

COMHAIRLE CHONTAE NA GAILLIMHE
MINUTES OF DEFERRED REMOTE COUNCIL MEETING OF
GALWAY COUNTY COUNCIL

Monday 13th December 2021 via Microsoft Teams

CATHAOIRLEACH: Cllr. Peter Keaveney
Cathaoirleach of the County of Galway

Baill: Comh./Cllr. T Broderick, J. Byrne,
L. Carroll, J. Charity, D. Collins, D. Connolly, M. Connolly,
G. Cronnelly, D. Ó Cualáin, J. Cuddy, S. Curley, T. Ó
Curraoin, A. Dolan, G. Donohue, G. Finnerty; D.
Geraghty, S. Herterich Quinn, M. Hoade, C. Keaveney,
D. Kelly, D. Killilea, M. Kinane, G. King, M. Maher, E.
Mannion, J. McClearn, K. McHugh Farag, A. McKinstry,
P.J. Murphy, Dr. E. Francis Parsons, A. Reddington, P.
Roche, J. Sheridan, N. Thomas, S. Walsh and T. Welby.

Apologies: Comh./Cllr. I. Canning, P. Mac an Iomaire

Oifigh: Mr. J. Cullen, Chief Executive, Mr. L. Hanrahan,
Director of Services, Mr. M. Owens, Director of
Services, Ms. J. Brann, Meetings Administrator, Ms. V.
Loughnane, Senior Planner, Mr. B. Dunne, A/Senior
Executive Planner, Mr. B. Corcoran, Executive
Planner, Ms. A. O Moore, Assistant Planner, Ms. A.
Power, Senior Staff Officer, Ms. U Ní Eidhín, Oifigeach
Gaeilge and Ms. C. Egan, Assistant Staff Officer

Mr. Owens reminded the Elected Members of the provisions of Part 15 of the Local Government Act and the Code of Conduct for Councillors that provides the Ethical Framework for local government including provision for the disclosure of pecuniary or other beneficial interests or conflicts of interest. It was again noted that Councillors must disclose at a meeting of the local authority any pecuniary or other beneficial interest or conflict of interest (of which they have actual knowledge) they or a connected person have in, or material to, any matter with which the local authority is concerned in the discharge of its functions, and which comes before the meeting. The Councillor must withdraw from the meeting after their disclosure and must not vote or take part in any discussion or consideration of the matter or seek to in any other aspect influence the decision making of the Council. Mr. Owens referred to the paragraph 7

of the Protocol for Remote Meetings of Council for the guidance on the means of making a declaration at a remote meeting.

Item No. 1: To consider the Chief Executive's Report on the Submissions received to the Draft Galway County Development Plan 2022-2028 under Part 11, Section 12(5) and (6) of the Planning and Development Act 2000 (as amended) – adjourned meeting from 10/12/2021 **3914**

Ms. Loughnane advised that the next Recommendation from OPR to be considered was Recommendation 9 – Rural Map/NPO 19.

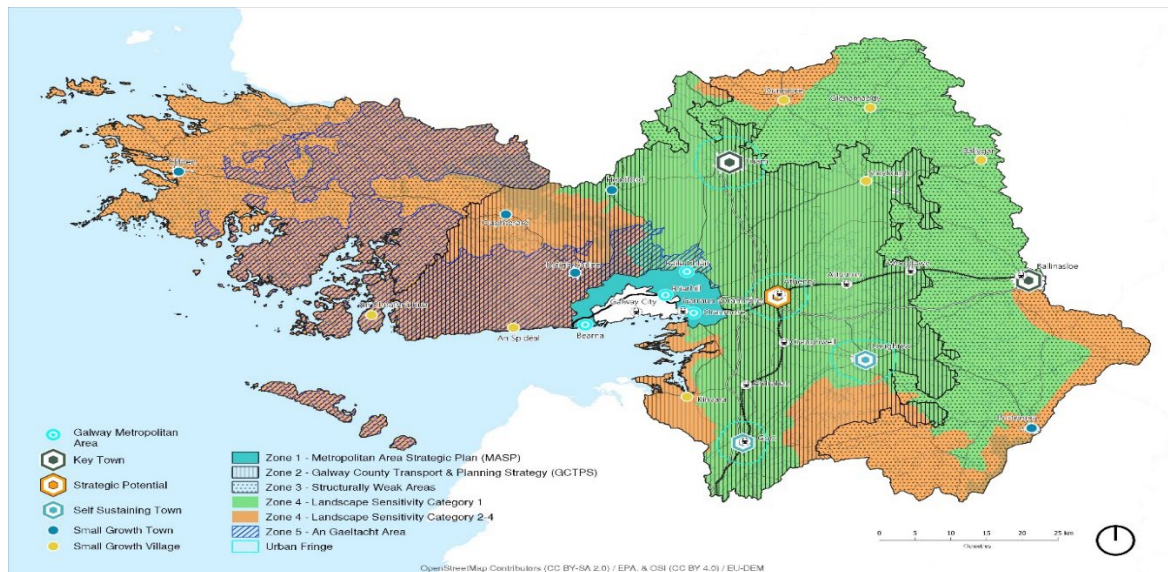
RECOMMENDATION 9 – RURAL MAP/NPO 19

Having regard to NPO 19, the planning authority is required to review, in an evidence-based approach, the rural area typologies map in respect of the area to the east of the county which maybe within the influence, or catchment, of larger settlements, such as Athlone and Nenagh. Furthermore, the influence of the rail infrastructure on the east of the county, which connects Ballinasloe not only to Galway city but to the midlands and eastern areas of the country should also be considered further.

