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Contents

EDITORIAL		DEARGADH
Brendan O'Sullivan	17- 7	
A Better Quality of Life for All – proposals for creating a more sustainable built environment		
The Urban Forum	17-9	CLEACHTAS
Adamstown – A new way of delivering a Sustainable Community		
John O'Mahony	17-19	
Some Hidden Costs of Irish Rural Housing		
Diarmuid Ó Gráda	17-39	
Wastewater Treatment for Single Rural Houses		
Gordon Daly	17-47	TAIGHDE
Social and Affordable Housing in Ireland: Transfers of Housing under Part V of the Planning Act		
Nicholas Mansergh	17-61	
Review of Preliminary Results of Census of Population 2006		
Michael Walsh	17-75	
Complexity and conundrums in pollution control: improving effectiveness in regulatory compliance		
John McIntyre & Stephen McKay	17-87	
Reconciling planning with environmental issues in the SEA process – Dublin Docklands: a case study		
Terry Prendergast & Alison Donnelly	17-101	LÉIRMHEAS
<i>'Straight Left: A Journey in Politics' by Ruairi Quinn</i> (reviewed by Brendan Kelleher)	17-119	
<i>'Collision Culture: Transformations in Everyday Life in Ireland' by Kieran Keohane and Carmen Kuhling</i> (reviewed by Noel Sheridan)	17-125	
<i>'Housing Contemporary Ireland: Policy, Society and Shelter' by Michelle Norris and Declan Redmond</i> (reviewed by Joe Finnerty)	17-129	
PLEANÁIL INDEX	17- 135	

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*[Dearcadh Insert
page]*

EDITORIAL

*...So there is no need for turning back
'cause all roads lead to where we stand
And I believe we've walked them all
No matter what we may have planned.*

Don McLean 'Crossroads', EMI records Oct 1971

When the first edition of *Pleanáil* was published, the social, environmental and economic paths criss-crossing the Irish political landscape were entirely different to those we are attempting to follow today. In 1982 we were faced with relative economic stagnation and there were few prospects for improvement even in the medium or long term.

In planning terms we are now at a very different kind of junction. The peace process has brought us to a point where strategic planning on a cross border scale (with its associated investment requirements) is now possible. The challenges associated with managing unprecedented levels of growth are being faced up to in new ways; and the general public, buoyed by greater prosperity and higher demands on environmental resources, is now more knowledgeable on planning and heritage issues.

One way of getting an insight into the key planning milestones since 1982 would be to skim through the previous sixteen editions of the journal that came out since then. To make it easier, a full index of all previous editions of *Pleanáil* is given at the back of this volume! Planning always seems to be at a crossroads of one kind or another. Crossroads: ever since de Valera this has been the eternal metaphor for modern Ireland; the meeting place, the point of departure. It is also a dangerous place, the place where cultures and vehicles collide¹, the time to decide: right or left? urban or rural? high-rise or low-density? Boston or Berlin?

But a crossroads also points to ways forward; to better and more hopeful ways of doing things. The Adamstown example, presented here by the architect *John O'Mahony* is a new model for achieving urban innovation in Ireland. The *Urban Forum*, with its clear and thought-

¹ *Keohane and Kuhling (2004) present an interesting sociological perspective on this. It is reviewed by Noel Sheridan in Léirmheas, this volume.*

provoking analysis of the Irish planning dilemma, brings together insights from a whole range of professional disciplines.

Nicholas Mansergh presents a thorough analysis of how mechanisms for providing social and affordable housing are being interpreted in practice, often with not very satisfactory results. On the other hand the articles by *Prendergast and Donnelly* (on SEA) and by *McIntyre and McKay* (on environmental regulation) show how some principles of sustainability are beginning to influence statutory and regulatory decision making processes.

Of course it is also important to understand the dynamics of current demographic change. *Michael Walsh* presents a planner's analysis of some key spatial trends from the 2006 census of population.

There are also some cautionary tales; both *Ó Gráda* and *Daly* present us with stark, yet enlightening, analyses of how Irish society has yet to grasp the true long-term planning implications of single houses in rural areas. The IPA's publication on Housing Contemporary Ireland (reviewed here by *Joe Finnerty*) is a comprehensive collection of important housing material of interest to planners, policy makers and students.

Also, from time to time, it is worth looking back at the road already travelled. The autobiography of Ruairi Quinn MIPi, reviewed here by *Brendan Kelleher* is a fairly thorough reflection on Ireland's development over three decades and more.

This issue of *Pleanáil* brings a new look to the journal. This is the first step in working towards its full peer-reviewed status as a learned publication, especially for the research / academic articles. There are now four distinct sections: a section for opinion pieces and editorials called *Dearcadh*; a section which presents case studies and real life experiences from planning practice called *Cleachtas*; a section with articles on planning research and academic work called *Taighde*; and a review section, *Léirmheas*. The journal provides a forum for practitioners, academics, planners and those from related disciplines to share their knowledge in a formal published setting. Continuing support from the planning schools and research institutions, from the general IPI membership and from all those with an interest in the management of our heritage and built environment will ensure that *Pleanáil* continues as a dynamic, critical, thought-provoking and challenging planning publication.

Brendan O'Sullivan

A Better Quality of Life for All – proposals for creating a more sustainable built environment

URBAN FORUM[†]

Unparalleled Growth and Development

Fastest Growing Population

The population of the Republic of Ireland now stands at over 4.2 million—its highest level for well over a century. The country also has the fastest growing population in Europe, rising at a rate of 2.5% per annum, and it is estimated that our population is likely to increase to over 5 million by 2020 with anywhere between 70,000 to 100,000 immigrants arriving every year.

Increased Suburbanisation

Not surprisingly, there has been a boom in housing output to meet this burgeoning population as well as major changes in our social and family life. Almost half of all dwellings in Ireland have been planned and delivered by the private sector since 1990.

This population growth is accelerating the urbanisation of the country. However, this phenomenon is more complex than it might otherwise seem—our town and city centre populations are declining as our suburbs continue to sprawl and grow. Cork and Limerick cities declined by 3.2% and 2.7% respectively, while their county areas grew by 11.4% and 8.3% respectively. To highlight this problem even more starkly, Dublin will soon occupy the same surface area as Los Angeles, but with less than a quarter of its population.

[†] *The Urban Forum is formed by The Irish Planning Institute (IPI), The Irish Landscape Institute (ILI), Engineers Ireland (IEI), The Royal Institute of Architects of Ireland (RIAI), and The Society of Chartered Surveyors (SCS). This article is a full re-print of the Urban Forum's joint statement issued on 13th February 2007.*

Domination by Dublin

Another dimension of Ireland's new urbanisation is the extent to which this growth in population and development is being dominated by Dublin, with the province of Leinster now accounting for 54% of our population.

While decentralisation has been proposed as one means of addressing the *Dublinisation* of Ireland, the creation of so many new locations for these public service offices only tends to dilute the impact of this measure. The reality is that the creation of a new major urban centre—with a similar pulling power to Dublin—is needed on the country's west coast. The Government's Atlantic Gateway project should become a priority to achieve this objective.

One-Off Housing

In addition to the rapid growth of our outer suburbs, the explosion in the number of one-off houses in rural Ireland has been another phenomenon of Ireland's recent development. These now account for up to 40% of our new housing stock.

Serious Consequences

What are the consequences of these major population shifts and the nature of our recent development pattern?

Pressure on Infrastructure

One of them is that schools and other facilities in our cities and inner suburbs are struggling to remain open while the demand for school places in outlying areas is booming. This pressure on infrastructure in the outer suburbs is reflected in increasing pressure on our water and sewerage systems and a distinct lack of social facilities.

There is also increased pressure on urban landscapes. Insecure public ownership, reduction in park lands and sporting facilities for new development and infrastructure, as well as underdeveloped park resources, contribute to a poorer urban quality of life.

Increasing Oil-Dependency

One of the consequences of Ireland's 'suburbanisation' is the reality that for many 'city' dwellers, they are as car dependent as their rural neighbours. The average car in Ireland travels, on an annual basis, 24,400km per year;

70% more than France or Germany, 50% more than Britain, and even 30% more than the USA.

The price of this rapid economic success and our fast increasing use of cars is that Ireland has become the fifth most oil-dependent country in the EU and the ninth in the world. This is taking place at a time when oil is becoming an ever-scarcer resource.

Imbalance in Transport Development

At the same time as we are becoming more oil-dependent we are investing more in roads than in rail. Under Transport 21, the Government is proposing to spend almost five times more on road than on rail. This is despite the fact that Ireland has 3,312km of railway compared to 95,736km of roads. Interestingly, a train carrying over 100 passengers would use the same amount of fuel as ten cars—carrying, on average, up to 20 people. In addition, priority needs to be given to buses on quality bus corridors (QBCs) which are also more efficient than cars.

Serious Health Effects

A recent report published by the Institute of Public Health in Ireland shows that the type of development pattern Ireland is following causes serious health problems for many people.

The report, Health Impacts of the Built Environment found that:

- *There is substantial evidence to suggest that urban sprawl could contribute to an increase in obesity levels as increased car dependency, longer commuting times, and fewer opportunities for physical exercise become a feature of life for many people;*
- *Car dependent communities are characterised by poor neighbour networking and social relationships, and this can contribute to increased rates of social isolation;*
- *More sustainable communities that are planned and developed with regard to the health impact of the built environment could enjoy lower levels of obesity, cardiovascular disease, asthma and psychological stress.*

There is a lot of research to show that we in Ireland could be facing epidemics of chronic illnesses such as diabetes, obesity, depression, osteoporosis and cancer, which are devastating to people's quality of life as well as their life expectancy. Fundamental changes to our built environment are necessary to help combat these new epidemics.

Change is Needed

Based on all of this evidence, the Urban Forum—which is made up of the five bodies representing the professionals in the Irish construction industry: Engineers Ireland (EI); Irish Landscape Institute (ILI); Irish Planning Institute (IPI); Royal Institute of the Architects of Ireland (RIAI) and the Society of Chartered Surveyors (SCS)—has developed this policy paper to set out a clear agenda for tackling these serious issues during the lifetime of the next Government.

The Urban Forum recognises that the recently published National Development Plan (NDP) will help to address some of the issues we mention below such as the provision of social housing and schools. We also welcome the commitment to developing the Atlantic Corridor.

However, the very fact that the NDP is increasing investment in infrastructure provision gives even greater urgency to some of our proposals, particularly those designed to address some of the systemic problems which beset the way our built environment is developing. For example, the review of the National Spatial Strategy, the proper resourcing of our planning system and construction research will all be vital in order for Ireland to be in a position to deliver this vital infrastructure more effectively.

Update of the National Spatial Strategy

The Urban Forum calls for the preparation of an updated National Spatial Strategy (NSS) and of the Regional Planning Guidelines. The most recent Census shows that our population is growing at a much higher rate than was projected at the time when the NSS was prepared, so a new Spatial Strategy is required in order to create a more sustainable urban structure within a generation.

This updated NSS should have as a central objective support for the growth of a second major conurbation of international significance centred on Cork, Limerick and Galway as a counter balance to the growth of Dublin. The Atlantic Gateway Initiative is welcomed in this regard.

There is an urgent need to update population and housing projections in the Regional Planning Guidelines in the light of the 2006 census.

Integrated Land Use and Transport Bodies for our Cities

The Urban Forum believes that there is a need to create the Greater Dublin Land Use and Transport Authority promised in an earlier government manifesto and to consider the creation of similar bodies for other larger cities.

There is a need to take action on the Local Government Act 2001 by establishing the permanent Local Government Commission to examine the cases for the extension of the boundaries of our main cities and towns where administrative areas of counties and cities are overlapping.

Government Guidelines

While the Urban Forum welcomes the Department of the Environment Heritage and Local Government's (DoEHLG) intention to publish new guidelines on development plans and residential densities, we feel that a number of the recommendations in the guideline documents should be mandatory, as they are currently ignored by many authorities.

A stronger commitment to follow up non-compliance in relation to the planning hierarchy of national, regional and county plans is also needed.

Staffing of Planning Authorities

The Urban Forum considers that it should be the duty of the DoEHLG to monitor the performance of the local authorities and to ensure that each planning authority is adequately staffed with professional staffing levels appropriate to its current growth of population and infrastructural needs.

The Government's embargo on public service recruitment in the planning area is unhelpful given the rapid increase in population and the demands of the NSS, the NESC Report of December 2004, and other key elements of policy development. Professional staffing should include conservation and landscape architecture disciplines, in addition to planning, architecture and engineering staff.

Delivery of Social and Affordable Housing

In implementing Part V (social and affordable housing) of the Planning and Development Act, there is an urgent need for transparency and a more consistent methodology and approach between local authorities throughout the country. While some local authorities are proactive in creating substantial new social, and particularly affordable, housing in balanced communities, others take little action themselves and do not fully enforce

Part V conditions. *In tackling these inconsistencies a number of measures need to be taken:*

Firstly, the provision of dwelling units or land should be used in preference to the payment of financial contributions where this is feasible.

Secondly, the current exemption of one-off houses and small sites or developments on un-zoned land is inequitable and increases the bias towards urban sprawl. The Act should be changed to make planning permissions for residential development on all (zoned and un-zoned) land subject to Part V. For single houses and small schemes financial contributions could be set at predetermined levels. This would simplify the administration of the Act by eliminating exemption certificates.

Land Values and House Prices

The Urban Forum welcomes the commitment of An Taoiseach and the Government to enacting the recommendations contained in the Ninth Progress Report (on Private Property) of the All Party Committee on the Constitution in relation to enabling local authorities to acquire land they rezone at existing use value plus an agreed percentage—even if this requires a referendum.

We hope all other parties would support this move, as it will have a major impact on the provision of affordable housing and community facilities. In this context, it is worth bearing in mind that such legislative change would save a substantial proportion of the €21 billion set aside for social and affordable housing under the National Development Plan—monies that could then be applied to other beneficial purposes.

Plan Led Development

Local authorities should be encouraged to consider the full implications of rezoning land, and to prepare comprehensive local plans with coordinated infrastructure provision (including school and other community infrastructure) where lands are zoned for development. Such plans can include Strategic Development Zones (SDZ's) like Adamstown, or Local Area Plans, Framework or Masterplans. This may also require new structures for the delivery of infrastructure in particular water services.

Protect and Enhance Urban Landscapes

Protection of our current stock of urban parks is required by securing public ownership or revision of the open space zoning parameters. Our urban parks should be enhanced through specific and adequate funding for new recreational facilities to counteract, for example, our growing trend towards childhood obesity and reinforce this through the establishment of national recreational guidelines. In addition, enhancement of urban greening initiatives is necessary, especially for inner city locations to balance the negative environmental issues of increased urban development.

Fiscal Measures

Through inbuilt mechanisms that deter people from moving into smaller houses or to purchase older instead of new houses, existing fiscal measures (including stamp duty rates) can contribute to unnecessary sprawl and decline of population in established housing areas.

It is recommended that other fiscal measures should be considered in order to avoid such disadvantages. The introduction of such measures requires careful consideration and debate.

Research

Independent research is needed in the areas of construction, development, architecture, and planning and green space. A national body with responsibility to coordinate existing research, appraise it, and to stimulate further research, should be established to replace An Foras Forbartha, which was abolished in the 1980's.

Community Involvement

Full input from local communities in decision making in relation to the built environment is essential to achieve the objective of creating sustainable communities. The Urban Forum also believes that such participation is one of the key steps in creating a more active citizenry and in developing the country's social capital.

While some local authorities have adopted the Local Area Plan planning mechanism in a creative and effective manner, others have failed because such plans are used primarily to achieve rezoning of individual landholdings with little community involvement.

Rail Based Transport Infrastructure

A greater emphasis on efficient ‘high speed’ railways connected with local suburban rail and light rail services are essential to achieve the urban development patterns that are envisaged in national and regional planning strategies.

Delivery

In order to deliver the proposals made in this manifesto, it is the view of the Urban Forum that a dedicated Department of Urbanism or a specific high level Cabinet Committee should be established to coordinate the activities, and plans, of all various state bodies responsible for the built environment.

Conclusion

As we stated at the outset of this document, Ireland is experiencing an unprecedented period of growth and development, with much of the building stock which will be around for the next century being put in place right now. Clearly, then, the decisions and actions we take at this moment will have a massive impact on the country’s landscape and cityscapes as well as on the lives of at least the next five or six generations.

The Urban Forum believes that it is time to take stock so that we can continue doing those things that we are doing well, and correct those elements that are not so good. We believe it is critical that the built environment features in the public and political debate that takes place in the lead-up to, and during, the next election.

We hope this manifesto contributes to this debate, and we very much look forward to playing our part and engaging with all parties and candidates in this regard.

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Adamstown: A new way of delivering a Sustainable Community

John O'Mahony³

The Project

When first approached to consider the development potential of a site of over 500 acres (214 hectares) there is a fight or flight movement, an “eating the alignment” challenge which luckily we consign to the back of our minds with the confident self delusion that it can't be that difficult. But there is also that excitement at the potential to realize something quite different and important. In 1997 O'Mahony Pike Architects experienced such a moment when Castlethorn Construction asked us to join a team comprising McHugh Planning Consultants and P H McCarthy Engineering Consultants to advise on the rezoning for residential uses of an extensive agricultural land holding in Lucan, west County Dublin. The land in question is located to the south of the Hillcrest estate between the N4 Lucan by-pass and the railway line to Galway at the edge of Dublin's western suburbs. The entire parcel comprises 214 hectares / 500 acres of farmland in three principal ownerships Castlethorn Construction with approximately 125 hectares / 300 acres; Maplewood Homes with approximately 52 hectares / 150 acres; and Tierra Construction with 20 hectares / 50 acres. Maplewood Homes were being advised by Fenton Simons Architects and O'Connor Sutton Cronin Consulting Engineers and Tierra Construction by Grainne Mallon Architects with Roughan O'Donovan Consulting Engineers. Already it is easy to see how this project could get stalled by conflicting interests and professional rivalries.

Even at this short remove of just 10 years it is important to consider the development climate in 1997 and the general attitudes to urban planning, urban design and residential density issues. In 1997 Bacon 1, 2 or 3 had yet

³ John O'Mahony is Director of O'Mahony Pike Architects and Urban Designers. The Adamstown project was overall winner of the National Planning Achievement Award 2005 and received a Special Mention Award at the 6th European Urban and Regional Planning Awards 2006.

to be published. The Residential Density Guidelines were two years away, Sustainable Development principles were an archaic concept which formed an as yet unclearly defined cornerstone of Government policy on infrastructural redevelopment. The rate of economic growth was fast outpacing the ability of the state agencies and the private sector to deliver. In 1997 37,842 houses were completed in the country and the average price of a house in Dublin was approximately €19,000. In 1997 the discipline of urban design was not widely practised or understood in Ireland, notable exceptions and practitioners being group 91 in Temple Bar, Jim Barrett as City Architect in Limerick and Sean O'Leary of Murray O'Leary Architects. In 1997 there were 250,000 households on the Local Authority housing lists. (In 2005 there were 44,000 households on the Local Authority housing lists) and a Planning Act with a Part V requirement for social and affordable housing delivery by private developers was still three years away.

The prevailing view of an estate agent looking at the lands at Adamstown in 1997 would have been that the further away you go from the N4 to the north the less valuable the land holding becomes. Indeed the least attractive parcel of land is that closest to the railway line. Taking a helicopter trip over Lucan and the western suburbs in 1997, you could not have failed to observe the swathes of undeveloped agricultural fields on both sides of the railway line as it passed through the established suburbs of Griffeen, Ronanstown and Clondalkin. Up to this time all residential development addressed the arterial roads into the city and ignored the railway.

The goals at this early stage in the project were to ensure subject lands were rezoned for residential use in the 1998 South Dublin County Council Development Plan. It was obvious that demand for housing was outstripping supply and the demographic projections for the Dublin Metropolitan area clearly indicated an urgent need to rezone further lands for housing. However it was also clear that the roads infrastructure in Lucan was stressed, the services infrastructure was at capacity and continuing to build low density housing at 6 / 8 houses per acre was unsustainable. It was clear that the detached and semi detached housing typologies of the time were not addressing the lifestyles associated with changing family structures. Monotony design was also the hallmark of the Dublin suburbs; no variation in scale, no variation in house types, no variation in materials (getting lost inside housing estates because they

lacked permeability or clarity of layout). Driving everywhere. All these issues needed addressing as we moved into 1998.

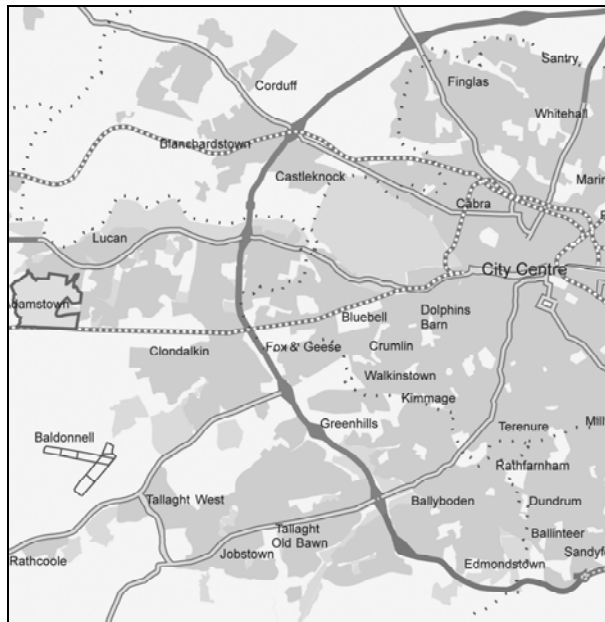


Fig. 1: Strategic Location of Adamstown

The Process

Back in 1998 the fundamental issue for the developer groups was to achieve a rezoning of the 218 hectares of lands at Adamstown to residential uses. It was understood that this would be just the start of a long planning process. However certain fundamental decisions were made at this early stage which would ensure the project progressed expeditiously over the succeeding years.

The three principal landowners, Castlethorn Construction, Maplewood Homes and Tierra Construction agreed to collaborate on a joint submission to South Dublin County Council for re-zoning of lands. This collaboration led to the creation of a joint venture infrastructural delivery company Chartridge Ltd. It would not be an exaggeration to state that this was the

single most important decision affecting the successful delivery of the project. The three principal parties to the development acting together in good faith ensured that potential decisive issues of equity, apportionment of cost, phasing of delivery etc. were negotiated in a mutually respectful and non confrontational manner.

The planning process started with a residential rezoning only in 1998 but with the requirement to prepare an Area Action Plan. This was followed by the approval of a Local Area Plan in April 2001 and with the granting of Special Development Zone designation in June 2001 a draft planning scheme was prepared and approved by the members in December 2002. An Bord Pleanála approved the SDZ planning scheme in September 2003. The process from re-zoning to full planning approval had taken five years.

This may seem a long drained out process but it must be viewed against a background of fundamental change. The Residential Density Guidelines were published in 1999 followed by the Strategic Planning Guidelines. The 2000 Planning Act, containing a series of new planning policies and statutory requirements, was introduced in the middle of the design and development process. Allocation of social and affordable housing content under Part V of the act had to be considered, the requirements to prepare what was now a more detailed Local Area Plan, the Special Development Zone status which the Bacon Report recommended should be applied to Adamstown required the preparation of a planning scheme, something which has not been done before and whose requisite format was unclear to all parties involved in the project. The DTO Platform for Change Strategy was also published in September 2000.

There is no doubt that the multiplicity of issues, the variety of stakeholders, the complexity and scale of the project and the changing planning climate contributed to the extension of the decision making process. However with each stage in that process came greater design clarity and greater certainty for the public as well as the developers.

A further relationship critical to the successful completion of the project was that between the Local Authority, and the Developer Groups and the public representations. Whilst the process of re-zoning was conducted in a professional and transparent way, there was at this time a climate of strong local opposition to any further development in the Lucan Area. However huge demand for housing in the Metropolitan Area together with the promise of a new model for sustainable higher density

development at Adamstown convinced the council planning executive to support the project. A video presentation prepared by Chartridge explaining the concept principles was given to stakeholders and public representatives in the area. Public presentations being made to interested parties. In the end the rezoning was widely supported by the Local Councillors and was approved for inclusion in December in the 1998 Development Plan.

South Dublin County Council was now required to prepare an Area Action Plan for Adamstown. The decision to set up a team within the council to steer the Adamstown project through the planning process and to liaise directly with the Developers and their design teams was another fundamentally important step in realizing a successful outcome. Paul Hogan, a Senior Executive Planner was appointed Project Co-coordinator and Eddie Conroy a Senior Executive Architect with extensive urban design experience was co-opted to deal with urban design issues. These appointments were inspired as both Paul and Eddie were believers in the principles of sustainable development and were champions of the project. Joe O'Reilly of Castlethorn Construction was also championing the project on the developers' side and James Pike as championing the Urban Design principles within the design team. Successful projects require confident and courageous decision makers who are committed to the project. We were lucky to have the right people in the right places at the right time throughout the process.

The Concept

My partner James Pike had identified at an early stage in the development process an opportunity to re engage with the railway and to focus development away from Lucan creating a new and distinctive identity for this area of south County Dublin.

In early 1998 he reviewed a book entitled "The Transit Metropolis, A Global Enquiry" by Robert Cervero who was Professor of City and Regional Planning at the University of California at Berkley. Cervero looked at rail based communities around the world and called for the further development of the concept of Transit Villages based around rail heads. His book looked in detail at successful developments in the United States, Europe, Asia and South America and highlighted the sustainable benefits to communities which develop around integrated public transport nodes.

Professor Cervero was invited by James Pike to address the National Housing Conference in Dublin that year and we took the opportunity to ask him to meet with the Development Consortium and discuss the concept of designating Adamstown as just such a rail based community. This concept completely changed the focus of development. Adamstown would not be viewed as a further agglomeration of housing estates bolted on to Lucan but as a sustainable community centred on the railway line at the southern edge of the site. An integrated transport strategy for the areas would include a new rail station at the heart of a higher density village centre. A new road parallel to the railway and linked to the outer ring road would channel vehicular traffic away from the choked N4. Quality Bus Corridors would be extended to link with the new station. The proposed plan aimed to create a properly sustainable vibrant and inclusive community with employment, shopping, education, community and leisure facilities. A wide range of choice of dwellings would be built; up to 10,000 units could be accommodated and all within walking distance of a train or a bus. A network of pedestrian and cycle ways would link the schools to the public parks to the community facilities and to the shops.

