

Pleanáil

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Issue 19: Winter 2013

Access to the Countryside | Urban Regeneration

Urban Modelling | Marine Spatial Planning

Landscape Characterisation | Democracy and Local Government



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Editorial

Pleanáil as the Irish Planning Institute's planning publication has a long and varied history addressing topical planning issues of the time. This nineteenth issue of Pleanáil seeks to provide interesting and thought provoking articles that are reflective of current times and thinking. Planning once again is at a crossroads, the Celtic Tiger era is now well and truly over, although its legacy as a major boom and bust period lives on. However times are changing and while we have experienced austerity and are coming through a period of recession and stagnation, as the tentative green shoots begin to emerge, we as practitioners must become more knowledgeable and innovative. It is important that we move on from the Celtic Tiger era and learn from past mistakes and that a period of restructuring gets underway to help improve the Irish Planning System and to encourage development with sustainability at its core.

The importance of the creation and achievement of a sense of place and of improved community and local involvement has been emphasised throughout these articles. Diverse general and more specific examples of how this can be achieved in Ireland, having regard to other European planning systems are provided. While much of the focus is on issues concerning improvements to theory and practice in urban regeneration, they also contain other more diverse, topical and informative debates. These include; reforms to local democracy, implementation of legislation, urban regeneration, integrating the marine environment and facilitation of access in rural areas, to conservation and preservation of landscape, among others.

It is proposed that form led planning and design become integral to the planning process in the Art McCormack article. Form-based guidance should be developed for methodological quality and consistency especially regarding area and local plans as well as for master planning. There is a need to recognise the critical importance of urban form in creating places that fit appropriately into the broader urban fabric. This is a detailed and scholarly article where the author explains the nuances of urban morphology having regard to the five tenants of urban form and uses case studies of various Irish towns to illustrate his paper.

A very detailed analysis of how urban regeneration can be planned for is provided in Richard Hamilton and Stephen Coyne's article on Thomas Street. The ambition for this historic street in the Liberties area of Dublin, is to realise its commercial rejuvenation and improvement as a sense of place and to actively manage and

promote the street. Several examples are given of how planning for this street has evolved over the years and it is acknowledged that there are still problems with under occupancy, alongside various forms of dereliction. This article concludes that a greater engagement by Place management and Partnerships could have a potentially huge impact in developing community solidarity and realising the potential of otherwise failing areas.

Dr. Deiric O’Broin provides an interesting article, which provides both historic and topical considerations of reforms taking place in local government. This provides that community leadership and increased public participation is at the heart of the role of modern local government. It is interesting to provide a British and Irish perspective and to see what can be learnt from the lessons of the past, so that reforms can lead to a greater level of democracy in local government into the future.

The Hamburg HafenCity Regeneration Scheme article by Steve Margolis and Una Bagnall provides an interesting example of an urban regeneration that has been implemented, albeit in a very different and more buoyant economic climate. While not that similar, it nevertheless provides lessons in how regeneration can occur on a phased basis, rather than a more piecemeal basis as has happened in an Irish context. A coherent logical sequence of phased development ensuring linkages is supported. While some of the aspects put forward may not be comparable from an Irish perspective, much can be learned from such innovative regeneration projects that are seen to be achieving positive results.

The ECTP Young Planner’s article brings the Irish Planning scene up to date and has regard to post Celtic Tiger Ireland, planning at a crossroads and the response to the economic crises. It provides a thought-provoking critique of the role of NAMA in Strategic Planning and in the context of urban regeneration. The authors question the extent to which asset disposal can be aligned with sustainable development and the interests of the common good. While it is too early to determine the effects that NAMA is likely to have on the built environment, it is seen as crucial that its aims are realised within an established overarching strategic and spatial vision. Irish spatial planning is at an important crossroad and inevitably the legacy of the boom period will influence theory and practice for years to come.

Louise Burn’s article has regard to issues concerning access to the countryside, rights of way and landownership issues relative to the common good. It provides a comprehensive study of the relevant legislation and contains examples of practice regarding access in other European and Scandinavian countries. It was interesting to note the Swedish concept of *allmansratt*, which translates into everyone’s right

to roam and enjoy the countryside. The British system is discussed having regard to their more developed National Countryside Recreation Strategy. The article notes the shortfalls of legislation in Ireland to secure a right of access over private land for recreational walking and the conflict between public/private interests.

Brendan McGrath's article is an edited chapter from his new book *Landscape and Society in Contemporary Ireland* published by Cork University Press. This has regard to the concept of landscape creating a sense of place and to the role of local initiatives such as the Tidy Towns. A distinction is drawn between local landscapes and character landscapes, which may be of national and international importance. These cannot be managed as piecemeal local interventions but require national engagement and this has not happened in Ireland, unlike in other countries. There is concern about landscape protection and heritage and particularly having regard to the Natura 2000 network, EU Directives and to the development of World Heritage sites. Landscape conservation is seen to be both desirable and achievable.

Colm McCoy and Walter Foley's article provides a deeper understanding of the topical issues of Integrating the Marine and Land Side Planning in Ireland. This paper explores the integration of marine and terrestrial planning in Ireland and draws upon experiences relating to developing a stakeholder model to coastal planning around the Dublin Region. It includes consideration of the Marine Strategy and the concept of a marine roadmap. The value of the marine economy and harnessing its potential is also seen as a key function within an Irish context. It is considered that there is an opportunity to bring marine planning into the mainstream planning process.

This journal provides a forum for practitioners, academics and planners and those from related disciplines to share their knowledge in a more formal published setting. This year, we have an exciting new section, which includes the Student Award paper. While both diverse and informative, these articles encapsulate the author's current thinking on a wide range of planning related issues and are relative to implementation of theory and practice. The papers are thought provoking and demonstrate that there are lessons to be learned from planning systems elsewhere. There is a need to improve regard to local planning in creating a sense of place and also to demonstrate the benefits of the more strategic spatial planning. A more comprehensive informed and innovative approach to sustainable planning and regeneration needs to be encouraged and facilitated.

Angela Brereton MIPI
Editor

Access to the countryside, rights of way and the common good

Louise Burns

The cases of *Walsh and Cassidy v Sligo County Council* [2010] and *Collen v Petters and Others* [2006] vividly illustrate the fact that public recreational access to private land is an issue that can cause anger, division and dispute, whether such access is via rights of way, walking tracks that are agreed with a number of landholders or the right to general access to hills and beaches for recreational purposes. Such disputes can divide communities, pitting landowner against walker and neighbour against neighbour. Currently, walkers in Ireland, who generally wish to access uncultivated land, hills and beaches, have to rely on the existence of a public right of way over land, on the good will of the relevant landowner, or on a limited number of negotiated walking paths which have no guaranteed longevity.

