D. Hambleton and B. Mulligan complained that the Planning SPC has been afforded no opportunity to input into the development plan process from start to finish. The efforts of members of the Planning SPC to enable it to have an input into the development plan process have been deliberately frustrated at every turn. The Chair suggested having a Planning SPC meeting between the 31st October and 21st November to give the Planning SPC an opportunity to have an input at this stage. Helen Coleman and Caroline Phelan explained that once the public consultation closed on the 6th October the statutory process does not allow for any such input. The Chair then proposed holding a meeting before the 21st November to allow the Planning SPC "discuss" the draft development plan. This would "inform" Councillors prior to the Council meeting.

Cllr M. J. Crowe observed that the external members of the Planning SPC have had ample opportunity to input into the development plan process through their membership organisations and the public consultation process. He suggested that if the external members wanted to have a greater input they should stand for election as the Councillors do.

B. Mulligan read the following statement which he requested be recorded in the minutes of the meeting:

"At the 5th meeting of the Planning SPC in September 2020, I described it as being dysfunctional. This is its 13th meeting. The Planning SPC is a sham in that it is not what it is purported to be. Its purpose is, and I quote from the act, "to consider matters connected with the formulation, development, monitoring and review of policy which relate to the functions of the local authority and to advise the authority on those matters." [Section 48 (1) of the Local Government Act of 2001, as amended].

There has been hardly any engagement at the 13 meetings of the Planning SPC to date on policy. I am calling it out for what it is – a sham."

Cllr M. J. Crowe objected to B. Mulligan's description of the Planning SPC as a sham and stated that the Council is obliged to follow the statutory process. Patricia Philbin also referred to the statutory process.

The Chair undertook to hold a Planning SPC meeting before the 21st November to "discuss" the draft development plan.

3. Large-scale Housing Developments

Liam Blake, Senior Executive Planner, gave a presentation on the Large-scale Housing Developments legislation which will replace the Strategic Housing Development (SHD) legislation. See the copy of the presentation circulated after the meeting.

B. Mulligan enquired if there were any implications for staffing and if the staff resources are adequate. Liam Blake was of the opinion that there are no significant staff implications over and above the SHD process. Caroline Phelan agreed and said that after the first stage the process under the Large-scale Housing Development process is similar to that under the SHD process.

Patricia Philbin said that 3 additional administrative staff have already been recruited. It is proposed to seek sanction from the Department to recruit an additional 7 technical staff.

Cllr O. Hanley enquired if there were provisions for Social and Affordable Housing in the new legislation. Liam Blake confirmed the provisions are the same as under the SHD legislation.

Cllr. Frank Fahy asked what recommendation the City Council had made to An Bord Pleanála in relation to the SHD application at Bóthar an Chóiste. Caroline Phelan responded that the City Council had recommended permission be refused.

Caroline Phelan said that 2 applications under the Large-scale Housing Development legislation are imminent.

4. Draft Heritage Plan Update

Deferred due to the unavoidable absence of the Heritage Officer.

D. Hambleton said this was regrettable given that he and Cllr Owen Hanley had been nominated as representatives of the Planning SPC to the proposed Heritage Forum in October 2021 but there have been no meetings of the Heritage Forum held to date. D Hambleton noted that Caroline Phelan had sought a nomination from the Heritage Council and was told there had been no movement.

5. Development Plans – Guidelines for Planning Authorities – July 2022

Helen Coleman, Senior Executive Planner, gave a presentation on the new guidelines which replace the 2007 guidelines. See the copy of the presentation circulated after the meeting.

As these are Section 28 guidelines the Planning Authority must have regard to them. The guidelines are welcome as they provide very comprehensive guidance on the development plan process. They include guidance on the integration of the RSES and MASP into development plans.

D. Hambleton asked if there are any implications for the draft city development plan. Helen Coleman and Caroline Phelan responded that the guidelines have been published after the development plan process had commenced in most Local Authorities in the state. The planners did have regard to the draft guidelines to some extent in the preparation of the current draft development.

D. Hambleton note the emphasis on communication with the public and PPNs. There is current guidance which is being ignored. We should be discussing policy at the Planning SPC but we are not.

6. Residential Zoned Land Tax – Guidelines for Planning Authorities – June 2022

Caroline Phelan, Senior Planner, gave a presentation on the Residential Zoned Land Tax. See the copy of the presentation circulated after the meeting.

Caroline said that this is not a body of work that the Local Authority welcomes. A draft Residential Zoned Land Map will be published in November 2022 and will be subject to public consultation.

D. Hambleton enquired if this has implications for the Ardaun LAP lands. Caroline Phelan responded that there would not be for 2023 as the lands had to be “serviced” by June of 2022. It is Irish Water that will designate what lands are “serviced” for the purpose of this tax. Ardaun is not “serviced”. Irish Water is working on servicing it (the proposed sewage attenuation tank at Merlin pumping station). The design is at an advanced stage and a pre-planning consultation has been held. Irish Water have titled the project “The Ardaun Extension”. It has to acquire some land to accommodate it. D. Hambleton responded saying that it was very likely that ten more years would pass before a brick would be laid in Ardaun.

Cllr Owen Hanley observed that it means much additional work for local authorities. He also noted that the tax rate will be 3%, which is a reduction from the 7% rate applicable under the Vacant Sites legislation. He enquired if there is any estimate of the number of sites to which it will apply. Caroline Phelan responded that the tax will apply to the area of the sites concerned, based on the Residential Zoned Land Map, not the number of sites.

Cllr Peter Keane enquired when it will commence and when the tax is likely to be levied. Caroline Phelan said that the legislation has already been effectively commenced. Once the public consultation on the draft Residential Zoned Land Map has been completed a final map will be published which will be the basis on which the tax will be levied.

Cllr M. J. Crowe thanked the Fianna Fáil Minister, Darragh O’Brien, for introducing this tax.

7. Agenda Items for next meeting

Cllr Crowe requested again that on-street Utility Boxes (ESB) be on the agenda and gave instances where additional utility boxes have appeared recently.

Cllr N. McNelis requested it include an update on the proposed flood defences.

B. Mulligan asked for the following to be included on the agenda:

- An update on Short-Term Lettings
- An update on the LDA national priority sites for housing at the Dyke Road Car Park and Sandy Road Regeneration Sites.
- An update on the current position in relation to Vacant Site Levies
- Work Programme for 2023

8. Any other Business

B. Mulligan congratulated Emmet Humphreys, Senior Executive Architect, who last Friday hosted an excellent event and workshop on a 'Galway Charter for Sustainable Urbanism' as part of the Architecture at the Edge Festival. A number of his City Council colleagues also participated in it contributing to making it a very worthwhile event. He was very pleased to see the Director of Services there.

Cllr Owen Hanley welcomed the extension of the exemptions in relation to solar panels on the roofs of buildings and asked that the Executive come back with proposals as to how it might drive the installation of solar panels on roofs. D. Hambleton asked for clarification in relation to their deployment on the roofs of Protected Structures and in Architectural Conservation Areas.

B. Mulligan acknowledged the Chair's good intentions in suggesting the next Planning SPC meeting be held prior to the Council Meeting scheduled for 21st November to at least give the SPC an opportunity to "discuss" the draft development plan, prior to the Council considering the proposed material alterations, even though the Planning SPC could not then make a submission.

Date for Next Meeting

The Chair proposed that the next meeting be held some Tuesday morning between the 31st October and the 21st November. Holding a joint meeting with the County SPC on the same date will also be considered.

The meeting closed at 10:00am.

Derrick Hambleton

GCCN Representative

Brendan Mulligan

GCCN Representative