

Minutes of Meeting of Planning & Emergency Services Strategic Policy Committee held on Tuesday 1st March 2016 at 10.00a.m. in Cashel-Tipperary Municipal District Offices, Rosanna Road, Tipperary Town.

Present: In the Chair - Cllr. Denis Leahy
Councillors – Micheal Anglim, John Carroll, Joe Bourke, David Dunne, Martin Browne.

Matthew Mounsey, Tom Gallahue.

Apologies: Cllr. Ger Darcy, Cllr. Michael O’Meara. Seamus Coffey, Lyn Mather. Nuala O’Connell, Senior Executive Planner
Caroline Conway, Senior Executive Planner

In Attendance: Karl Cashen, Director of Services
Dave Carroll, Chief Fire Officer
Brian Beck, Senior Planner
Brian Clancy, Administrative Officer
Liz McGrath, Staff Officer

1. Minutes of last meeting held on 2nd December 2015

The minutes of the previous meeting were proposed by Cllr. D. Dunne, seconded by Cllr. J. Carroll and agreed.

2. To consider Draft Taking in Charge Policy for Residential Developments

Brian Beck, Senior Planner, gave a presentation on a Draft Taking in Charge Policy for Residential Developments which was circulated to the Meeting and replied to queries raised. The objective is to ensure that a clear roadmap is put in place to prepare a single taking in charge policy for the County. The main points of the presentation were as follows:

What is a Housing Estate?

Planning and Development Act 2000 (as amended) Section 180(1)

Where a development for which permission is granted under section 34 or under Part IV of the Act of 1963 includes the construction of **2 or more houses** and the provision of new roads, open spaces, car parks, sewers, water mains or service connections (within the meaning of the Water Services Act 2007), and the development has been completed to the satisfaction of the planning authority in accordance with the permission and any conditions to which the permission is subject, the authority shall, where requested by the person carrying out the development, or, subject to *subsection (3)*, by the majority of the owners of the houses involved, as soon as may be, initiate the procedures under section 11 of the Roads Act, 1993.

What is taken in charge?

- Public roads and footpaths
- Watermains and service connections within the meaning of the Water Services Act 2007
- Surface Water and Foul Sewers
- Public open spaces/landscaping. Grass cutting shall not be carried out by Tipperary County Council.
- Public Lighting. Public lighting shall not be taken in charge in isolation of the rest of the services within the estate.
- Unallocated surface parking areas
- Wastewater treatment plants and associated buffer zones
- Fire services, including fire hydrants
- Playgrounds, where these are required by condition of a planning permission
- Potable treatment plants and any associated protection zones
- Site boundaries which are abutted by open spaces, public roads or public footpaths, either existing or proposed. Boundaries between private property, and public open spaces, roads, footpaths will remain the responsibility of the property owner.
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Procedure for taking in charge of estates

The taking in charge process is set out in the Planning and Development Acts 2000 – 2014 and Section 11 of the Roads Act 1993.

(1) Planning administration records the receipt of a taking in charge application, scans and files the correspondence and forwards it to the relevant technician for validation and map.

(2) Technician, Planning Section checks relevant planning reference, confirms number of houses, ensures developer or majority of owners (at least 51%) have signed the application form. Map is prepared outlining in red (excluding house sites) the portion of the estate to be considered for taking in charge.

(3) Planning administration acknowledges the request and advises the developer/residents' rep. whether the application is valid/invalid and advising of reasons if invalid.

(Steps 1 – 3 estimated to take 4 weeks from receipt of application)

(4) Planning Section forwards a copy of the request and map to Roads Section and Water Services for their information and confirm that Planning Section are processing same.

(5) Planning Section seeks report from the:

(i) Municipal District Engineer who will:

- check map to ensure it is accurate
- check number of lights listed, with number of lights on the ground, report to include assessment by Airtricity who are to be engaged to carry out survey and do full costing
- prepare full costing of road works outstanding

(ii) Water Services Engineer who will check map to ensure it is accurate and prepare costing of Water Services issues outstanding

(iii) **Planning Engineer/Technician** on receipt of the Municipal District Engineer's report and Water Services report will prepare a report and recommendation which will include a full assessment of the estate with any outstanding issues including costings where necessary.

(steps 4 – 5 estimated to take 10 weeks from receipt of application)

(6) The developer shall arrange for completion of the said works, and notify the local authority when works are completed. If works cannot be carried out within that period the developer must notify the local authority as to when the works will be completed.

Step 6 estimated to take place within 24 weeks of receipt of details of outstanding issues from the local authority, or in the event that they cannot be carried out within 24 weeks the PA may allow this period to be extended to 32 weeks

(7) The local authority shall arrange for final inspection of estate to determine the satisfactory completion of the said outstanding issues as identified.

