

## Planning & Building Control SPC Minutes of Meeting 10<sup>th</sup> February, 2016

**In the Chair:** Cllr Jim Moore

**Present:** Cllr Tony Dempsey, Cllr Anthony Donohoe, Mr Ned Lyng, Mr Anthony Neville, Mr Tony Larkin, Mr Diarmuid Houston, Mr Tony Nolan, Ms Caroline Creane, Mr Sean Kavanagh SEE, Mr Noel O'Driscoll and Ms Deirdre Kearns

**Apologies:** Cllr Willie Fitzharris, Cllr Robert Ireton and Cllr Oisín O'Connell

Prior to the commencement of the meeting, Ms Caroline Horan, Access Officer presented the LAMA "Council of the Year" award recently won by Wexford County Council for accessibility. This is the first time that Wexford has won this award. The award shows Wexford County Council in the forefront of as an accessibility council from its buildings, visual access, transport hubs etc. The beach wheelchair initiative worked very well. The members acknowledged the work of the Access team in achieving this award.

### Minutes and Matters Arising

On the proposal of Mr Anthony Neville and seconded by Cllr Jim Moore the minutes of the SPC meeting held on 4<sup>th</sup> September, 2015 were approved by the members.

### Flooding Policy

Mr Noel O'Driscoll, Senior Executive Engineer discussed the Catchment Flood Risk Assessment and Management (CFRAMS) with the meeting. Wexford is in the South Eastern CFRAM study area. The public are invited to have an input through upcoming public consultation days. There is national funding available and the areas are rated major or minor by the OPW and they will decide which areas will receive funding.

Ms Deirdre Kearns, Senior Executive Planner gave a presentation on Flooding and Land Use she outlined mandatory objectives of Development Plans with regard to flooding. She informed the meeting that if an area is a flood risk, then it is not zoned for development, if avoidance is not possible then a land use or type of development that is not vulnerable to flooding is chosen. All planning applications are screened for flood risk and this is also highlighted at pre-planning stage.

It was noted that there were two severe floods in Enniscorthy in recent years and that there are plans in place for flood relief in Enniscorthy. In relation to farmers, they can get grant aided under the Rural Development Plan but if their farm is in a flood risk zone then it would be difficult to get planning for animal shelter, slurry tanks etc. The meeting was informed that an existing farmyard would be treated differently than a new field. The Director is keen to work with the farmers and if the IFA have upcoming meetings, planning staff would be happy to attend and give information on flooding.

## Unfinished Estates / Taking-in-Charge

Sean Kavanagh, Senior Executive Engineer informed the meeting that €4.9 million has been spent on unfinished estates with the past 5 years funded mostly by bond monies and special resolution fund (SRF). There was a meeting in Dublin recently whereby it was announced that there would be money allocated for unfinished estates but the amount is not known yet.

It was noted that 492 estates throughout the County have not been taken in charge 143 of these estates remain on the Unfinished Housing Estates DECLG list. There are currently 6 estates at the consultation stage of the taking-in-charge process and it is envisaged that these would be formally taken in charge in April 2016. There is an issue with estates that have Developer Provided Infrastructure (DPI) as Irish Water is refusing to take these estates in charge.

The meeting was informed that developers cannot get insurance bonds from banks. A discussion took place around the possibility of smaller phases and then taking each phase in charge and the bond could then be used for the next phase. Tony Larkin, DOS agreed to meet Construction Industry Federation representatives to discuss issues relating to bonds.

## Planning Enforcement

There has been an increase of 20% in planning enforcement activity the focus is now on quarries and unauthorised developments. A review of enforcement files has taken place recently and old files have been analysed, reviewed and closed. There are approx 500 open enforcement cases with 3 staff.

## Next Meeting

The date of the next meeting of the SPC was not decided.

This concluded the business of the meeting.

Signed:   
Chairman

Dated: 26<sup>th</sup> May 2016

## **Planning & Building Control SPC Minutes of Meeting 26<sup>th</sup> May, 2016**

**In the Chair:** Cllr Jim Moore

**Present:** Cllr Anthony Donohoe, Cllr Willie Fitzharris, Cllr Robert Ireton, Mr Ned Lyng, Mr Anthony Neville, Cllr Oisin O'Connell, Mr Tony Larkin, Mr Diarmuid Houston, Mr Tony Nolan, Ms Caroline Creane, Mr Sean Kavanagh SEE and Mr James Lavin

### Minutes and Matters Arising

On the proposal of Cllr Anthony Donohoe and seconded by Mr Anthony Neville the minutes of the SPC meeting held on 10<sup>th</sup> February, 2016 were approved by the members.