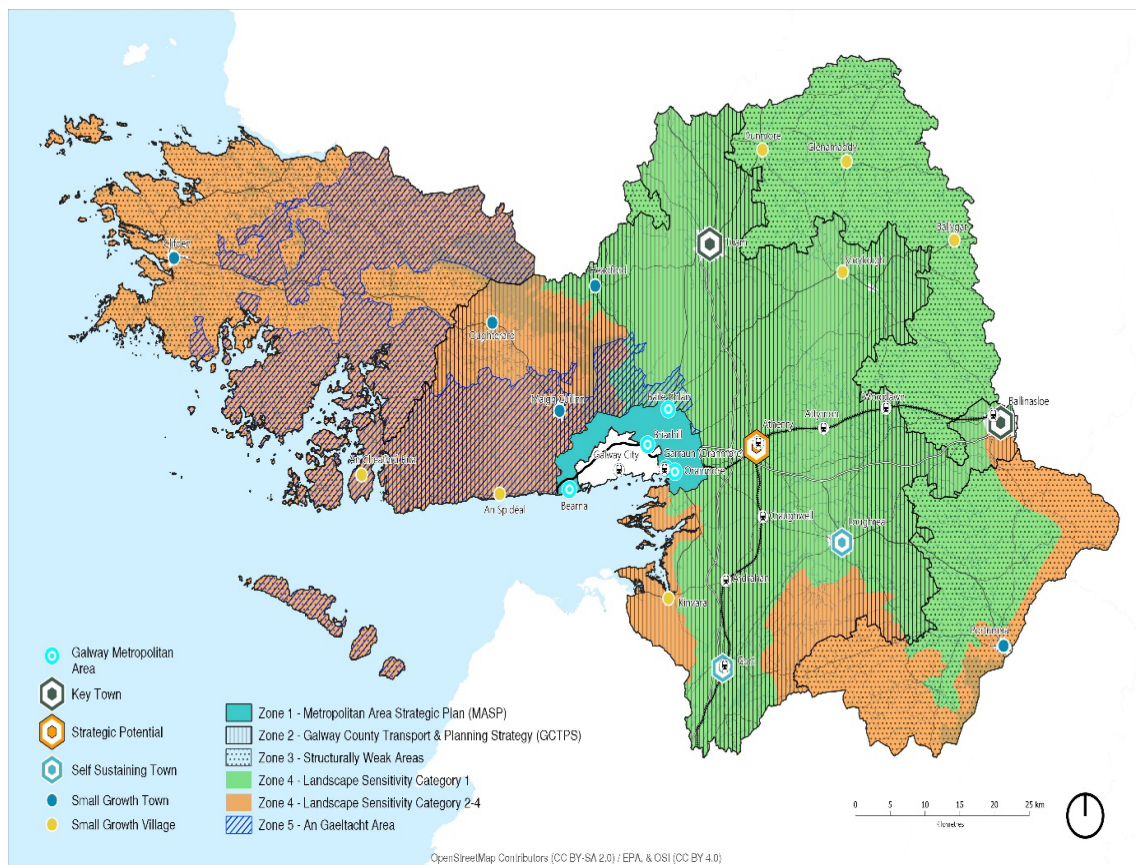
Ms. Loughnane then went through the Chief Executive's Response. She advised that the request to review the Rural Typologies Map in relation to the east of the County was noted. An analysis of the Eds were undertaken and in relation to Athlone and Nenagh there are no EDs with greater than 15% of population of these Eds to Galway or large Urban Areas. An analysis of the area between the GCTPS area as published as part of the Draft Galway County Development Plan 2022-2028 and Ballinasloe was examined at it was noted that there were Eds with greater than 20% of population commuting outwards. It was considered prudent to amend the Rural Typologies Map to reflect this outward commuting and in line with NPO 19. The Rural Typologies Map with amendments reflected this.

Ms. Loughnane then went through the Chief Executive's Recommendation to amend the Rural Typologies Map as follows:

From:



To:



Ms. Loughnane explained that map on Page 32 of report was in accordance with OPR recommendation. She advised that this was discussed previously during Draft Plan process and the OPR have made a recommendation on the matter to reflect NPO 19 and consider adjoining local authorities in terms of commuting outward. She advised that submissions in relation to GCTPS Boundary was received from Cllr. M. Connolly, Cllr. Parsons and Cllr. Hoade.

Cllr. M. Connolly proposed the following motion:

It is proposed that the current GTPS East of the County becomes the new GCTPS.

Cllr. M. Connolly stated that he was not in agreement with CE Recommendation to amend the Rural Typologies Map. He stated that the extension of the GCTPS was going deep into Ballinasloe area (including Ballinasloe town) and stated that this was a very restrictive measure. He advised that he was proposing that the current GTPS east of the County becomes the new GCTPS. He suggested that proposed extension of the GCTPS was another opportunity to prevent young couples from building houses in rural communities. He stated that he was not aware of more than 15% of the population travelling outwards from East Galway to work in these larger towns, but in any event, it was no reason to impose planning restrictions. He stated that they were already experiencing population declines in North and East Galway and the primary schools were being decimated as a result. Cllr. Broderick seconded this proposal. He described as “draconian measures” any effort to extend the areas where planning restrictions will apply under current plan. He stated that the OPR wanted to make it virtually impossible to obtain planning and therefore stop any ambitions to revitalize rural areas and small towns. Cllr. Dr. Parsons also endorsed previous comments and stated that it was a retrograde step regarding rural regeneration and took no account of those who wished to engage in remote working. She stated that it particularly ignored rail travel within this area and would inevitably block a lot of development in that area. Cllr. McClearn also supported the motion and stated that there was a total disconnect and lack of reality on the ground by OPR. Cllrs. D. Connolly, Geraghty, Killilea and Hoade agreed and supported previous speakers’ comments. Cllr. P. Keaveney concurred and fully supported and agreed with his Ballinasloe colleagues.