, Step 7 estimated to take place within four weeks of being notified of completion of the works

(8) Under the Memorandum of Understanding, the Planning Authority must notify Irish Water that the development has been completed to the satisfaction of the Planning Authority and that the Roads Authority intends to initiate the procedures under Section 11 of the Roads Act, 1993 unless Irish Water has any objection.

(9) If the development has been completed to the satisfaction of the planning authority and having consulted with Roads Section to ensure documentation is correct, a memo will be sent to Roads Section confirming same and requesting that they initiate the procedures under Section 11 of the Roads Act, 1993. The request will include the following:

- Detailed Planning Report including relevant Phase and house nos. and assessment of the financial implications with costings of taking the estate in charge.
- The completed documentation / forms.
- A completed Taking in Charge Register Sheet with all available data.
- Suitable maps for both public display and for the Taking in Charge Register. The maps must be sufficient so that any member of the public examining the register will be able to discern exactly what areas are in charge.
- All MPRN and account numbers relating to public lighting AND/OR Water Services infrastructure in the estates where possible.

(10) A notice is published in the local paper inviting submissions from interested parties on the proposal to take the estate in charge. A 6 week period is allowed for submissions.

(11) A report is prepared by the Roads Section and the taking in charge proposal is placed on the agenda of the next Council meeting.

The process above is necessary in order to ensure that when the Council takes an estate in charge where there is minimal financial exposure to the Council.

Taking in Charge Policy

- Circular Letter PD 1/08
 - Issued by the Department on the 26 February 2008
 - Formed the basis of the current TIC policies
 - All planning authorities were required to develop or update, as appropriate, their policy on taking in charge by the end of June 2008 on the basis of the

framework, and wider housing and planning policy guidance, as set out at the annex to this circular.

This work was carried out by both NTCC and STCC

Framework for a Comprehensive Taking in Charge Policy

- The core principles underpinning the framework for taking in charge, which must be reflected in each authority policy on this matter, are:
 - A statement of the facilities that will be taken in charge and the maintenance services that will be provided;
 - The issue of taking in charge must be addressed at the pre-planning stage with the approved design facilitating the taking in charge of core facilities;
 - The PA's construction and design standards for residential areas will be set out;
 - Developers will be required, through the development management process /permission, to complete residential developments to a standard that is in compliance with the planning permission granted;
 - Planning authorities must take all necessary measures in this regard in particular through securing adequate bonds, inspection of construction and enforcement action when necessary;
 - The procedures for taking in charge will begin promptly on foot of a request by the majority of the home owners in the development or by the developer, as appropriate. Protocols, including time frames, must be set out by planning authorities to respond to requests for taking in charge;
 - Where there are core facilities in existing residential developments which were approved by the planning authority on the basis that they would remain private and be maintained by a management company, these must be taken in charge if the majority of owners request it;
 - Planning authorities must not attach management companies as a condition of planning in respect of traditional housing estates, save in very exceptional circumstances;
 - Planning authorities should only attach planning conditions requiring management arrangements in relation to certain shared facilities in the newer type of mixed residential development in limited circumstances;
 - In relation to older estates, priority must continue to be placed on resolving those estates that have been left unfinished /not taken in charge for the longest period.

Learning from the Past

- The phased taking in charge of a development may be considered where phases are completed and which can be viewed in isolation of the remainder of the development, and there is a clear demarcation between the phases.
- Where a phase does not have a unique access points onto the public road, and is using a single access road, the Council will require a cash bond to be lodged to allow for the satisfactory repair of the estate road and services following completion of all phases, if damage is caused as a result of the construction of any subsequent phases.
- This cash bond will be calculated based on the length of the estate road serving the phase and may be added to following the completion of subsequent phases.

- Any bond or security lodged with the planning authority attributable to such phases of a development will be released when the estate is taken in charge. The cash bond for the estate road will be released following the completion of all phases.

Next Steps

- It is expected the new Ministerial Guidance on Taking in Charge will be published shortly. This may require some changes to be made to the draft document.
- On-going discussions will take place with the SPC to reach agreement on the content of the Policy.
- Following agreement at the SPC, the Draft TIC policy will be presented to full Council for adoption
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Cllr. Leahy stated that taking in charge is a major issue for Councillors and following the General Election there are questions in relation to the existence of Irish Water which may affect any policy being considered in this area. Councillor Browne stated that in the absence of the proposed new Ministerial Guidelines and with doubts about the future of Irish Water it would be unfair to put the draft policy to the full Council. If a developer is no longer present and there is a sewerage blockage there is a difficulty if Irish Water won't accept responsibility for it. Cllr Dunne asked if 20 houses are completed, for example, in an unfinished estate can it be taken over or does there have to be a clear boundary? Cllr. Carroll welcomed the broad thrust of the draft policy, wastewater, roads and lighting are key issues and the phasing of new estates is important. Tom Gallahue welcomed the proposals in relation to phasing. He stated that bonds at €11,000 per unit was high and it was difficult to get bonds from insurance companies. If it is agreed that bonds can be rolled over it is important that if remedial works need to be carried out that these are checked promptly and agreed so that the bond can be rolled over reasonably quickly. Cllr. Leahy asked what happens if the sewerage pipes/treatment works are privately owned?