A query arose regarding the minutes of the last meeting on Irish Water's refusal to take in charge estates with Developer Provided Infrastructure (DPI), Sean Kavanagh, SEE addressed the meeting even though Wexford County Council granted the planning permissions we are no longer the water authority so we cannot take these developments in charge as Irish Water are responsible for same.

It was noted that Wexford County Council recently were allocated provisional funding of €728,000 under the National Taking in Charge Initiative for Residential Estates (NTICI) and €500,000 of that is to deal specifically with estates with DPI's. A submission has been sent to the department and we are waiting on a response.

### Schedule of Meetings

It was decided to have a meeting in September and November commencing at 10am, the specific dates are to be decided and the members will be notified.

### Solar Farms

A discussion paper on the "Development of Large Scale Ground Mounted Solar PV Arrays" was circulated to the members. It was noted that there are no Regional or National guidelines on how to deal with solar farms. There is a significant number in the pre planning stage. Currently there are 4 live applications one for over 200 acres. Wexford County Council was the first Local Authority in Ireland to grant a solar farm in 2014, although none have been built as yet. Wexford County Council has no policy on how to deal with Solar Farms so each application will be assessed on a case-by-case basis. The IFA are currently in the process of making a policy.

A few questions arose on how Wexford County Council assesses these applications, James Lavin, Senior Executive Planner briefed the meeting, the visual impact is looked at, glint and glare, road safety and lifespan 25-30 years. Also, the location is quite significant, not visible from heritage sites or beaches. They cannot be located in upland areas as it's too visible, they would have to blend in with the environment not be obtrusive. It was noted that only certain areas could connect to the grid so this may form clusters in these areas.

A few queries were raised by the members if a policy could be drawn up without any national guidelines, whether many objections have been received, what grant aid is available. It was

also noted that it is not desirable to have security fences and cameras around the farms blocking local access. An alternative is conditioning different types of shrubs instead of fences was suggested.

A discussion took place on the types of conditions attached to the permissions, were there bonds requested, the amount of planning contributions, is there a community gain element and at the end of the 25 year permission will there be hazardous waste issues. It was noted that there is a bond conditioned for the construction phase, but it is difficult to manage a 25 year bond, the only issue is if the farm falls into disrepair and there is no bond. The planning levies were conditioned the same as wind farms as there is no category in the currently scheme to deal with solar farms. It would be up to individual communities to negotiate a community gain element. It is not yet known if there will be hazardous waste issues from disposal of the hardware.

Over the past few years, England has seen an increase in the amount of solar farms and have recently changed their policy this may have been the reason that there is now an interest in Southern Ireland as we the same climate and soil topography.

### Building Control

It was noted that 17 housing estates are at different stages of the taking in charge process:-

- 6 estates have been formally taken in charge and
- 11 estates are at public consultation stage

A total of 99 valid commencement notices has been submitted up to the end of April 2016. Sean Kavanagh, SEE briefed the meeting about the on-going works that Building Control section are involved in and that work in 4 estates will be funded by Irish Water under the MOU process totalling €75,037.

### Any Other Business

The policy on vacant sites was briefly discussed, it was noted that the vacant site levy is a complex issue.

This concluded the business of the meeting.

Signed: \_\_\_\_\_

  
Chairman

Dated: \_\_\_\_\_

29<sup>th</sup> Sept 2016

**Planning & Building Control SPC**  
**Minutes of Meeting 29<sup>th</sup> September, 2016**

29<sup>th</sup>

**In the Chair:** Cllr Jim Moore

**Present:** Cllr Anthony Donohoe, Cllr Willie Fitzharris, Mr Diarmuid Houston, Mr Tony Nolan, Ms Caroline Creane, Mr Sean Kavanagh SEE, Mr James Lavin and Mr Liam Bowe

**Apologies:** Tony Larkin, DOS, Cllr Tony Dempsey, Cllr Robert Ireton, Mr Anthony Neville and Cllr Oisín O'Connell

Minutes and Matters Arising

On the proposal of Cllr Willie Fitzharris and seconded by Cllr Anthony Donohoe the minutes of the SPC meeting held on 26<sup>th</sup> May, 2016 were approved by the members.