Cllrs. Welby, Byrne and King raised concerns in relation to the tourism/landscape sensitivity map. Cllr. Thomas advised that he had submitted a proposal wherein he was proposing that they would revert back to the old landscape sensitivity 1-5. Ms. Loughnane confirmed that Cllr. Thomas had submitted a motion as outlined above and advised that it would be dealt with in Chapter 8.

Ms. Loughnane advised that there were 3 no. submissions received on OPR Recommendation 9 which were on Pages 261 & 262 of CE Report. In relation to Cllr. M. Connolly’s submission, she advised that by reverting to old GTPS would undermine the new Transport Strategy which has a lot of good interventions in relation to improving the transport network and services within the county. Cllr. M. Connolly queried whether the Clar Map could reflect the new housing need area in terms of illustrating the declining population area. Ms. Loughnane advised that the Clar Map was very similar in extent with the revised GCTPS boundary as per the CE’s Report.

Cllr. Broderick queried how this proposal would undermine the Transport Strategy as suggested by Ms. Loughnane. Ms. Loughnane stated that the GCTPS boundary was devised on data contained within the Transport Strategy and also within the analysis undertaken by the Council. She advised that the Rural Typologies Map was evidenced based and the GTPS boundary in place was based on a boundary that was over 20 years old. She advised that funding was being actively sought from the National Transport Authority (NTA) to develop routes within the county. She stated that the Council in association with the NTA would be looking at developing routes between the larger towns and some of the smaller towns but this could not be based on an outdated strategy.

Cllr. Broderick stated that the NTA were a long way from providing any new transport routes. He further stated that the signs were not encouraging when stops were being taken off existing routes that served rural parts of the county. He made particular reference to the Bus Eireann Expressway route connecting Galway City with Dublin, which was withdrawn earlier this year, which served Craughwell, Loughrea, Aughrim and Ballinasloe. He stated that it was very hard for him as a rural politician to support this recommendation and stated that he would be supporting Cllr. M. Connolly, Cllr. Dr. Parsons & Cllr. Hoade submissions proposing that the current GTPS boundary in the current plan would be retained and carried forward in the new Plan.

Mr. Owens advised that if motion was not agreed, it would have to be decided by means of a vote. He further advised that if Motion was carried, the Members would have to outline the reason for the motion that will form the basis of reply to OPR. Cllr. Broderick queried if there were any administrative resources available within Local Authority to Members for preparation of this report to OPR. Cllr. McClearn stated that several Members had outlined their reasons already to the Meeting. Mr. Owens explained that the OPR has a statutory role and require that a report be prepared, and reasons outlined as to why Members did not accept the recommendation of the OPR and this report must be submitted within five days of completing the process of the consideration of submissions by the Members. He advised that the Forward Planning Unit were there to assist and provide clarity on any matter that the Members may require. He stated that in the event of Members taking an alternative view, the Members were best placed to outline the reasons for their decision and for not accepting the recommendation of the OPR. He advised that it was in the Members interest to provide a detailed outline of the reasons for their decision to support the case being made not to accept the recommendation and the level of detail was entirely a matter for the Members. Cllr. Byrne suggested as the Minutes were being recorded, that the Minutes be sent to OPR which would outline discussion and reasons for same. Cllr. Dr. Parsons supported this comment. Mr. Owens advised that the Minutes of Meetings would not be adopted within the timeframe for the submission of the report to the OPR. He reminded Members that the Report for OPR must be submitted within five days of completing consideration of the submissions. Cllr. Charity queried where this time requirement came from and what would be consequences be if it were not complied with. Mr. Owens stated that he could not advise as to the consequences, if any, of not meeting the requirement of submitting the report within 5 days. He confirmed that it was five days from the conclusion of the process and the CE was required to submit a report to OPR and to outline reasons where the recommendation of the OPR was not accepted by the Members. He stated that the Members were making the decision and therefore were best placed to give reasons for their decision. Cllr. M. Connolly suggested that Members could send in their reasons to accompany their motion within the next few days. In response, Mr. Owens stated that it would be more beneficial if the motion and reasons were submitted at the same time. In reply to Cllr. Parsons' query regarding submitting minutes of meeting as part of response to OPR, he advised that the Planning Minutes would have to be prepared and reviewed for approval at a meeting and this would be a significant undertaking. He advised that there was no mechanism outside of the Meetings for Members to agree the minutes and that they were obliged to complete the consideration of submissions process by 13th January 2022. He suggested that in terms of timeframe for getting through this process the best time to agree a reason for a decision was at the point and time when

the decision was being made. Cllr. McClearn queried if they could have a Special Meeting held in January to deal with this particular aspect? Cllr. Charity suggested bringing forward the date of January Plenary Meeting to 17th January. Mr. Owens advised that it was open to the Members at December Meeting to set an alternative date for January Meeting. Cllr. Welby stated that the Minutes would not reflect the reasons in its totality and suggested the Members put in a good reasoning for rejecting the OPR recommendation when submitting their motions.

As the Motion was not agreed, the Cathaoirleach called for a vote. The Vote was taken, and the following was the result:

For – 34

Cllr. Broderick	Cllr. Byrne	Cllr. Charity
Cllr. Collins	Cllr. D. Connolly	Cllr. M. Connolly
Cllr. Cronnelly	Comh. O Cualáin	Cllr. Cuddy
Cllr. Curley	Comh. O Curraoin	Cllr. Dolan
Cllr. Donohue	Cllr. Finnerty	Cllr. Geraghty
Cllr. Herterich/Quinn	Cllr. Hoade	Cllr. Kelly
Cllr. C. Keaveney	Cllr. P. Keaveney	Cllr. Killilea
Cllr. Kinane	Cllr. King	Cllr. Maher
Cllr. Mannion	Cllr. McClearn	Cllr. McHugh/Farag
Cllr. Murphy	Cllr. Parsons	Cllr. Reddington
Cllr. Roche	Cllr. Sheridan	Cllr. Thomas
Cllr. Walsh		

Against -1

Cllr. McKinstry

Abstain - 2

Cllr. Carroll

Cllr. Welby

No Reply - 2

The Cathaoirleach declared the Motion carried.