In relation to watermains and sewers Brian Beck stated Irish Water is the Water Services Authority in Tipperary and have responsibility in this area .

In the current climate it is difficult to predict when the Ministerial Guidelines will be published. The solution to the bonds issue may be the introduction of a national insurance protection scheme backed by government. From the Council's point of view the bond must be sufficient to fix the problems in the estate and the bond calculation could be linked to measurement of the estate. Phasing of say 10 houses initially would be preferable and if completed satisfactorily could be taken over then the bond could be rolled over to phase 2. The phasing of estates is the future and this together with taking in charge will form part of pre-planning discussions with developers before the planning application is submitted.

Matt Mounsey stated there should be a clear demarcation between phases. Replying to Cllr. Carroll Brian Beck stated that initially a cash bond will be sought for the estate road which will be kept until completion of the estate and the Council will oversee the final phase. Planning technicians have received training in this area under Building Control legislation. Underground works will have to be agreed with Irish Water. Tipperary County Council will inspect ducting for public lighting, footpaths and roads and developers will be obliged to give the Council at least 10 days notice in advance of such works. Dave Carroll stated that under the Building Control Regulations a developer is required to appoint a certified person who must sign off at certain stages of the works and sign a cert of compliance to Tipperary County Council Building Control Section. The target for Building

Control is to inspect 1 in every 4 houses commenced but the developer is the responsible person under Building Control. A discussion took place in relation to the provision of public lighting in emergency situations. Brian Beck stated that the Council will not take over public lighting in isolation. Bond money cannot be used to pay for lighting, only for infrastructure. There is unlikely to be legislative changes in this area in the next 12 months. Cllr. Leahy stated that the draft Taking in Charge policy will be revisited again before going to Council.

3. Variation No. 3 of North & South Tipperary County Development Plans: Renewable Energy Strategy

Brian Beck, Senior Planner, gave a presentation on the Tipperary Renewable Energy Strategy 2016 which was circulated to the Meeting and replied to queries raised. The main points of the presentation are as follows:

In 2015, the Council became a member of the Covenant of Mayors. The Covenant of Mayors is a European movement involving local and regional authorities, voluntarily committing to increasing energy efficiency and the use of renewable energy resources on their territories. By their commitment, Covenant signatories aim to meet and exceed the European Union 20% CO₂ reduction objective by 2020.

The preparation of and implementation of a Strategy for Renewable Energy illustrates the commitment of the Council to the Covenant of Mayors.

Energy White Paper 2015

1. Radically changing our behaviour as citizens, industry and Government becoming more energy efficient,
2. Generating our electricity from renewable sources of which we have a plentiful indigenous supply,
3. Moving to lower emissions fuels (e.g. moving from peat and coal to gas), and ultimately away from fossil fuels altogether
4. Increasing our use of electricity and bioenergy to heat our homes and for transport,
5. Increasing the Biofuels Obligation and improving take-up of zero and low carbon vehicles such as electric and natural gas vehicles,
6. Supporting the wide scale deployment of renewable heat in the business, public and residential sectors,
7. Adopting new technologies as they emerge.

Climate Action and Low Carbon Development Act 2015

Ireland's first-ever dedicated climate change law, the [Climate Action and Low Carbon Development Act 2015](#), provides for the making of:

- Five-yearly National Mitigation Plans to specify the policy measures to reduce greenhouse gas emissions
- A National Adaptation Framework to specify the national strategy for the application of adaptation measures in different sectors and by local authorities to reduce the vulnerability of the State to the negative effects of climate change.

The Act also establishes the Climate Change Advisory Council to advise ministers and the government on climate change matters.

Progress towards 2020 targets

2020 renewable energy and efficiency targets for Ireland

Table 3.1 – Progress towards 2020 Renewable Energy and Energy Efficiency Targets for Ireland

Target	2020(Target)	2014(Actual)	Distance to Target
Renewable Energy(Overall)	16%	8.6%	7.4%
Renewable Electricity(RES-E)	40%	22.7%	17.3%
Renewable Heat(RES-H)	12%	6.6%	5.4%
Renewable Transport(RES-T)	10%	5.2%	4.8%
Energy Efficiency	20% saving	8-9% saving	11-12% saving

Why prepare a Renewable Energy Strategy?