Anderson (2007) notes that “The substantial socio-economic benefits that might be derived from the Irish countryside through the promotion of recreational walking and hiking are hampered by the lack of a clear legislative framework with respect to that ownership, occupation and exploitation of the land and paths upon which such activities are based” (p. 1). The acknowledgement of the existence of the “recreational user” as distinct from a trespasser in the Occupiers’ Liability Act 1995 may be seen as a precursor to the establishment of a proper system for the encouragement of both serious hill-walkers and more casual “landscape-consumers” through legislation to accommodate these groups, but no legislation has been enacted to facilitate such activities.

ACCESS TO THE COUNTRYSIDE

Comhairle na Tuaithe was established by the Minister for Community, Rural and Gaeltacht Affairs in 2004. The final report, *The National Countryside Recreation Strategy* (NCRS) was issued two years later. These excerpts from the NCRS below summarise its findings:

“A group of submissions received addressed the issue of ‘the right to roam’. These submissions proposed that recreational users should have the right of access to any part of the country and that this right should be enshrined in legislation. Others, while agreeing that there is a need for legislation felt it should permit recreational access to private land within agreed guidelines and with indemnity for landowners” (p37)

“He [the Minister] considers that a local community based approach is the way forward where issues of access to the countryside arise rather than legislation or payment. Where it is not possible to reach agreement, in a particular location, alternative routes should be explored and developed so that landowners’ rights over access to their lands are not interfered with” (p38)

McLaughlin gives her opinion that “Comhairle na Tuaithe issued a final report in September 2006, proposing no new legislation to deal with the access issue, qualifying the mandated body as a failure” (2010, p.88). Ireland has no statutory framework for recreational walking. Gorovitz Robinson (2011) says “Ireland has not moved the way of England, Scotland and Wales in terms of legislatively expanding access rights to private land for the public for recreational purposes. In fact, the law in Ireland is quite clear. One may not cross the land of another without permission” (p251). There is, at present, no apparent government policy in place to work towards legislating for walkers’ rights. A recent Private Member’s Bill, the “Access to the Countryside” Bill, which seeks to introduce limited legislative provisions which would improve the public’s access to the countryside for recreation, was introduced to the Dáil by Labour TD Robert Dowds earlier this year and was withdrawn at its first reading. Mr Dowds TD stated, following the Dáil debate regarding the Bill on 13/06/2013, “Many in the Fine Gael party can see the benefits that better public access would bring in terms of jobs, the health of our own people and updating a set of laws not longer fit for purpose. The problem is going to be whether or not they will revert to a conservative mindset where they defend, above the rights of all other citizens, the rights of landowners”

Mr Dowd’s statement exposes what is at the root of this contentious issue - the competing rights of landholders to the peaceful enjoyment of their land, and the rights of the Irish public and visitors to Ireland to enjoy one of the potential benefits of inhabiting or visiting this country, that of being able to access the countryside for health and leisure.

England and Wales, Denmark, Germany, New Zealand and Scotland, all have legislation granting rights to walk private lands. All of these jurisdictions place a value on the rights of non-landowners to use private land for recreational purposes. The extent of these walkers’ rights in each jurisdiction appears to echo the extent of the value placed upon those rights and that particular society’s general attitude to land ownership - for example Sweden has very liberal public access rights, and in Sweden it is generally believed that although land may be in private ownership, this does not confer a right upon landowners to prevent others from enjoying the landscape, because the landscape belongs to everybody, rural and urban dwellers

alike, locals and visitors (Højring, 2002). There does not appear to be such an attitude to land ownership and landscape in Ireland- Scott (2006) says that there is a “locals versus visitor” attitude in rural areas and a tension within the “consumption countryside” model, due to the decline of farming and a growing perception that rural areas are being consumed by new uses for the countryside, many of which are dictated and used by those who are not rural-dwellers themselves.

Gorovitz Robinson (2011) notes that, in the Scandinavian countries, “.... a public right of access is longstanding and cherished, and there is a corresponding deep respect for the environment and individual responsibility”, and that of Sweden in particular, “..... the right to roam on land owned by another has long been a deeply rooted cultural tradition, though not codified in law” (p.211). In Sweden flexible rights of way exist which allow access to cultivated field edges and fallow land. Underlying the established right of access, so entrenched in the Swedish psyche that no legislation is necessary to underpin it, is the concept of *allmansrätt*, which translates literally as “every person’s right”. Swedes have great pride in *allmansrätt* and view it as an intrinsic part of their heritage. Højring (2002) states that “...extensive public access depends on a general acceptance of the idea that the landowner may very well own the land, but we all own the right to the landscape - the right to roam and enjoy the beauty of the countryside. In Germany and Sweden this conception is part of a living tradition” (p. 40).

Denmark has a long tradition of granting access to the countryside for its public, despite the fact that most of Denmark’s countryside is in private ownership and that “respect towards private rights of ownership constitutes an important value in Danish society and, therefore, plays an important part in the country’s legal regulation” (Højring, 2002, p. 30). It would appear that the Danish concept of land ownership is such that “respect towards private rights of ownership” does not include an expectation that those with no proprietary interest in the land are required to stay off the land completely. The rights of property owners in Denmark are supported by the Restrictions in Access to Private Fields and Roads Act, first enacted in 1895. A series of amendments to the Danish Act on Nature Protection 1917 granted more and more free public access to the countryside, culminating in a grant of rights of public access to all forests, beaches, uncultivated land and private field roads and paths throughout the country in 1992.