RECOMMENDATION 10 – RURAL HOUSING CRITERIA

Mr. Dunne read Recommendation 10 – Rural Housing Criteria from OPR.

Having regard to NPO15,19 and the sustainable Rural Housing Guidelines for Planning Authorities (2005), the planning authority is required to revise section 4.6.3 rural housing strategy to:

- (i) amend rural housing policies RH1 (Rural Housing Zone 1 - rural metropolitan area), policy RH2 (Rural Housing Zone 2 - areas under strong urban

influence) and RH 4 (Rural Housing Zone 4 - Landscapes classification 2, 3, and 4) to ensure that the specific criterion for consideration is linked to demonstrable social or economic 'need' (not 'links' as stated in the Draft Plan);

(ii) include the requirement to demonstrate 'substantiated rural housing need' within policy RH1 (rural metropolitan area) and parts 1(a), (c) and (d) of RH2 (areas under strong influence);

(iii) reinstate the concept of protecting the urban fringe of Gort, Loughrea, Athenry and Tuam and illustrate the relevant areas on the rural map; and

(iv) reinstate the development management criteria in RH15 in respect of backland development to narrow the qualification to one family member and to restrict this pattern of development to areas where it already an existing/historical pattern of backland or cluster development.

Chief Executive's Response:

He then went through the Chief Executive's Response in relation to the revisions requested for the Rural Housing Criteria, it is considered the following amendments are proposed as per NPO 15 and 19 of the NPF, as indicated below.

Chief Executive's Recommendation: Chapter 4 Rural Living and Development

He then outlined the Chief Executive's Recommendation as follows:

RH 1 Rural Housing Zone 1 (Rural Metropolitan Area)

It is policy objective to facilitate rural housing in this Rural Metropolitan Area subject to the following criteria: Those applicants with long standing demonstrable economic and/or social Rural Links **need*** to the area through existing and immediate family ties, seeking to develop their first home on the existing family farm holdings. **Having established a Substantiated Rural Housing Need*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management criteria.** Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies

RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure – GCTPS - Outside Rural Metropolitan Area Zone 1)

It is policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:

1(a). Those applicants with long standing demonstrable economic and/or social Rural Links **need*** to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. **Having established a Substantiated Rural Housing Need*, such persons making an application on a site within a 8km radius of their original family home will be accommodated, subject to normal development management criteria.** Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR 1(b). Those applicants who have no family lands but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links

need* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Having established a Substantiated Rural Housing Need*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management criteria **and provided the site does not encroach into the Urban Fringe* of the towns of Ballinasloe, Gort, Loughrea, Athenry or Tuam.** Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR 1(c). Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. **Having established a Substantiated Rural Housing Need*, such persons making an application on a site within a 8km radius of their original family home will be accommodated, subject to normal development management criteria.** Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR 1(d). Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. **Having established a Substantiated Rural Housing Need*, such persons making an application on a site within a 8km radius of their original family home will be accommodated, subject to normal development management criteria.** Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.

RH 4 Rural Housing Zone 4 (Landscape Classification 2,3 and 4)

Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Classification 2, 3 and 4 are required to demonstrate their demonstrable economic or social Rural Links **need** * and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area and require to establish a Substantiated Rural Housing Need*. In addition, an Applicant maybe required to submit a visual impact assessment of their development, where the proposal is in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 3 and Class 4 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

*Rural Links **need**: For the purpose of the above is defined as a person who has strong demonstrable economic or social links **need** to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life.

*Substantiated Rural Housing Need: Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

***Urban Fringe:**

Urban Fringe of Ballinasloe Gort, Loughrea, Athenry and Tuam. Applicants whose family home is within the urban fringe will be requested to establish a Substantiated Rural Housing Need and only this category of persons will be allowed to construct a dwelling in this area.

**Economic Need will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Economic Requirement in County Galway shall be taken as including persons who by the nature of their work have a functional economic need to reside in the local rural area close to their place of work. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation.

**Social Need will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Galway shall be taken as requiring living in the locality for substantiated social requirements.