At this time the selection of the name 'Adamstown' for the project was carefully considered. 'Adamstown Castle' was one of a number of townland names within the boundaries of the development area most of which were retained when neighbourhood identities were being apportioned at planning scheme stage. However 'Adamstown' was felt to envision a new beginning, the creation of something different and distinctive. A townland at the centre of the site, 'Gollierstown' was ruled out fairly early on in the process.

The design team decided to visit a selection of the post war European new towns mentioned in Cervero's book to see what lessons could be learned and possibly transferred to Adamstown.

The towns selected were Almere outside Amsterdam. Hoje Taastrup and Ballerup on the Finger Plans for Copenhagen, and Kista, Vallingby and Skarpnack outside Stockholm. Each of these new towns demonstrated positive elements of an all encompassing set of urban design standards which could be applied to Adamstown. All of the towns were possessed of integrated and well serviced public transport interchanges at their commercial centres. Ballerup has an extensive area of beautifully landscaped public parks and high quality well designed contemporary mixed tenure housing precincts. Kista has developed a thriving commercial office centre with an ingenious way of reducing the impact of large office

blocks by addressing the street edge with the narrowest side of each of the buildings. This ensures that more 'doorways' addressed on the street with greater animation and ground floor activity whilst arranging the bulk of the floor plans around a series of lateral internal atrium courtyards. However, generally the planning of these towns is suburban in character with abrupt transitions in scale between the centre and the surrounding housing areas. The central civic spaces are in most cases monumental in scale and sterile in keeping with limited activity at street level and building with repetitive and monotonous architectural treatments. The environment feels hostile. However the most recently completed new town, Skarpnack with a population of 26,000 is radically different from its predecessors. It is designed to create a streetscape what is of a human scale and it feels more intimate and recognizable than any of the other projects we visited. It has a grid iron plan which scales up from 2 / 3 storey perimeter housing to 4 storey apartment courtyards to 5 / 6 storey main street edges at the centre. A fine grained integration of land uses and ground level retail stores and cafes are located on a main street which runs through the centre of the new town. Everyone is within a 10 minute walk of Skarpnack's rail station which is located on the main street. This new town works best because it feels like a town should feel. Possessed of a recognizable hierarchy of streets and enclosed edges with variety in the architectural treatments of its buildings, it feels familiar, it feels humane and it feels safe. However Skarpnack is a monocentric town, a model which would not be suited to the configuration of lands and services at Adamstown and it is also curiously short of meaningful public parkland and open space amenity, something which would be unacceptable in the Irish context.

Having looked abroad and absorbed the best elements of what we had seen, we were convinced and remain convinced that Adamstown would be unique.

The Vision

Designing the project really commenced with the preparation by South Dublin County Council of a Local Area Plan. Up to that moment the concept of a sustainable town was barely a skeleton, more a series of aspirations. South Dublin County Council distributed 11,000 leaflets around the Lucan area asking the public for their vision of Adamstown. Issues such as environment, transport and roads layout and public transport received the most attention. The people in the area wanted quality open space that was supervised and safe. Mature trees should be preserved

where ever possible. There should be an integrated bus and train service. All residents should be within a 10 minute walk of public transport. Park and Ride facilities to be provided at the station. Road layouts to be safe. The highest density housing should be located at the train station. Housing types should be varied with community facilities incorporated locally. Childcare facilities were essential as was healthcare provision. Playing pitches were important together with a leisure centre. Schools were at the top of the must deliver list. Finally, Adamstown should provide high quality streets and high quality buildings designed with character and originality. The developers' vision was expressed in a series of questions from a future resident of Adamstown:

*It's possible to walk home from the gym.
There is proximity to facilities.*

*It's not necessary to drive everywhere.
There is transport choice.*

*The houses in my estate don't all look the same.
There is a sense of place.*

*The local shopping centre is not ugly.
There is a sense of pride.*

*There is choice of what to do available for the kids.
A sense of purpose.*

*My school friends live near me.
There are local schools.*

*I can live near my gran.
There is a variety of tenure.*

*People know where I live.
There is a sense of identity.*

*I can use the local park.
There is amenity.*

*I can walk home at night.
There is a sense of security.*

*I can enjoy myself within my community.
There are local community facilities.*

*I can work locally.
There is local employment.*

*These elements are missing in Lucan
Adamstown answers these questions.*

The Council's vision was defined in the Local Area Plan as follows:
To create a sustainable and vibrant community based on a traditional town format with a wide range and choice of dwellings, shopping, services, employment, community and leisure facilities within easy walking distance and conveniently linked by public transport to adjoining areas and the wider city beyond.

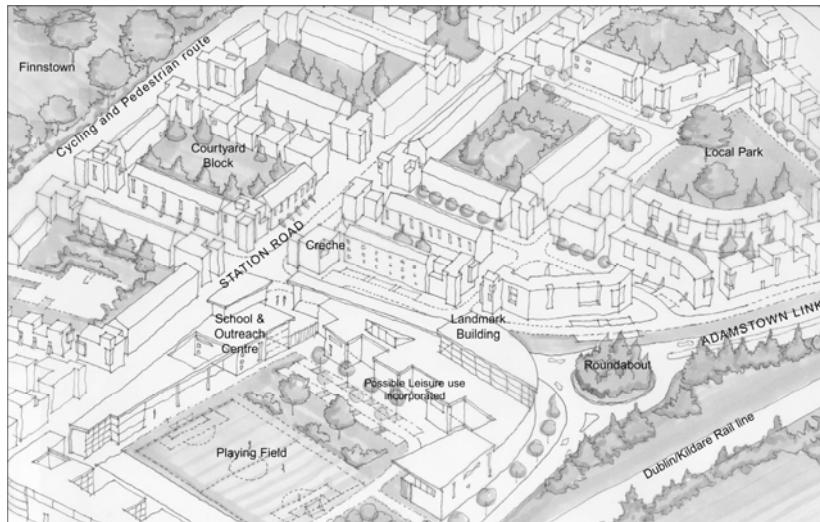


Fig 2: An integrated layout

The plan objectives were to promote higher density residential living which in turn will support viable services and community facilities; facilitate a good reliable public transport system; encourage walking and cycling; provide a necessary level of car use; create a cradle to grave environment with a genuine mix of activities to give residents the option to live, shop, work, be educated avail of services and recreate in an intimate small town setting; to offer choice of accommodation and tenure; to promote Adamstown as a beautiful place with well designed buildings, attractive

civic spaces and varied and interesting streetscapes. Ensure that public spaces are intensively used, are safe and are robust in their detailing; Provide community facilities that serve the resident and the visitor. Create local employment opportunities and finally to protect, enhance and integrate where necessary the existing landscape into the new Adamstown. Where to start reciting these visions?

The Design

The Local Area

From the outset this project was a collaborative effort. OMP coordinated the developers' urban design teams through an ongoing series of design team workshops and working meetings with South Dublin County Council's Project Team; a process that continues in various formats to the present day. Brady Shipman Martin Landscaping Consultants were responsible for the development of a landscape strategy in consultation with the Parks Department at South Dublin Council. McHugh Planning Consultants acted as a conduit between Chartridge Ltd. and the Council when defining the infrastructural and planning issues and coordinated the liaison meetings between the Council's Project Team and the Developers design Team. Later in the project P H McCarthy's Consulting Engineers' role as services consultant for Castlethorn Construction was expanded to include all infrastructural services for the development area and the similarly liaised very closely with the Council's services departments, and out of this intense collaboration came a Local Area Plan, a skeleton that satisfied most of the aspirations of the various stakeholders, and what did it propose?

To recap, the lands at Adamstown are made up of a 214 hectare block of agricultural land as wide in an east to west direction as it is long in a north south direction. The Newcastle Road linking to the N4 Lucan by pass bounds the eastern side of the plan lands, the railway line runs the width of the southern boundary, open country defines the western edge and Hillcrest housing estate backs onto the northern boundary.

The proposed Local Area Plan was to be far more detailed than the traditional Area Action Plans which preceded it. Under a series of headings the LAP proposed a series of planning and urban design innovations.

Public Transport

To facilitate the double tracking of the rail line so as to provide a dedicated suburban service and to locate a new Adamstown Rail Station centrally at the southern edge of the site. To provide a dedicated bus priority link through the centre of the lands from the rail stations to the N4 linking to the city centre. A park and ride facility is to be provided at the station.

Road Network

To create a hierarchy of roads that are permeable and accessible. Three categories were proposed: Principal Access / through roads, Secondary access / through roads and local roads.

The three principal access through roads are 9m wide and are proposed to link the Celbridge Road to the west with the area to the west of the proposed new station and to create new linkages to the Newcastle Road across the northern part of the plan lands. The critical Adamstown link road in the south eastern corner connecting the outer ring road at the east of the site is critical to ensuring that traffic from Adamstown has an alternative route to the city. These roads differ from the traditional distributor road in that building frontage will be allowed and roundabouts discouraged.

Secondary access roads interconnect with the principle access roads and provide second level of vehicular access to Adamstown including the proposed QBC and north / south boulevard links to the station area.

A varying hierarchy of local street area envisaged varying in width between 4.5m and 7.5m. These streets form the core of the plan area with frontage development, street parking and traffic calming by design. Pedestrian and cycling routing throughout the entire of Adamstown is proposed; routing which is safe, permeable and supervised and which directly accesses all amenities.

Density and Land Use

Minimum as opposed to maximum densities were promoted and three distinct density categories were proposed. An urban zone within a five minute walk of the rail station and the QBC. This zone comprised 50 – 55 hectares net and with a minimum net density of 75 units per hectare. An intermediate zone within 10 minutes walk of the station but within 2 – 3 minute walk of two local neighbour centres proposed for the north eastern and north western neighbourhood of Adamstown. This zone comprises 60 – 65 hectares of net development land with a net density of 50 dwellings

per hectare. Finally, a transition zone (at the plan boundaries with the adjoining neighbourhoods) comprising approximately 40 – 45 hectares of land excluding road, open space etc. with a minimum density of 35 units per hectare. These variable densities contribute to the delivery of differing character areas. Furthermore encouragement to this process was provided with a proposal that up to 35% of non residential uses be allowed within the plan area. This mixed use initiative encourages the provision of mixed use development throughout Adamstown. The non residential land uses include shopping, employment, community and leisure facilities. This proposal broke the mould of traditional zoned planning and encouraged a more integrated approach across the entire development area. Minimum and maximum non residential land uses were prescribed within each of the density zones as well as plot ratio provision, residential yield, and population estimates, dwelling mix, retail provision, building heights proposals and car parking provision.

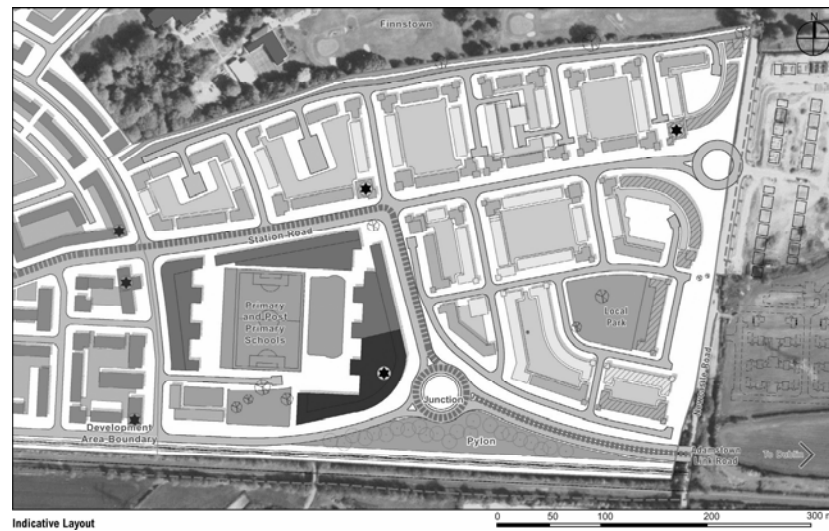


Fig. 3: Indicative planning layout

Community Facilities and Amenities

The public parks were designed. A four hectare park in the mature Tobermachogy Valley in the north eastern corner of the site. A large 12

hectares central park in the heart of the site at Airlie House and a 4 hectare Park at Tandy's Lane which incorporates significant mature trees. A further 4% of the total plan must provide smaller pocket parks throughout the site. The central Airlie Park is proposed to link to the station via a green central boulevard and green walking and cycling routes are to be provided. Existing landscape features are to be retained. Qualitative mature as opposed to quantitative playing pitches are to be provided.

Extensive childcare facilities to be provided to a defined formula depending on which density zone applies. Four schools to be provided in specific locations, 3 primary level and 1 secondary level. A series of community buildings to be provided throughout the development with one civic building located at the heart of the District Town Centre. Other uses such as health Clinics, a fire station and a Garda Station if necessary. A church site is also recommended and three traveller accommodation sites are specified.

Design and Development Standards

The plan promotes the development of a traditional hierarchy of streets, mews, squares, public parks and encourages a new urban design character for the new towns. The plan proposes architectural diversity to counteract the featureless and homogenous quality of many of the surrounding suburbs. It promotes appropriate building heights to enclose and supervise the public realm.

Building height should vary with their setting and their purpose. An increase in scale is promoted from the transition zone through to the urban zone. However, landmark locations are identified throughout the area of the plan for distinctive buildings to demarcate important corners, focal points and nodes at the culmination of significant vistas. Walled and enclosed housing estates are specifically discouraged and a varied mix of housing typologies and contemporary architectural design solutions are encouraged. Permeability is essential and housing layout should encourage connectivity. Car parking is to be carefully handled and cars should not dominate the public realm but should nevertheless be supervised.

Phasing

A brief proposal to consider a phasing strategy is promoted at the end of the LAP documents. At the later SDZ stage this proposal proved to be the most innovative development in the new planning process.

The Local Area Plan adopted by the Council in April 2001 is the framework document for an extensive amount of detailed work which followed with the preparation of a Special Development Zone Planning Scheme.

The Detail

The Special Development Zone Planning Scheme.

South Dublin County Council was now the Development Agency for the Adamstown SDZ Planning Scheme and the team got bigger. A steering group of South Dublin Senior Directors, developers' representatives and design team reps was set up to augment the South Dublin County Council Project Team and the Developers Design Teams. The Steering Group ensured that the government departments and agencies and the various public transport representatives were now involved in the delivery of a planning scheme. The question now was how to define the extent of the planning schemes and the content. This was the first document of its kind and it constituted a detailed design for a new town comprising a potential population of 25,000 people with 8,000 to 10,000 dwellings together with all the other non residential uses outlined in the LAP.

The Adamstown Planning Scheme is a one-shot Masterplan which following its adoption precludes the public from appealing any future planning consents to An Bord Pleanála. It must therefore be robust, comprehensive and detailed in its content, and must where possible be future proofed, equitable, deliverable, sustainable, marketable and affordable.

In August 2001 it was envisaged that the detailed design time required to complete the planning scheme would amount to approximately 28 weeks. The draft scheme actually took 60 weeks to prepare. However when completed the plan was effectively a fully designed town with an indicative layout prepared for every street, road and park in Adamstown.

The principles set down in the LAP did not change and the general arrangement of roads, parks and density zones remained the same; however an immense level of detail was added to both the design of the services infrastructure and the built environment. An economic viability study of the planning scheme was prepared for the developer group by Fitzpatrick Associates Accountants and a commercial and retail study was prepared by Insignia Richard Ellis Gunne to inform the process.

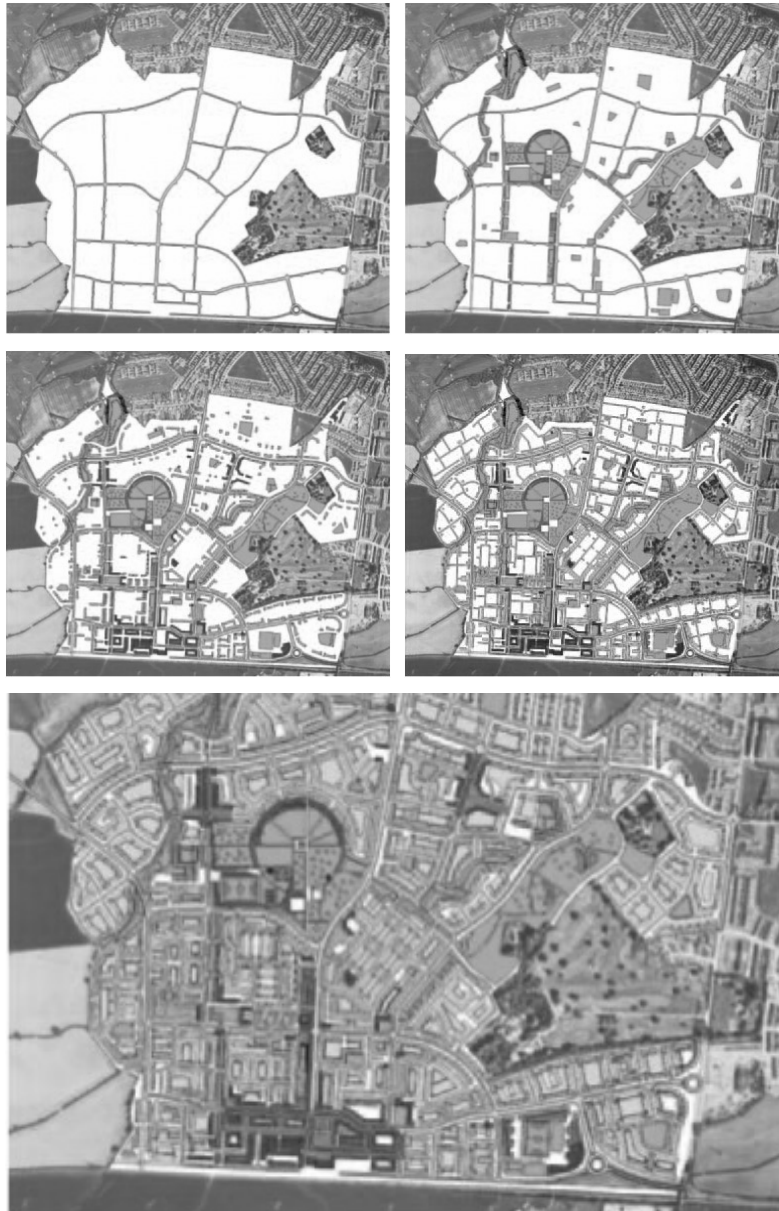


Fig 4: Proposed Phasing of Adamstown (courtesy O'Mahony Pike)

The South Dublin Project Group and the Design Team met fortnightly and the steering group met on a monthly basis. Local Councillors' were informed of progress at regular local area meetings and specialist groups met weekly to progress the project. An environmental impact statement was also being prepared to accompany the planning scheme.

The following framework plans were under way by early 2002:

- *An integrated transport and land use framework plan;*
- *A services framework plan;*
- *An urban design public realm framework plan;*
- *An economic /PPP Framework Plan;*
- *A Landscape Framework Plan;*
- *A Retail / Commercial Framework Plan; and*
- *A Community Framework Plan.*

Adamstown Lands were now subdivided into 11 development areas and 4 amenity areas. The total net development area was assessed at 155 hectares.

In each of the development areas a flexibility was allowed in the relationship between the amount of floor space and the number of dwellings. This allowed for variation in dwelling size and type. Generally to facilitate flexibility over time a system of acceptable min – max ranges of development was adopted for all categories of development. A minimum of 8250 dwellings and a maximum of 10150 dwellings were permitted in the planning scheme. A maximum of 125,500m² of non residential development was permitted with a maximum of 50% located in the Adamstown Station development area. The balance was distributed through the other 10 development areas thus ensuring mixed use development opportunities across the entire of the lands. Retail space was fixed at a minimum of 199,500m² and community space ranged between a minimum of 5200 m² and 5500 m²

The urban design team prepared detailed layouts of every development area. These were appraised, amended, revised and redesigned where necessary in consultation with the project team. Traffic modelling took place for all layout proposals to identify potential congestion areas and bottlenecks, to eliminate rat-running and to ensure permeability and ease of traffic flow. 10 guideline principles for the design of the various neighbourhoods were prescribed. Connectivity and permeability is essential with no gated communities, street edges throughout, passive

supervision of amenity space, mixed uses and activities throughout, varied residential densities, variety in building height, landmark buildings identifying key focal points, quality contemporary architectural design, a variety of dwelling types, variety of dwelling sizes, and well defined street parking.

To achieve higher density development in a sustainable manner with a variety of residential typologies on orthogonal layout geometry is generally the most efficient format and the plan specified maximum block sizes in the range of minimum 0.4 hectares to a maximum of 1 hectare.

Adamstown comprises a hierarchy of district and local centres and a series of small local nodes. The proposed streets and squares around the station comprise the town centre with two smaller village centres at Tobermaclugy in the north west of Adamstown and Tandy's Lane in the north east. Schools are located close to both village centres which in turn are situated beside the principal public parks in Adamstown. These areas are the commercial focus points of the town. However, there is a network of local nodes throughout Adamstown which accommodate small scale non residential uses such as pubs, corner shops, crèches and community centres.

Density is redefined in the planning scheme as high, medium or low density. Each development area is characterized under one of these density zones. The low density category is located at the perimeter with Tubber Lane, Tobermaclug Village, Airlie Stud, Somerton and Adamstown Castle at minimum densities of 35 units per hectare and maximum densities of 54 units per hectare at Tandy's Lane Village, St. Helen's and Aderrig are medium density areas in the middle of the site with a range of minimum 50 to maximum 78 units per hectare and finally Adamstown Square, Adamstown Station and Adamstown boulevard adjoining the railway to the south with a range of 75-90 units per hectare.

In the planning scheme there are presented detailed street layouts with specific roads hierarchies and access point through the whole SDZ area, detailed building heights to all building edges in the 11 development areas are proposed. Dwelling sizes, types and finishing options are proposed. A full transport strategy with a detailed pedestrian and cycle way network is specified. Water supply networks, surface water drainage infrastructure, foul sewage proposals are defined in great detail. For instance all pipe sizes on the principal road networks have been specified and priced.

Not just the three major parks but the numerous other pocket parks, canal ways and linear green boulevards have been allocated across the 11

development neighbourhoods as have the childcare facilities, community centres and enterprise centres.

Each development area is then allocated two pages in the planning scheme with a detailed indicative layout of high quality, the urban design characteristics, the facilities, the access and movement layout, the location of key buildings and amenity spaces and a checklist of development standards applying to the area.

Finally and in my opinion most importantly the planning scheme proposed a phasing and implementation policy. The phasing schedule is sequential rather than time specific and is based on the premise that the number of dwellings permitted in each phase is dependent on a predetermined amount of works to provide infrastructure, amenities and services having been completed to serve each phase. There are 13 sequential phases with a roll over of 250 units into the next phase to accommodate delays in completion of infrastructure. By the time Phase 7 is completed all areas of Adamstown will be open for development and all major elements of infrastructure will have been completed. At that stage between 5001 and 5800 dwellings will be constructed. This element of the planning scheme sets it apart from most other masterplans. The phasing identifies critical dependencies and ensures controlled development over an extended period. The developers are able to plan in the longer term and assess and budget for capital expenditure over an extended period. They can also plan their infrastructural programme in a cost effective way and over an identifiable period. The public are reassured that development is conducted in an orderly fashion and that the community benefits from taking delivery of amenity and community services.

In December 2002 the Draft Planning Scheme was approved by South Dublin County Council and following an oral hearing concluded by An Bord Pleanála and with a small number of amendments the planning scheme was finally adopted in September 2003.

The Future

Since the adoption of the planning scheme in 2003 further studies have been carried out and a public realm design guide has been prepared by Camlin Lonsdale Landscape Architects and Sean Harrington Architects for Chartridge Ltd. The purpose of the guide is to provide assistance to developers and their design teams in the pursuit of the highest quality of

design, construction and long term maintenance in Adamstown. Architectural variety is essential to achieving a stimulating and beautiful built environment. Many architectural hands must assist in realizing the vision for Adamstown. However designing harmonious controlled and elegant architecture in a seamless way required intelligent appraisal and confident design ability. The guide will inform design teams of the fundamental principles behind the planning scheme, will describe these public realm components to which the designer must respond and will provide guidance to the architect on composition.

David Pritchard of the Metropolitan Workshop in London and the author of the Ballymun Regeneration Masterplan has been appointed to prepare a detailed proposal for the development of the town centre of Adamstown Station. The draft proposals are very exciting with a series of precincts envisaged to incorporate leisure activities health and wellness, fashion, food and transport. Traditional streets, lanes, squares and parks are weaved into the fabric of a very contemporary new place.

OMP, Mulcahy McDonagh and Partners Quantity Surveyors and Jay Stewart Sustainable Energy Consultant with Delap and Waller, Mechanical and Electrical Engineers have investigated 53 established sustainable energy technologies and methodologies and carried out cost benefit analysis to determine which solutions might be applied to mass housing delivery at Adamstown.

Air tightness, enhanced levels of insulation and passive ventilation systems should be specified in all houses. Passive solar layouts, shelter planting and site organization are design considerations that cost very little money. Prefabricated design reduces construction waste and care with sub structural design reduces excavated levels and saves on waste. Landscaping design which retains spoil on site is another inexpensive design consideration. Rainwater harvesting, water metering and the use of condensing boilers are other technologies which can be introduced. Castlethorn are carrying out a pilot study with funding from Sustainable Energy Ireland under the Homes for Tomorrow programme, with energy rating on all new houses due to be introduced next year it is important to embrace energy saving technologies as a matter of urgency.

The Delivery

Since 2003 the first phase of Housing at Adamstown Castle known as Castlegate was granted planning permission and the scheme of 404 dwellings was sold out in March 2005. Further new phases of housing are

now underway and the first schools projects, designed by Anthony Reddy and Associates have been lodged with South Dublin County Council. The railway station designed by OMP is on site and will open, ahead of schedule, in April 2007.