The Countryside and Rights of Way Act (England and Wales) 2000 (CROW) provides for the making of maps of areas of open countryside showing areas where the public have the right to walk, and provides for the statutory right of the public

to use these areas for recreation on foot. Most walkers want to reach the uncultivated common lands such as hills and moors - the issues are with the lands used to access these uncultivated areas. CROW refers specifically to this as “access land” (S.2(1)), recognising that the right of the walker is a right to pass over land to reach uncultivated land, and not a *ius spatiendi* (“right to ‘stray’”) on these access lands. The entitlement to access is dependent upon the good behaviour of the rambler, details of which are clearly outlined in S.2.1 and Schedule 2 of the legislation. Critically S.12(3) provides that the use of any route on access land or its marking on the map may not ever be used as evidence to support a claim that a public right of way exists over the access land. S.13 of CROW amends S.1(6A,6B) of the Occupiers Liability Act 1984 (England and Wales) to provide that the landowner will not be liable for any injury occurring as a result of any features of the national landscape to those exercising their right to cross their land under CROW, nor to any injury incurred when “.... passing over, under or through any wall, fence or gate ...” S.1(6A(b)).

Referring back to the aforementioned National Countryside Recreation Strategy, it says regarding the establishment of short term walking routes in Ireland: “Where it is not possible to reach agreement, in a particular location, alternative routes should be explored and developed so that landowners’ rights over access to their lands are not interfered with” (p38). This means that the routes are essentially landholder-dictated as opposed to public needs-driven. Desired walking routes are purely aspirational until it is known whether or not it is possible to get the relevant landholders on-board.

“The British government now designates land as access land by evaluating the nature of the land itself, not its ownership status” (Gorovitz Robinson, 2011, p.211). The point made here is significant. The land that is designated for walking is that which is most suitable for walking in the areas where the public wish to walk, not land which landholders are willing to temporarily ‘release’ to the public for recreational purposes. The system is driven by the requirements of the public, not the private landholder. “.... the Act [CROW 2000] represents a sea-change in the law’s approach to the rights of landowners, in particular to the rights of landowners to exclude It limits landowners’ rights to exclude in favour of the public’s positive right to freer access to those lands” (Gorovitz Robinson (2011) p.213). McLaughlin (2010) gives her opinion as follows - “.... recent UK legislation has now firmly established that the principle of the common good is best served by giving the public the right to walk across private farmland” (p. 86).

Ireland currently has a limited system of public rights of way; some landholder

permitted trails crossing over private land (but permission for their use may be withdrawn after a period of time); and permissive access where some landholders are content, for the moment, to allow the public to cross their land. Mulder et al (2006), researching attitudes of English landowners, note that “The problem with permissive access is that it does not appear on maps; it can be withdrawn at any time; and is widely regarded as being inequitable. These findings suggest that it will be difficult to increase the access resource in any formal and systematic way simply by relying on the goodwill of landowners” (p.107).

Højring (2002) stated “..... extensive public access depends on a general acceptance of the idea that the landowner might very well own the land, but we all own the right to the landscape” (p.40). Though the barriers to legislating for public access may be easier passed if such acceptance exists throughout society as is the case in Norway and Sweden, it clearly does not have to be acceptance held across the entirety of society for access to the countryside legislation to be successfully enacted and implemented. Both Denmark and England and Wales are jurisdictions with strong recognition of the importance of private property rights, yet have enacted effective legislation to provide their citizens and visitors from abroad with significant access to the countryside. Private property rights have not been permitted to extend themselves to the absolute right to exclude. Individual rights have not been permitted to wholly trump collective rights. “Property law should protect liberty when and to the extent that the recognition of liberty promotes the common good. This is the governing principle, the tool that enables us to decide which forms of liberty to protect and which forms to sacrifice Individual rights should not guide public lawmaking, when it comes to land ownership” (Freyfogle, 2010, p.20). Article 43.1.2 of the Irish Constitution provides that “The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property” - but limits its own provision with Article 43.2.2 - “The State may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good”.

Swanwick (2009) says that “It has long been recognised that interaction with land brings benefits to individuals and communities” (p.S65). The European Landscape Convention 2000, to which Ireland is a signatory, and its associated documents make it clear that that citizens of member states have access to landscape, and encourages

“- identification and development of scenic routes and viewpoints selected for their clear views and their ability to reveal the wealth and diversity of landscape” (Council

of Europe 2006, p78). This is due to the fact that access to landscape provides for human well-being, physical and psychological. The preamble of the Convention provides that “the landscape is a key element of individual and social well-being and that its protection, management and planning entail rights and responsibilities for everyone”. The responsibilities spoken of in the Convention and its supporting documents clearly include the provision of opportunities for recreational use of the landscape, and for those users to take responsibility for that landscape. There can be no doubt that some portion of landholder reluctance to accept the right of the general public to cross their land is seated in the fact that they do not trust the public to behave correctly on the land. Gorovitz Robinson (2011) suggests that rights of access may be increased by “..... imposing a balancing factor of explicit rules of environmental and individual responsibility. These rules, which can be imposed by statute when not already a deeply held part of culture, can help landowners and the public feel secure in the protection of their land and privacy and seem to be required for countries to open privately owned land for recreational use by non-owners” (p.262). The right to access the countryside must clearly come with restrictions (as it does in all jurisdictions that have legislated for it). Of allemansrätt, Gorovitz Robinson (2011) notes that “..the restrictions, as well as the rights, seem to derive from basic personal responsibility and respect for land and people. If travellers, visitors and others using land in Sweden do what is right with respect to land and the people who live there, they will have abided by the restrictions to the right” (p.227). Where people own the right to public access to private land and have a corresponding sense of ownership of the landscape through which they walk, they are far more likely to take care of that landscape and to respect it. It is self-evident that people take better care of things that belong to themselves, whether private property or real property.

Ireland has no legislation to secure a right of access over private land for recreational walking. Anderson (2007) notes that “The substantial socio-economic benefits that might be derived from the Irish countryside through the promotion of recreational walking and hiking are hampered by the lack of a clear legislative framework with respect to that ownership, occupation and exploitation of the land and paths upon which such activities are based” (p.1). Pictures of Ireland’s countryside are used to market the country as a tourist destination. “... it is essential to remember that in many places landscape is acknowledged as a primary symbol of identity and the main force of attraction or recognition for the outside world” (Council of Europe, 2006, p.74). Whether or not these pictures represent usable landscape or scenery is dependent upon whether or not that countryside is accessible. Currently in Ireland the law supports a “you can look but you can’t touch” approach.

An issue central to the conflict between the landowner and the rambler in Ireland is that of public liability. The root of this problem in Ireland goes back to the case of *Clancy v Commissioner of Public Works* [1991]. Injuries were sustained by a child who fell at the site of a National Monument, maintained by the Office of Public Works. The Commissioner was successfully sued on this occasion, and this outcome was followed by insurance companies commencing a campaign warning farmers of the potential claims against them should any uninvited visitor to their land injure themselves.