RH 15 Backland Development in the open countryside

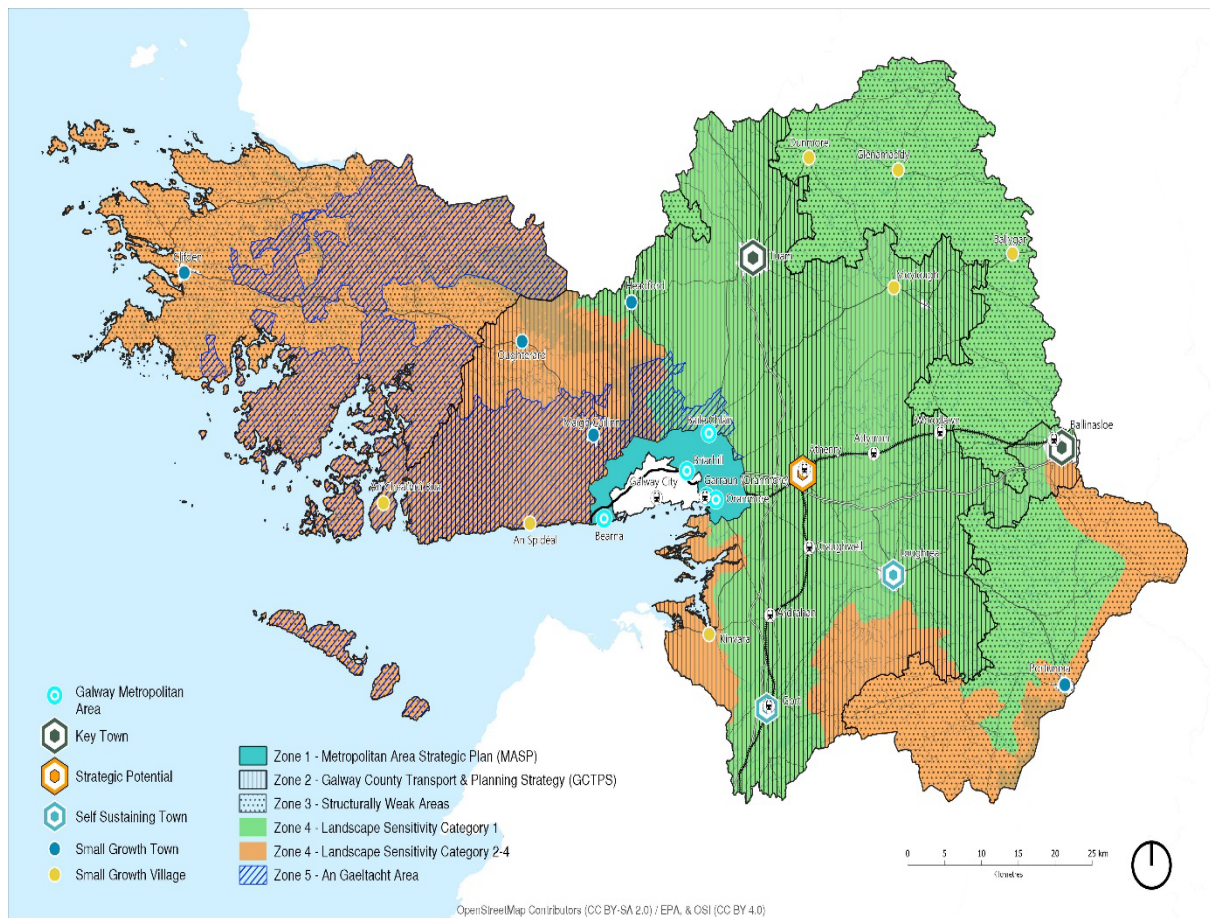
In all areas subject to the other provision of Rural Housing policy objectives considerations will be given **to an immediate family member on family lands as backland development** ~~to family members including nieces and nephews of the land owners and will not be restricted to only one immediate family member on family lands as backland development. Backland development will not be restricted to only where this pattern of development already exists.~~

~~In all areas subject to the other provision of Rural Housing policy objectives considerations will be given:~~

This is subject to the following:

- Where no alternative lands are available on the family holding;
- Where there is an existing/historical pattern of backland/cluster residential development within the rural area;
- The proposed development shall not have a negative impact on third parties/neighbouring property owners;
- Viable sites with sufficient independent percolation areas will be required in order to meet technical guidelines;
- Only one family member shall be accommodated in a backland development;
- Access shall in normal circumstances be by means of the existing entrance;
- The site must be capable of satisfying all other criteria such as separation distance

The Rural Housing Typology Map should reflect the Recommendation No. 9 and 10:



Mr. Dunne stated that it was proposed to remove the word “links” and replace with the word “need”. He stated that this would have been highlighted to the Members at the recent Workshops.

Cllr. Geraghty submitted the following Motion:

I propose to replace “Need” with “Links”. The criteria for a Social Need will be decided upon the revision of the Sustainable Rural Housing Guidelines 2005. This is reflective National Policy Objective 19 in the NPF – to show Social/Economic Need. The replacement of “Need” for “Links” appears firmer, if this is the case it would have negative implications for planning applications as it would be even more difficult to prove Social/Economic Need. This is upon interpretation or “Need” being stronger than “Links”.

Cllr. Geraghty stated that he had submitted this motion as he believed that the alternative wording would lead to a higher level of planning refusals. He stated that what had been proposed previously in Development Plan gave the impression that a

family farm had to be operating on a full-time capacity in order for a sibling to be considered for planning. He stated that the number of full-time farms in his area was dwindling and it was important to protect the rights of people who want to live in rural areas. Cllr. McClearn warned that the Council should not discriminate against rural landowners simply because they are not full-time farmers. He said that if applicants fit the planning criteria and expressed a desire to live in a rural area, then they should be accommodated.

Cllr. Welby requested clarification if the 8km radius from the family home was based solely on distance or what happens if the family home was in one parish and the applicant site was in another parish/townland? Mr. Dunne advised that the Planning Authority would be examining the substantiated rural housing need information submitted and would be determining planning applications on that basis.

In relation to Economic Need on top of Page 35, Cllrs. Mannion, Donohue and Cuddy recommended that the wording “full-time farming” be removed from this paragraph. In reply to Cllr. Donohue’s comments in relation to Urban Fringe, Mr. Dunne reminded Members that they were now dealing with Cllr. Geraghty’s motion and that Urban Fringe would be dealt with later in the Meeting. Mr. Owens reminded the Members that OPR Recommendation and NPO 19 of NPF references demonstrable economic/social need. Cllr. Byrne stated that he understood where Cllr. Geraghty was coming from but stated that the Members had to be mindful of the proposal in relation to omitting the figure for one-off rural houses from Tier 7. He stated that his concern was now the replacing of wording in NPO 19 and he reluctantly had to disagree with this proposal. In reply to Cllr. Cuddy’s query in relation to planning permission on regional roads, Ms. Loughnane again reminded the Members that they would not be able to make any significant progress on this process if they continued to move into other areas that are due for discussion at a later stage and suggested that they try to only discuss what was being proposed. She advised that Members needed to be very careful when making amendments, particularly if it contradicted NPO 19, as it may weaken their reasons for not accepting the OPR Recommendation. She suggested that the Members keep to the item being discussed and not to deviate in order make as much progress at the meeting as possible.