Castlegate exemplifies all the urban design aspirations set down in the planning scheme. The scale of the streets is inviting yet spacious. The pocket parks and the shared spaces are generous and very well landscaped. There is a wide variety of unit types, with a landmark entrance to Adamstown that is distinctively contemporary and different. Continuous appropriately scaled 3/4 storey street edges and 2 storey courtyards with communal gardens and secure private amenity spaces are the predominant feature of the layout. It is contemporary, it is sustainable and yet it feels traditional; it feels like home.

The Lessons

Did the process work? Our practice is involved in another project of a similar scale elsewhere which is going nowhere because the developers are so suspicious of each others' motives they will not collaborate. The Local Authority will not commit the resources to set up a steering group to push the project forward. The developers will not commit the resources to fund a detailed masterplan and no one is willing to champion the project. There are no winners in this scenario. Adamstown was and is a completely different experience and a unique experience.

Everyone bought into the process at an early stage. Egos and suspicions were left outside the door. An atmosphere of mutual respect and collaboration predominated, with the public and private sectors working together to deliver a very complex project. The developer-clients were patient and supportive of the process as were the senior council officials and representatives. It was without a doubt the most rewarding project of my career, and the lesson of the process to date is that it takes longer than you think to get it right.

Some Hidden Costs of Irish Rural Housing

Diarmuid Ó Gráda

Random countryside housing is a persistent topic in Irish planning. Foremost among its themes has probably been the spread of holiday homes within scenic landscapes. Recently, concern has spread to the pressure on infrastructure, especially seasonal pressure.ⁱ This paper takes a different direction, looking at the cost/price of key infrastructure elements serving rural housing and comparing them to urban locations. It will address some hitherto neglected topics, including environmental costs.

Balanced regional development (BRD) is a key objective of the National Development Plan.ⁱⁱ It acknowledges that essential infrastructure, such as telecoms, will not be provided by market competition alone. It therefore arranges a positive discrimination in favour of the weakest areas. Broken down to a personal level, there is an investment of 35% extra per capita in the Border, Midlands and West (BMW) region above the rest of the country.

BRD is being pursued through an annual subsidy of €750 for every resident of the BMW region. That approach should be reviewed because of the prevailing pattern of rural housing development. In particular, it may not reflect the actual burden borne by urban residents.

Comparisons

There are inconsistencies in the way services are priced. One of the best comparisons is between electrical and postal services. An electricity connection to a rural house is 122% higher than for an urban one. A price differential is maintained after that because the annual standing charge for rural areas is 61% higher.ⁱⁱⁱ

A completely different approach is followed in the postal service. There is no connection charge or standing charge. All householders pay the same

price for the service although deliveries to country homes cost 4 times more.^{iv}

On the one hand, the rural standing charge for electricity reflects extra costs, for example, those caused by storm damage to overhead wires. On the other hand, even modest reform to the rural postal service, such as clustering delivery points, has hitherto proved too sensitive. A rural postal connection/standing charge could be considered, based on real costs and subject to the usual welfare system exemptions. In reality, that particular dichotomy may be modified by other influences such as I.T. innovations.

Unique Services

Some expensive services are essentially rural. They include the school transport scheme that costs over €100 million each year. 96% of the pupils carried are outside the Dublin area (4 P.A.s).^v A rural family with 3 children can gain an annual subsidy of over €2000. An increase in remote rural housing could add substantially to the cost of this service.

Rural Roads

Providing access to rural house plots places a heavy burden on country roads. Since 2000, over €2 billion has been allocated to non-national roads. This figure includes €500 million added recently.^{vi} Just 12% of this addition is going to urban roads. If we allow half of the year's rural allocation serves new houses, the cost is about €8500 per dwelling.

Many of these minor roads are laneways that evolved with farming practice. They were not designed for construction machinery. Easing restrictions on rural housing would bring heavily loaded trucks onto the most isolated bohareens. The failure rate of rural roads could rise sharply. That could add over €10,000 to the development cost of each rural house plot. That expense is currently borne by the central exchequer.

Arterial Roads

Statistics sometimes emerge showing the impact of one-off houses on arterial roads. Very recently, for example, Kerry Co. Council committed itself to providing an entirely new route for part of the N22 (Killarney-Farranfore link). Upgrading the existing road (c.15km.) was ruled out

mainly because too many new houses have been allowed during recent years.^{vii}

I am aware of other comparable cases, including one in Co. Mayo. There is an added interest to these cases because of the clear public policy against random housing on both national primary and secondary roads. That policy was introduced over 30 years ago.

That Kerry scheme will cost €90 million. Allowing about 75% of this cost arises from random housing, and estimating 150 new entrances were created, these one-off houses have cost the state an extra €440,000 each.

Wastewater Treatment Systems

We cannot say exactly how many septic tanks there are in the Republic. Estimates range from 300,000 up to 500,000. Each day, they discharge almost 250 million litres of effluent into the countryside.

Relatively little is known about the efficiency of these systems. However, Ireland now has the highest rate of microbial groundwater pollution in the EU. Farming and domestic sewage systems may be equally to blame. There are clear implications therefore for the environment, especially over public health.^{viii} For this reason alone, we should examine the performance of on-site systems.

One recent study by engineers from Trinity College, Dublin has been revealing. This examined 74 sites in Leinster. They were widely spread and randomly chosen. Just 5% of them had ground conditions suitable for ready installation of a septic tank i.e. plots that did not require remediation such as importing soil for a percolation area.^{ix}

It is easy to see the implications of this study for the wider countryside. If 95% of Leinster sites need such intervention, what might be expected from poorer conditions west of the Shannon?

Since the mid 1970s, there has been an official standard for installing septic tanks. That has, however, been confined to installation. Once the system is in place, official Ireland walks away.

It may be a mere 5% of Irish house plots are readily suitable for septic tanks. We should therefore consider the operation of the proprietary mechanical systems intended to replace them.

Proprietary Wastewater Systems

These proprietary systems have become popular over the past decade. In Ireland there are now about 20 types with Agrément certification.

What interests planners is not only the mechanical performance of these units but their management. Unlike septic tanks, most of them have electrically powered mechanical parts. I have gathered some details on 4 of the most popular types. To protect commercial sensitivities, I will refer to them as brands A, B, C and D.

Type A Proprietary System

At the outset, 65% of system A customers enter into a service contract. However, the subsequent default rate is very high. At present, 80% of this company's customers have discontinued the arrangement i.e. about 20% of these units are maintained.

Absence of maintenance essentially means these units quickly revert to being septic tanks. Company A is concerned about this situation, especially because its system is often specified for marginal or troublesome sites.

Type B Proprietary System

This company gives a 1-year warranty with the installed unit. As that ends, 23% of customers take up service contracts. However, the figure falls to just 5% the following year i.e. 95% of customers have no service agreement after just 2 years.

According to company B, only 1% approx. of these units is subsequently serviced (by the owners, or otherwise). They are left unattended until they foul up. Frequently, the first sign is a nuisance alert from overflowing sewage.

Type C Proprietary System

This company also provides a 1 year warranty. When that first year concludes, the take-up rate for maintenance agreements is about 40%. I was told that many of those customers are people moving from urban areas, who are not familiar with wastewater systems.

However, the default rate is still very high. At this time, just 17% have maintenance agreements.

Type D Proprietary System

Similar remarks were made by this company viz. there is a 1 year warranty. 50% approx. of customers sign up for maintenance, but that drops to about 25% by the start of year 3.

Self Regulation

There is a presumption that self-regulation of on-site systems is sufficient. Recent research in one western county sheds some light on this issue. That study examined a number of villages. In order to respect the sensitivities involved, this can be called County X.

There were 27 systems in the first village. 63% of them discharge directly (no effluent treatment) into a local stream. Those include 2 pubs, 1 butcher's shop and 1 grocery store. 11% of the properties had no on-site system at all, with sewage going straight into the stream. A further 19% yielded no information due to being unoccupied holiday homes etc.

A similar pattern emerged at another, smaller, village within the same county. 50% of the on-site systems discharge directly into watercourses.

The experiences of companies providing proprietary systems can tell us something about this as well. All of them spoke about undesirable practices by some building contractors (presumably a small minority). An ordinary septic tank is frequently installed instead of the specialist system. Usually, that will not come to light until the system fails and the company receives a call from an irate customer.

County X also made figures available about the aftercare of proprietary systems. About 33% of system A customers in that county initially take out maintenance agreements. The lapse rate is almost half, leaving just 18% with current agreements.

Some statistics on this issue were contained in the National Spatial Strategy (NSS). It quoted a study undertaken in 2000, indicating about one third of homeowners empty their tanks at irregular intervals. A further third only do so when there is a problem. It is stated 32% routinely remove the sludge.^x My investigation suggests actual compliance to be much lower. It may be as low as half the NSS figure.

These statistics suggest that self-regulation has not worked. Rural on-site systems may be getting out of control. Recently, there was speculation

the Department would reform the wastewater infrastructure. That was interpreted as applying an annual charge for removing sludge from septic tanks. That has apparently been shelved. Instead, it was indicated homeowners would have a duty of care, as heretofore.^{xi}

Social and Affordable Housing

There is a remarkable connection between one-off rural housing and Part V of the 2000 Planning and Development Act. The yield of social and affordable housing is directly related to nucleation. Recent statistics^{xii} for Part V output (no. of units acquired, in progress or proposed in 2003) show 78% of the entire national yield is from Dublin (4 Planning Authorities). For the Greater Dublin Area (7 P.A.s), it exceeds 83%.

In contrast, 9 rural counties produced none at all. Put another way, Dublin, with 22% of the private residential completions, provided 78% of the Part V housing. Social and affordable housing is almost exclusively supplied by Dublin.

This has far-reaching implications. Tilting the balance towards more one-off houses would further reduce overall Part V provision. Within some rural authorities e.g. Co. Leitrim, up to 70% of new dwellings are either second or holiday homes.^{xiii} That leaves them largely outside the Part V net.

A new home costs c.€300,000 in Dublin, against c.€10,000 in the rural counties. We need research on the proportion of that disparity caused by Part V contributions. In my opinion, it could be as high as €30,000, i.e. over 30% of the difference. However, the city homebuyer is taxed twice. He or she first pays for social/affordable housing within his or her local area and then contributes to Part V housing not provided by the rural councils.

These statistics could also be considered in the context of the National Development Plan, i.e. the B.R.D. objective of a 35% per capita bonus for B.M.W. residents. In 2005, the South + East Region contributed 83% of the overall Part V housing. That becomes even more significant when set alongside the S+E Region contributions to the central exchequer towards social/affordable housing in the BMW Region.

Conclusions

There is something inconsistent in setting high standards for the installation of wastewater systems, and then leaving them to their fate. In terms of

public health and safety there is an analogy between a septic tank and a motorcar that needs a National Car Test.

Just as the duty of care for the car owner was found to be insufficient, so is it with on-site systems. There is a case for regular testing. Most of those consulted for this paper thought a 2-year period would be appropriate.

The social/ affordable housing levy is essentially an urban phenomenon. Rural councils look to other sources to fund their requirements. They normally rely on the central exchequer. Consequently, those already paying the highest house prices now carry the additional burden of Part V. Young couples buying a home within a new urban estate face a levy of about €30,000 while their country cousins building a bungalow contribute nothing.

Inequality over social/affordable housing can remind us of previous reforms. Less than a decade ago, the residential property tax was abolished because it was essentially a levy on urban dwellers. Part V housing supply needs reform so that all new homeowners contribute equally.

Much of the ongoing debate about strategic planning for the health service can also inform this debate. There is a government commitment to medical centres of excellence. A short list of well-placed centres will receive public funding for expertise and equipment. Each designated centre is to have a minimum population within its catchment area. Specialist services will be shared by several counties.

There is a comparison here with settlement policy. The same principles apply to planning for the homes of the people as to the health of the people. To be viable, and to remain sustainable, we must have critical mass. That is essential to growth centres. The clear thinking applied to health planning could usefully be carried over to settlement planning.

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Wastewater Treatment for Single Rural Houses

Gordon Daly

In the assessment of planning applications for single rural houses, settlement location policies aside, the most controversial issue now emerging would appear to be that of wastewater treatment and disposal. The first part of this paper explores *why* the Planning Authority must consider this issue; *what* it must consider; *how* it deals with this issue; *who* deals with it and *how much* does it cost. This is done with particular reference to County Clare and some wider research. The second part of the paper will deal with the areas I believe we must make progress with in order to deal with this issue satisfactorily.

The Planning Considerations – Why?

The preservation of the quality of our water resources for drinking and other uses is essential for our survival and goes to the heart of the principles of sustainable development. It is a key objective in the 1997 National Sustainable Development Strategy (DoE, 1997). Groundwater in particular is a resource under pressure especially when it is considered that eight out of ten of all applications for single rural houses are granted planning permission. This amounts to nearly eight hundred houses alone in County Clare just for 2003.

The planning system is part of a wider framework of national legislation and licensing for the protection of water resources and public health. Indeed the first legislation in relation to public health dates back to the Public Health (Ireland) Act 1878. Planning also has a key role in balancing this with the need for development.

DoEHLG Circular SP 5/03 Groundwater Protection and the Planning System

This is the most recent Department circular letter on this issue and contains very clear directions for planning authorities.

It states that:

“ensuring that the country’s water resources are of the highest quality is a prerequisite for a healthy environment, a healthy economy and is a key part of Government policy. The planning system at national, regional and local level has a key role in ensuring that development proceeds in a manner that ensures Ireland’s water resources continue to be of the highest quality.”

The circular letter identifies three areas for the attention of planning authorities:

- *The need for more information within development plans on the location and potential vulnerability of groundwater resources.*
- *The need for an effective regime for the proper assessment of site conditions as well as the design, installation and maintenance of treatment systems.*
- *The need for appropriate monitoring and enforcement mechanisms.*

Development Plans

A development plan sets out the overall strategy for the proper planning and sustainable development of the planning authority’s area and it must include certain objectives relating to “the conservation and protection of the environment” (Section 10(2)(c)). A development plan may also specify objectives for any purpose referred to in the First Schedule of the Planning & Development Act 2000 including:

“Protecting and preserving the quality of the environment, including the prevention, limitation, elimination, abatement or reduction of environmental pollution and the protection of waters, groundwater, the seashore and the atmosphere.”

Local Government (Planning & Development) Act 2000

The Local Government (Planning & Development) Act 2000 is an Act “to provide in the interests of the common good, for proper planning and sustainable development.” Section 34 states that the Planning Authority shall be restricted to considering the proper planning and sustainable development of the area, regard being had to the provisions of the development plan and relevant Government policy, both of which are clearly very strong on this area. In addition, that a proposed development would “be prejudicial to public health” is a non-compensatable reason for refusing planning permission under the Act. (Fourth Schedule). In Clare County Council, this reason, either on its own or with other refusal reasons, was included in 17% of the total all applications for single rural houses refused in 2001. The corresponding figures for 2002 and 2003 were 18% and 19% respectively.

What?

The first national standard on septic tanks, SR6: 1975 appeared in January 1976 with “the object of achieving uniform satisfactory practice in the design, construction and maintenance” of septic tank systems. Prior to that, and following the introduction of the 1963 Planning Act, I can find no evidence of a national standard and it appeared to be left up to local authorities individually, possibly in conjunction with the relevant Health Board, to determine what was appropriate.

A perusal of these pre-1975 files in the Clare County Council archives reveals that a condition was generally attached which required the septic tank to be constructed to an “approved plan” and located at least 60 feet from the nearest dwelling house or public road. A simple one-sheet document on the construction of septic tanks and soakpits would also appear to be attached to the decisions. This also required that the septic tank should be located at least 100 feet from the water supply source and if possible on a lower level than it. The level of detail in general would be considered very minor in the context of today’s applications.

SR6: 1975 formalised some of these arrangements and introduced site testing. On viewing this document recently for the first time, I would consider it a more enlightened document than it appears to have been given credit for. Curiously, although it states that “the percolation area is the most important part of the septic tank system” and recommends that the “practice of constructing soak pits should be discontinued”, these appear to have remained in widespread use through the late 1970’s and indeed well into the 1980s.

SR6: 1975 remained the standard in use until its withdrawal in favour of the revised SR6: 1991 document, which is still the present standard. In 2000, the Environmental Protection Agency published its document ‘Wastewater Treatment Manuals: Treatment Systems for Single Houses’. The EPA received comments from interested parties in order to publish a revised manual. It is also understood that at that point it will be incorporated into the National Building Regulations and will supersede SR6: 1991, which will be withdrawn by the National Standards Authority of Ireland.

It is clear, therefore, that over time there has been considerable advancement in what is required to be considered by a Planning Authority in the assessment of an application. It is of value to briefly summarise these.

Changes introduced by SR6: 1991

- *Introduced the concept of site failure where percolation is too rapid.*
- *Established minimum distances from any well or groundwater source for percolation systems.*
- *Introduced revised guidance on minimum site sizes.*
- *Provided guidance on the proper maintenance of septic tanks and the need for regular inspection of percolation areas.*
- *Additional assistance with site assessment including listing simple tests and indicators that could be used to establish subsoil materials and lists of plants that are indicators of the existing drainage of the proposed site.*
- *Additional assistance in dealing with interpreting test failures and possible remedies are dealt with in increasingly greater detail.*
- *Soakpits not to be used in any circumstances.*

Changes from introduced by EPA (2000)

- *Prepared following completion of detailed research carried out in mid 1990s led by the EPA.*
- *Includes more detailed information generally on wastewater treatment and specifically on the design, construction and maintenance of septic tanks, mechanical aeration systems, soil percolation areas, intermittent filters, constructed wetlands and polishing filters.*
- *Introduces the concept of a more detailed site characterisation (Appendix A) by dividing it into a desk study followed by an onsite assessment. The on-site assessment is further divided into a visual assessment, a trial hole and percolation test.*
- *Acceptable “T” value range changed to 1-50. Introduced “P” tests to determine the percolation (permeability) values for shallow soils that may be used for polishing filters.*
- *Outlines a methodology for choosing the onsite treatment system and the optimum discharge route.*
- *To be read in conjunction with the relevant Ground Water Protection Scheme (Source/Resource Identification and Source/Resource Vulnerability) and matrix of groundwater protection responses for on site systems for single houses. (DoEHLG, 2001)*

How?

As already outlined, the assessment of the suitability for wastewater treatment is established in the first instance by reference to tests carried out under either SR6: 1991 or EPA (2000). The 29 County Councils in the country were surveyed by telephone/email and 28 responded. The

responses indicate that 36% are using EPA (2000) only, 25% are using both SR6: 1991 and EPA (2000) and 39% are using SR6: 1991 only. Many of the latter, however, also appear to be moving towards the use of the EPA (2000) document, particularly as the most recent Department Circular on this (SP 5/03) states that:

“Consideration might be given by planning authorities to using a standard site characterisation form along the lines of the model included at Appendix A in the EPA manual...”

In addition, the responses indicate that 68% of respondents now also require tests to be carried out on all sites for single rural houses. If not accompanied by the original application, this is requested by way of further information. Of the 32% of planning authorities that do not require tests on all the sites, it would appear that a large proportion of applications submitted are actually accompanied by site tests at the outset or subsequently, following a request for further information.

Who?

This area is multidisciplinary in nature and in my view is not, and should not be, exclusive to any one profession. Environmental Scientists, Environmental Health Officers, Chemists, Hydrogeologists, Planners, Civil Engineers and Engineering/Building Technicians are all involved to a varying degree and all have a role to play, particularly if equipped with further training (formal/informal) and experience in this area. From a Planning Authority perspective, I propose to examine firstly who conducts site tests and secondly who assesses those and planning proposals for septic tanks and treatment systems.

Site Suitability Tests

Carlow, Laois and Offaly Co. Councils are the only local authorities surveyed that carry out their own tests. In addition, Limerick Co. Council have a contract with the Mid-Western Health Board for the carrying out of tests in their area. All the other planning authorities surveyed accept tests carried out by the applicant's own agent. Although many of those surveyed expressed a desire to do so, none of the planning authorities who accept applicants' agents own tests stated that they restrict the qualifications/experience of those who can conduct these tests, aside from the fact that they are required to have a relevant technical qualification at degree, diploma or certificate level.

Assessment by Local Authorities

In Clare, all recommendations on planning applications for single rural houses are made by professional planners having regard to the issues and considerations outlined above. In Clare Co. Council, planners' competence in this area evolves from:

- Undergraduate education (Some planners have related undergraduate degrees in engineering, environmental science, Earth Science etc.)
- Postgraduate planning education (Dimensions of the natural environment is a core area in accredited planning courses, RTPI (1991))
- Comprehensive training Either in-house (Organised by the Environment Section) or FAS Site Suitability Assessment Training Course (rolling programme of attendees)
- Planning Resources, including GIS with groundwater protection plan maps and responses; detailed general and county specific reference material on soils, drinking water quality, hydrogeology, etc. as well as previous test results in areas.

The role of the planning authority in this area is recognised in DoE Circular Letter PD 3/94

"It is a matter for each planning authority to assess, on the merits of each individual case, whether or not a particular site is suitable for on site disposal of effluent. The Minister acknowledges that planning authorities have built up a considerable body of expertise and local knowledge in this regard."

In Clare, reports from the Council's Environment Section are received on applications within source protection areas, other areas identified as being sensitive by the environment section or where otherwise requested by a planner. This incidentally would appear to be representative of most planning authorities with only 29% of those surveyed stating that their environment section comments on all one off houses.

These comments are carefully considered as part of the application, as are other submissions and observations from other Council departments, third parties and prescribed bodies. These are generally single-issue submissions and often compete for priority.

As in all planning proposals somebody, therefore, must take a holistic view, balance these competing considerations and make an objective and rational overall assessment. This role of the overall management of change in the built and natural environment rests with the planner.

How much?

How much will it cost? This in particular has been a concern raised by some of the elected members of Clare County Council. Of the four local authorities that carry out their own tests or have a contract with the local health board to do so, the prices charged vary from €150 to €360. This is good value for money and most certainly represents a cost or below-cost price for those local authorities. As the majority of tests are carried out independently however, these figures are probably of wider relevance. From a small sample of agents working in this area in Co. Clare, it would appear that conducting SR6: 1991 tests would typically cost an applicant approximately €300 - €400, with an EPA (2000) type Site Characterisation Report costing in the region of €800 - €1,000. The EPA tests therefore are more expensive, but they bring with them a corresponding greater degree of detail and assessment.

It is also important to note that carrying out this higher degree of testing may actually save an applicant money, as it may clearly show that a conventional septic tank/percolation area is acceptable, thus eliminating the need to consider a more expensive treatment plant option. Any additional expenses on young first time buyers are difficult to absorb, but as a percentage of the overall cost it must be recognised that they are still relatively small.

Making Progress

I believe there are three areas in particular that we must make progress on if this issue is to be dealt with satisfactorily: better implementation; stronger enforcement and monitoring; and greater responsibility.

Better Implementation

The impending arrival of the new EPA document, allied to its use with Ground Water Protection Schemes and strengthened polices in development plans, will mean we have made considerable progress over the past 30 years in advancing standards in this area. I am sure our standards would compare very favourably with those anywhere in Europe or North America and in fact in many instances I am sure they would better them.

It is doubtful, however, if we have made corresponding progress in terms of the proper implementation and use of these standards for the assessment of sites and it is to this, I would suggest, our focus must now

turn. Any plan, law, strategy or standard must be implemented if it is to be of any practical use. The approach in Ireland if there is a problem is often to add more “layers” rather than using more effectively the tools we already have.

Stronger Enforcement & Monitoring

The correct use of the standards for the testing of sites, and the subsequent design of a suitable system, are important first steps but are rendered worthless if they are not properly executed under appropriate supervision and certified accordingly. Past research has shown compliance in this area to be very poor. (DoE Circular Letter PD 1/92 and EPA (1998))

As few, if any, local authorities will have the resources to supervise the carrying out of this work, a condition stipulating that this is carried out independently should be attached to every planning permission for a conventional septic tank/percolation area or wastewater treatment unit. Planning authorities and local authorities more generally must also be given adequate resources to police and enforce compliance in this area. Most Planning authorities now contain a dedicated enforcement unit, and whilst good progress has been made, most are still ill equipped to deal comprehensively with matters in this area. Clare County Council is, however, devising a strategy for the random monitoring of both testing and installations in this area and as it has proven, in the cases of other planning breaches, it will not shy away from the rigorous use of its powers under the planning enforcement legislation.

Greater Responsibility

Responsibility for performance rests with agents, builders, and treatment plant firms; a certain proportion also rests with the general public and with planners.

Agents: Agents have a responsibility to ensure that site tests are conducted properly and accurately and that certification and supervision of installation is also done correctly. I know of several agents that have, over the years, admitted privately to me and other local authority personnel, that in a lot of cases this is simply not happening. It is difficult to quantify this countrywide but we would certainly be foolish to believe it is not happening at all. The reasons are many: carelessness, lack of knowledge in this area or pressure from applicants/house builders – “they will only get somebody else otherwise”.

Builders: Most single rural houses, as would be expected, are built by direct labour or by a small local builder. My experience from working in the area of enforcement suggests that knowledge or awareness of this area can be very poor in some instances. I have known builders to complete houses without ever seeing the planning conditions for the site and as such requirements as to the size, construction or perhaps relocation of percolation areas and/or bored wells have been ignored. Again, if we are honest, there is anecdotal evidence to suggest that in some cases soak pits are still being used instead of even a poor attempt at a percolation area.

Treatment Plant Firms: Treatment plant firms have a responsibility or duty of care to ensure that the site tests which they have based their proposal on correlate with the ground conditions when they come to install the unit. This is particularly important considering the concerns I have expressed above about the accuracy of some test results. For example, a high water table or shallow depth of soil not recorded may present a problem for locating the unit.