OCCUPIERS' LIABILITY ACT (IRELAND) 1995 AND THE "RECREATIONAL USER"

The Occupiers' Liability Act 1995 (OLA) replaced the common law - "The Act was enacted in response to alarmist concerns of farmers about their potential exposure to liability to entrants onto their lands, such as walkers, campers, hunters, and people visiting historic moments, who might sustain injury. The fact that no claim had been successfully taken against a farmer by such entrants did not prevent the formation of a strong lobby, to which the legislators predictably responded" (Binchy, 2005, p. 1).

OLA S.1(1) gives the following definition: "'trespasser" means an entrant other than a recreational user or visitor". Despite the fact that there is no legislation in Ireland to directly accommodate the recreational user they are given recognition as a separate type of entrant to land in the OLA. The term "recreational user" is defined in S.1(1) as follows: "... an entrant who, with or without the occupier's permission or at the occupier's implied invitation, is present on premises without a charge (other than a reasonable charge in respect of the cost of providing vehicle parking facilities) being imposed for the purpose of engaging in a recreational activity, including an entrant admitted without charge to a national monument pursuant to Section 16(1) of the National Monuments Act, 1930". The final clause of the definition for "recreational user" attempts to guard against cases such as *Clancy v Commissioner of Public Works* [1991] detailed above.

The OLA gives the following definition for recreational activity: "..... any recreational activity conducted, whether alone or with others, in the open air (including any sporting activity), scientific research and nature study so conducted, exploring caves and visiting sites and buildings of historical, architectural, traditional, artistic, archaeological or scientific importance" (S.1(1)). As regards the simple crossing of private land to reach uncultivated lands for walking, the recreational user enjoys no advantage over the trespasser aside from not acting in

a tortious manner. Binchy (2005) points out that “Recreational users are not treated very generously by the legislation: they are regarded as having no greater rights than trespassers” (p. 1), but it is important to note that the walker avoids being a trespasser by virtue of being a recreational user.

S. 4(1) OLA provides as follows: “In respect of a danger existing on premises, an occupier owes towards a recreational user of the premises or a trespasser thereon (“the person”) a duty - (a) not to injure the person or damage the property of the person intentionally, and (b) not to act with reckless disregard for the person or the property of the person ...” Therefore the occupier does not owe the trespasser or the recreational user the common duty of care that is owed to an invited/permitted visitor or a person who is on the land to pursue an agreed contract - but it is not clear what the term “reckless disregard” means. Binchy (2005) suggests that “What is striking about S.4 is its use of the term “reckless disregard” with no further clarification as to its meaning” (p. 2) - and this was tested in the key case of *Weir Rodgers v SF Trust Ltd.* [2005] where a woman entered on to private land through a broken fence. She sat near the edge of a low cliff and, as she was standing up, slipped, fell over the edge and was injured. She said the cliff turned out to be much steeper than she had expected it to be. She sued the defendant for negligence and breach of duty under S.4 of the OLA. She succeeded in the High Court where Butler J awarded damages on the grounds that failure to erect a warning sign amounted to “reckless disregard” under S.4, but the defendant appealed and the Supreme Court overturned the High Court’s decision. Since the enactment of the OLA, no successful case has been taken for damages sustained as a result of recreational use of private land.

RIGHTS OF WAY

A public right of way is an easement of way that can be utilised by all members of the public. Section 206 of the Planning and Development Act 2000 (as amended) (PDA) provides for the creation of a public right of way in agreement with the owner(s) of the potentially ‘servient tenement’ (ie. the property that will be burdened by the right of way) - “A planning authority may enter into an agreement with any person having the necessary power in that behalf for the creation, by dedication by that person, of a public right of way over land” (S.206(1)). Under S.206(2) agreed limitations and conditions on the right of way may be provided, and terms of payment may be agreed - the planning authority and the servient land owner/occupier negotiate the terms of the provision of the right of way.

Section 207 PDA provides for the compulsory creation of a right of way: “If it appears to the planning authority that there is a need for a public right of way over any land, the planning authority may, by resolution, make an order creating a public right of way over the land” (S.207(1)). S.207(2-7) provides for the compulsory serving of notice on the owner/occupier of the relevant land expressing the planning authority’s decision, and all details regarding notices, timing and appeals. Under Section 208 PDA, the planning authority must maintain public rights of way.

Section 14 PDA provides the procedure for the inclusion of a right of way in a county development plan for the first time: “Where a planning authority proposes to include, for the first time, a provision in a development plan relating to the preservation of a specific public right of way, it shall serve notice (which shall include particulars of the provision and a map indicating the right of way) of its intention to do so on any owner and occupier of the land over which the right of way exists” (S.14(1)). S.14 (2-6) provide all details regarding notices, timing, appeals and the continuance of the right of way in subsequent development plans. S.14(7)(b) provides “The inclusion of a public right of way in a development plan shall be evidence of the existence of such a right unless the contrary is shown.”

The recent case of *Walsh and Cassidy v Sligo County Council* [2010] IEHC 437 regarding rights of way at Lissadell, Co. Sligo was about contested rights of way crossing the estate, including rights of way providing access to Lissadell Beach.

Angela Sydenham, commented on the case of *R v Secretary of State for the Environment, Transport and the Regions ex parte Dorset County Council* [2000]

“Landowners are therefore not encouraged by this case to be tolerant. They should chase away members of the public who cross their land, put up clear notices indicating there is no right of way Of course this, or any action making it clear that the landowner has no intention to dedicate the route, as it will also bring the right of way into question, may well have the effect of encouraging claims alleging a deemed dedication of a right of way” (Sydenham, 2008, p. 230)

Sydenham is correct in asserting that it is wise to “chase away members of the public” and make it clear that there is no public right to access the land. Otherwise, if the public have been allowed to cross the land, it is putting the land at risk of a burden of a public right of way. These are exactly the circumstances that occurred at Lissadell. For a land owner/occupier to prevent the imposition of an un-negotiated right of way they must attempt to exclude all regular use of pathways

through their land by the public - arguably a socially divisive measure, and one which may incur bitterness in many local people. To allow people or groups of people to cross the land on an ongoing basis is to risk the route being included as a right of way on a development plan under S.14 PDA, at which the point the landowner can only appeal the inclusion because the "inclusion of a public right of way in a development plan shall be evidence of the existence of such a right" How does the encouragement of such defensive behaviour by land owners/occupiers serve the common good with regard to public access to hills and beaches for recreation? Not at all - yet this is the state of the Irish system at present. Anderson (2007) states "..... the question must be asked, as to the source of Irish farmers', apparently needless, vexation with respect to recreational walkers" (p. 6) - in answer to Anderson's question, the farmers' vexation is not needless - currently for any land owner/occupier to be seen to allow access over their land is to put their land at risk of a burden in the form of a public right of way. In his letter to The Irish Times, Lissadell's former estate manager Nicholas Prins said:

"The [other] tragic consequence may be for public access to private lands elsewhere in Co Sligo and further afield. It will not go unnoticed that, according to reports of the judgment in The Irish Times (December 21st), the county council essentially won the case because myself, and before me, the [previous owners], did not carry on in the manner of a cranky and bad-tempered farmer, when neighbours came by Lissadell. It is a salutary warning to all property owners consenting to the public accessing their lands" (The Irish Times 31/12/2010).

The public that actually benefits are a very limited number of walking neighbours in this sparsely populated area who pass through Lissadell's grounds to the beach. People from farther afield who are driving to visit the beach have a choice of two public car parking areas, one accessed via a Coillte road, the other via a public road, one on each side of Lissadell. Granting public rights of way over Lissadell's roads including that which leads directly to the house itself resulted in the closing of Lissadell to the public - Lissadell was County Sligo's premier tourist attraction, attracting over 40,000 visitors per annum and directly and indirectly providing employment for local people. Arguably the granting of the rights of way benefit a relatively small section of the public, but erase the benefit that was enjoyed by a far wider section of the public and which was of great benefit to Sligo's tourism industry. There is a strong argument to be made that the Lissadell judgment did not serve the common good. The fact that all of the public have an opportunity is irrelevant, the outcome is that it provides limited public benefit. If Ireland had countryside access legislation, ways could be provided in law for the walking public to access the beach without threatening Lissadell's business interests and arguably also

threatening the peaceful and quiet enjoyment of a family home by those residing there. A principle in common between other jurisdictions' countryside access legislation is that it is not permissible to come within a reasonable distance of peoples' houses, gardens and business premises. All of those who support the enactment of countryside access legislation would surely hold with this principle. It is clearly and obviously neither desirable nor safe to allow the general public to wander past landholders' homes and places of business. If access to Lissadell had not been a rights of way matter but a matter considered under countryside access legislation, there would arguably have been no perceived assault on the privacy of the residents and no perceived threat to business interests.

In light of the Lissadell judgment it is worth considering the following extract from the judgment of Budd J in *An Blascaod Mor Teoranta v Commissioners of Public Works (No. 3)* [1998], as he applies the principle of proportionality:

“A measure cannot be regarded as necessary in a democratic society, based on tolerance and broadmindedness, unless it is proportionate to the legitimate aim being pursued. Furthermore, when the exigencies of the common good are called in aid to justify restrictions on the exercise of the rights of private property it should be remembered that the protection of the fundamental right is one of the objects which needs to be secured as part of the common good. Has a pressing need been demonstrated which justifies the impugned legislation and its encroachment on the basic rights of private property? Is the amount of the encroachment proportionate to a legitimate aim being pursued and to the difference in the plaintiff's situation which requires the delimitation of their rights?” (150)

Walsh (2009) notes that in *Iarnrod Eireann v Ireland* [1996] Keane J said “... if the state elects to invade the property rights of the individual citizen, it can do so only to the extent that this is required by the exigencies of the common good. If the means used are disproportionate to the end sought, the invasion will constitute an “unjust attack” within the meaning of Article 40.3.2” (p. 4). Walsh points out that this was the first time that “proportionality analysis was first expressly applied in the property rights context” and continues to say “..... the prevalence of the proportionality principle in constitutional property rights adjudication is unquestionable” (p. 4).

The privacy of the family home and the security of business premises are basic rights connected with holding private property. In general the recognition of existing rights of way is a legitimate aim, but not where this recognition is disproportionate

to the delimitation of rights to privacy and security of the family home and to business premises. The Supreme Court judgment on the Lissadell case is eagerly awaited, and the judgment should make for very interesting reading.

CONCLUSION

Ireland is lagging behind many of its European neighbours and also countries further afield in its progress towards legislating for the conferral of rights upon the public to access the countryside for recreational purposes. There are many systems from which Ireland can take example should Ireland find the political will to see it through. McLaughlin describes the Land Reform (Scotland) Act 2003 as a “revolutionary piece of legislation which fundamentally altered the balance between public and private interest over most of the hills, lakes and rivers in Scotland” (p. 87). The Scottish system does not provide for any payment to private landowners, similar to CROW (England and Wales). McLaughlin states “Critically in Scotland, this right to access was established before there was a discussion of payment for maintenance. In Ireland, the opposite has occurred” (p. 87). Recent research in Ireland, which looks at the supply side of the access to countryside issue focuses largely on monetary issues.

Scott quotes from an interview from an elected representative - “Who do you legislate for? The people who live here and have lived here all their lives, or the tourist who drives by once in their life?” (p. 22). The cynical response to this question is that, as a local elected representative, you represent those who have lived here all their lives, as they will likely be the ones voting for you in the next election. Here we have a question of the scale of the “common” in the common good - the level of public representation coupled with the representatives accessibility to the public allows an intensive localism and clientalism to thrive, thereby allowing the “common” in the common good to become extremely locally common, and arguably, therefore, not common at all - merely of intensely-local public benefit.

The potential reliance on the public right of way to provide access over land to reach hills and beaches instead of access to the countryside legislation is arguably an extremely blunt instrument for the job from the point of view of those seeking to establish the right of way, and an extremely sharp instrument from the point of view of land owners. It can be confrontational, extremely expensive and socially divisive. The principle of the common good requires that people are able to walk the land for health, recreation and pleasure. The principle of the common good also requires that private property rights are protected from unjust infringement, as per Article 43 of the Irish Constitution. It is however clear that currently the

balance is set firmly towards protecting private property rights.

O’Leary J’s conclusion to the judgment *Collen v Petters and Others* [2006] reads:

“This has been a very interesting case focusing the court’s attention, on the sometimes competing rights of property owners and walkers. It is open to the legislature within the limits of Bunreacht na hÉireann to address how to provide facilities for walkers while respecting the rights of property owners. What should be clear from this action is that the use of the concept of public rights of way as a mechanism for creating or reviving old rights for walkers is unlikely to lead to a satisfactory overall solution” (emphasis added).