Solar Energy

Mr Liam Bowe, Executive Planner travelled to England on 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> August, 2016 to investigate the issues arising for planning authorities regarding the development of Solar PV Parks and his report was circulated and discussed at the meeting. It was noted by the meeting that Wexford County Council has made 13 decisions on Solar PV Parks (9 were granted) and 4 were refused (3 are under appeal). There is no local or national policy for solar farms.

The two main issues for Wexford County Council when assessing planning applications for Solar PV Parks are:-

- The visual and landscape impact
- Glint and Glare

Mr Bowe informed the meeting that the farms he visited were not obtrusive they were screened behind hedgerows, there was a glint and glare report with each application. No bond was applied by the UK planning authorities. There is a national policy in the UK, some councils do have local policies. Wexford County Council has 2 planners that conduct all pre-planning on solar farm applications.

A discussion took place on developing a policy for Wexford County Council it was agreed to have a guidance document for discussion at the next SPC meeting. It was noted that no solar farms have started construction. It is much simpler to connect a solar farm to the national grid in comparison to a wind farm, as the Minister has not set a rate for energy prices this is why there is a delay in commencing construction. A few questions arose regarding solar farms, will commercial rates apply, can this be an income source to the Council, will they be decommissioned after 25 years. A discussion took place as to whether the Council should look at using their own land for a solar farm as it will be a secured income for the lifespan of the farm.

## Building Control

A Building Control Activity Report was circulated to the meeting it was noted that €1.4 million was spent to date in 2016 on 45 estates. Seventeen estates have been taken in charge by Wexford County Council this year and thirteen estates have concluded the public consultation stage. We have received 4 submissions, this will delay the process, as they cannot be sent to the Municipal District meetings until the issues have been addressed.

In July, 2016 Wexford County Council received a funding allocation of €699,159 under the National Taking in Charge Initiative (NTICI). Two estates under 'pilot demonstration projects' (Beechfield Manor, Screen and Ravenswood, Glynn) where the waste water treatment systems have failed will not be taken in charge upon completion as per Irish Water. There are ongoing discussions between the Senior Executive Engineer, Irish Water, EPA and Department of Planning, Housing, Community and Local Government (DPHCLG) on how to progress these projects.

The Senior Executive Engineer informed the meeting that Building Control has a role in Part J – Heat Producing Compliance, and to inspect for correct certification of products. It is a reactionary role when problems are brought to our attention. Under national policy a Building Control authority is responsible for the certification of products. It was noted that a Wexford based stove manufacturer failed to provide a CE marking, this is new territory. Even though this may potentially cause carbon monoxide poisoning it's the product certification that is the responsibility of Building Control not the installation in a home.

A brief discussion took place about unfinished housing estates (178) it was agreed to discuss this further at the next meeting.


## Any Other Business

It was noted that Bridgetown recently received an 'Endeavour' award at the recent Tidy Towns 2016 competition. Planning Section will be holding an Agents day in November all SPC members will be invited to attend.

## Next Meeting

The next meeting will be held on Thursday, 17<sup>th</sup> November at 10am. The possible agenda items were discussed including Review of the Development Contribution Scheme, Guidance document for Solar Energy and Unfinished Estates. Tony Nolan, AO is to circulate the background to the planning contributions scheme to the members.

This concluded the business of the meeting.

Signed:   
Chairman

Dated: 17<sup>th</sup> November 2016.

## Planning & Building Control SPC Minutes of Meeting 17<sup>th</sup> November, 2016

**In the Chair:** Cllr Jim Moore

**Present:** Cllr Tony Dempsey, Cllr Anthony Donohoe, Cllr Willie Fitzharris, Cllr Robert Ireton, Mr Edward Lyng, Mr Anthony Neville, Cllr Oisín O'Connell, Ms Caroline Creane, Ms Annette Dupuy, Mr Sean Kavanagh SEE, Mr Tony Larkin, Mr James Lavin and Mr Tony Nolan

**Apologies:** Mr Diarmuid Houston

The chairperson welcomed Ms Annette Dupuy, Public Participation Network (PPN) Support Officer to the meeting. Ms Dupuy addressed the meeting and informed the members that she is attending all the SPC's as an observer as she is unfamiliar with the SPC process so she can familiarise herself with the format. An environmental representative will then be put forward for the SPC.