Firms also have a responsibility to ensure that their marketing is balanced and that it is clear that their products are not a solution for every site, or if so, not without a considerable degree of risk which the Planning Authority may not be prepared to accept. This is the perception of much of the general public and many elected representatives and present a serious obstacle in the way of raising awareness of this issue. It is not as simple as 'septic tanks=bad' and 'treatment units=good'. The purpose and value of the Irish Agreement Certificate for treatment units is also overstated. In this regard, I welcome the statement by one of the manufacturers in this area, Biocycle Limited, that:

"the IAB Certificate far from being an actual certificate, is purely an opinion of compliance with the Building Regulations which is largely based on the manufacturer's claims and in which the National Standards Authority finds it necessary to include a disclaimer of responsibility for any consequences arising from use of the "Certified" product or process". (Letter of 21 January 04 to Clare County Council)

In simple terms, an IAB certificate is not a licence or approval to install a treatment system on any site. It is a minimum standard for the design and production process of any system, but it does not eliminate the need for an agreed site specific designed solution in each case.

In 1996, at a conference held on this topic in Thurles, a representative of another manufacturer, Puraflo™, stated that "in all but the very poorly drained and permanently waterlogged soils, the Puraflo™ system could be installed with a high degree of confidence" (Henry, 1996). This level of

balance in discussing the topic appears to have become more silent in recent years.

The General Public: Attitudes and awareness from the general public on this area must change for the better. There is a real tendency to adopt an “out of sight – out of mind” approach. In the perhaps understandable rush to secure planning permission and build, many applicants that I have met are reluctant to consider the importance of this issue. Applicants do not need to consider T and P values and Groundwater Responses; only practical questions such as: Do they want their children to play close to where effluent might pond in the future?, or to be exposed to the risk of a polluted water supply? The life span for our new houses in the countryside may be 80 to 100 years, some applicants may reside in them for half that or even longer. On some sites, problems may not emerge in the first or second year, but it may do so in subsequent years. A longer-term view is necessary.

There is also reluctance in some instances to pay for good advice or the best possible site solution; there is a perception that there is “no value” attached to this. Clare County Council accepts it has a role to play in the wider awareness of this issue and will shortly publish an easily read document on wastewater treatment for the guidance of applicants for single houses.

Even in cases where sites are suitable and houses are built, homeowners need to take greater responsibility for maintenance; it is not acceptable to wait until something goes wrong. It is perhaps, however, reassuring to know we are not alone on this: research carried out for the North Carolina General Assembly in 2000 on the proper maintenance of septic tanks found that:

“Septic tanks generally do not appear on the owner’s radar screen until they experience problems with their system. At this point, serious damage may have already occurred.” (North Carolina Commission for Health Services, 2000)

Planners: Planners have a responsibility to ensure that a proper case is made for effective policy and greater monitoring and enforcement in this area and, in addition, that the agreed standards are properly implemented in each case. We also have a responsibility to move with advances in this area and in particular to work to help find solutions in cases of strong rural housing need. This, however, must be carefully balanced with our responsibilities in terms of protecting public health and therefore, in the interests of proper risk management, it would seem sensible that these cases

should be minimised. I would not accept that there is a solution for every site.

There is, therefore, clearly a collective and interrelated chain of responsibility. For example, assume the following not unrealistic scenario. The site tests are satisfactory, but if the builder chooses to cut corners, if the agent certifies it without proper supervision, if the applicant turns a “blind eye” and if the planning authority does not have the resources to police this area, then the end result is clearly a “hit” on the environment.

Conclusion

In the assessment of planning applications for single rural houses, the area of wastewater treatment can be complex, and there is a danger, as in the case of the wider debate on single rural houses, of the issue being misunderstood and of views becoming increasingly polarised. I am sure, however, all concerned will agree on one thing: that it is important to reach a consensus so that those who reside in rural areas can live without a threat to their health and that of the wider community.

I hope by attempting to answer the five important questions of *why*, *what*, *how*, *who* and *how much*, that I have given a clearer understanding of the planning considerations in the assessment of waste water treatment for single houses in the countryside. I believe however, that in order to deal effectively with this, we must achieve better implementation of existing or future new standards, stronger enforcement and monitoring and, most critically, greater responsibility from everybody with a stake in this area. *How much?* has been one of the questions in this paper. In the long term, if we measure this in terms of the cost to the environment, I would suggest that it is a price we cannot afford to pay.

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Social and Affordable Housing in Ireland: Transfers of Housing under Part V of the Planning Act

Nicholas Mansergh

Part V of the 2000 Planning and Development Act was vigorously contested from the start. The covers of the CIF magazine 'Construction' carried headlines like "New Planning Bill - Recipe for Disaster" (October 1999) and "At the End of Our Tether - Home Builders and the Planning Bill" (July 2000)^{xiv}. While it passed into law, the government gradually became more defensive about it, and more concerned to reach an accommodation with house builders on it. The Programme for Government following the 2002 General Election promised a review of Part V, even though it had been in operation for less than a year. It was amended in December 2002.

The 2002 Planning and Development (Amendment) Act diffused rather than resolved the conflict. While the demands of the house builders had only partly been met, there was no obvious prospect of further legislation, so the focus naturally shifted to how the amended legislation was interpreted and applied. Issues of interpretation covered a wide spectrum, ranging from questions of what represented appropriate practice, to strict questions of legal interpretation. The 2002 Act had created a wider range of options on the form the transfer could take, and as these were at the discretion of the local authorities, much of the potential for disagreement was decentralised from national to local level. The extra options also widened the scope for references to An Bord Pleanála (on what type of transfer was appropriate) and to the Official Arbitrator (on the number of houses or sites to be transferred and the amount of compensation to be paid)^{xv}.

The range of options provided for in the 2002 Act were transfers of land, dwellings, or serviced sites, which could be on the application site or elsewhere within the area of the relevant local authority, or a financial contribution in lieu, or some mix of the above^{xvi}. In considering which option to pursue, the local authority had to have regard to effectiveness in achieving the aims of its Housing Strategy, avoidance of undue social

segregation, value for money, timely provision of housing, and consistency with the development plan^{xvii}.

The 2002 Act did not necessarily require a major shift away from on site transfers of houses, because they often performed well under these criteria. Houses acquired through this type of transfer would be provided at the same time and in the same places as private sector housing, and would be built by the same builders and designed by the same architects. Such housing could be expected to minimise social segregation and (at a time of unprecedented private housing output) provide social and affordable housing in a timely manner. Particularly on green field land which the developer had bought since August 1999, the price paid for the houses appeared good value for money, as the land would be paid for at agricultural values, and the cost of the houses was expected to be at or near normal contractor's prices. By contrast, the prices of average houses bought on the open market in 2001-4 included a land value element averaging 23%^{xviii}, and also a very significant element of developer's profit. Even conventional social housing built on recently purchased local authority owned land would normally include a much more substantial element of land value.

Contrary to popular perception, the 2002 Act thus left local authorities in quite a strong position to continue to seek transfers of on-site houses, while at same time making it easy for ones which did not want to - or felt unable to - require on-site transfers to rely more on off-site provision or financial contributions. However, being well placed to seek transfers of houses was not the same as being well placed to actually obtain them. There were various ways in which developers could delay transfers, ranging from unrealistic negotiating positions to outright non-compliance.

At a more formal level, they could and did question the way particular clauses in Part V were being interpreted. The provisions which have been questioned most are ones specific to the option of transferring houses, and related to the clauses which required:

- *Equivalence between the monetary value of the percentage of the land the local authority would be entitled to under an on-site, land only transfer, and the value of any of the other options (s.96.3.b)*
- *Valuation of the site costs of houses built and transferred on completion, at the existing use of the land on the date of the transfer (s.96.3(d)(i), 96.6.(b))*
- *Inclusion of "profit on costs" in the compensation paid for the costs of constructing the houses (s.96.3(d)(ii))*

The remainder of this article deals with these three issues.

Equivalent Monetary Value

Extending the menu of options in the 2002 Act created a need to ensure equivalence between them. This problem had not existed under the 2000 Act, which envisaged on-site transfers, and if the agreement provided for a transfer of houses or serviced site rather than raw land, the compensation paid by the local authority was simply increased to cover the cost of works as well as land^{xix}. The options available under the 2002 Act were more diverse, and required some common form of quantification to allow comparison between them.

This need was met by the amended s.96.3b inserted by the 2002 Act, which, having listed the options, stated that whatever option was selected should result in:

“the aggregate monetary value of the property or amounts or both, as the case may be, transferred or paid by virtue of the agreement being equivalent to the monetary value of the land that the planning authority would receive if the agreement provided solely for a transfer of [on-site] land...”

Various efforts have been made on behalf of developers to argue that this clause limits the number of houses transferred to much less than the 20% maximum proportion of housing land reservable under Housing Strategies, in accordance with s.94.4.c of the 2000 Act.

Site Value of House Sites

Some of these efforts have been combined with a second argument: that as the legislation provides both for transfer of houses on completion, and for compensation for site cost based on the existing use value of the land *on the date of transfer*, developers are therefore entitled to full development value of the site. As the aim of Part V was to provide 20% of new private housing to social and affordable house at cost^{xx}, the two arguments in combination almost amount to an attempt to interpret Part V out of existence, at any rate in relation to the transfer of houses.

While these two provisions do not have to be interpreted in this way, other interpretations do involve interaction between the two of them. One of the merits of a recent article by Eamonn Galligan SC^{xxi} is that it tries to provide an integrated interpretation of the various provisions in the amended s.96 - including the two just referred to - in the form of a specific

step by step case. If one disagrees with that case, it is not sufficient to question his interpretation of individual clauses. Instead, it becomes necessary to put forward an overall alternative view on how s.96 should be read.

Galligan's Case

The main steps in Galligan's argument are as follows:

(i) the amount the local authority pays for the houses to be transferred is based on land cost calculated in accordance with s.96.6 (existing use value or pre 1999 price), plus the cost of the works involved (including profit on this cost)

(ii) the value of the houses transferred should be equivalent to the value of the land which would have been transferred under a land-only transfer, in accordance with the clause quoted above, and the land-only transfer should be valued at gross value. In the case of land acquired since 1999, this includes the existing use value which the local authority has to pay for, as well as the development value, which it gets free of charge

(iii) similarly, the "aggregate monetary value" of the houses for transfer should also be calculated on a gross basis, ie without deducting the amount of compensation the local authority has to pay for construction and land. If compensation was deducted, it would cancel out the aggregate monetary value

(iv) as the amended s.96.6.b refers to the existing use value of the land "on the date of transfer of ownership", and as 96.3.b.iv envisages that houses will be transferred on completion, the existing use value of the site is in fact the full development value

(v) the gross value of a house is normally much greater than the value of the land on which it is constructed. If the value of the houses to be transferred cannot exceed the value of 20% of the site of the overall development, then the proportion of houses to be transferred must be much less than 20%.

The weaknesses in this argument are chiefly related to *gross versus net values*, the *percentages of houses transferable* and the *criteria for interpretation*. These are set out below.

Gross versus net values: In step (iii), Galligan treats the phrase "*aggregate monetary value*" as referring to the gross value of completed houses, without deduction of local authority compensation. However, the aggregate of, say, 7 and -5 is 2, not 7. The benefit or 'planning gain' to the local authority is the component of value which it does not have to pay for, just

as (in step (ii)) the benefit of a land transfer is its development value (less existing use value or pre-1999 price) which not paid for.

The 'net' interpretation implies that the legislation is trying to ensure that the net benefit to the local authority (and the net cost to the applicant) is similar, regardless of which of the options listed under s.96.3(b) is agreed on. This is a rational and intelligible aim. If the net transfer differed wildly between options, there would be inequity between developers, and the two parties to the agreement would be more likely to pursue divergent options, making agreement between them more difficult to achieve. By contrast, there is no plausible reason why the legislature would want to equalise gross transfers, especially if this lead to net transfers under different options varying widely.

If compensation were taken into account in calculating aggregate value, it would not cancel out the value of the property (as Galligan argues in step (iii)), but merely reduce it, by subtracting existing use value and the cost of building the houses. The development land value (net of existing use value or pre-1999 price) would not be cancelled out. Galligan's view to the contrary seems to be based on his interpretation of the compensation due for site cost where houses are being transferred, in step (iv) of his argument. However, this step is also defective:

Site Cost: s.96.3.d states that price shall be determined on the basis of two components: "*the site cost of the houses*", and their "*building and attributable development costs*". In a development or planning context, a site is by definition^{xxii} a piece of land which it is intended to develop or has potential to be developed, not one which has been developed already. S.96.6.b provides not only that site cost be valued by reference to the existing use of the land "*on the date of transfer of ownership*", but also that "*on the basis that on that date it would have been, and would thereafter have continued to be, unlawful to carry out any development in relation to that land other than exempted development*".

If a site already has a building on it, but has to be valued independently of that building, its value is what it would be worth as a cleared site, less the cost of demolishing the building. However, demolition of a habitable house is not exempt development. If demolition is excluded, the site has no independent existence, is not by itself a marketable commodity, and has no actual separate value.

Galligan's interpretation imports into the section an implied qualifying clause, to the effect that where the site has already been developed under

the permission in question, the impracticality of separating the site from the house should be disregarded, and the land involved valued as though it were an undeveloped site in the same location, on which a house could be built without restriction.

Admittedly, some interpretation of the wording of the Act is necessary, where the transfer involves a completed house. One cannot literally value separately the site of a house which is already built and cannot be demolished. Some assumptions are necessary. The obvious alternative to Galligan's ones is to treat the site value as being the value the land had at the point when it ceased to be a site - namely, on the date on which construction started.

This second interpretation is more consistent with the context and likely intentions of the Oireachtas. It should be remembered that the default transfer (the one which developers are entitled to insist on under s.96.3.g) is a transfer of on-site land. S.96.6.b also applies to that type of transfer, and in that context has a very clear meaning. If the application site was previously in agricultural use, then the part of that site transferred should be valued at agricultural prices. It is unlikely the Oireachtas intended the same clause to require a diametrically opposed land price regime where houses as well as land were being acquired, with the result that it would be far more expensive for the local authority to acquire houses built by the developer, than to acquire the land and build them itself.

Percentage of Houses Transferable: Galligan's treatment of "aggregate monetary value" as meaning gross rather than net value, leads to him into a further misconception, whereby (in step (v) of his argument) he sees the value or cost of houses (as opposed to their sites) as relevant to the calculation of equivalent monetary value.

A Part V transfer of houses consists of land, plus houses valued separately on a cost of construction basis. That option is not actually described in the 2002 Act as a transfer of houses, but as "*the building and transfer on completion... of houses*" (s.96.3(b)(i)). The gross value of that transfer is the value of having those houses built (as in buildings built by contract at market rates), plus the value of the land. This view is confirmed by the manner in which the local authority pays for the completed houses. Compensation is broken down into two elements - site costs and building/attributable development costs - under s.96.3(d)(i) and (ii) respectively.

Whatever the cost of having the houses built, it is fully compensated for under s.96.3(d)(ii). The net or aggregate value of the house component of the transfer is therefore always zero.

Where the transfer is one involving on-site property, the percentage of total residential accommodation being provided^{xxiii} to which the local authority is entitled, will always be the same as the percentage of the application site it would be entitled to, in the case of an on-site land transfer. On both sides of the equation, the net transfer is the development value of the relevant percentage of the land. 20% of the development value of the application site is equivalent to itself by definition.

Empirically based comparisons of the value of the default on-site land transfer with the value of a transfer of houses are thus only appropriate when the latter are off-site houses, located on land with a different unit value to that on the application site. The equivalent monetary value clause is only necessary because the 2002 Act allowed for off-site provision or contributions^{xxiv}.

Criteria for Interpretation: At the beginning of his article, Galligan argues that we must follow the plain meaning of the words of the Act, rather than attribute intentions to the Oireachtas, and must construe them in a harmonious manner consistent with s.96/Part V as a whole. However, he does not meet his own criteria in his article. In particular, his interpretation of the words "aggregate" and "site cost" are not in accordance with their plain meaning.

His conclusions are also not consistent or 'harmonious' with s.94.4(c), which quite clearly envisages housing strategies reserving a percentage of zoned residential lands for social and affordable housing. This implies that, regardless of the option under which this housing is provided, the prescribed percentage of housing land should end up being used for social and affordable housing. If, on land subject to a zoning objective of 20% social and affordable housing, the equivalent monetary value clause is interpreted to mean the total value of the housing transferred cannot exceed 20% of the land value, and the land value, in line with the current national average, is 23% of the overall value of the entire development, it follows that only 4.6% of the houses will in fact be transferred. Such an interpretation would certainly not be consistent or harmonious with Part V as a whole.

It would also be largely gratuitous, as there is a much simpler and more harmonious interpretation available. The only clause that poses any real

difficulty is the one which requires the site cost of houses transferred on completion to be valued at existing use value on the date of transfer. No completely straightforward interpretation of this is possible, but, of the two most obvious approximations, one is fully consistent with the context, whereas the other contradicts it.

Developer's Profit

A rather different argument, relating more to appropriate practice than legal interpretation, was raised with the Department of the Environment by the CIF/IHBA in relation to developer's profit. Under s.96.3(d)(ii), developers are entitled to the building and attributable development costs of any houses they build for transfer under Part V, including "profit on the costs". The question that has been raised is whether the profits involved are analogous to the profits a building contractor would make on, say, a contract to build a conventional housing scheme, or whether it should also include an element analogous to the profit which a developer who employs a contractor to carry out the actual building work would make.

The difference between the two bases is large, at least potentially. Contract prices for social housing projects increased by 101% between 1995 and 2004, while new house prices excluding land increased by 183%^{xxv}. These figures give a rough indication of the increase in developer's profits since 1995. The average difference between actual 2004 net new private houses prices, and the prices which would have applied if they had increased at the same rate as social housing contract prices since 1995, was €5,800 per house. If we accept that there are some developers costs which vary in line with sale prices rather construction costs (eg marketing and legal costs), and assume 20% of this increase is absorbed by additional, price related costs, this still leaves an increase in developers' profits of around €45,000, or 18% of the 2004 average sale price of €249,200. We do not know what developer's profits were in 1995, but the market was recovering strongly at that stage, and they are unlikely to have been zero. On the basis of these figures, average developer's profits are currently at least one fifth, and more probably around a quarter, of the selling prices of new houses. They are well worth arguing over.

This does not mean that Part V agreements in which developers were compensated for a transfer of houses on a contractors' profit basis would cost developers this amount. The developers' profits at issue would be profits which developers might otherwise have made, rather than extra

expenses they had incurred. While they could argue that they had to pay for 100% of the site, but could only make developer's profits on 80% of it, there is an element of circularity in such an argument. Their Part V obligations (and the extent to which they are expected to be enforced and compensated for) should influence the amount they are prepared to bid for land, and the rate of increase in development land prices^{xxvi}. The current scale of developers profits does however reflect the strength of the incentive to influence the way "profit on costs" is interpreted, particularly in relation to land which has already been bought by the developer.

During 2005, the Department accepted the principle of compensating for developers' profits, with suggested levels of "profits on costs" of up to 15% developers profit and 7.5% contractors profit^{xxvii}. Presumably, a prime motive was to improve the level of compliance. The extra cost may not be that important in relation to local authority housing, where access to land in areas without much local authority housing at present is a more vital issue than finance. However, higher costs for affordable housing would in many cases have to be met by the "affordable" purchaser, and this could affect the viability of the Part V affordable route into the housing market.

It is possible that the Department have conceded more to developers than they are strictly speaking entitled to, and that the gains in terms of improved compliance may be temporary. These are addressed below in terms of the legal status of developers' profits and challenges and compliance.

The Market and Legal Status of Developer's Profits

Developers' profit can be regarded as the price the market puts on the risk in development. If the selling price of houses was merely sufficient to recover the development value of the land and the costs of building the houses, with normal contractors' profits on the construction element, speculative house building would be economically irrational. The developer could realise the same return with far less risk and delay, by reselling the land at full development value, and (if he was a builder as well as a developer) taking on contract work. To maintain a pool of active developers, profits in excess of this are needed, with their level set by supply and demand conditions, and the intensity of competition between developers.

Different types of profit are thus based on different types of risk. Eligibility for compensation for developers' profit should therefore depend

on the specific risks involved in those parts of a Part V transfer where “profit on costs” are allowed for in the legislation.

This does not include the actions of the developer in acquiring the overall site, and taking it through the planning process. The “profit on costs” clause relates quite specifically to the costs of building houses (s.96.3(d)(i)), and no similar clause applies to the site cost element of the transfers, under (s.96.3(d)(ii)). Also, developers equally incur the costs and risks associated with acquiring the site and obtaining planning permission, if they opt to make a land only transfer, but there is no provision for any element of profit in s.96.6. Builders may consider they have a moral case for compensation for such risks (though even this is questionable)^{xxviii}. They do not appear to have a legal one.

Since compensation for profit on costs is specific to the works involved in providing houses or serviced sites, the type of profit must also be specific to that particular activity. In the context of Part V, houses are provided by the developer, on the basis of an agreement with the local authority. This is analogous to a contract, and subject to the same types of risk as a contract, such as unexpected increases in costs, possible delays in payment and so on^{xxix}. The profit involved is set by the market through competitive bidding, and this applies in practice as well as in principle to Part V construction, as the local authority has the option of seeking a land-only transfer, and then having the houses built by a contractor. The profit involved is a market reality, not an abstract right, and its level is set by competition between contractors, rather than between developers. One can argue that the explicit or implicit terms of Part V contracts may differ in some respects from other public sector contracts, and that this affects the level of risk involved, and the level of contractor’s profit which the market seeks in return. However, this is not the same as saying that the builder is entitled to developer’s profit.

S.96.7(a)(i) provides for the compensation for construction of houses to be fixed in cases of dispute by the Official Arbitrator. It is not clear how collective negotiations between the CIF/IHBA and the Department of the Environment are intended to relate to the basis on which the Official Arbitrator makes his decisions on individual cases. If the Department advises local authorities that a particular level of developer’s profit should be allowed for, and this is reflected in local authority submissions to the Arbitrator, is he allowed or even obliged to include this type of profit in his award, regardless of whether he considers it to be provided for under the legislation or not?

Challenges and Compliance

The developer's profit issue differs from the equivalent monetary value and site cost ones discussed earlier, in that it has been pursued through something resembling collective bargaining, whereas the other two are issues which can only be pursued by individual developers, via arbitration or the courts. There are no doubt other possible issues, which may be raised in future. If there are a multiplicity of Part V issues which can be pursued by a variety of means, this makes it less likely that any comprehensive 'deal' with the builders can be done and delivered on, and more likely that we are facing a sequence of challenges, which will approximate in their effect to a continuing campaign of attrition, whether or not this is collectively intended or admitted.

If there is such a campaign, it is at present focused on transfers of houses. In so far as it has, or is expected to, affect the desirability of this particular type of transfer under the criteria in s.96.3(c), its effect may simply be to increase the relative attractions of alternative forms of property transfer. Local authorities can short-circuit all the arguments discussed in this article, by seeking a transfer of on-site land. There is then no need to calculate equivalent monetary value, no uncertainty as to what counts as the existing use value, and no allowance to be made in the transfer for any profits, whether developers' or contractors'. If the local authority is entitled to 20% of the site, under a land-only transfer it is sure of getting it, and of being able to build houses on it subsequently without liability for developer's profit. The main drawbacks are that it often takes longer for local authority houses to get built, and the house types constructed are likely to be visibly different from private housing in the same development, which may imply greater perceived segregation.

Appropriate or not, this response is not easily applied to the large number of permissions already granted, with agreement in principle to transfer of houses. In many cases, these houses have actually been built. Local authorities which have been opting for transfers of houses on a substantial scale from late 2001 onwards do not have the option of a tactical retreat, in relation to most of these permissions.

Conclusion

Even where this response is possible, the tactical wisdom of conceding ground in the face of a de facto campaign of attrition is questionable. As the three issues considered in this article illustrate, it is not that difficult to

develop arguments which do not have much substance, but enough superficial plausibility to delay and disrupt the implementation of Part V, and on some occasions even win. Such arguments reflect an imbalance in “resourcefulness”, in the sense used below:

“It is one of the few dependable rules of history that, given enough time, private interests will always triumph over public ones simply because their advocates, as they stand both to gain and to lose more than do the guardians of public property, are infinitely more resourceful”^{xix}

If local authorities merely shift their ground, they can be fairly sure that the resourceful advocates of private interests will follow them, and find some hitherto undiscovered basis for questioning transfers of land. Defending transfers of houses on the basis intended in the legislation is compatible with avoiding undue dependence on that option. The social disintegration which would result from complete dominance of the principle cited in the above quote is avoided, because public interests sometimes fight back, or take the initiative. The vigour with which public policies are defended is not a fixed quantity, and in practice varies widely. Private resourcefulness can sometimes be met with public resourcefulness.