The National Trails Office, in effect for ten years, was established in 2007 by the Irish Sports Council to coordinate and drive the implementation of an Irish Trails Strategy and to promote the use of recreational trails in Ireland. The forward of the Irish Trails Strategy states that it is an “innovative strategy for recreational trail development in Ireland”.

The long term objectives (stated as ten years) for the strategy are:

- *to position Ireland in the top tier of European countries for availability of quality recreational trails, spread throughout the country*
- *to promote and facilitate the highest sustainable level of usage of the recreational trails among Irish people*
- *to establish Ireland as a premier international tourism destination for the broad range of outdoor recreational activities associated with a diverse trail network.*

S.3.4.2 of the Strategy states that “Walking attracts more visitors than any other activity holiday and contributes significantly to regional and rural spend, seasonal extension and motivation to travel to Ireland”. S.4.2.1 acknowledges that “There is no legal right of access to private land in Ireland and this constraint, combined with a reluctance on the part of many private landowners to permit access to their property defines the range, supply and quality of trail developments possible in Ireland” - and S.4.3 “Resolution of the access issue in the Irish countryside has become more urgent in recent years and has centred on the role, if any, of legislation and the need for recognition of the possible disturbance factors inherent in the provision of access”. This ten year strategy however offers no solutions, no proposed steps towards formulating policies that may assist in resolving the “access issue” of which it speaks.

Mulder et al (2006) state that “Virtually all countryside access research in the public domain looks at the issue from the demand side and tends to ignore the supply side” (p.98). It is clear that an understanding of the state of mind of the landholders, the supply side, needs to be understood in order to establish what precisely are the barriers to legislating for access to the countryside in Ireland.

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Democracy and local government reform in Britain 1996-2010 – Some lessons for implementing putting people first?

Dr. Deiric Ó Broin

INTRODUCTION

The package of proposals contained in *Putting People First* document, the Report of the Local Electoral Area Boundary Committee and the Final Report of the Local Government/Local Development Alignment Steering Group, taken in conjunction with the introduction of the Residential Property Tax and the incorporation of enterprise development bodies in local government represent the most significant set of local government reforms articulated by an Irish government since the introduction of the city/county manager system. In particular the focus on making local public policy making more democratic and accountable is particularly noteworthy. The implementation of these policy initiatives has now commenced with the publication of the Local Government Bill, 2013.

Ireland is not unusual in seeking to radically reform the operation of the state at local level. Andrews and Boyne (2012, 297-298) note that policy makers across the world continue to debate the merits of alternative local government structures in terms of their consequences for local service costs and performance. In recent years several countries have enacted or considered reorganizations of local government on the grounds of efficiency. Examples include Denmark where the number of local government units was reduced from 270 to 98 in 2007, and there is further ongoing discussion about another reduction. Similarly, in Australia and Canada, debates have long raged about the amalgamation of local governments (Vojnovic 2000; King *et al.* 2004, Dollery *et al.* 2009). At the same time, it seems likely that the current era of fiscal austerity will increase the pressure on governments to reform and/or reorganize local government.

This article proposes that the implementation Irish local government reform programme should take heed of previous and similar reform processes in order for the changes it proposes to be embedded and successful (Wollman 2008). In additions it suggests that the reforms may have very significant implications for planners, the planning process and the planning system. This is particularly the case in relation to the proposals that seek to improve the rather limited democratic

legitimacy of Irish local government. The article itself is divided into three parts. The first provides a rationale for Britain as a comparator and the choice of the 1996-2010 period, as well as a brief introduction to the terms used in the article. This is followed by an examination of the British case and an analysis of the evidence to date on the implications that arose for the planning process and planning system in Britain. The final part of the article provides an overview of the pertinent lessons arising from these reform processes.

RATIONALE FOR THE PERIOD OF ANALYSIS CHOSEN

The article examines what lessons Irish public policy-makers can learn from the systematic reform of local government undertaken in Britain between 1996 and 2010. With regard to the period of analysis, 1996 to 2010 is highlighted because the period witnessed a co-ordinated and coherent approach to the reform of the local state in Britain. This includes the formulation of New Labour's election manifesto, the enactment of a number of very significant pieces of legislation, the McIntosh Commission on Scottish Local Government (1999), the Sunderland Commission on Local Government Electoral Arrangements in Wales (2002), and finally the culmination of the work of the Lyons Enquiry into Local Government (2007). The article deliberately omits the more recent initiatives launched by the Conservative-Liberal Democrat government, for example the announcement of the Localism Bill, the abolition of the Audit Commission and the arrival of the 'Big Society' agenda, because it is too early to assess the impact of such measures.¹

DEMOCRACY AND LOCAL GOVERNMENT REFORM

It is unusual in Irish public policy discourse to meaningfully engage with democracy (Kirby and Murphy 2009, Ó Broin and Murphy 2013). Recent efforts have been limited and lacked any robust engagement with the complex and competing notions of democracy. The work of the Task Force on Active Citizenship is just one example of this trend (Cronin 2009). In this context the language and intent of *Putting People First* is welcome (Government of Ireland 2012, 1). For the purposes of this article

¹ Lowndes and Pratchett (2012, 22) suggest that the Conservative-Liberal Democrat reforms do "show traces of an ideological commitment to localism and a new understanding of local self-government". In addition, they note that there is "an ideological agenda which has the potential to deliver a radically different form of local governance" (ibid.). However, the reform process is far from coherent and the potential for radical change is heavily constrained by a number of factors, including:

The conflicting ideologies of both parties, e.g. one-nation Conservatism, new right post-Thatcherism and a distinctive blend of liberalism and community politics;

The political expediency of budget cuts aimed at changing Britain's economic position before the 2015 General Election. This expediency promotes a short-termism that is not necessarily compatible with the publicly stated longer term goals of local self-government.

the terms ‘democracy’ and ‘democratization’ are employed in fairly straightforward manner. Rather than entering into sophisticated and theoretical analysis of democracy and processes of democratization, it is suggested that it is more helpful to indicate why local democracy matters and then focus on the elements that are widely regarded as being the “necessary components of a healthy local democracy” (Leach and Percy-Smith 2001, 101).