To contribute to the achievement of 2020 targets for energy

To meet our requirements under recent legislation

To support commitment of Tipperary County Council under the Covenant of Mayors

To continue to be leaders in energy

To put in place a planning framework for sustainable development based on agreed vision

To strive to reduce the cost of energy imports to Ireland

To promote and support energy self-sufficiency and economic growth in Tipperary

Key Considerations – Department of Communications, Energy and Natural Resources

Renewable Energy Electricity

- 22.7% in 2014 against 40% target – distance to target 17.35%
- Onshore wind main contributor
- 18.2% of total generation and 81% of RES-E in 2014
- Lowest cost support
- Key challenge is to increase the rate of build in the face of growing social resistance

Renewable Energy Heat

- 6.6% in 2014 against 12% target – distance to target 5.4%
- Dispersed settlement patterns mean it is difficult and expensive to instal some renewable heating systems
- Draft Bioenergy Plan estimates shortfall in the region of 2 to 4 percentage points
- **Heat Actions**
- Support RES-H through REFIT
- Introduce RHI from 2016 in non-ETS sector
- Develop comprehensive heating strategy for the period beyond 2020
- Develop policy framework to encourage the development of district heating
- Establish regulatory framework for geothermal energy

Renewable Energy Transport

- 5.25% in 2014 against 10% target – distance to target 4.8%
- Heavily reliant on fossil fuels with few alternatives
- Sustainable biofuels will be the largest contributor to RES-T in the period to 2020, with a small contribution coming from electrification
- **Transport Actions**
- Support deployment of sustainable biofuels through increases to the Biofuels Obligation Scheme
- Continue to support EVs through grants and tax relief

- Complete economic assessment of the potential for the development of biogas
- Develop national policy framework to support the deployment of alternative transport fuels infrastructure
- Introduce measures to support green public transport
- Support energy efficiency measures in transport
- Support model shift and better land use planning

Format of the Renewable Energy Strategy

The RES is being prepared with the support of the Tipperary Energy Agency (TEA).

The consultancy services of CAAS Ltd have been employed to carry out an assessment of the wind capacity of the county and to propose a new county-wide wind energy strategy.

A new countywide Landscape Character Assessment (LCA) for Tipperary is also being carried out to inform the RES.

The RES will be supported by Strategic Environmental Assessment (SEA) and Habitats Directive Assessment (HDA).

Progress to date

CAAS appointed in April 2015

May Council meeting – Note Pre-Draft consultation stage.

Pre-draft consultation carried out in May-July 2015

Report on submissions prepared and issued to CAAS (June 2015)

December Council Meeting – Members agree to proceed with RES

Key findings of pre-draft consultation -144 submissions received

Category	Number received
Concerns in General & Gridlink and Wind	8
Industry	4
Statutory	5
Support for Renewable Energy	2
Support for RE other than commercial wind	31
Concerns regarding Wind at Ahenny	91
Concerns regarding Wind at Ballingarry/Killenaule	3

A Members Workshop will be held on 7th March 2016.

Next steps

Prepare Draft Renewable Energy Strategy

Agree to place Draft Renewable Energy Strategy on public display as Variation Number 3 of the North and South Tipperary County Development Plans (4th April 2016 members workshop)

4 week public consultation period – End April - Mid–May.

Consider submissions received and prepare CE Report.

Members workshop to discuss CE recommendations.

Adopt the Tipperary Renewable Energy Strategy (as Variations Number 3 of the North and South Tipperary County Development Plans). (July Council meeting)

Cllr. Dunne stated that Tipperary is a net producer of wind energy and asked if we should allow any more windfarms. Tom Gallahue agreed stating that other renewable energy alternatives such as PV /solar panels should be promoted instead. Cllr. Carroll stated that we need to allow for increased demand for energy in the future and that solar energy is the way to go and community benefit should be put in place. Brian Beck stated that updated Ministerial Guidelines hadn't yet been published but our current Strategy is out of date and we need to replace it. If we can get the solar energy aspect right there are many locations in Tipperary which could be suitable. Cllr. Leahy thanked everyone for their contribution to the debate and stated that the Members' Workshop due to held on 7th March will discuss the matter further.

5. Date of next meeting

The next meeting of the Planning & Emergency Services SPC for 2016 will be held on Tuesday 19th April 2016 in the Cashel-Tipperary Municipal District Offices, Rosanna Road, Tipperary Town.

This concluded the business of the Meeting.