REFERENCES

^{xiv} These concerns related specifically to Part V. The CIF was quite supportive of the rest of the Bill, which included a number of items they had been lobbying for (Construction, Oct. 1999, p.5)

^{xv} s.96.5 and 96.7 provide for such references. All references to s.96 in this article are to it as amended by the 2002 Planning and Development (Amendment) Act, unless otherwise stated

^{xvi} s.96.3.a-b

^{xvii} s.96.3.c,

^{xviii} see note 12 below

^{xix} See s.96.3.a of the 2000 Act in its original form

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- ^{xx} For instance, the headline in the Examiner on 25 August 1999 (when the Planning Bill was first published) was “One house in five to be sold at cost price”
- ^{xxi} Galligan, E "The equivalent monetary value principle in social housing" Irish Planning and Environmental Law Journal - Vol. 12, No.3, Autumn 2005, p.116-20.
- ^{xxii} eg OED 1992 - “3(a) *The ground or area upon which a building, town etc has been built or which is set apart for some purpose. Also, in mod.use, a plot, or number of plots, of land intended or suitable for building purposes...*”.
- ^{xxiii} In applications where there is a variety of house types of different sizes, a 20% transfer can be calculated in floorspace terms. As the smaller houses tend to be the ones most suitable for transfer, this may result in more than 20% of the units being transferred
- ^{xxiv} The exception proves the rule. The 2000 Act(s.96.12) in its original form allowed for the possibility of a financial contribution in exceptional circumstances, and provided that it be of equivalent value to a transfer of on-site land.
- ^{xxv} See Tables A1.1 and A1.2, DKM Economic Consultants, “Review of Construction Industry 2004 and Outlook 2005-7”, p.79-80, and corresponding tables in previous editions (pre 2003 editions published by DoE).
- ^{xxvi} One would in fact expect a decision to compensate for developer’s profits under Part V to result in higher development land prices than would otherwise apply
- ^{xxvii} Department of the Environment Circular AHS 2/05 (8 September 2005)
- ^{xxviii} If developers calculate their maximum bids for sites using the residual method found in real estate textbooks, as the gross sale value of the completed development, less all the costs of producing and marketing it and a target profit rate, Part V should not cause any change in the ratio between risk and profit. On that basis, they would factor in the reduced gross sale value attributable to Part V, and adjust their bids as necessary to yield the same target profit rate. While reality probably diverges quite a lot from this model, some of the reasons why this may happen are not necessarily helpful to any ‘moral’ case. For instance, the uncertainty as to how far developers will actually be required to comply with Part V may have tempted many of them to bid more, but - at least collectively - they themselves have been a prime cause of this uncertainty. Alternatively, actual profits at present may often be comfortably in excess of normal targets, with or without Part V, in which case they would not adjust their bids, and might have to carry much of the cost of

compliance. This latter explanation would be consistent with the absence of any obvious adverse effect on output volumes

^{xxix} The Department seem to take the view that there is an entitlement to developers' profit even in the absence of sales risk, but that this absence should reduce the level of profit allowed for: "*Following representations made by the Irish Home Builders Association, it has been decided that 'profit on costs'...should in addition to contractor's profit, allow for developer's profit, the level of which can be up to 15% depending on a number of factors. Whilst this percentage currently represents the industry norm, it includes an amount to offset against the level of risk being taken by the developer and local authorities should bear in mind that Part V units, both social and affordable, are effectively guaranteed sales thereby reducing the level of risk involved*" (Circular AHS 2/05). The difficulty with this view is that the most plausible alternative basis making an allowance for developer's profit is the costs and risks associated with acquiring the site and obtaining planning permission, but there is no provision in the legislation for profit on costs in relation to that component of the transfer.

^{xxx} Pipes "Russia under the Old Regime", Peregrine Books, Harmondsworth, Middlesex, 1977, p.130.

Review of Preliminary Results of Census of Population 2006

Michael Walsh

The purpose of this paper is to examine the preliminary results of the 2006 Census of Population and to seek to identify significant trends, with particular regard to the implications of the sustained period of growth in population which has occurred since 1996 and to the projections of the National Spatial Strategy published in 2003. Frequent estimates are made of current population trends, taking account of birth and death registrations and data on migration. These estimates are prepared on a national basis and give an accurate overview of current trends. It has been established that the rate of population growth has accelerated in recent years but these estimates give limited information on the spatial distribution of the population. Censuses have generally been taken at five-year intervals since 1946 and the interval of only four years since the previous census is attributable to the outbreak of foot-and-mouth disease in 2001. Most of the detail of the census is contained in the final results, likely to be published in 2007, but the preliminary results contain a detailed schedule of raw population totals by small areas.

The Scope of the Preliminary Census Results

The figures given are of total numbers of persons, males and females for each unit of area. The units of area are district electoral divisions in rural areas and wards in urban areas. These units are very small in rural areas but rather larger in urban areas. They do not distinguish smaller towns and environs of larger towns, as is done in the detailed reports. Nor do they provide any information on breakdowns of population by age, marital status or occupation. The use of the word *preliminary* implies that the final figures are likely to be modified when the returns are scanned in greater detail. Experience of past censuses suggests however that any corrections will be minor and unlikely to have a significant effect on general trends. One feature of the census is that the figures given are for the actual population present on census night so that figures for small areas in

particular can be subject to variations depending on seasonal movements and absences. The population figures for rural areas with boarding schools can display enormous fluctuations arising from variations in the timing of school holidays. It is not always correct therefore to make firm inferences from population trends in such areas.

Aspects of Planning Interest

The National Spatial Strategy introduced in 2003 has for the first time provided a firm spatial framework for the making of decisions on investment in infrastructure and facilities for the period up to 2020. This census provides an opportunity to evaluate progress in the implementation of this strategy and also other significant trends, in particular the tendencies towards urban sprawl and sporadic rural development. The areas dealt with in this paper include overall regional trends, the performance of the gateways, the centrifugal effects of development around major urban centres, trends in rural areas and trends within major urban areas.

Regional Trends

The National Spatial Strategy based projections on two scenarios, the first based on current trends and the second on strong economic growth. It is abundantly clear that the second is the most appropriate scenario, given that the (then) current trends projection for 2010 has already been exceeded. In crude figures the population increase since 2002 amounts to 29% of the more optimistic forecast increase until 2020, which suggests that a continuation of current trends will result in a population well in excess of 5,000,000 by 2020. The regional breakdowns, as indicated in Table 1 show some interesting variations.

Region	Population (000s)			Increase in Population (000s)		% of projected increase already taken place
	2002	2006	2020(est.)	02-06	02-20	
GDA	1,535	1,661	2,200	126	665	19
Southeast	424	460	480	36	56	64
Southwest	581	620	740	39	160	24
Midwest	340	360	410	20	70	28
West	380	413	460	33	80	41
Border	432	467	460	35	28	125
Midlands	226	251	280	25	54	46
State	3,917	4,235	5,030	318	1,113	29

Table 1: Regional Trends 2002-2006

There are some surprising variations in these figures but a word of caution is appropriate. In the case of some regions the growth forecast to 2020 is small in numerical terms so that it could be equalled or exceeded more easily in the short term. In this respect the apparent sluggish growth in the Greater Dublin Area is just allowing that region to maintain its proportion of national population. What is obvious is that the regions based on the major cities of Cork and Limerick appear to be under-performing with respect to the NSS projections while the increase in the overall BMW region equals to more than half of that projected to 2020. It will be shown however that significant distortions have occurred in the centrifugal pattern of the growth generated by the GDA in that the portions of the adjoining regions which have experienced the greatest growth rates are those just outside the boundary of the GDA.

Area	Population (000s)			Percentage Change	
	1996	2002	2006	1996-2002	2002-2006
Dublin City*	539	553	561	2.6	1.4
Dublin Counties	520	570	626	9.6	9.8
Mid-East Region	344	413	475	20.1	15.0
Outer Ring	204	236	274	15.7	16.1
<i>Louth</i>	<i>46.2</i>	<i>52.4</i>	<i>58.0</i>	<i>13.4</i>	<i>10.7</i>
<i>Cavan</i>	<i>15.0</i>	<i>16.8</i>	<i>20.9</i>	<i>12.0</i>	<i>24.4</i>
<i>Westmeath</i>	<i>30.6</i>	<i>37.4</i>	<i>43.2</i>	<i>22.2</i>	<i>15.5</i>
<i>Offaly</i>	<i>28.0</i>	<i>31.7</i>	<i>36.8</i>	<i>10.4</i>	<i>16.1</i>
<i>Laois</i>	<i>31.8</i>	<i>36.7</i>	<i>43.8</i>	<i>15.4</i>	<i>19.7</i>
<i>Carlow</i>	<i>31.0</i>	<i>35.0</i>	<i>38.9</i>	<i>12.9</i>	<i>11.1</i>
<i>Wexford</i>	<i>21.4</i>	<i>25.8</i>	<i>32.3</i>	<i>20.6</i>	<i>25.2</i>
Total	1,607	1,772	1,936	10.3	9.3

* Including the former Dún Laoghaire Borough.

Table 2. Population Trends in and around the Greater Dublin Area

The one rapidly growing region to which this would not apply is the Western Region, in which Galway City is the driving force. The implications of this centrifugal force are illustrated in greater detail in Table 2.

While the projections taken are the higher projections in the National Spatial Strategy, it appears that these projections are to be revised upwards in the light of the census results. The first point to note in examining these percentages is that the inter-censal periods comprised four and six year

respectively, so that a roughly similar percentage increase in both periods indicates a much more rapid rate of growth in the more recent period. Referring to the figures, it is noted that the population of the core area has stabilised. This presumably reflects a progressive fall in household sizes compensated by a substantial volume of house construction, much of it of an infill nature and on a small scale. The rate of growth in the Dublin Counties has been substantial but at a much lower rate than that in the immediately adjoining counties. The Outer Ring has for the purposes of this paper been taken to comprise the portions of the respective counties closest to Dublin and it includes the towns of Drogheda, Mullingar, Tullamore, Port Laoise and Carlow. These areas experienced a significantly greater rate of growth in the 2002-2006 period than in the previous period and have been making an ever-increasing contribution to the overall growth in the wider Greater Dublin Area. This trend is of course evident from observation of house construction, commuting patterns and new development proposals.

Trends in the Gateways

The gateways effectively underpin the regional development elements of the National Spatial Strategy. These include the four provincial cities and four other centres or combinations of centres. The population projections for the cities are based on widely drawn hinterlands, as defined in local land use and transport strategies, but at this stage there are no similar projections for the other centres. The same applies to the *hubs*, the next tier in the settlement hierarchy. The strong economic growth projections for the city regions indicate very substantial increases in population to 2020. The preliminary census results however indicate a slowing in growth in some cases but a further perusal indicates similar centrifugal growth patterns as are evident in the Greater Dublin Area. An overview of trends in the major city regions is shown in Table 3.

City	Population (000s)			% Increase	Numerical Increase (000s)		% of projected increase (02-20) already taken place
	2002	2006	2020		02-06	02-20 (est.)	
Dublin	1,535	1,661	2,200	8.2	126	665	19
Cork	348	376	454	8.0	28	106	26
Limerick	236	254	284	7.6	18	48	37
Galway	146	166	192	13.7	20	46	43
Waterford	118	127	164	7.6	9	46	20

Table 3. Population Trends in the Major City Regions

As in the case of Dublin the rates of growth in some cities has tended to fall behind that required to meet the higher projections for 2020 and similar trends have emerged with higher rates of growth in the outer parts of the respective regions. One demonstration of this is that the Dáil constituency of East Galway had a higher percentage increase than that of West Galway, though Galway City and environs are located in the latter. Referring to the overall figures, Galway had a substantially greater growth rate than the other cities though this is effectively a continuation of previous trends. Its growth in four years accounted for close on half of that projected for the period up to 2020. Waterford's rate of growth in contrast has lagged somewhat and this is likely to stimulate Waterford's case for improved infrastructure and facilities, including third-level educational facilities.

The National Spatial Strategy does not give projections for the other gateways but merely indicates recent trends. Table 4 gives an indication of current trends. The figures are generally based on those for the respective towns and adjoining DEDs in which are located the suburbs of such towns and satellite towns and villages in close proximity which have experienced significant growth. In the case of Letterkenny however the National Spatial Strategy indicates a link with Derry in Northern Ireland. It was considered

appropriate in that circumstance to identify an area linking Letterkenny with the environs of Derry and also including Buncrana, itself close to Derry. In this regard the DEDs adjoining Derry, which were essentially rural in character and whose populations were static until 1996, experienced very rapid growth since that date. There are however no other significant indications of urban centres in Northern Ireland having a similar influence on growth patterns in adjoining areas in the Republic.

Centre	Population			% Increase	
	1996	2002	2006	96-02	02-06
Dundalk	31.8	34.1	36.7	7.2	7.3
Midland Towns	42.5	48.0	54.0	12.9	12.5
Sligo	28.5	30.3	30.6	6.3	0.1
Letterkenny / Derry Environs	33.3	39.0	44.1	17.1	13.1

Table 4. Recent Trends in the Other Gateways

These figures indicate a wide variation in growth rates and consistently higher rates of growth in the midland towns and Donegal than in the other centres. The negligible growth in Sligo's population, in particular, is hard to understand given the amount of development taking place in that area. The figures for the midland towns have been aggregated but a closer perusal would indicate a much slower rate of growth in Athlone than in Tullamore or Mullingar, though all three towns are obviously experiencing rapid development. It is clear however that the latter two are effectively in the outer ring of the Greater Dublin Area, and included in the area so described in Table 2.

Detailed figures for the hubs are not included in this paper but a brief perusal of the figures would indicate significant variations in growth rates. The linked hubs in Kerry displayed a rate of growth in excess of that in the previous inter-censal period but those in Mayo displayed a relatively slow rate of growth, in contrast to a very rapid rate in the previous period. Some of the hubs in the eastern half of the country, including Kilkenny and Cavan, displayed rapid rates of growth. In absolute terms however the hubs include towns whose populations are quite small in absolute terms.

Rural Population and Depopulation

Concerns about rural depopulation have underlain recent Government settlement policy, as expressed particularly in the Sustainable Rural Housing Guidelines published in final form in 2005. These Guidelines identified four types of area, indicated in broad outline in the Guidelines but amenable to more refined study by planning authorities at local level. There was a particular concern about negative trends in the *weak areas*, those being the areas which lack a good urban structure and have experienced persistent population in the recent past. An indication of longer-term population trends in the four types of area is given in Table 5. The areas are based on the map appended to the final version of the guidelines. This map is stated to be an indicative guide to the extent of these area types but, while the area definitions are being refined in development plans, the details shown on this map have the merit of reflecting a consistent national approach. The figures given are estimates for total populations including urban and rural areas.

Area Type	Population (000s)					% Increase in Population		
	1981	1991	1996	2002	2006	81-96	96-02	02-06
1 Urban influence	2,333	2,442	2,546	2,790	3,028	+9.1	+9.6	+8.5
2 Stronger areas	539	535	538	573	625	-0.2	+6.5	+9.0
3 Weak areas	408	392	386	396	420	-5.5	+2.7	+6.0
4 Dispersed areas	163	157	156	158	162	-4.0	+1.0	+2.4
State	3,443	3,526	3,626	3,917	4,235	+5.3	+8.0	+8.1

Table 5: Population Trends in Areas as defined in Sustainable Rural Housing Guidelines

The longer-term trends display the logic behind the selection of the areas. The most rapid growth has occurred in the more urbanised areas while the Type 3 and 4 areas experienced consistent population loss from 1981 to 1996. These trends have been substantially arrested in the last few years. The stronger areas have grown at a faster rate than the areas under urban influence, as these effectively include the outer fringes of Dublin and other cities. Of particular interest is the turnaround in the trend in the weak areas, in which the recent rate of growth was not very far behind the national average. The tax incentives for development in the North Midlands may have been a contributory factor and County Leitrim in particular experienced a very rapid growth rate of 11.8% in the period 2002-2006, in marked contrast to that in previous decades and in excess of the national average.

The Type 4 areas experienced a lower rate of growth than the Type 3 areas. There is no obvious explanation for this but these areas include many of the traditional west coast tourist areas, including some Gaeltacht areas. Their total population is small and could therefore be susceptible to seasonal fluctuations, in that weather and other conditions might have resulted in the presence of greater transient populations on Census night in 2002 than in 2006. This situation might be capable of clarification when the final results are published. The example of Westport might be referred to in that a very rapid rate of growth in the period 1996-2002 was followed by a fall in population in the more recent period, even counting in the adjoining DED of Westport Rural.

Growth in Urban Fringes

The Sustainable Rural Housing Guidelines, referred to above, have identified the pressures for one-off housing in the rural fringes of the cities and larger towns, along with the need to curtail these pressures. The preliminary results do not enable urban and rural populations to be readily identified in small areas but an effort has been made to estimate the rural population trend in the environs of Cork. The County Development Plan has identified an area under pressure surrounding the City, in which restrictive policies are applied to applications for one-off rural housing. Table 6 gives some estimates of trends in the urban and rural population in this area, taking the urban population to comprise that contained in towns or villages with populations in excess of 400. The publication of the final results will enable these figures to be refined but the estimates suggest that

significant increases have occurred in these rural areas, though the urban areas have experienced greater growth in numerical terms.

Area	Population (000s)			Percentage Change	
	1996	2002	2006	96-02	02-06
Cork and former Cork Rural District	19.82	21.51	24.20	8.5	12.5
Western fringes	15.31	16.83	18.86	9.9	12.1
Eastern fringes	8.58	9.14	9.56	6.5	4.6
Total	43.71	47.48	52.62	8.6	10.8
Urban Population	220.05	236.00	250.07	7.2	6.0

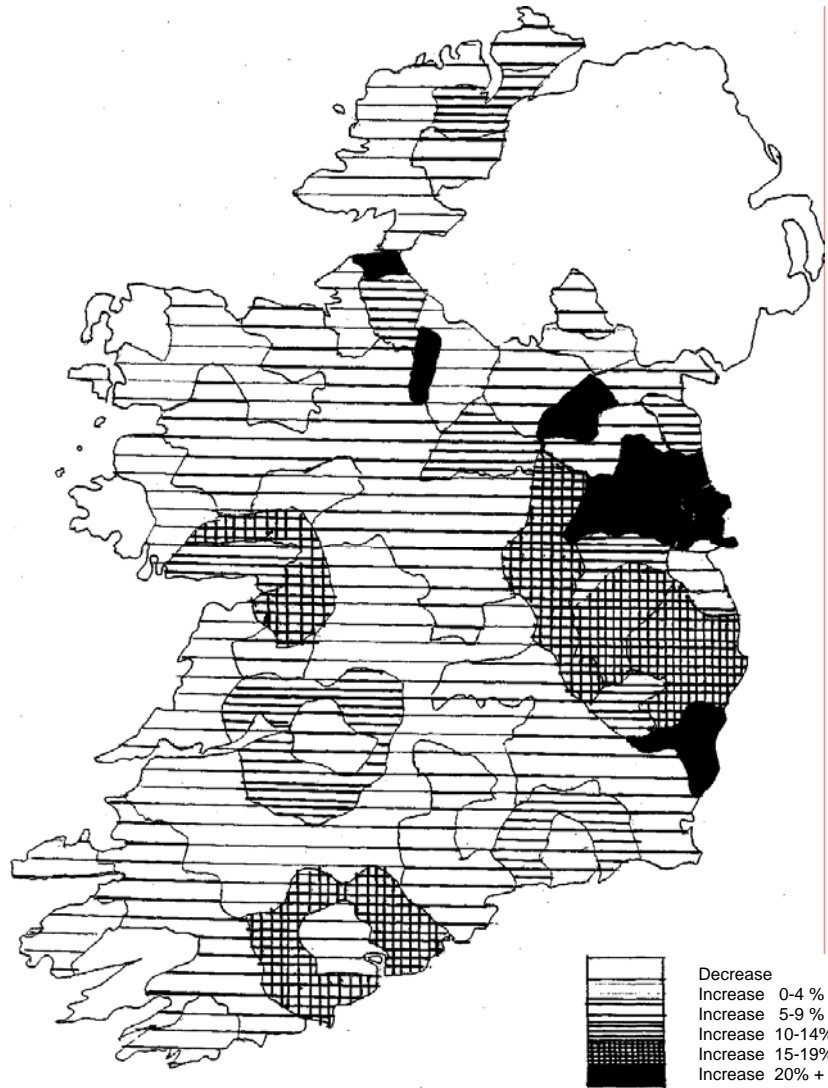
Table 6. Urban and Rural Populations in Environs of Cork

Intra-City Trends

Detailed figures for subdivisions of urban areas are available only for the five cities. These cities have all experienced a significant degree of redevelopment in recent decades, in contrast to the seventies and eighties when inner city populations suffered persistent decline. Taking Dublin as an example, Table 7 provides a reasonably long-term indication of trends in the Inner City, effectively that bounded by the Grand Canal and North Circular Road.

Area	Population (000s)					% Change	
	1936	1971	1991	2002	2006	36-91	91-06
Inner City-North	136.6	67.7	38.7	52.8	58.6	-72	+51
South	129.0	63.8	37.8	51.7	56.3	-71	+49
Total	265.6	131.5	76.5	104.5	114.9	-71	+50
Rest of City	207.4	436.3	401.8	391.3	390.8	+94	-2

Table 7. Population Trends within Dublin City



Map 1: Population trends 2002 – 2006. The purpose of this map is to convey a general impression of trends with the catchment areas of cities and larger areas identified and the percentages averaged over areas corresponding roughly to the former rural districts.
 (M. Walsh)

These are focussed on the Inner City and seek to illustrate long-term trends. There has clearly been a consistent downward trend in the population of the Inner City during most of the last century but this has been reversed to a significant extent since 1991, though it is scarcely likely that the former high levels of population will be achieved. The reversal of the 20th century trends is nevertheless welcome and the 2006 Census showed a rapid rate of growth in the previous four years. Against that the outer portions of the city have been experiencing some decline. Similar trends are likely to be found in the other cities.

Conclusions

The census of 2006, as expected, showed a very rapid rate of growth in practically all parts of the country. A substantial amount of growth has taken place in the cities and gateways but a closer perusal indicates a slowing down of the rate of growth, notwithstanding substantial population increases, in some of the main centres. This has been compensated by more rapid rates of growth in the outer fringes of the main centres, both in smaller towns and in the countryside, which is scarcely consistent with the principles of sustainable development. The National Spatial Strategy contains the basic principles guiding future settlement until 2020 but, having regard to the trends indicated in the recent census results, its implementation will continue to impose a serious challenge to decision-makers at national and local levels.

Complexity and conundrums in pollution control: improving effectiveness in regulatory compliance

John McIntyre & Stephen Mc Kay

Introduction

The last century has witnessed a dramatic increase in the wealth of European nations and the well being of their inhabitants. The focus has, however, largely been upon economic growth to the detriment of people and the environment. It is only in recent years that governments have taken cognisance of the impacts of our actions and there is a growing realisation that the causal factors must be identified and addressed as a matter of urgency. One of the key problem areas is pollution and as such environmental protection has become increasingly important as a mechanism for safeguarding the quality of air, water and land.

This involves a range of activities from setting standards to monitoring and reporting on discharges and emissions, through to the enforcement of legislation. In theory, this is a simple challenge, in practice, it has proven to be an extremely complex equation that might only begin to be addressed through research. In this context it is strange, and alarming, to find that while it is an axiom of good practice that policy is informed by research there has been a dearth of investigation in this field.

The purpose of this paper is, therefore, to consider the issue of pollution, how it impacts on the environment, what measures have been established in pursuit of reducing the number of incidences and, most significantly, which strategies might be employed to avoid or ameliorate detrimental impacts.

In the first instance the concept of standards will be considered: what they are; how they are established; and, how they are often positioned within legislative frameworks. Secondly, consideration will be given to how standards are applied in practice and whether or not they are effective. Attention will then turn to more structural matters underpinning regulatory compliance where it is established that regulatory laws per se often prove

ineffective. With the assistance of an extensive range of theoretical concepts the paper explains how effective enforcement of the law relates not only to sanctioning, but also to a series of mechanisms underpinned by collaboration and negotiation.

Environmental standards

Standards are the most common mechanism for the application of law to environmental problems and their enforcement, through the actions of regulators, is referred to as command-and-control. They can be classified into a range of categories including product standards, process standards, environmental quality and emission standards and each is targeted at dealing with specific impacts of pollution.

It is important that standards are set appropriately so that when implemented they deal effectively with prevention or remediation. The most common type of standards are thresholds. Winter (1996) states that the optimum way for threshold determination is via scientific research which establishes the point where the impact of a pollutant becomes unacceptable and a legal standard is then set.

Scientific method is, however, dependent upon rigorous and robust methodologies and while accurate outputs, in the form of threshold determination, are the research aim, authoritative accuracy is rarely achievable. Pepper (1984) has demonstrated how such processes are infrequently conducted in value-free, neutral, objective free environments. Results cannot be definitive and are, therefore, rational comprehensive based probability (Mc Kay, 2005). Often, this is good enough to warrant which thresholds cannot be crossed to ensure protection of human health, flora, fauna and the physical environment. Wilkinson (2002) has, however, identified how scientifically established standards seldom become statutory. Internationally, adoption filtration processes enabling standards to pass into law vary, but universally there is a reluctance to embrace stringent legal thresholds. The result is widespread failure to satisfactorily balance the political economic cost-benefit equation. The key problem is that abatement costs rise exponentially and while some degree of amelioration can be achieved cost effectively, full remediation is economically and politically precluded. Nonetheless, scientific standards are often the most effective guidelines available to limit the detrimental impacts of pollution. With this in mind attention turns to their application.

Environmental standards in practice

In the sphere of environmental control the establishment of standards represents a legislative platform which facilitates enforcement activity. It is not, however, a regulatory framework for effective implementation. While, in theory, if environmental regulations are broken legislative action can follow resulting in a criminal prosecution, in practice, this rarely happens in western society. This is because in most jurisdictions, in Britain, for example, the legal systems are conciliatory, pragmatic and largely underpinned by discretion (Jasanoff, 1991). Wilkinson (2002) reports that standards are established in the knowledge that they will not be adhered to. Indeed, Hawkins (1984) regards non-compliance with standards to be institutionally organised. Evidence for this approach can be gleaned from the Environment Agency in England and Wales which prosecutes only 1-2% of offences. The UK Government has been deemed to support such approaches by establishing the Regulatory Impact Unit, the role of which is to remove unnecessary, outmoded or over-burdensome legislation, in accordance with the Regulatory Reform Act 2001. One such outcome has been the provision of the Enforcement Concordat (1998) which ensures that offenders have the opportunities to resolve differences before enforcement action is taken. Government, itself, refers to this as a business friendly approach to enforcement which removes regulatory red tape. Mc Kay (2005) has demonstrated that while such an approach is, in principle, a logical and common sense one, it is considered by many to provide a vehicle for flagrant flouting of the law by habitual offenders by effectively encouraging enforcers to use deterrent action as a last resort.

The question raised at this point is how best can a framework be constructed which is conducive to a satisfactory degree of regulatory compliance, without compromising Government policy? To resolve this it is important to consider regulatory structures and the theory of regulation.

Regulatory structures

It is surprising to find that given the significance and high profile of environmental regulation there is a dearth of specific theory on environmental enforcement. Prior (2000) states that this means risking the adoption of new policy measures underwritten by an implicit model of regulation, based on traditional conceptions of relations between enforcer and enforced, and at variance with current and anticipated operational conditions. Indeed, Baer (1997) in dealing with the problems of

environmental enforcement relates to the regulatory framework of Ingram and Schneider (1990) who draw upon theoretical perceptions of a number of academics and suggest that the design of regulations be considered on four levels. Mc Kay (2003) has reviewed these and each is now discussed.