The argument for democracy has “always involved a mixture of the prudential and the ideal” (Phillips 1996, 20). For the purposes of this article, the focus is primarily on the ‘prudential’ or instrumental justifications for democracy, i.e. democracy as a safety net. Part of the argument is that the alternatives are just too unpalatable. Quite simply there is too much room for either tyranny or corruption if decisions are left in the hands of a non-accountable elite. Furthermore, and contrary to Plato’s proposition that the “art of good government is not comparable to the art of captaining a ship” (*ibid.*), it is argued that while citizens want to see experts in charge of navigating oil tankers across the oceans or designing the next jumbo jet, they don’t consider politics to be purely a matter of technical expertise.² Allowing experts to make decisions on their behalf only makes sense; when (a) the matters to be addressed can be regarded as questions of ‘objective’ truth; (b) “society has established convincing mechanisms for identifying the appropriate experts; and (c) when those selected to make decisions can be trusted to set their own special interests aside” (Phillips 1996, 20-21). If citizens are in any way sceptical about these conditions, democracy is the safer option. Part of the background to the development of democracy is a greater tolerance for disagreement and difference, distaste for final truths about what is best for society, and a reluctance to impose convictions on others. In the absence of clear and agreed principles for identifying the ‘right’ decisions or the ‘right’ deciders, citizens have to fall back on what they, as citizens, choose. This may result in ill-considered or inconsistent policies. It will probably, if not definitely, produce policies that some of the citizens detest. However, it is still safer than any non-democratic alternative.

The first part of the argument for democracy is based on the difficulties of knowing which policies are right. It is supported by the second justification, which stresses the inevitable conflict of interests in complex societies. In these societies, such as post-Celtic Tiger Ireland, there is rarely a transparently obvious common interest, or at least one that stands up to robust scrutiny. Even the most altruistic and public-minded of citizens tend to view the world through their own experiences and interests. The only real protection against this is the equal representation of all (Kirby and Murphy 2011, 215-215). As Phillips states, “when experts are suspect

² This has particular resonance in the Irish local government system due to the role and function of city/county manager, senior administrators and technical experts in the policy formulation and decision-making processes.

and interests collide, decisions have to be kept accountable through some process of democratic control” (1996, 21).

Consequently, this article focuses on the elements that are widely regarded as being the “necessary components of a healthy local democracy” (Leach and Percy-Smith 2001, 101). These include: (a) responsiveness to, and engagement with, citizens; (b) opportunities for citizen participation; (c) clear roles and responsibilities for elected representatives including representation of their communities; and (d) effective mechanisms for accountability (*ibid.*).

DEMOCRACY AND THE PLANNING PROCESS

The role of democracy in the planning process has often been a matter of debate. Many consider that the housing and other developmental ills that arose in the recent economic boom in Ireland were a result of an excessive reliance on democracy and on the decisions of elected Councillors with regard to the zoning of land, the making of decisions to grant permission for dubious developments and other matters. For those persuaded to this viewpoint all would be well if rational decisions were taken by technical experts and if political considerations were eliminated from the process. Indeed this viewpoint seems to be reflected in the announced intention of the Government to remove some of the powers of Elected Members with regard to planning decisions and the establishment of a central Planning Regulator as recommended by the Mahon Tribunal. While acknowledging the excesses of the Celtic Tiger era, however, others are reluctant to hand all of the control for making decisions about the kind of places in which we want to live and work to unelected experts whose views on what constitutes the good life or a good place is likely to be just as biased as that of any lay person or their representatives. The finding of a balance, therefore, between the role of the elected representative and the expert, between the democratically expressed views of the people and the knowledge and understanding of the professional is a matter that should be considered when any reform of local government and its systems is being contemplated. The interface between democracy and expertise is not a matter to be treated lightly.

DEMOCRACY AND LOCAL GOVERNMENT REFORM IN BRITAIN 1996-2010

The role of elected local government in Britain has changed dramatically over the past 34 years. Since 1979 its role as a direct service provider has “declined markedly” (Wilson 2005, 155). Partnerships at local level have increased. Elected local councils

now “share the turf” with a wide range of other public agencies and quasi-public agencies, for example health authorities, police authorities, and learning and skills councils (*ibid.*). The once dominant position of elected local government has been challenged by these new agencies and the increased involvement of voluntary sector organisations and private sector groups in service delivery. The philosopher Michael Oakeshott used to consider local government a subject of “unimaginable dreariness” (Bulpitt 1989, 57). Since 1997 it has become high profile, even exciting.

The Conservative governments of Margaret Thatcher and John Major saw local government at a low ebb. Gerry Stoker (1999, 1) provides a good summary of the situation:

What happened to British local government during the period of Conservative government from 1979 to 1997 was in many respects a brutal illustration of power politics. The funding system was reformed to provide central government with a considerable (and probably unprecedented) level of control over spending. Various functions and responsibilities were stripped away from local authorities or organised in a way that obliged local authorities to work in partnership with other public and private agencies in the carrying out of functions.

The election of the Blair government in May 1997 precipitated an intense debate about local government in Britain. Furthermore there was a very distinct focus on urban government. Many academics and policymakers contended that local government had failed to adapt itself to the challenges of the late 20th century. Public indifference, voter apathy and declining trust in the institutions of representative government justified “urgent measures to reform the ways in which councils connected with their communities” (Rao 2000, 1). The need for renewal was comprehensive, and local government provided a useful point of entry for the “democratisation of democracy” (*ibid.*).

At the same time, New Labour was also committed to rebuilding Britain’s cities. As Hill notes, “by the 1990s urban policy seemed to have lost its way” (2000, 2). It was widely criticised as a “patchwork quilt” of different projects and approaches rather than a coherent and sustained strategy (*ibid.*). The election of the Blair government, with its philosophy and reforms of local governance driving an apparently radical agenda was seen as bringing a new focus. Foremost among its aims was to narrow the gap between the most deprived urban areas and the rest of the country, tackling the squalor and misery of the worst housing estates and inner-city areas and giving people hope through training and education.

It is this combination of (a) a commitment to revitalising local democracy, (for example the New Labour election manifesto stated, “local decision-making should be less constrained by central government, and also more accountable to local people” (cited by Wilson 2005, 156)), and (b) a willingness to rebuild Britain’s cities, that makes the reforms of the period so interesting.