Cllr. Roche suggested that they leave both “need” and “links” in that policy. He stated that if someone has a link to the area, they may have a need to build a house in the area and if someone has a need, that they are not restricted from building a house there if they so wish. Cllr. Geraghty stated that he would like to include both and was happy to go with either/or. Cllr. Mannion queried whether they could include both? Cllr. McKinstry stated that in his opinion this motion would be contradicting the OPR Recommendation, and he agreed with Cllr. Byrne’s comments. He suggested that if the Members didn’t agree on limits for one off rural houses, OPR may impose a number for which they would have no say in. Cllr. Maher reminded the Members that they had to be very careful what they were putting through as if they continued in this

manner, they would completely destroy the County Development Plan. He also raised concerns at the progress of the meetings so far. Ms. Loughnane advised against going with this motion and advised that it would be very difficult for the Council to implement. She stated that it was going to be impossible to get a consistent approach to the Plan on the basis of the amendments and motions being proposed. Mr. Dunne again reminded the Members that they were dealing with Cllr. Geraghty's motion and requested that they deal with this in its entirety and not to deviate from same. He stated that the advice from the Executive on this motion was as per Chief Executive's Recommendation to change wording from "links" to "need". He stated that this had been discussed previously in Pre-Draft Meetings and Workshops and the Draft Plan reflected what the Members had wanted. However, this amendment meant that they were straying outside of that. He advised that the Development Plan needed to be consistent but the way they were going in terms of amendments meant there was going to be no certainty and consistency in the new plan.

Cllr. Thomas stated that the replacement of "links" with "need" was going to make it more restrictive in terms of planning but agreed with previous speakers in terms of being careful of the wording being used and stated that he expected that there would probably be opposition from the OPR in relation to same. In relation to OPR role regarding implementation of policies in NPF, Cllr. Welby stated that his view was that they were going to be queried on a lot of the amendments being made to this plan. He opined that this was an anti-rural plan that was based on very little planning of one-off houses being granted in rural countryside and a move towards development in settlements and villages. He stated that if it didn't happen in this plan, it would certainly be happening in the next one. He advised the Members that while this would be going out on public display again, at some stage soon in the process this would not be an option. Cllr. Byrne quoted from NPO 19 and proposed that they do not change wording and stated that he could not support the motion.

Cllr. Geraghty stated that he wished to amend his motion as follows:

<i>I propose to include "links" alongside "need" so as to facilitate the rural areas and rural people and their families.</i>

Mr. Cullen stated that when they were framing the Draft Development Plan there was tremendous engagement with Elected Members. In doing so they had prepared a plan that was forward thinking and that struck a balance between policy requirements and the needs of the public. However, he stated that this was being unpicked in this motion. He advised that it was important to note that the Members were moving into territory that that was outside the National Planning Requirements and if they continued to so it would be inevitable that they would receive direction from the Minister in relation to the Plan. He stated that it was vitally important that the Members understood this and understood the potential consequences they may be making.

As the Motion was not agreed, the Cathaoirleach called for a vote. A Vote was taken, and the following was the result:

For – 33

Cllr. Broderick	Cllr. Carroll	Cllr. Charity
Cllr. Collins	Cllr. D. Connolly	Cllr. M. Connolly
Cllr. Cronnelly	Comh. O Cualáin	Cllr. Cuddy
Cllr. Curley	Comh. O Curraoin	Cllr. Dolan
Cllr. Donohue	Cllr. Finnerty	Cllr. Geraghty
Cllr. Herterich/Quinn	Cllr. Hoade	Cllr. Kelly
Cllr. C. Keaveney	Cllr. P. Keaveney	Cllr. Killilea
Cllr. Kinane	Cllr. King	Cllr. Mannion
Cllr. McClearn	Cllr. McHugh/Farag	Cllr. Murphy
Cllr. Parsons	Cllr. Reddington	Cllr. Roche
Cllr. Sheridan	Cllr. Thomas	Cllr. Walsh

Against: 3

Cllr. Byrne	Cllr. McKinstry	Cllr. Welby
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Abstain: 0

No Reply - 3

The Cathaoirleach declared the Motion carried.

Cllr. Thomas/Walsh submitted the following Motion:

RH 1:

RH 1 Rural Housing Zone 1(Rural Metropolitan Area)

It is policy objective to facilitate rural housing in this Rural Metropolitan Area subject to the following criteria:

~~Those applicants with long standing demonstrable economic and/or social Rural Links* to the area through existing and immediate family ties, seeking to develop their first home on the existing family farm holdings.~~

Applicants who have long standing demonstrable economic and/or social Rural Links to the area, i.e. who have grown up in the area, schooled in the area or who have spent a substantial, continuous part of their lives in the area and/or have or have had, immediate family connections in the area e.g. son or daughter of longstanding residents of the area seeking to develop their first home within the Rural Metropolitan Area. Applicants will be requested to establish a substantiated Rural Housing Need and only this category of persons will be allowed to construct a dwelling on a greenfield site in these areas.

To have lived in the area for a continuous ten years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case-by-case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

RH2: Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1)

It is a policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:

1(a). Those applicants with long standing demonstrable economic and/or social Rural Links* to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. **Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands.** Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(b). Those applicants who have no family lands, **or access to family lands,** but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Having established a Substantiated Rural Housing Need*, such persons making an application on a site within an 8km. radius of their original family home will be accommodated, subject to normal development management.

To have lived in the area for a continuous ten years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

1(c). Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(d). Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their

permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.

OR

1(e). Where applicants can supply, legal witness or land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.

OR

1.(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations

OR

1(g) Rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages. They have no possibility of finding a site within the particular Rural Village. Rural Village dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.

2. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

Definitions applied above:

***Rural Links:**

For the purpose of the above is defined as a person who has strong demonstrable economic or social links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. To have lived in the area for a continuous ten years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

***Substantiated Rural Housing Need:**

Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

***Urban generated housing demand Rural Village Dwellers**

Urban generated housing is defined as housing in rural locations sought by people living and working in urban areas, including second homes. There are many rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages.

They have no possibility of finding a site within the particular Rural Village. Rural Village dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.

***Urban Fringe:**

Urban Fringe of Gort, Loughrea, Athenry and Tuam. Applicants in the urban fringe will be requested to establish a Substantiated Rural Housing Need as per RH2

RH 3 Rural Housing Zone 3 (Structurally Weak Areas)

It is a policy objective of the Council to facilitate the development of individual houses, **without the requirement to demonstrate Rural Housing Need**, in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards outlined in Chapter 15 and other applicable standards with the exception of those lands contained in Landscape Classification 2, 3 and 4 where objective RH 4 applies.

RH 5 Rural Housing Zone 5 (An Ghaeltacht)

It is a policy objective of the Council to facilitate Rural Housing in the open countryside subject to the following criteria:

(a) Those applicants within An Ghaeltacht which are located in Zone 1 (Rural Metropolitan Area) and Zone 2 (The Rural Area Under Strong Urban Pressure-GCTPS) and Zone 4 (Landscape Sensitivity) shall comply with the policy objectives contained in RH 1, RH 2 and RH 4 as appropriate.

(b) It is a policy objective of the Council that consideration will be given to Irish speakers who can provide their ~~competence to speak Irish in accordance with Galway County Council's requirements and who can demonstrate their ability to be a long term asset to the traditional, cultural and language networks of vibrant Gaeltacht communities~~ **competency in Irish to the satisfaction of the Planning Authority and can demonstrate that they by living in the area will contribute positively to keeping the Irish language alive. Such a long term asset to the language in vibrant Gaeltacht Communities should be encouraged to remain living in the Gaeltacht.** This consideration will apply to applicants seeking to provide their principal permanent residence, in landscape designations Class 1 and 2, ~~It will extend into Class 3 areas that are not in prominent scenic locations. This consideration will not apply to applicants seeking to build in Zone 1 (Rural Metropolitan Area)~~ **and Class 3 & 4 areas and ZONE 2 Rural Areas that are not in overly prominent scenic locations.** This consideration will not apply to applicants seeking to build in Zone 1 (Rural Metropolitan Area).

(c) Building Conversions and Dwelling House Extensions in Gaeltacht Areas

It is an objective of the Council that building conversions and extensions to existing Dwelling Houses in Gaeltacht areas will be favourably considered for the purposes of advancing Gaeltacht Tourism and Gaeltacht Colleges provided the need is substantiated and the development complies with the requirements of the EPA Code

of Practice Manual 2009 or any superseding wastewater manual. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

A Language Enurement of 15 years duration will apply to approved developments in this category

RH 4 Rural Housing in Zone 4 (Landscape Classification 2, 3 and 4)

Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Classification 2, 3 and 4 are required to demonstrate their demonstrable economic or social Rural Links* ~~and where they have spent a substantial, continuous part of their lives i.e have grown up in the area, schooled in the area and have immediate family connections in the area e.g son or daughter of longstanding residents of the area and require to establish a Substantiated Rural Housing Need*~~ as per RH 2, i.e.

1(a) Those applicants with long standing demonstrable economic and/or social Rural Links* to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assess on a case by case basis.

OR

1(b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic and/or social Rural Links* and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have or have had, immediate family connections in the area e.g. son or daughter of the longstanding residents of the area.

Having established a Substantial Rural Housing Need*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.

To have lived in the area for a continuous ten years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to

the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.

OR

1(e) Where applicants can supply land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.

OR

1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations.

In addition, an Applicant may be required to submit a visual impact assessment of their development, where the proposal is in an area identified as "Focal Points/Views" in the Landscape Character Assessment of the County or in Class 3 and Class 4 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

RH 5 Rural Housing Zone 5 (An Ghaeltacht)

It is a policy objective of the Council to facilitate Rural Housing in the open countryside subject to the following criteria:

(a) Those applicants within An Ghaeltacht which are located in Zone 1 (Rural Metropolitan Area) and Zone 2 (The Rural Area Under Strong Urban Pressure-GCTPS) and Zone 4 (Landscape Sensitivity) shall comply with the policy objectives contained in RH 1, RH 2 and RH 4 as appropriate.

(b) It is a policy objective of the Council that consideration will be given to Irish speakers who can provide their ~~competence to speak Irish in accordance with Galway County Council's requirements and who can demonstrate their ability to be a long term asset to the traditional, cultural and language networks of vibrant Gaeltacht communities~~ **competency in Irish to the satisfaction of the Planning Authority and can demonstrate that they by living in the area will contribute positively to keeping the Irish language alive. Such a long term asset to the language in vibrant Gaeltacht Communities should be encouraged to remain living in the Gaeltacht.** This consideration will apply to applicants seeking to provide their principal permanent residence, in landscape designations Class 1 and 2, ~~It will extend into Class 3 areas that are not in prominent scenic locations. This consideration will not apply to applicants seeking to build in Zone 1 (Rural Metropolitan Area)~~ **and Class 3 & 4 areas and ZONE 2 Rural Areas that are not in overly prominent scenic locations.** This consideration will not apply to applicants seeking to build in Zone 1 (Rural Metropolitan Area).

(c) Building Conversions and Dwelling House Extensions in Gaeltacht Areas

It is an objective of the Council that building conversions and extensions to existing Dwelling Houses in Gaeltacht areas will be favourably considered for the purposes of advancing Gaeltacht Tourism and Gaeltacht Colleges provided the need is substantiated and the development complies with the requirements of the EPA Code

of Practice Manual 2009 or any superseding wastewater manual. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

RH 6 Replacement Dwelling

It is a policy objective of the Council that the refurbishment of existing habitable dwelling houses would be encouraged as a more sustainable option than the demolition and construction of a new dwelling house, unless a conclusive case for demolition based on technical evidence is made for the Planning Authority's consideration on a case by case basis, where practical.