The strong statute, which removes discretion from the enforcement equation, advocates that discretion over the elements in designs should be retained by the statutory designers. The statute should contain objectives and goals that are consistent, clear and specific. Under this approach participation is limited to those who are supportive of the goals. The statute should leave little uncertainty about relationships and causal theory should be adequate to link means to ends (Sabatier and Mazmanian, 1981). While it is apparent that the systematic approach of the strong statute is relevant to pollution enforcement strategies in the jurisdictions of the UK and Ireland it is true to say that there is a high degree of local discretion which is reflected in the second level of the typology put forward by Ingram and Schneider (1990) and referred to as the Wilsonian perspective.

The Wilsonian perspective is the same as the strong statute in relation to goal specificity but facilitates discretion to administrative agencies on other matters, including organisational structure and rules. The statute therefore retains complete control over policy goals and purposes while agencies are left to add the details providing the means for achieving the goals. Although strong statutes exist in the jurisdictions of the UK and Ireland a high degree of discretion is allocated to those who implement policy. There is indeed an absence of structure which impacts significantly upon the overall effectiveness of pollution enforcement control.

The grass roots approach which advocates interpretation by the street level bureaucrats is diametrically opposed to the strong statute perspective. Discretion over all elements of policy logic is given to the lowest level implementor or to the target populations themselves. The statute does little more than provide agents or citizens with the legal authority to act. Salamon (1981) indicated that this has been relevant in many policy areas in the United States, giving rise to citizen-initiated governance through special districts whereby the government establishes funds, but the discretion over the use of the public authority and the spending of public funds is often in the hands of one or another non-federal, often non-public, third party implementor.

The support-building approach emerges from the thesis of Stone (1988) which supports the assertion that the ends and means are achieved by

consensus building and agreement. It places emphasis on how statutes influence values and participation patterns and how various groups reconcile their interests and there is limited emphasis on the achievement of instrumental goals. Similarly Lipsky (1980) advocated an approach underpinned by negotiation consensus building and agreement where the relationship between the regulators and the regulated is of paramount importance, while Hanf (1993) stressed the significance of the relationship between the regulator and the offender in achieving successful outcomes rather than the rigid implementation of a strong statute.

While it is clear that in a utopian society a bottom up approach driven by consensus compliance is ideal it is likely to remain an unachievable, aspirational goal. However, the work of Burby et al (1998) suggests that the application of appropriate strategies might facilitate some movement towards the lower thresholds of Ingram and Schneider's hierarchy. With this in mind attention turns to a consideration of the theory of regulation.

The theory of regulation

Regulation is defined as the use of the law to constrain and organise the activities of business and industry (Hutter and Sorenson, 1993). It is a state activity and contentious as it determines the degree to which governments intervene to protect people and the environment. While this is perhaps a narrow perspective in the consideration of pollution control it provides a useful starting point in the consideration of theories of regulation.

Yaeger (1991) has distinguished between economic and social regulation. While the distinction between the two is not always clear cut and largely heuristic, economic deals with the regulation of financial markets and social considers laws protecting the environment, consumers and employees. In the case of pollution, social regulation is particularly relevant as government attempts to regulate using legal sanctions and administrative measures such as licensing. Research emanates from studies which have established that many forms of environmentally related regulations have been ineffective, for example in planning, to the extent that in many cases compliance is the exception rather than the rule (Dobry, 1975; Carnwath, 1989; Department of the Environment, 1996; Mc Kay, 2005). The primary concern here is to draw from regulation theories to improve the effectiveness of pollution control.

Hutter (1997) highlights how regulation theory can be divided into accommodative or consensual theories and conflict theories. Lowi (1972)

defined the former as regulatory policies protective of public goods or populations. In terms of pollution the activities of entities such as developers are, therefore, regulated to protect both the public and private interest. Conflict theorists such as Gunningham (1974) consider regulatory laws to have little impact and are designed to facilitate polluters who themselves are major players in the formulation of regulations, a view which may go some way towards explaining why pollution control has, often, been ineffective.

Compliance and the enforcement of regulations

Compliance is a major consideration in all forms of enforcement but is particularly important in the regulatory context (Hutter, 1997). It is a complex process of defining responses to mandates that are often ambiguous. Edelman et al (1991) states how this occurs at field level and the level of policy making which can involve both standard setting, as discussed above, and administrative guidance about how to comply with statutes and regulations and policy making about how to enforce these. Di Mento (1986) states this may be a reflexive process in which policy makers, field level inspectors and even the regulated feed their expectations and practices into each other and adapt accordingly. The result is that recommendations aimed at achieving compliance must recognise the varying and at times contradictory perceptions of rule violations and must take into account the complex processes that make for non-compliance.

Hawkins (1984) espouses the notion that regulatory legislation should be as much a process as an event. This is supported by Di Mento (1986) who argues that compliance should be seen as evolving from interaction among several groups over time while Bardach and Kagen (1982) feel this is the case not only at the level of standard setting but at the enforcement stage of the regulatory process. Manning (1988) in turn takes the view that compliance is the process of extended and endless negotiation. While this may seem strange to those not acquainted with law enforcement a number of studies have suggested that negotiation is a significant characteristic of regulatory enforcement (Richardson et al., 1983). Indeed, Hutter (1997) has suggested that the tendency to deal with breaches of regulations through informal techniques centred on negotiation has established the term compliance to denote a whole enforcement system.

Over the last two decades authors including Richardson et al (1983) and Hawkins (1984) have examined in detail how regulators apply legislation to reach their goals. Such research has demonstrated that

enforcement of the law does not relate only to legal action but a series of mechanisms including education, advice, persuasion, and negotiation. For example, Scholz (1991) advocates that a cooperative strategy can increase enforcement effectiveness. It is argued that potentially effective administrative strategies frequently impose problems of control thus making effective strategies less attractive to policy supporters than safer, more controllable strategies. A binary model of enforcement styles has been used to facilitate the understanding of law enforcement processes. One of the most important elements of this model approximates to Richardson's (1983) accommodative or Hawkins' (1984) compliance strategy of enforcement. The key objective of the strategy is to achieve compliance through the remedy of existing problems and prevention of new ones (Reiss, 1984). The most effective way to achieve compliance is perceived to be via cooperative and conciliatory methods which tend to be long term and underpinned by negotiation and persuasion. The imposition of punitive measures is perceived to be a last resort when all other options have been exhausted. This reflects the work of Hanf (1993) which is underpinned by the assumption that the enforcement of regulations occurs through bargaining rather than the consistent, even handed application of general decision rules (Prior, 2000).

The second element of the binary model is characterised by a penal style of enforcement and has been termed the deterrent model (Reiss, 1984) and the sanctioning strategy (Hawkins, 1984). While the objective of both models is to prevent the occurrence of violations Hawkins believes the approach is primarily concerned with delivering retribution which may have several objectives ranging from inflicting punishment to utilitarian aims.

Hutter (1997) has refined the binary model to include two strategies which provide the framework for discussing approaches used in dealing with breaches of pollution control within the context of this research. The first of these is the persuasive strategy which is akin to the accommodative or compliance model of enforcement and is based upon informal procedures including educating and persuading offenders to comply with regulations. Braithewaite et al (1987) used a similar approach to classify regulatory agencies. The second is an insistent strategy which is 'less benevolent and less flexible' than the first. Under this scenario regulators are reluctant to embark on long-term negotiation preferring to implement legislative action when faced with resistance to comply. Hutter (1997) stresses that, unlike the sanctioning approach (Hawkins, 1984), the ultimate objective is to gain compliance and not effect retribution whereas Reiss (1984) states that this

characterises situations where violations are unpredictable and preventative actions are not possible.

A third approach of direct relevance to this study is that identified by Braithwaite et al (1987) which complements Hutter's (1997) model. Falling somewhere between the persuasive and insistent strategies it is typified by regulators being flexible in their interpretation of the rules and willingness to instigate legal action, thus mirroring the 'flexible enforcement' ideal of Bardach and Kagan (1982).

The work of Burby et al (1998) helps to draw together the various strands of theories of regulation which helps in crafting a normative model for practical appliance in pursuit of regulatory compliance. In considering which enforcement actions are most effective two choices are presented. The first focuses on whether to increase the capacity to enforce, or enhance the commitment of polluters to comply voluntarily with regulatory provisions. The second choice is whether to adopt a systematic or a facilitative philosophy for dealing with regulated entities. The preferred option supported by Burby's research, however, is one that supports fostering regulated entities commitment to comply and of facilitating willingness to comply among polluters. This strategy is underpinned by the belief that the reasons for failure to comply with regulations are not limited to calculations of the cost of sanctions against the benefits of non-compliance (Kagan and Scholz, 1994). The key reasons are usually ignorance of the regulations, incompetence, negligence and disagreement with conditions attached to approvals. The approach suggested to deal with violations includes a number of elements including: using general, flexible guidelines when assessing compliance; explaining the provisions violated, advising how to fix them; using incentives such as relaxed inspection schedules and leniency when violations are detected, to reward those who endeavour to comply; and, providing technical assistance to regulated firms and individuals.

Burby's approach is not confined, however, to facilitative strategies but recognises the need for a number of traditional supporting mechanisms which include: an adequate number of technically competent staff; strong proactive leadership; adequate legal support to enforce sanctions when required; and, a strong commitment to monitoring. The work of Di Mento (1989) adds robustness to this framework and a number of complementary strategies and tactics might be considered in tandem with the platform established by Burby. These include: firstly, the impact of the sanction on the violator's cost-benefit assessment. In the case of corporate offenders this may go beyond monetary

impacts of a fine but incorporates factors such as maintaining reputation and status. Secondly, effective communication of a statutory threshold specification which must be complied with. Thirdly, the perceptions of certainty and imminence of enforcement coupled with continuity and consistency of approach.

In effect, the framework mirrors an enforcement pyramid (Figure 1). While there is a strong emphasis on facilitating compliance, through informing, negotiating and even warning there is an equally strong spectre of deterrence in the background ready to be implemented if required.

Conclusion

Over recent years there has been an increasing degree of transparency with specific reference to regulatory compliance. This has largely been facilitated by the publication of enforcement policy statements by regulators, but has not, however, resolved the problems raised by those who break the regulations. Indeed, in many cases the situation has been complicated as policy statements, in line with the requirements of the Enforcement Concordat, demand that in addition to providing the necessary evidence to facilitate a prosecution, a number of other public interest factors must be assessed, thus providing a caveat for escape.

Nonetheless, it is clear that if issues associated with pollution are to be addressed, a number of strands must be knitted together to provide a robust framework which facilitates regulatory compliance. It is not enough to specify a series of standards which must be complied with. Effective standards must be rigorously determined and formally adopted without dilution. Clear information must be provided to potential polluters on what is required for compliance and how this might be achieved. Involving potential polluters in decision making is seen by Burby as an integral part of any strategy as this facilitates shared ownership of the process which, in turn, develops a reluctance to breach agreed standards. If all else fails strong sanctioning mechanisms must be in place which can be implemented summarily and efficiently, resulting in swift remediation and reluctance to re-offend.

One of the long established weaknesses in the current punitive system has been the reluctance of the courts to apply the law to its full effect (McKay, 2005). The decision to use prosecution will be governed by the environmental effects of the violation, its predictability, the intent of the offender, the willingness to remediate, whether or not they have habitually

offended in the past and the deterrence effect of the prosecution. It can, however, only be with the assistance of a well informed judiciary that deterrent strategies can be implemented effectively in practice.

In conclusion, it is clear that the remedy to the pollution puzzle is underpinned by technical and legislative complexity and conundrums. It will only be through investigative study that our rudimentary knowledge will begin to increase and effective strategies will begin to emerge from the mosaic of potential solutions.



Figure 1 Sanctions pyramid for pollution control

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Reconciling planning with environmental issues in the SEA process – Dublin Docklands: a case study

Terry Prendergast & Alison Donnelly

Introduction

This paper attempts to explore the challenges encountered by both planners and environmental scientists when developing objectives, targets and indicators for Strategic Environmental Assessment (SEA). They approach the process from different perspectives, the first is more concerned with planning and development whereas the other puts greater emphasis on environmental protection, but both are compelled to work together during the SEA process. Through discussion and compromise a more rigorous SEA emerges. This also emphasises the need for a diverse team working on SEA which should ensure a more global perspective being adopted. The challenges arising are explored in the context of developing of a monitoring programme for the Dublin Docklands Area Master Plan 2003.

Strategic Environmental Assessment and Land Use Development Plans

The SEA Directive (Directive 2001/42/EC), which entered into force on 21 July 2001, requires Member States to assess the likely significant environmental effects of plans and programmes prior to their adoption, thus providing for the assessment of strategic environmental considerations at an early stage of the decision-making process. The Directive requires an environmental assessment of those plans and programmes which are likely to have significant environmental effects and which set the framework for future development consent of projects which are subject to EIA or where an assessment is necessary due to the likely effect on sites governed by the Habitats Directive. The SEA Directive applies to certain plans/programmes whose preparation or review commences after 21 July 2004.

In the context of land use planning, Irish legislation requires SEA to be carried out on the following plans:

- *Regional Planning Guidelines*
- *City and County Development Plans*
- *Development Plans by Town Councils, where the population of the area is 10,000 or more*
- *Local Area Plans for areas with a population of 10,000 or more and*
- *Planning Schemes in respect of Strategic Development Zones.*

Planning and regional authorities are now required to conduct an SEA in conjunction with the carrying out of any of the above plans. An essential component of the SEA process is the monitoring of the environmental impact of the plan or programme.

The Dublin Docklands Area Master Plan

The Dublin Docklands Development Authority was established in 1997 with the objectives of regenerating an extensive area of 526 hectares of Dublin docklands, encompassing former port lands located on both sides of the River Liffey and including five existing residential communities and the International Financial Services Centre (IFSC), the development of which is on-going.

The objectives of the Authority, as set out in the Dublin Docklands Authority Act 1997, are broad and include not only the physical regeneration of the area and the continued development of the IFSC, but also the social and economic regeneration of the Area on a sustainable basis. These objectives are reflected in the organisational structure of the Authority, which comprises an Executive Board appointed by the Minister and a Council responsible for policy formulation. The Council includes strong community involvement, and representation from the public and business sectors.

The mechanism for the implementation of the objectives and policies of the Authority has been the Dublin Docklands Development Area Master Plan 1997, adopted by the Council of the Authority following consultation and public display. The plan was reviewed and updated after 5 years in 2003.

The Department of the Environment Heritage and Local Government approached the Dublin Docklands Development Authority in June 2002 as

it considered the Docklands Area to be an appropriate area to pilot test SEA on a non-statutory basis in tandem with the review of the 1997 Master Plan. It was anticipated that the experience gained by the Dublin Docklands Development Authority would provide an input to the guidelines for planning and regional authorities on SEA since produced by the DoEHLG. An SEA process was carried out as part of the Master Plan Review (DDDA, 2003).

Dublin Docklands Area Master Plan Review 2003

The Master Plan Review, adopted by the Authority following public consultation, outlines a strategy for “the sustainable social and economic regeneration of the Area, with improvements to the physical area being a vital ingredient” (DDDA, 2003). It establishes the social and economic framework for the redevelopment of the area, identifying key strategic objectives and a range of policies.

Land use policies in the Master Plan Review seek to achieve sustainable development objectives with the Authority “pursuing a policy of mixed-use development in the Docklands Area which would achieve a sustainable environment integrating living, working and leisure” (DDDA, 2003). The aims of the Master Plan 1997 and the 2003 Review are ambitious; it is an overall objective that the population of the Area increase by 23,000 by 2013 and the number of residential units increase by 6,500 - 9,500. Over 267,000 sq. m of office floor space has been developed in the Area between 1997 and 2003, with a further 170,000 sq. m anticipated in the period to 2008. In excess of 11,000 jobs have been provided, consistent with an overall target of 30,000 – 40,000 new jobs created in the period 1997 – 2012.

The Master Plan 2003 seeks to promote the development of an integrated public transport system and imposes strict limitations on car parking for new development. The provision of cycle-ways and pedestrian routes is also promoted. It sets out design criteria for new development, seeking to achieve high quality buildings and urban spaces. At the same time, it seeks to conserve essential elements of the built environment which contribute to the character of the area.

Monitoring

It is a requirement of the SEA Directive (Article 10) that “Member States shall monitor the significant environmental effects of the implementation of

plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action". In order to facilitate this monitoring Annex 1(f) suggests a number of environmental receptors, the impact on which should be considered in the Environmental Report if the plan or programme is likely to impact significantly upon them. The environmental receptors are; biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the listed factors. Objectives, targets and indicators are the tools through which the environmental impact of a plan or programme may be assessed.

In addition to this role of identifying environmental impacts, monitoring can also play an important role in assessing whether a plan or programme is achieving its environmental objectives and targets and whether these need to be re-examined. It provides important data and feedback for the review of the environmental impact of the relevant plan or programme.

Although an important element in SEA, monitoring has been the "Cinderella" of the process, often neglected and at times representing a major weakness in the process (EC, 1998a, Therivel and Partidario, 1996). Difficulties are encountered in respect of the form that monitoring should take, data and resource deficiencies and determining the time when it is appropriate to conduct monitoring. Irish authorities will have to decide on the most appropriate monitoring mechanisms for their plans and programmes. Although Irish authorities routinely carry out a range of monitoring of environmental and other indicators they are now required to systematically monitor the significant environmental effects of their plans. Such monitoring should begin with the adoption of the plan and continue for the period of the plan (DoEHLG, 2004).

The Directive is not prescriptive with regard to how the environmental impact of plans and programmes are monitored; it allows for flexibility in deciding how monitoring should be carried out. The Irish Guidelines (DoEHLG, 2004) note that this flexibility is essential because the "scope, depth and monitoring will depend very much on the type of plan". However, the environmental assessment process in the SEA Directive is "baseline-led", with the baseline study providing the basis for the identification and analysis of impacts and subsequent monitoring of the impacts of a plan or programme.

The role of objectives, targets and indicators in SEA

The SEA Directive does not mention the word “indicator” but in order to monitor the likely significant effects on the environment indicators are considered to be a very powerful tool. The DoEHLG Guidelines (2004) recommend the use of measurable targets and indicators to facilitate effective monitoring. In addition, the guidelines suggest they should be included in the Environmental Report to describe likely significant effects on the environmental receptors and to demonstrate the proposed monitoring system. Furthermore, they are useful to describe the current state or baseline data.

In SEA, objectives are broad, overarching principles which represent large clusters of environmental data (Thérivel, 2004). An objective should specify a desired direction of change, for example, “reduce air pollution” or “improve human health”. According to Thérivel (2004) objectives should focus on outcomes i.e. the state of the environment rather than on inputs i.e. response to the pressure on the environment. What is important in SEA is the outcome and not how the outcome is achieved. Objectives are at the apex of a hierarchy which goes from a general statement (e.g. reduce greenhouse gas emissions) to more detailed targets (e.g. reduce CH₄ emissions from agriculture by ‘X’% by 20XX). Guidelines for the implementation of SEA in Member States often suggest objectives that may be used in the SEA process, however, these objectives need to be carefully tailored to local circumstances.

The environmental protection objectives suggested by the Irish Guidelines (DoEHLG, 2004) for implementing the SEA Directive are based on national, European and international policy documents, strategies, guidelines, Directives, Conventions, etc. They emphasise the importance of choosing objectives, which are directly relevant to the plan or programme in question. In order to assess the relationship between the plan objectives (e.g. to promote the use of public transport) and the environmental objectives (e.g. to limit the impact on air quality) a compatibility matrix, whereby the plan objectives are listed on one axis and the environmental objectives on the other, may be constructed. Potential impacts, whether positive or negative, should then be recorded in each box highlighting compatibilities and incompatibilities between the objectives. Thérivel (2004) argues that both the plan and SEA objectives should be modified to ensure full compatibility. However, this may not always be achievable.

A target usually underpins an objective. The target usually has a time deadline that should be met (EEA, 2005) and should be accompanied by limits or thresholds, which once breached, would trigger remedial action (Thérivel, 2004) thereby providing an early warning system. The distinction can be made between outcome and input targets. A target to reduce atmospheric CO₂ concentrations (outcome) could be achieved in many ways, for example, by planting trees, using alternative energy sources, etc. (inputs). Setting and achieving input targets may help to achieve outcome targets (Thérivel, 2004). Many targets are already established in legislation such as pollution standards or conservation targets in Biodiversity Action Plans and should be incorporated into the SEA process where appropriate.

According to Thérivel (2004), in an SEA context, indicators are measures of variables over time. The European Environment Agency's (2005) definition of an indicator is a measure, generally quantitative, that can be used to illustrate and communicate complex phenomena simply, including trends and progress over time. Therefore, indicators are used to reduce complexity and highlight important trends.

The primary aim of indicators, in the SEA process, is to demonstrate the impact (positive or negative) of plans and programmes on the environment which implies determining the impact on the environmental receptors mentioned earlier. Indicators are used in SEA as a tool to describe and monitor the baseline data and to predict impacts (Thérivel, 2004). Indicators will affect what baseline data are collected what predictions are made and what monitoring systems are set in place (Figure 1). When used sensible indicators will also establish a quantitative basis for assessment (Borken, 2003). Poorly chosen indicators can result in a limited or restricted SEA (Thérivel, 2004). Therefore, appropriate indicators are central to the SEA process and will, if chosen correctly, help maximise existing resources, focus the monitoring system and therefore reduce associated costs. However, in order to achieve this, it is advisable to keep the number of indicators to a minimum, by identifying the most pertinent environmental impacts of the plan in question (Borken, 2003).

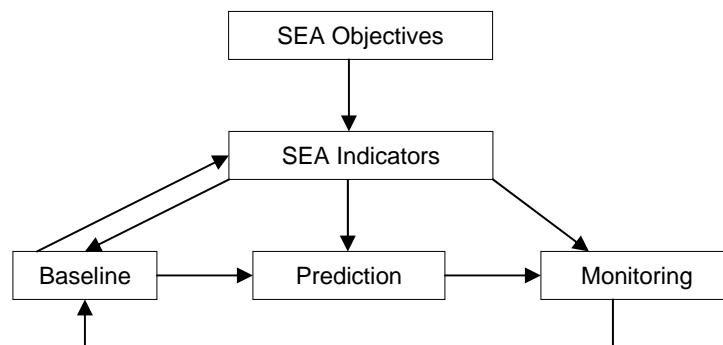


Figure 1. Links between indicators and other aspects of SEA.
Source: Thérivel, R. (2004)

Difficulties in establishing useful indicators stem largely from the complex multidimensional nature of the environment which can be impacted at multiple scales (Scholes and Biggs, 2005). It is important to realise that indicators are reviewed during the course of a programme and that it is necessary to replace indicators which have become irrelevant or on which it is impossible to report (EC, 1998b; Thérivel, 2004). The mid-term review of a programme provides an ideal opportunity to review the ability of indicators to record the impact of the programme being carried out.

Due to the pivotal role that indicators play in the SEA process, careful consideration in the early stages of implementation will pay dividends at later stages and will reduce the workload, maximise resources and minimise costs but more importantly will result in an unbiased and rigorous SEA.

Developing objectives, targets and indicators for the Dublin Docklands SEA

The initial list of indicators for the Dublin Docklands SEA was developed without consideration for objectives and targets. It was a standalone list of indicators that did not consider how the data would be obtained to support them (Figure 2). Subsequently, through further development of the

indicators it was recognised that thresholds and timescales were necessary to track the progress of the environmental impact of the plan and so corresponding objectives and targets were established. This essentially led to a redefining of the indicator list as the objectives and targets were integrated into the process. It became clear that SEA objectives were required before appropriate targets and indicators could be established. This entire process highlights the developmental nature of the establishment of objectives, targets and indicators and the fact that indicators cannot be developed in isolation. The result should be an unbiased and robust SEA.

Bio diversity/Flora and Fauna

- B1 - safeguard designated areas/ areas of nature conservation importance while increasing potential for wildlife/flora and fauna, where appropriate

Population

- P1 - promote the creation of a safe, healthy and high quality environment in which to live and work.
- P2 - promote the strengthening and diversification of the local economy.
- P3 - promote local employment opportunities.
- P4 - promote access to education and training
- P5 - promote the meeting of local housing needs
- P5 - involve local communities in the redevelopment/renewal of the Area
- P7 - promote community cohesion.

Soil

- S1 - promote decontamination to international standards of contaminated soil.

Water

- W1 - ensure adequate good quality water supply
- W2 - maintain/improve water quality of waterbodies.

Air/Climate/ Noise

- C1 - maintain/promote improvement of air quality
- C2 - promote minimisation of greenhouse gas emissions to the atmosphere
- C3 - reduce trip generation, trip length and the need for motorised transport
- C4 - promote public transport and attraction of walking/cycling
- C5 - promote sustainable energy use/generation
- C6 - minimise noise pollution

Cultural Heritage/Material Assets

- H1 - safeguard Protected Structures and sites of archaeological value and maintain environmental quality of Conservation Areas
- H2 - enhance townscape and general landscape/environmental quality
- H3 - ensure adequate provision of open space/maintain and improve access to open space areas.

Figure 2. SEA Objectives Dublin Docklands Area Master Plan 2003

Devising a Monitoring Programme

The SEA team comprised two members of staff of the Planning and Technical Services Section of the Authority and the two authors of this paper who acted as outside consultants. Both of the latter had an expertise in SEA: one from a planning and the other from an environmental science background. The team met on 4 occasions and the monitoring programme underwent several iterations. The latest version of the monitoring programme is illustrated in Table 1. The Authority published a monitoring report on the Dublin Docklands Master Plan 2003 in February 2004, which will be updated annually. It should be noted that since the preparation of the monitoring report the monitoring programme has undergone further iteration.