### Minutes and Matters Arising

On the proposal of Cllr Anthony Donohoe and seconded by Cllr Willie Fitzharris the minutes of the SPC meeting held on 29<sup>th</sup> September, 2016 were approved by the members.

A discussion took place around product surveillance and the role of Building Control. It was noted that Building Control has a role in ensuring compliance with standards, if any product is manufactured in Co Wexford the role is to ensure that it has the appropriate CE marking. There are currently a few products under investigation. This is a reactive role and when any product comes to our attention we then investigate the certification. This is a new area and the onus is still on the developers to ensure that any product they use has the relevant CE marking.

Building Control has increased their inspections on the 'opt outs' to ensure compliance with building regulations. It was noted that Building Control staff do not inspect products, if a complaint comes in regarding a product it is then investigated, it is up to each developer to self-regulate and use materials that are fit for purpose.

### Solar Energy

A discussion document 'Planning Guidelines - Development of Large Scale Ground Mounted Solar Photovoltaic Arrays' was circulated to the meeting. Wexford County Council was the first council in Ireland to grant a solar farm. As the UK has more experience in granting them, an Executive Planner travelled to England in August 2016 to see working farms. It was noted that a farmer making available land to accommodate a solar farm could expect to be paid circa €1,200 per acre per year.

The meeting was informed that there are no guidelines or policies on solar farms, it was noted that pre-planning should be made available to the communities. Excluded areas include upland areas, coastal areas, all SAC's and areas of natural constraints.

A discussion took place about levies and bonds. Would there be a charge per acre, per unit (solar panel), would there be a bond conditioned, it was noted that these are 30 year permissions so it would be hard to monitor a bond. The preference would be a cash bond built up over a few years. The operator would be leasing the land from the farmer. It was also discussed if these farms could be charged rates as a way of generating income for the council.

The farms should be granted a minimum distance from dwellings. The minimum size of solar farms nationally is 10 hectares. It was noted that if a farm goes on an Area of National Constraint then it may raise the value of the land. A discussion took place regarding the GLAS scheme (*Green, Low Carbon, Agri-environment scheme*) and if this can be incorporated as an incentive for farmers to put in more screening – trees.

Advice needs to be sought on what condition the land would be after 30 year if deprived of water and sun. It was decided that if members had any amendments / feedback that they could email James Lavin, Senior Executive Planner and the discussion document would be amended and circulated. The general consensus was that this document would go to the full council in December or January to be adopted as guidelines.

#### Unfinished Estates

The Senior Executive Engineer circulated a report on the status of the 180 estates on the national 'unfinished housing developments' survey which was carried out in 2010. In 2015 the list had fallen to just 52. The department made money available over the past few years to tackle unfinished estates as follows:-

2011	Public Safety Initiative (PSI)	€230,767.75
2014	Site Resolution Fund (SRF)	€468,000.00
2016	National Taking in Charge Initiative (NTICI)	€696,429.00

It was noted that with the introduction of Irish Water that the Wexford County Council were not in a position to take in charge any estate with 'developer provided infrastructure' as this is excluded from the MOU.

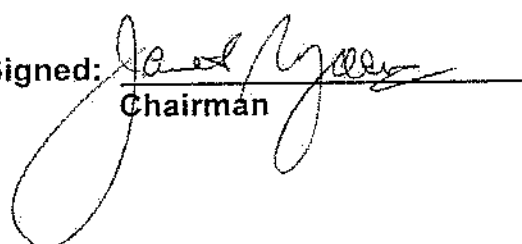
#### Planning Contributions

A discussion took place about the development contributions scheme and that it is due to be reviewed in 2017, it was noted that the current scheme is now 3 years old. A handout was circulated to the members 'Development Contribution Scheme – Time for a change?'. The timescale for adopting a new scheme once ready is 6 months which includes the public consultation phase. This will be discussed further at the next SPC meeting

#### Any Other Business

It was decided that a schedule of meetings for 2017 be circulated to each member.

This concluded the business of the meeting.

Signed:   
Chairman

Dated: 23<sup>rd</sup> Feb 2017.