It will be a requirement that any new dwelling house be designed in accordance with Galway County Council's Design Guidelines for Rural Housing in the countryside. If an application for demolition and rebuild is based on technical evidence proving the practicality of the total removal of an existing inferior structure, the Planning Authority will require that the new replacement dwelling house be designed in accordance with Galway County Council's Design Guidelines for Rural Housing in the countryside.

Applicants, who require the demolition and replacement new build of an existing family home shall be accommodated without the requirement to establish a Housing Need and will not be subject to an enurement clause.

RH 7 Renovation of Existing Derelict Dwelling

It is a policy objective of the Council that proposals to renovate, restore, modify or replace existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case-by-case basis, having regard to the relevant policy objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards.

To qualify under this policy, the structure must have the majority of its original features in place in order to demonstrate its authenticity as having been a dwelling previously. In the case for renovation, the derelict/semi derelict dwelling must be structurally sufficiently sound and have the capacity to be renovated or extended and have the majority of its original features in place to a standard compliant with good Building Practice and the current National Building Regulations. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling on Structural Safety or Building Regulations. In this case where the renovation of the existing derelict/semi derelict dwelling is proposed, an Enurement Clause will not apply to the renovated building. In the case where demolition, and replacement of the existing derelict or semi-derelict dwelling is required, a structural report must be prepared to demonstrate to the Planning Authority that this is the least expensive and more sustainable option. Where the total demolition and replacement of the existing derelict/semi derelict dwelling is proposed, an Enurement Clause for seven years duration will apply.

A Language Enurement of 15 years duration will apply to approved developments in this category

Referring to motion submitted, Mr. Dunne stated that it appeared to have deleted wording from Draft Plan Stage and amended it in its totality and asked for clarification on same. He queried what text he was proposing to delete when substituting with text

in red and explained that it needed to be clear to the Meeting what was being proposed in the motion. Ms. Loughnane stated that the wording of this motion would mean opening it up to a large cohort of people and it may mean that those looking for planning permission who need to live on farms may lose out towards the latter stages of the period of the plan. Mr. Dunne advised against this proposal and stated they wanted to give a balanced and measured expectation to policy objectives. He advised that it was contrary to NPO 19 and was not appropriate to go with this wording. Ms. Loughnane again sought clarification from Cllr. Thomas on the wording of Motion and advised the Members of the importance of consistency when making a case for planning permission. She stated that the policy objective needed to be clear and concise, and this was not the case with the wording of this motion as she had difficulty in understanding what this policy was saying. In reply, Cllr. Thomas stated that the new MASP area was very restrictive, and it was not fair to exclude people from getting planning permission, particularly farming families and those who had strong family links. Ms. Loughnane noted that there was no mention of farm families in the motion. Mr. Dunne explained that this was dismantling the policy objective that went out on public display and that wording of new motion was very inconsistent and unclear. He advised that it had been suggested to Members previously to submit wording of proposal/motions in advance of Meetings which allows the best use of time at the meetings. He suggested that he could advise and assist on wording with Cllr. Thomas outside of meeting if he so wished.

Cllr. Walsh explained that they did not want people in the MASP area ruled out for planning permission because they were not farm families. They wanted to ensure that local people who were reared and live in the area were not being denied the chance of building in their area. He acknowledged that they did not want a free for all in terms of planning grants either. He stated that they had suggested a period of 10 years for the purpose of proving how genuine applicants were. He stated that there was no ambiguity in what they were putting forward. Ms. Loughnane stated that she did not get to view this comprehensive submission in advance of the meeting, and it was difficult to make out what was being proposed. Cllr. Walsh stated that the terminology was cut and pasted out from the existing plan. He asked the Members to vote on the motion.

Cllr. Maher again reminded the Members to be very careful when voting on motions and the implications it may have on the overall plan. He stated that they were going against what was being advised by the Executive and suggested they needed more clarity on it before taking a vote. He advised that Loughrea Municipal Area Meeting was taking place at 2.30 p.m. in Loughrea, and those Members would have to leave the meeting now. He suggested that the Members do not have any other votes until the reconvened meeting takes place.

Cllr. Byrne proposed they vote on the motion and move on. Cllr. Welby queried what paperwork was required to prove that you were continuously living in an area and how

would you prove it. He stated that this was an unworkable policy and not a policy that he could support.

Mr. Owens stated that they had provided the Members with the CE Recommendation in relation to this matter and the clear advice from the Executive on the matter and it was now a matter for Members to decide.

Cllr. McClearn stated that he too was going to Loughrea Municipal Meeting at 2.30 p.m. and seconded Cllr. Maher's motion to defer vote until next meeting. Mr. Owens suggested that the matter can be deferred to the start of next the meeting.

It was agreed by the Members to defer decision on this Motion until meeting on 17/12/2021.

Mr. Owens advised that that they now had concluded three out of the eight meetings scheduled and suggested that additional meetings would be required to conclude the process. He stated that at a minimum all Prescribed Bodies submissions should be dealt with prior to Christmas and outlined dates of meetings to be held before Christmas. Cllr. McClearn suggested that they continue with this process after the Plenary Meeting on Friday afternoon. After discussion it was agreed that next meeting would reconvene after Plenary Meeting at 3.30 on Friday, 17th December 2021. It was further agreed that Meeting on Monday, 20th December be extended to the afternoon also.

The Meeting then adjourned to 17th December 2021

Chriochnaigh an Cruinniú Ansin

Submitted, Signed and Approved



Cathaoirleach: _____

Date: _____ 07/03/2022 _____