Table 1 *List of Strategic Environmental Assessment objectives, targets and indicators for the Dublin Docklands Master Plan 2003.*

Ref no.	Objective	Target	Indicators
B1	Limit adverse impact on biodiversity. Increase potential for biodiversity where possible.	Increase the area of parkland. Restore Spenser Dock to working order. Improve the aquatic environment of Grand Canal Dock.	The number and size of designated areas in the Docklands Area of parkland in the Docklands. Water quality in Spencer Dock and Grand Canal Dock.
P1	Promote the creation of a safe, healthy and high quality environment in which to live and work.	Lower the rate of crime. All new buildings to comply with the EU Energy Performance in Buildings Directive 2002/91/EC.	Crime rates in the Docklands and Dublin City as a whole.*
P2 + P3	Promote the strengthening and diversification of the local economy and local employment opportunities.	Increase the number of employment opportunities. Increase the range of employment opportunities.	The number of persons employed per sector in the Docklands, (including; International & Business Services, Financial Services, Tourism, Hotels & Leisure, Small Business & Community Employment Projects, Retail, Technopole, Education & Training, Traditional Office & Administration).

Ref no.	Objective	Target	Indicators
			The unemployment rate in the Docklands and Nationally.
P4	Promote access to education and training.	Increase the levels of educational attainment in the Docklands. Increase the number of training places in the Docklands.	The levels of Educational attainment in Dublin City and County and the Docklands. Numbers availing of the internal education programmes and numbers from the NCI outreach programme.
P5	Promote the meeting of local housing needs	Meet local housing needs as outlined in the Master Plan.	The number and type of housing in the Docklands.
P6 + P7	Involve local communities in the redevelopment/renewal of the area.	Promote public consultation in the redevelopment process and access to information.	Number of Council meetings per year. Number of Community Liaison Committee meetings per year. Distribution numbers of the Docklands Newsletter. The number and type of social infrastructure provided in the Docklands. The number and type of social and affordable housing units provided in the Docklands
S1	Promote decontamination to international standards of contaminated soils	Ensure EU soil decontamination standards on contaminated sites to be redeveloped.	The area and number of sites decontaminated.
W1	To ensure an adequate good quality water supply	To improve water quality infrastructure in the Docklands	The expansion of the infrastructure in length (m ²).
W2	Maintain and improve water quality of water bodies.	Comply with the EU standards for water quality i.e. Water Framework Directive 2000/60/EC Improve the aquatic environment of Grand Canal Dock.	The area and number of sites decontaminated. Water quality of water bodies.

Ref no.	Objective	Target	Indicators
C1	Maintain / promote improvement of air quality.	Comply with EU Air Quality Directive 96/62/EC in particular in relation to PM10.	The level of construction per sq.m. per annum. Transport emissions arising from development in the Docklands.
C2	Promote minimisation of greenhouse gases to the atmosphere.	Comply with the EU standards for Greenhouse Gas emissions, CO ₂ . Comply with the EU Directive 2002/91/EC for energy ratings of buildings.	Modal split captured by public transport. Numbers of new buildings that comply with the EU Directive 2002/91/EC
C3	Reduce trip generation, trip length and the need for motorised transport.	Reduce the need for all motorised transport.	Traffic generation and trip length in the Docklands.
C4	Promote use of public transport. Promote walking and cycling.	Increase public transport. Reduce the need for motorised car transport. Provide cycling and walking facilities.	Modal split captured by public transport. Length of cycling and walking routes provided.
C5	Promote sustainable energy use/ generation.	Comply with EU standards for energy rating. Reduce the need for all motorised transport. Promote CHP.	Numbers of new buildings that comply with the EU Directive 2002/91/EC.** Traffic generation and trip length in the Docklands. Amount of energy generated by CHP.
C6	Minimise noise pollution.	Comply with EU standards for ambient noise levels.	Number of breaches of the EU regulations for noise.
H1	Promote the preservation of protected structures, limit adverse impact on sites of archaeological importance and maintain environmental quality of conservation areas.	Promote the preservation of protected structures. Ensure adequate investigation of archaeological sites.	Number of protected structures, archaeological sites and conservation areas in the Docklands area. Number of archaeological sites investigated.
H2	Enhance townscape and general landscape.	Improve existing townscape, landscape.	Scale of development in the Docklands. Number of sites/area of new

Ref no.	Objective	Target	Indicators
			development. Number and size of vacant sites. % vacant land area within the Planning Scheme areas.
H3	Ensure adequate provision of public open space/maintain and improve access to open space areas.	Ensure the provision of accessible public open space in the Docklands.	Area of public open space provided in the Docklands.

**the indicators for this objective are covered by all indicators relating to environmental quality.*

*** assuming this information is publicly available.*

Experience Gained / Lessons Learned

Experience gained from devising the monitoring programme may be of benefit to SEA practitioners and local/regional authority staff engaged in carrying out similar exercises.

The monitoring targets and indicators were devised from the SEA objectives indicated in the Master Plan Review SEA Report (Figure 2). The Docklands Master Plan SEA was the first SEA conducted in Ireland under the terms of the Directive, and the SEA objectives represented a “first attempt” at devising appropriate objectives. The objectives were drawn up by the SEA team, which comprised one consultant and two in-house members of the Authority. In hindsight, some of the objectives were ambiguous and vague in their wording. SEA objectives need to be carefully and clearly worded. Effort at the early stages in devising accurate objectives will lead to a more focused monitoring process and SEA, and will save time at the subsequent monitoring stage.

In the case of the Docklands Master Plan SEA an example of imprecise wording occurred in relation to one the objectives pertaining to water which initially read “to ensure adequate good quality water supply” (Objective W1). However, the responsibility for supplying water to the Area falls to Dublin City Council; it is outside the remit of the Docklands Master Plan. The Authority does have a responsibility to provide a water supply network, in particular on the lands it owns in the Area. The objective has been

amended to include the term network i.e. “to provide an efficient water supply network in the Docklands Area”. The simple rewording of the objective has led to greater clarity and focus.

The SEA objectives initially drawn up as part of the SEA included one “motherhood” objective that was vague in its wording i.e. to “promote the creation of a safe, healthy and high quality environment in which to live and work” (Objective P1). This objective proved very difficult, if not impossible, to monitor, and it was decided that it could be monitored through the other targets and indicators devised as part of the SEA monitoring. This poses the question that, if an objective cannot be measured, should it be included? The team arrived at the conclusion that objectives should be adjusted appropriately to ensure monitoring can be carried out.

It was considered that a multi-disciplinary team was required to devise the monitoring programme. It needs in particular the input of both planners and environmental scientists. Some of the environmental impacts of the plan may be outside the scope of expertise of many planners and this needs to be recognised in the process and the relevant scientific expertise included. Without the relevant expertise inappropriate objectives, indicators and targets may be devised that will only add to monitoring costs and lead to a biased SEA. Having the relevant scientific expertise as part of the team enables a more focused monitoring programme to be developed.

There is a need to achieve an appropriate balance between being realistic and aspirational in drawing up targets and indicators. This probably represented the area of greatest discussion within the team. It was recognised that targets should be strategic. However, a cautious approach is likely to be adopted at the outset of SEA and as authorities get more familiar with process and what it is attempting to achieve. The team concluded that target and indicators should be realistic and achievable. Again, it is important to spend time on their wording to ensure accuracy. Regional and planning authorities will not wish to set targets that, although desirable, are not achievable in a realistic time frame.

Objectives will by their nature always be aspirational and strategic, whereas the indicators adopted will reflect the scale and purpose of the plan. This is illustrated by the SEA objective included (Objective C1): “to maintain/promote the improvement of air quality”. The impact of the Master Plan in relation to air quality is however limited. This limited impact is reflected in the indicator for air quality adopted i.e. “the level of

construction / sq. m/annum". This indicator is well equipped to monitor the environmental impact of the plan.

In setting targets and indicators the team should be clear on the remit and hence the impact of the plan. This became important in the case of the Master Plan 2003. The Dublin Docklands Authority, which although a regeneration authority with planning and other powers, is not the local or planning authority for the Docklands Area. This role falls to Dublin City Council. An initial SEA objective was included "to safeguard designated areas/areas of nature conservation importance...". An important area of nature conservation, South Dublin Bay, is located directly adjacent to the Docklands Area and as such is outside the jurisdiction of the Master Plan. The impact of the plan in relation to the bay is limited; the plan cannot seek to "safeguard" the bay. Although segments of two proposed National Heritage Areas (the Royal and Grand Canals) are located in the Docklands Area, due to their proximity to former industrial, railway and port lands, they do not act as prominent wildlife areas, are of limited ecological value and nature conservation importance. A more accurate wording for the SEA objective would have been "to limit adverse impacts on biodiversity". This reflects the requirement that any activities carried out by the Authority should have regard to transboundary impact on South Dublin Bay.

A current issue in SEA is whether the SEA process should be employed to monitor not only environmental, but other impacts of a plan or programme e.g. socio-economic impacts. In addition, planning authorities are now required to carry out Housing and Retail Strategies. The team concluded that SEA should not be combined with any other form of assessment; this could lead to confusion and the blurring of what are the environmental impacts of the plan.

The Authority, as noted above, has as one of its objectives the social and economic regeneration of the Docklands Area. The policy context for achieving both physical and socio-economic regeneration is the Master Plan and the Authority has, since its formation, carried out monitoring of socio-economic indicators e.g. numbers in employment, training, education etc. A decision was made to include socio-economic indicators as part of the monitoring of the impact of the Master Plan, reflecting the importance of these indicators for the Authority and the Docklands community. This reflected the unique nature of the Authority in the Irish context. Planners find that the monitoring of socio-economic indicators easy to conduct; the information is generally readily available and the methodologies familiar. Despite this ease, it is considered that the SEA monitoring should be

confined to environmental considerations only. This is not to say that monitoring of the socio-economic impacts should not be conducted; it should simply not form part of the SEA monitoring exercise.

Despite the fact that the team comprised three planners each with different background disciplines and an environmental scientist, it was required to make an informed judgement on one area in particular, soil, in which it did not have particular expertise (Objective S1). This situation, where expertise is not available on all environmental impacts is likely to arise in the SEA of many plans/programmes. It will be important to keep such areas to a minimum.

Conclusion

SEA monitoring of plans and programmes is a new requirement and it will take time for practitioners to become familiar with new methodologies. The devising of suitable, appropriate and accurate objectives, targets and indicators is a challenging process. Time and care are needed in the devising of a monitoring programme. It requires several iterations by a multi-disciplinary team. In particular both planning and scientific expertise should have an input into devising a monitoring programme. In the case of the Master Plan 2003 monitoring programme, it required a willingness to take on board different viewpoints and work out appropriate objectives, targets and indicators. Particular care is required in devising suitable objectives and targets; the indicators will naturally follow when the former have been formulated. The team considers that the time and effort spent at the outset leads to a more robust SEA. Work will continue on the monitoring of the Dublin Docklands Master Plan 2003 and the review of the monitoring programme.

Acknowledgements

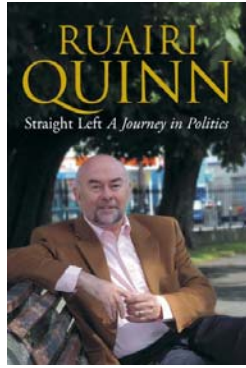
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Straight Left: A Journey in Politics

By Ruairi Quinn

Published: Hodder Headline Oct. 2005
ISBN-10: 0340832967

Reviewed by:
Brendan Kelleher

What emerges from this substantial (400+ page) memoir of a Labour party activist and Minister in successive coalition governments is a contemporary portrait of political life in Ireland over the past four decades, but with a strong Dublin emphasis. Its minutely detailed recording of local events and personalities may be heavy going at times for the outsider.

Quinn's political life, from his early student days to his participation in local Dublin politics and his involvement in government and contribution to European Community policymaking, charts many of the tides and currents of the period. It should appeal to a wide readership and not just those interested in a 'socialist' perspective – if that word has not lost its meaning in recent times.

Having developed my own interest in politics and planning over pretty much the same period the book recalls the headier moments of political excitement of the late 1960's and early 1970's when Labour was briefly transformed by an infusion of new blood and talent (this also coincided with moves towards a 'Just Society' in Fine Gael).

From his entry into Labour politics as a student in UCD in the mid '60's, and graduating from there to his failed first attempt - by a meagre 38 votes – to gain a Dail seat in the 1973 general election, Quinn was actively involved in the political system at both local and national levels for the next three decades. This included periods in and out of government, Dáil and Senate, and ministerial office, through the subsequent national economic crises of the 1980's and advent of recovery in the early 1990's, and culminating in leadership of Labour in 1997.

His achievements were significant and he displayed his innovative talents in both his career as an architect and as a politician. Quinn also spent a time at the Ekistics Centre in Athens where he studied for a qualification in the new science of human settlement developed by C.A. Doxiadis (I recall at my Dip.TP course at UCD coming across the subject and never quite understanding what it was all about!).

Informed by his close and caring family upbringing, an active and high achieving education - in academic, sporting and student affairs – and, for his age, widely read and travelled, he developed an early, and abiding interest in socialism. He also gradually lost his belief in Christianity in his late teens, moving as he says ‘from a platform of faith hesitantly to a platform of reason’. Discreet conveyance of this fact to his mother is brokered on the understanding that his weekly absence on Sunday morning, to the Merrion Inn to meet friends and read the Sunday papers over a coffee, is not made known to either his father or siblings!

Quinn’s loyalty to his party colleagues and generous acknowledgement of their contribution to his success is reflected, perhaps, in an understandable reluctance to be unduly critical of former associates. This is disappointing particularly when it relates to prominent figures such as Dick Spring, his former party leader, and erstwhile Cabinet colleague, James Tully. In contrast, one of the best pen-pictures in the book is of the enigmatic Noel Browne.

Spring’s method of leadership, and reliance on professional advisers, appears to have sown the seeds for later friction within the party. Quinn recalls one particular occasion where he had a major ‘bust-up’ with Spring but is spare on the details of reconciliation.

He also, curiously as an avowed supporter of good planning, does not comment on the planning mayhem that James Tully, as Minister of Local Government, was wreaking on the country. And he does not even refer to the Central Bank or Dublin Civic Offices planning controversies in which the latter had a prominent role. Neither do Tully’s run-ins with An Foras Forbartha (the former national planning & development research authority, since abolished and admittedly under a later Fianna Fail Government, and equally colourful Minister, Padraig Flynn) feature.

Tully’s gerrymandering of constituency boundaries, which boomeranged to my recollection, is mildly tolerated on the basis that the ‘other lot’ had done the same. Quinn reserves some particularly forthright comment for Noel Browne as he had to deal with the great man’s

inadequacies as a constituency worker in Dublin as well as his temperamental and difficult behaviour as the socialist conscience of Labour. Adding salt to this abrasiveness was the fact that both depended on the same electorate in Dublin South-East.

The role of special advisers, drawn from outside the civil service, became problematic during Spring's leadership of Labour in Government and in the Robinson presidential election campaign. Key advisers Fergus Finlay and Eoghan Harris made a critical and successful contribution to both policy direction and presentation but were resented for the powerful influence they exercised on party members and ministers - shades perhaps of similar tensions in other countries, whether under Blair's Labour or Bush's administration in the US.

Nonetheless, Quinn is a keen supporter of special advisers and derides the practices of 'pragmatic parties interested in holding on to power' as symptomatic of a heavy reliance on the civil service to develop policy. How all of this adds up with the behaviour of the present administration and its plethora of advisers is hard to see.

The book is enlivened by a regular peppering of funny incidents. A particularly hilarious contretemps over a young couple appearing in a set of large outdoor posters for the Robinson campaign is resolved by a last minute reconciliation between the two. Short of finance the 'photo shoot' for one of the posters featured a young couple in a city centre park who gave their permission for the photo to be used in the campaign. As fate would have it, no sooner were the posters printed than a message landed on Quinn's desk to say that the young woman had withdrawn her consent. Apparently the relationship was already at a point where girl was trying to tell the boy it was all over when a smiling Mary Robinson appeared in the park to ask them to pose with her!

Quinn frantically phoned the girl's mother as the prospects of half the entire campaign budget devoted to the posters was in peril. The sympathetic mother, also an admirer of Robinson, was equally distressed as she liked the boy and agreed to inform Quinn of any further change in the relationship. Quinn admits he was sorely tempted even to offer the services of a professional relationship counsellor, and even contemplated risking an injunction by going ahead anyway, but 'bit his tongue and made a slight change of plan'. It all ended happily when the romance resumed in the nick of time for the young couple to resume their seat by the candidate in a very public celebration of the reconciliation on billboards countrywide.

The Prince (Charles) in the Throne Room in Dublin Castle, Bertie and his Dublin mayoral chain of office, and other occasional incidents involving civil servants, county and city managers and other politicians are amusingly recounted.

Garrett Fitzgerald's legendary lengthy cabinet meetings are also portrayed in an entertaining if informative light, as are the inner workings of Government.

Interestingly county/city managers fare pretty well - with the notable exception of the Dublin Big Daddy, Frank Feely - and civil servants get high praise with a few entertaining exceptions. As well as featuring in the Bertie mayoral chain incident, Fehily's egotistical management style led to tension between him and Quinn when the latter was elected to Dublin Corporation, his first public office. Having promoted and brokered a cross-party set of policy objectives (excluding Fianna Fail councillors), Quinn and the other supporters had the agreement known as the Civic Charter adopted as Corporation policy 'to the clear discomfort of the city manager'.

Having held portfolios in Environment, Labour, Employment and Enterprise, and Finance – itself a controversial but successful appointment – Quinn touches on a wide variety of topics and provides new insights to this reader on the origins of some of the innovative political interventions of his time. As Minister for Labour he introduced the much-lauded temporary work programme, the Social Employment Scheme, in 1985 having examined labour market measures in both Scandinavia and Hungary, and notwithstanding a last minute public liability insurance hitch that almost unseated its launch.

The Criminal Assets Bureau, established under Quinn's stewardship as Minister for Finance, in 1996 owed its origins to fellow Dublin Labour TDs, the Joe Costello and Roisin Shortall. It has proven its merit manifold since in the pursuit of criminals.

Building on the work of previous governments, Quinn also significantly contributed to the establishment in 1997 of the Dublin Docklands Development Authority, successor to the Customs House Docks Authority, and the broadening of its mandate and area of responsibility in co-operation with the then Minister for the Environment, Brendan Howlin. He also claims that the concept of a 20 per cent social housing component in docklands residential development, the pre-cursor of the Part V provision in the subsequent 2000 Planning Act, originated from Labour party activists in the local community.

He also devotes a considerable amount of attention to his role on the EU stage largely when Minister for Finance, particularly in relation to the establishment of the common currency. Some interesting profiles of finance ministers of other EU governments are provided and the interminable rounds of discussions and negotiations recounted.

In tandem with his entrance into politics, Quinn was also involved in the salvation of the badly damaged Olympia Theatre and the opening of Merrion Square to the public, matters dear to the hearts of a grateful Dublin.

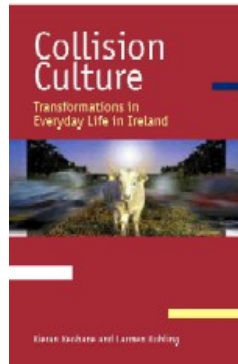
Some curiosities also appealed to me. For example, Quinn's habit of diving into a cinema to while away the early and fretful hours of election vote counting days. His portrayal, with which I agree, of Hall's Pictorial Weekly, that satirical RTE programme, as a contributor to the subsequent demise of the colourful Fine Gael/Labour coalition of the late 60's. Pace Frank, aren't you lucky Michael McDowell wasn't a bloodhound Minister for Justice at the time! And did you know that Ireland is still almost unique in Europe in not having a right to strike in its legislation?

There is, in my opinion, one notable omission – the Justice Kenny Report on the Price of Building Land. My only meeting with the author was when he came to Cork to address the Cork 'branch' of the IPI (it was what you might describe a 'bit previous' as it did not have any formal status) for which I was then local secretary. Quinn at the time was the Labour shadow spokesman on the Environment and, to my recall, in favour of Kenny's recommendations, and there were high hopes among the few assembled planners and other professionals that we would see some action on that front if Labour made it to government. Unfortunately, this was not to be.

I can't recall the lecture but I do recall the panic in trying to get some advance copy for publicity purposes in the local media. It's probably a measure of the man to say that it did arrive finally in the shape of a facsimile copy – the newest of technology - via probably the only machine then in the semi-state sector in Cork, at Aer Rianta's offices at the airport.

Now retired from the pinnacle of the Labour leadership, but not from active politics, Ruari Quinn appears to have lost none of his early-formed beliefs in social solidarity. This book is a worthy testament to a life of action in pursuit of those goals and an interesting and enjoyable read to boot.

BK



**Collision Culture:
Transformations in Everyday
life in Ireland**

By Kieran Keohane and Carmen Kuhling

Published: The Liffey Press 2004
ISBN: 1-9041 48-61-1

Reviewed by:
Noel Sheridan

Sociology matters. As it studies human society and social behaviour using empirical measures, its relevance is obvious. If we want to address the problems in our society, we need a thorough understanding of them. Yet how many people can name a sociologist? How often do we read or hear sociologists in the media? Why is it not a core subject in our schools? And how many of us have ever read a sociology text? Perhaps sociologists – like planners – feel a little marginalized, maybe because their message is one that a lot of people don't want to hear. Maybe sociologists are guilty of using inaccessible language, and enjoying the rarefied air of an ivory tower. Or because the study of human society touches on so many different disciplines, we tend to under-value the specific contribution that sociology can make. There are not many sociological texts which focus on Ireland, compared to say, history or economics. I for one would love to see sociologists in Ireland contribute more to public debate. What they say certainly has far more value and relevance than financial, legal and economics experts, who seem to be over-representative in debate on social issues. Why is it that their expertise or opinion is more popular than those of sociologists? This superb text focussing specifically on Ireland demonstrates the value that sociology can make to the understanding of contemporary Irish society.

While Irish society has changed rapidly since the 1960s, there is a heightened acceleration to this change in the Celtic Tiger years to the present. The Ireland of today is largely unrecognisable from the 1980s, let alone the period preceding the Lemass-era of economic development (pre-1960s). At the outset, Keohane and Kuhling – academics who are based in UCC and UL respectively - capture the ambivalence of contemporary Ireland succinctly: “We celebrate the emergence of our new secular liberal

culture, and in the same breath we bemoan the decline of values and the moral bankruptcy of modern living.” At the core of their thesis is the fact that Irish society, including its institutions, culture, values and identity are being transformed at an accelerated rate by modernisation and globalisation. While these modern and global forces are shaping our lives, Irish society, with its own local institutions, norms and principles of actions, re-shapes these external processes of modernisation/globalisation, so they are “re-localised”. As a result of this, the experience of living in Ireland today can be described as living in an in-between world, where there is an overlap between global and local, tradition and modern, community and society. It is not simply the case that one overtakes the other in a linear way; but these processes co-exist. Living in a world where there is this constant tension gives rise to a sense of a “collision culture”. Each chapter provides an illustration of how this collision occurs and is played out.

One neat (and literal) illustration of this collision culture results from an examination of road traffic accidents and driver behaviour. The two worlds of the local driving culture (not in a hurry) and the commuter culture co-exist. The former represents a more traditional agrarian-type society and prioritises stopping for a chat, and other social interactions characteristic of traditional family/community society. To simplify, this represents the “older Ireland”. The commuter driving culture is of course about speed, which is increasingly demanded by modern society. While there is a polarity between the two, both tend to embody disdain for the rules of the road, which might be a peculiarly Irish phenomenon! These two cultures also overlap, as commuters become locals. In articulating this collision, the authors empirically investigate accident data and characteristics of accident locations and roads.

For me, the highlight of this mind-opening book is the concluding chapter which draws a parallel between Goethe’s Faust and various incarnations/manifestations of contemporary Ireland. In dealing with the devil, Faust’s wants are not the predictable fare of power, wealth, and sexual conquest; instead he wants the higher and more intense experiences that will help him experience the universe of human potential. He sells his soul for knowledge and power, and in so doing – because he can never trade them back – he “becomes damned to perpetual striving.” Like Faust, our desires are insatiable. While one part of us may want to control the excesses of the Celtic Tiger, there is another who can never again be satisfied with what we have. There are many casualties of contemporary

Ireland, including old values, traditions, cultures, landscapes and ways of life, that are “crushed under the wheels of progress.” And again, like Faust making his deal with the devil, many of these victims of modern Ireland are destroyed by a chain of events which they helped set in motion. *“Our Faustian desire for development is not just for wealth, but for the freedom from want that wealth can bring about: freedom from ignorance, and also innocence; freedom of experience and expression; riches of knowledge, cultural and emotional development; a quest for transformative experience, of ourselves, of others, of the world. This utopian dream is ambivalent and paradoxical: it is both emancipatory and megalomaniacal, for the price we pay for exercising will and consciousness is that we become subject to our power over ourselves”*. As a society, we have constructed systems and developed institutions and processes over which we have little or no control. Like Faust, this desire for experience or development is our own desire and we want it in an unlimited way, even up to our own self-destruction. In Celtic Tiger Ireland, we don’t know where we are going, but we’re too busy to stop and find out. Land use planning is constantly grappling with this collision of cultures. And planners are dealing with the physical manifestation of this collision on a daily basis.

As a practising town planner examining the arguments in this book, one can’t help but be cynical about how Irish society views planning. There is an inherent anti-regulatory attitude among Irish people, which is probably a legacy of a colonial past. This might help explain why there is so much unauthorised development. In public life and in politics, there is an obsession with the cult of personality. So often the focus of popular debate concerns what politicians or public figures are doing and saying rather than core policy issues that affect people’s lives. The tribunals have shown that there has been serious corruption in public life. This has received plenty of media attention (who took what from whom, when and how much) but why is it that the system that allowed this to prevail continues largely unchanged? Those exposed as corrupt are “sacrificed as vessels of the sins of the many to assuage collective guilt and thus to enable us to carry on sinning”. While we are outraged at their behaviour, there is also a slight admiration or envy. Somebody breaking the rules is not so bad in our political culture.

“Irish political crime is not megalomania and mass murder, but petty theft, the use of public office for private gain. The former crimes make history (perpetrated by Hitler, Stalin, Amin, Milosevic.); they become watersheds of revolutionary transformation. The latter un-make history; they make a moribund stasis. This is evidenced by the tendency of the tribunals of Inquiry not to generate debate by articulating and interrogating the

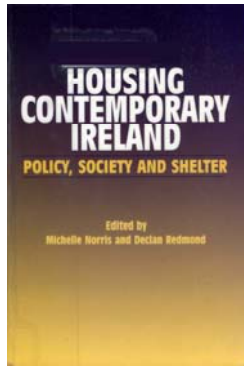
corruption of collective ideals under-pinning Irish public life, but merely gossip, by concentrating on the scandal of individual private conduct.”

I don't think the intention of the authors is to compare “gombeen” Irish politicians unfavourably with Hitler, Stalin, et al. The point is that the mass murders and fascism perpetrated by these politicians has resulted in forms of revolution which have transformed society and made history. The response of Irish people to the behaviour of shady politicians is to switch over to reality TV, or for those who might be interested, to enjoy the blood sport or maybe even to quietly admire them.

The clientelist system forces intense competition between politicians. With multi-seat constituencies, TDs are usually more concerned about competition from fellow party members than from opposing parties. They must therefore focus on the local base, which means that the majority of our national legislators are little more than county councillors. The sad thing is that the insatiable demands of individual constituents' distracts most politicians from concentrating on improving society for all. The selfishness of individuals is undermining civil society. And so long as the same political-electoral system remains in place, this will never change.

The book has sound insightful argument based on combinations of empirical research and philosophical-sociological theory. While occasionally lapsing into technical jargon, it also has beautiful prose of a lyrical quality. Anyone with an interest in contemporary social affairs and behaviour in Ireland is well advised to read this. And there is plenty of material that will strike a chord with planners.

NS



Housing Contemporary Ireland: Policy, Society and Shelter

Michelle Norris and
Declan Redmond (eds.)

Published: IPA, Dublin. 2005
ISBN: 1-904541 34 8

Reviewed by:
Joe Finnerty

The stated purpose of this substantial (437 page) volume is to present an account of key trends in and analyses of the system of housing provision and housing policy in contemporary Ireland (excluding Northern Ireland).

The volume has five central sections, comprising 15 chapters, bookended by an overall introduction and conclusion. Each of the five central sections (on home ownership, social housing, the private rented sector, housing and inequality, and housing, planning and the built environment) begins with an overview chapter, followed by more detailed treatment of some aspect of the topic.

The section on owner occupation has an overview chapter by Cathal O Connell, with more detailed chapters by Daithi Downey on affordability, and by Tony Fahey and Brian Nolan on housing expenditures, poverty and wealth (drawing on their 2004 study for the Combat Poverty Agency).

The section on the private rented sector has an overview chapter by Yvonne Galligan, with the piece by Michael Punch focusing on 'uneven development' in this sector and its implications for low income households. Drawing on a theoretical framework, explicitly critical of neo-liberalism in housing, he calls for a new round of tenure restructuring that moves away from the promotion of owner occupation and the creation of a unitary rental market. The chapter by MacLaran and Williams focuses on the impact of urban renewal incentives on the calculations and preferences of landlords and tenants in Dublin's private rented sector.

The section on social housing kicks off with an overview by Michelle Norris, followed by a chapter on local authority housing management focusing on the experience of tenant participation in estate management by

Declan Redmond and Michelle Norris. Changes in the voluntary housing are then held up to scrutiny by Simon Brooke and Vanda Clayton.

A section on housing and inequality begins with a piece by Eithne Fitzgerald and Nessa Winston examining issues of wealth, access and costs in each tenure. Inequalities in relation to security of tenure, housing amenities and neighbourhood quality and geographical location are then considered, before closing with a discussion of what the authors contend is the overall role of public policy in maintaining inequality in Irish housing. Eoin O'Sullivan's chapter examines the nature and extent of homelessness since the late 1980s, along with the policy and theoretical responses to this extreme form of housing need. The contribution by David Silke discusses housing conditions, policy responses and impacts for travellers.

The final substantive section, which will perhaps be of most interest to readers of this journal, deals with spatial planning and housing issues. Michael Bannon's overview chapter examines the development of Irish planning before and with the advent of the Planning and Development Act 2000. The period prior to the 2000 Act, he contends, was in general marked by a lack of trained planners, an underfunding of the planning system, the lack of regional planning frameworks and an antipathy to land management. The upshot was that 'planning was seen as being largely concerned with infrastructure and physical matters' (291).

Bannon identifies the sustained economic growth in the latter half of the nineties as creating pressure for reform of the planning system; in particular, the planning of Dublin by four separate planning authorities became unsustainable in the face of housing and transportation crises. He suggests that the system was also better positioned to respond to these pressures by virtue of planning officials' involvement in the EU Committee on Spatial Planning and the ECSP's Potsdam report recommending that member states prepare regular reports on national spatial policy and its implementation.

What Bannon identifies as a new Spatial Planning Framework has three components: the National Spatial Strategy 2002-2020, Regional Planning Guidelines for the Greater Dublin Area, and the Planning and Development Act, 2000, and the bulk of Bannon's chapter is devoted to a discussion of these three components with a particular focus on their implications for housing.

Central to the NSS was the proposed identification and promotion of a small number of urban growth centres, in the context of the National Development Plan 2000-2006. This was to avert the scenario, within a major projected expansion in the number of households in the State, of a deepening of the concentration of the country's population share in the Greater Dublin Area. While noting the role of the Spatial Policy Section of the DoEHLG in driving cross-Departmental support for the NSS - a kind of 'space proofing' of plans and activities - Bannon also points to the decentralisation proposals of December 2003 to transfer 10,000 state employees out of Dublin to 53 centres. As Bannon witheringly comments, "the fact that only 24 per cent of the proposed job transfers were to areas identified as Gateways or Hubs in the NSS, has largely removed the key potential drivers of the implementation of the NSS...the current relocation proposals are likely to sound the death knell for regional policy within Ireland, at least for decades to come" (297).

Planning guidelines for the Greater Dublin Area date from 1999, and Bannon suggests that these followed in the British 'non-statutory' tradition. The guidelines were to be a framework for the formulation and coordination of development plans of local authorities and for major infrastructural projects. A division was made between metropolitan and hinterland area, with the major household growth to take place in the former. Bannon suggests that while the guidelines for the GDA have supplied broad guidance, not all local authorities have adhered to them, and he locates this problem in the wider absence of 'an effective management and planning authority embracing the entire built-up area of Dublin and its commuting hinterland' (300).

The RPGs were given a statutory basis in the Planning and Development Act, 2000, with regional authorities empowered to make RPGs after consultation with the relevant local authorities and the Minister. These RPGs were to address, inter alia, forecasted population trends and settlement and housing strategies. Additionally, they were to be consistent with and give effect to the objectives of the NSS. Bannon is quite positive in his evaluation of these guidelines; in terms of their housing aspect, he opines that they 'provide a meaningful basis for forecasting and should provide a framework within which it will be possible to deliver a better quality of life and local environment for citizens' (302).

Bannon focuses on three key housing dimensions of the Planning and Development Act, 2000 (henceforth PDA 2000): Local Area Plans, Part V, and Strategic Development Zones. Under Chapter II of PDA 2000, a

planning authority is required to make a Local Area Plan for designated towns with a population of over 2,000 persons, with specification of procedures for formulating, reviewing and altering these plans. Planning authorities and An Bord Pleanála will have to take into account LAPs in deciding on any development application. Bannon suggests that LAPs ‘provide a framework within which an area or neighbourhood can be thought of, planned, laid out and developed as a unit’ in relation to housing and tenure mix and services. In terms of the key private actors, they “provide a context within which different developers can be induced to provide a more coherent and logical lay-out of space and uses with a meaningful and informed input by the community and informed public opinion” (304).

Some primary research into the housing LAPs of three planning authorities, Monaghan, Sligo and Tipperary SR is presented in this discussion. Limitations of the strategies include out-of-date data, the invalidity of disaggregating national income data to local level and of local labour market analysis. Bannon concludes that these three housing strategies are an important first step, but the reader is somewhat disappointed to find the author declaring that they “will be subject to review in 2003 when some improved data and changed economic circumstances may give rise to interesting modifications”(305)!

Bannon points out that the Planning and Development (Amendment) Act 2002 gave developers greater flexibility in complying with Part V and “served to weaken the inclusion and social integration thrust of the principal act...Once again, Irish society had effectively rejected any significant attempt to broaden the scope of planning to embrace a socially inclusive dimension” (307)

The chapter by Declan Redmond, Brendan Williams and Michael Punch cover much of the same topics and reach many of the same conclusions as Bannon’s contribution, albeit through a focus on ‘sustainable development’. They declare that while planning policies have developed, “the gap between policy aims and actual achievements is widening...[I]n Ireland, the disconnect between policy and reality is wider than in many other European countries” (310).

This theme is progressed through an examination of policy and outcome in two areas: metropolitan planning policy and spatial patterns of development, and land policy and housing affordability. Their conclusion is that ‘without a robust planning framework that can be actually

implemented, and without change in land policy, spatial planning aims and social aims on housing are going to be difficult to achieve” (328).

Planning for rural housing is examined in Mark Scott’s contribution, and includes an analysis of the often sharply contending interests and ideologies at play. He suggests that the challenge this contestation poses “can also be viewed as an opportunity to engage in a more interactive style of statutory plan-making partnerships with rural communities, linked to interest group mediation and the building of trust-relations” (363). Derry O’Connell’s piece examines the potential role of the suburb in providing high quality and sustainable living environment. He notes that “[t]here are good reasons for condemning the suburban environment...[b]ut if the suburb is correctly designed and managed, it can provide a lifestyle incorporating the best of the garden city vision, which creates a rich relationship with the city or town, for family living.” (343)

As is inevitable in an edited volume of this kind, there is some repetition of material (e.g. Part V of the Planning and Development Act 2000 is discussed in at least three different chapters). While the scope of the volume is very wide, the focus is on private households, so that the reader interested in, say, nursing home provision should go elsewhere. Somewhat surprisingly, there is no discussion of corruption in the planning process. A final quibble relates to the timeliness of the publication: most of the discussion stops at 2003 or 2004, so that policy developments and data since then cannot be discussed (such as the Fitzpatrick Review of homelessness policies).

Overall, however, this volume represents a watershed in publishing on housing policy and provision in contemporary Ireland, bringing together in one volume what the interested reader would previously have had to search through several disparate sources to find.

JF

PLEANÁIL INDEX

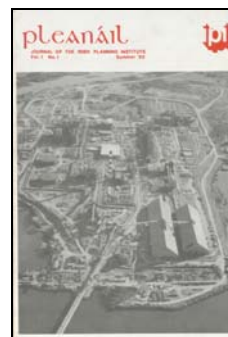
Issues 1 – 16

An index of all articles that have appeared in Pleanáil since its first issue in 1982 is presented on the following pages. They include all editions up to (but not including) this one.

The articles are laid out issue by issue and the relevant page numbers are given. The Irish Planning Institute has also produced an electronic archive of the first sixteen editions of Pleanáil on CD-ROM which is available from the IPI offices.

PLEANÁIL issue no. 1. 1982 (1)

1982 National Planning Conference IPI Council	1-2
Shopping Centres: Changing Trends in Retailing Dr. A.J. Parker	1-6
Controlling the Big Apple Auveen Byrne	1-20
Planning for Archaeological Preservation Brendan Kelleher	1-31
Nottingham's Transportation Policy 1972-1976: A Review J.H. Martin	1-33
Planning Information Exchange Kieran Rose	1-41
Notes of the 1982 IPI Annual General Meeting IPI Council	1-44



Conservation: Why Bother? P.F.A. McDonnell	2-4
The Conservation Area Concept Dermot Kelly	2-13
Controlling Development in Conservation Areas P. J. McDonagh	2-30
Pleanáil Bhéal Feirste P. Ó Branduibh	2-36
Conservation in Northern Ireland John Hendry	2-38
Cork: The Quay Co-Op Kieran Rose	2-49
Kinsale - Heritage Town Gary O'Callaghan	2-54
Conserving Shopfronts: Waterford's Experience B. Dowling and P. Jones	2-63
Conserving Shopfronts: Monaghan's Experience M. Donoghue and N. McCann	2-68
Conserving Buildings Hugh Brady	2-72
Foot Streets A.A. Wood	2-77
Island Communities P.A. Ewen	2-90



PLEANÁIL issue no. 3 Summer 1983

Pleanáil Editorial: Issue 3, Summer, 1983 IPI Council	3-2
Presidential Address 1983 Joan Caffrey	3-4
1983 IPI A.G.M. and Annual Conference IPI Council	3-5
Opening Address at 1983 IPI Conference Mr. Ruairi Quinn, T.D.	3-7
Planning for Human Health P.L. Braniff	3-14
The Methodology of Local Plans N.B.K. Mansergh	3-23
Planning in Botswana and in Ireland Brendan McGrath	3-34
Archaeology and Planning in Waterford Ciaran M. Tracey	3-40
Planning and Archaeology Gillian Hill	3-51
Planning and Agriculture in the EEC Gerald Walker	3-67
Derelict Sites Seamus Canavan	3-87
East German Planning U.C.D. Planning School Class of 1983	3-99
Planning in a Capitalist Society Michael Beagon and Kieran McKeown	3-113
Reviews	3-122



PLEANÁIL issue no. 4. 1984

Pleanáil Editorial: Issue 4, Winter, 1984 J. Caffrey	4-2
Urban Renewal and its Success or otherwise in relation to Galway City J. W. Regan	4-4
Integrated Rural Development - Reflections on a Magic Phrase J. V. Greer	4-10
Information Technology and Development Planning R. Tobin	4-16
Review of L.G.C.S.B. Document SS 14.20 S. Taheny	4-21
Planning the Dynamic City J. J. Reid and P. L. Braniff	4-27
Divis - The Production of a Dreadful Enclosure M. Mc Williams and M. Morrissey	4-33
S.A.A.O.s M. Gough	4-46
Planning Agreements and Planning Gain V. P. Harrington	4-51
Transferable Development Rights - A Policy Instrument for Dublin J. M. Blackwell	4-60
Considerations / Opinion	4-78
Reviews	4-84



PLEANÁIL issue no. 5. 1985

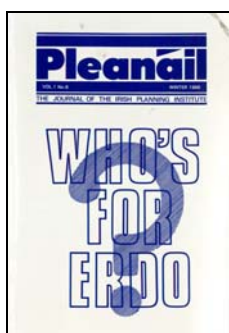
A Computer Approach to Land Use Location P.L.Braniff	5-1
Belfast and its River: Achievement and challenge in conservation and urban renewal S.O Cathasaigh	5-8
Fuel Poverty and Public Housing in Northern Ireland E.Strauss	5-17
Planning and the Shift towards Bilingualism in Belfast G.Nig Uidhir	5-23
Woonerven: Dutch Residential Precincts M.Gough	5-27
Information Technology : Some Further Comments V.P.Harrington	5-34
Planners and CPD: an all Ireland Perspective P.L.Braniff	5-44
Population Trends in Dublin R.Mulvihill	5-53
Architecture and Planning: a Reconciliation? M.McEldowney	5-64
Eastern Region Settlement Strategy B.McGrath	5-70
Response to Mr McGrath's Review of the ERDO Settlement Strategy L.O Reilly	5-81
Casual Trading :The Carrot and the Stick J. Reid	5-87
Tree Preservation Orders R.Goodbody	5-92



Editorial F. Kenny	6-2
A Critical Analysis of the E R D O Report Irish Planning Institute Submission	6-4
E R D O and the Future of Dublin R Biddlecombe	6-9
Transport in t he E R D O Report J A Crowley	6-15
Eastern Region Settlement Strategy 2011, E R D O , 1985 B McGrath	6-20
Response to Mr B McGrath's Review of the E R D O Settlement Strategy L O'Reilly	6-33
Planning Administration jn Local Authorities B J Boland	6-38
Planning for a Changing Retail Scene B McHugh	6-48
Farm Development and Waste Management J Shine and C Tracey	6-60
Development on the Foreshore — The Legal and Administrative Context J Reid	6-66
The Application of a Micro-Computer Database Package (dBASE II) to Development Plan Preparation in Limerick Corporation R Tobin	6-74
Town Layout and its Possible Regulation in Viking Age Dublin P F Wallace	6-81
Ambivalent Belfast M McEldowney	6-95
Housing Action Area Policy in Belfast - An Evaluation A S Adair, J N Berry and W S McGreal	6-103

PLEANÁIL issue no. 7. 1987

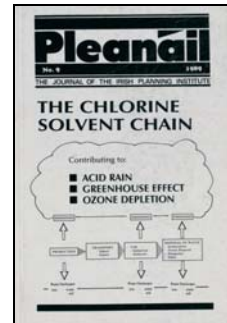
Local Government Planning in Ireland and United States: Some Observations Prof David. Rafter	7-7
Compensation and Recent Planning Notes Philip O'Sullivan	7-18
The Trees and Woodlands Bill 1987 Rob Goodbody	7-28
Women and the Environment Women in Planning Group	7-33
The New Plan for Belfast: A Model For The Future Or Dancing On A Volcano Dr William Neil	7-45
Functional Sub-Zones in Dublin's Inner City Dick Gleeson	7-56
Inner City Street Design Criteria Dermot Kelly	7-64
Finglas - A Community Planning Approach John Haughton and Dara Larkin	7-76
The Swords Heritage Project Keith Simpson	7-84
Reviews	7-90



Europe and the Town Planning Profession Joan Caffrey	8-5
Housing outside Irish Towns: An analysis of household characteristics, motivations and preferences David Storey and Patrick O'Flanagan	8-30
The Environmental Impact Assessment of Roads Bob Biddlecombe	8-40
National Monuments and the Development Plan: A Compensation Conflict Mary Darley	8-45
Town Planning Law and Practice and its impact on the Licensed Trade with particular reference to the Dublin Area Fergal MacCabe	8-50
Planning and the Uplands Patrick Ewen	8-59
Greenpeace: Commandos of Conservation or Environmental Alarmists? Neil O'Byrne	8-69
Dublin's Smog Crisis: A Planner's response. John Fannon	8-74
Redeveloping the site of Dublin's Medieval Settlement: The Search for a Suitable Form Tony Mulhall	8-84
An Endangered Legacy - Dublin's Inner City Churches Patricia Hyde	8-96



Irish Economic Development and the Structural Funds M.Cuddy	9-9
The Evolution of the Integrated Approach to Planning B. Murtagh and P. Braniff	9-37
Synergy and Integration – towards some definitions. P.L. Braniff	9-50
The Politics of Urban Containment: Belfast before the stopline. M.R. Murray	9-56
Shopping Centre Development and Impact: the Northern Ireland experience. J.N. Berry, W.J. McCluskey and W.S. McGreal.	9-76
Architectural Conservation in Ulster: a pattern for Ireland? J. Hendry and M. McEldowney	9-86
Planning and Democracy N. Fennelly	9-94
The Local Government (Planning Development) (no. 2) Bill, 1988; Implications for Local Authorities. E.P. Conway	9-100
Mountain Top Transmitters and Broadcasting Installations. S. Dowds.	9-109
Towards the Age of Clean Technology N. O'Byrne	9-119
Reviews W.J. Neill	9-126



Distinguishing Characteristics of Participating and non-Participating Landholders in the Mourrte Mountains and Slieve Croob Environmentally Sensitive Area Scheme I.E Moss and S.M. Chilton	10-9
A Study to Identify Suitable Colours for Rural Buildings R. P Shakespeare and V.A. Dodd	10-28
A Preliminary Analysis of Tourism Planning in Northern Ireland. P. McDonagh and M McEldowney	10-40
Glasgow's Open Space Planning Strategy: An Exemplar for Dublin M.Cregan	10-69
The Regeneration of Belfast City Centre. J. M. Berry, W. Deddis and W. S. McGreal	10-81
The Plan as Symbol: A Case Study of Belfast. J. V Greer and W. J.V. Neill	10-90
The Planning Profession and Planning Education. J Caffrey	10-113
The Environmental Protection Agency Bill and Planning Control. P. Thornton	10-124
The Planner and the Environment: The Effect of the Single Market Programme. E. Galligan	10-130
Aspects of Planning a Small City in the Third World: The Example of Greater Banjul. B. McGrath	10-146

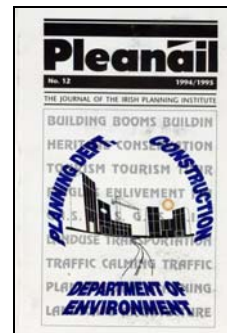


Planning on the Periphery of Europe. Ireland: Special Needs and Concerns Joan Caffrey	11-7
Structural Funds and Sustainable Development Jeanne Meidon	11-39
The Implications of the National Development Plan for Physical Planning at Local and National level Henk van der Kamp	11-53
Town Planning and Transport Planning Issues in E C Trans-border Areas Alberto Cagnato	11-61
The Planning Implications of Key Infrastructure Provision: An example from the Netherlands Henk van der Kamp	11-68
Town Planning in Europe: A Real Estate Perspective Ronan Fox	11-78
Town Planning in Eastern Europe Bogdan Wyporek	11-85
Sound Planning in a Fast Changing World Prof Finn Kjersdam	11-89
The Perspective of a Town Planning Educationalist Prof Klaus Kunzmann	11-101
The Temple Bar Area Historic Precinct Revitalisation Dermot Kelly	11-107
The Dublin Wide Street Commissioners: An Early Modern Planning Authority Michael Gough	11-126
Contd...	

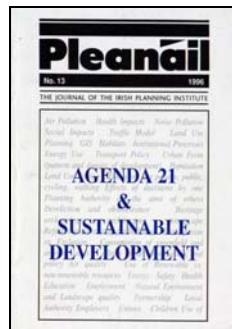
Telecommunications Masts: The Need to define the Areas of Responsibility between the Planning and Communications Codes John Casey	11-156
Evaluating E.I.A.s for Road Proposals Dara Larkin	11-166
Enforcement and the 1992 Planning Act Berna Grist	11-185
Paradigm Redundancy and Substitution Rural Planning and Development in Northern Ireland Michael Murray	11-195
Landscape Architecture and Planning: The Irish Experience Michael Cregan	11-219
The Status of Planning Methodology P Braniff	11-230



Specialised Building Booms and the Future of Planning Nicholas Mansergh	12-7
Organisation and Management of Tourism: Role of Local Authorities in Planning and Strategy Development Ciaran Lynch	12-24
Cork Historic Centre Action Plan Patrick Ledwidge	12-38
The Finglas Enlivenment Project: A Community Planning Approach John Haughton, Dara Larkin	12-53
Problems with Planning Law Yvonne Scannell	12-67
Problems with Planning Law – A Rejoinder Philip Jones	12-77
Dublin's Transport – A Unified Proposal Cormac Rabbitt	12-83
Traffic Calming and its Potential in Ireland Noel Sheridan	12-130
Dublin Corporation Landuse Survey – a GIS experience Una Bagnall, Michael MacAree, Stephen Margolis	12-155
Landscape Architecture – Planning and Places Michael Cregan	12-171



Local Agenda 21 - the New Challenge. Ciaran M Tracey	13-1
Background to Local Agenda 21 and the National Sustainable Development Strategy. Geraldine Tallon	13-6
The European Perspective to Local Agenda 21 and Sustainability. John Bennett	13-15
The Councillors Role in Agenda 21 Councillor Olivia Mitchell	13-26
Community Participation in Local Agenda 21. Dr Sue Christie	13-32
Local Agenda 21 and the Development Plan – A Case Study of a Medium Size Town. Henk W van der Kamp	13-46
Local agenda 21 and the development plan: The challenges for a major urban area. John Haughton	13-58



The Need for Vision and Strategy in Irish Planning Michael J Bannon	14-1
Twenty First Century Dublin The Edge City and Commuterland Brendan Williams and Patrick Shiels	14-7
Increasing Housing Densities in Dublin – The Path to Sustainability Eugene Gribbin	14-19
Exclusion, Invisibility and the Neighbourhood in West Dublin Brendan Bartley	14-37
The Ministerial Directive on Large Scale Shopping -15 Years On Terry Prendergast	14-61
Recent Trends in Commercial Development in Transport Corridors Anthony Quinn	14-73
The Lancefort Saga James Macken	14-83
Strategic Environmental Appraisal Bridging the Gap Stephen McKay	14-95
Protecting the Architectural Heritage: The State of Conservation Expertise in Local Authorities Gordon Daly	14-103
Strategic Planning in Northern Ireland: Some Reflections on Contestation and Consensus Malachy McEldowney, Ken Sterrett, Frank Gaffikin & Mike Morrissey	14-111
The Changing Role of Statutory Agencies in Rural Development post 1999 Michael J Keane	14-117
Best Practice in Local Development - the Ballyhoura Model James A Walsh	14-129
Evaluation Insights from Village and Small Town Regeneration in Northern Ireland A Community Perspective M Murray & J Greer	14-154

Environmental Appraisal in Northern Ireland – A Model for Sustainable Futures? Stephen McKay - Queen's University Belfast	15-1
Analysis of implications for sustainability of NDP transportation investment under the Economic & Social Infrastructure Operational Programme 2000 – 2006 Lisa English Prof S H Perry	15-20
Development of Infrastructure under the National Spatial Strategy Henk W van der Kamp	15-29
The Irish Language : a growing planning issue ? Dr Gabrielle Nig Uidhir	15-43
Confronting tht Problems of Shelter Provision in a Period of Rapid Urbanisation: A Case Study of the Greater Banjul Area, The Gambia Paul Caprani	15-50
How We Wrecked Rural Ireland in the Latter Part of the Twentieth Centurv Fergal MacCabe	15-64
O'Keefe and the Clove of Garlic Michael M Collins	15-67
Research and Policy Publications H van der Kamp	15-87



Strategic Environmental Assessment Terry Prendergast	16-1
Single Houses in the Countryside: Policy problems and options Brendan McGrath	16-21
The Re-use of Redundant Bank and Financial Buildings in Dublin s Inner City Sarah Balfe	16-31
New Planning Perspectives on the Assessment and Protection of Landscapes Conor Skehan	16-42
Sustainability and Design Issues in Rural Housing Michael Leahy	16-59
Teleworking — a Quick Tour for Planners Imogen Bertin	16-69
Financial Contribution Schemes: towards a financial chapter in the development plan Hendrik W van der Kamp	16-79
Research and Policy Publications H van der Kamp	16-88