VISION OF URBAN RENAISSANCE

In driving this new urban agenda, the Labour government established an Urban Task Force to advise it. The Task Force’s report, *Towards an urban renaissance* (1999) and the subsequent White Paper, *Our Towns and Cities – The Future: delivering an urban renaissance*, both called for “a move back to the city” (Lees 2003, 61). Both documents proved to be seminal, and while not without their critics, greatly influenced government thinking on cities, and in particular, their argument that competitiveness, social cohesion and effective urban governance were bound together (Boddy and Parkinson 2004, 407-409; Harding 2005, 62-77). For the new Labour government, the way to regenerate Britain’s cities was by recourse to social inclusion measures, neighbourhood renewal and community involvement:

“Over the past two decades the gap between these worst estates and the rest of the county has grown. It shames us as a nation, it wastes lives and we all have to pay the costs of dependency and social division” (Blair 1998, 1).

REVITALISING LOCAL DEMOCRACY

With regard to revitalising local democracy, there was much that was familiar in the 1998 White Paper, *Modern local government: In touch with the people*. While proposals for enhancing public participation through local forums and through changes in electoral procedures had an element of novelty about them, other parts of the package, in particular the transformation of decision-making structures through the creation of separate local executives or elected mayors, was already part of the established discourse of local government reform.

DEMOCRATIC RENEWAL

‘Democratic renewal’ was an early catch phrase of New Labour’s programme for local government. As an aspiration it commands wide assent, if only by virtue of its ambiguity. It can be interpreted more or less as one wishes. In fact, at least three distinct meanings were discernible in the Blair government’s use of the term.

First, it was used to describe a set of practical responses to clearly identifiable problems, such as low levels of electoral turnout. To deal with such problems, the government proposed changes to election procedures and practices, such as electoral registration processes. At this level, the changes proposed amounted to little more than attempts to improve the existing system. The problems were not attributed to any deep-seated malaise, but rather to the inflexibility and inconvenience of existing arrangements. The timing and frequency of elections and the accessibility of the polling stations were seen as key issues. Making voting easier, for example by holding elections at weekends, providing for rolling registration and placing polling booths in shops or railway stations, should improve turnout it was thought.

Second, the term ‘democratic renewal’ reflected the presence of deeper failings in the practice of local democracy. Loss of faith in the institutions of modern government and declining trust in the people who run them, rather than the inadequacies of the particular mechanisms, were the real causes of public indifference and lack of involvement. Democratic renewal in this sense did not refer to failures of local government as such, but to inherent weaknesses in the culture of democracy. The diagnosis was clear enough. What was less clear was what measures could be proposed to remedy such deficiencies.

Third, the term ‘democratic renewal’ was used to describe a new type of political system in which “different components of representative, deliberative and direct democracy are combined to create a more open, participative and responsive polity at the local level” (Pratchett 1999, 2). The intention was to create a new democracy by involving people in a wide variety of ways alongside the existing structure of elective representation. Revitalising local democracy became a feasible ambition if steps were taken to involve local people in decision making, perhaps through citizens’ juries or focus groups. An element of direct democracy was introduced through more widespread use of referenda. Taken together, more responsive and attentive local councillors, widespread use of consultative forums and placing key issues directly to popular vote promised a reinvigoration of local political life. The government’s agenda for ‘democratic renewal’ sought to promote such initiatives.

NEW POLITICAL STRUCTURES

Rao contends that “central to the modernisation project of local and urban government under the Labour government, was the concept of ‘community leadership’” (2000, 131). The concept had been developed during the party’s long years of opposition and is based on the premise that, alongside a better framework

for regulating conduct, appropriate management structures are crucial if councils are to become more responsive to their local communities and “excite the interest and enthusiasm of local people” (*ibid.*). Community leadership is at the heart of the role of modern local government. Councils are the organisations best placed to take a comprehensive overview of the needs and priorities of their local areas and communities and lead the work to meet those needs and priorities in the round (DETR 1998, 79).

This notion of local governments playing such a central role implied new decision-making structures to create a “clear and well known focus for local leadership” (*ibid.*). Decision makers had to become visible and their processes transparent. Local people should know who takes decisions, who to hold to account and who to complain to when things go wrong. Labour had “given local government a central place in its agenda to modernise British institutions” (Rao 2000, 131).

ENHANCING PARTICIPATION

Politics reflects the consensus, divisions and expectations of democratic society. At local level people express their views and demands through voting, standing for election and working towards their goals through parties, interest groups and protest. Between 1979 and 1997, however, local politics had become more complex as the Thatcher and Major governments had devolved decisions to a variety of unelected agencies. These agencies delivered services, for example the National Health Service Trusts, managed services delivered by others, for example the Training and Enterprise Councils, and were used to emphasise partnership in problem solving, for example by the establishment of Urban Regeneration Corporations. What characterised these agencies was that they were appointed, rather than elected, were funded wholly or substantially from central government and had very specific remits and terms of reference.

Getting people involved in decision making was a central tenet of the New Labour agenda. In this context, citizens, as participants, were to be involved as stakeholders and contributors, not as a passive audience.

Local councils exist to serve and speak up for local people. They can only do that properly if they keep in touch with local people and local organisations. Democratic elections are the bedrock on which the whole system is built..... but the ballot is only part of the story. It is therefore imperative that councils keep in touch with local views between elections (Labour Party 1995, 13).

An early proposal for broadening democratic input into decision making was the use of citizens' juries. These are a form of deliberative democracy, in which decision making grows out of more open discussion, reflecting on the opinions of others and pursuing reasoned arguments. Through this consultative mechanism, a sample of local people form a panel of around 20-25 members, which cross-examines, witnesses, formulates views and makes recommendations (Coote and Lenaghan 1997).

Other mechanisms included the use of referenda, generally regarded as very un-British, focus groups, standing citizens' panels, deliberative opinion polls, consensus conferencing and so on. The interesting aspect of this was that these new methodologies had been tested by many local authorities during the 1990s and so weren't regarded as particularly threatening. In addition to new ways of enhancing participation, electoral reform became a major topic of discussion. Since the election of the Labour government, the McIntosh (1999) and Sunderland (2002) Commissions established to examine local government electoral systems in Scotland and Wales had recommended the adoptions of proportional representation with a single transferable vote.

DEVELOPING NEW FORMS OF POLITICAL LEADERSHIP

The British, and to a significantly more limited extent, the Irish, systems of local government is essentially 'government by committee'. Councils make decisions through their committees, to whom they delegate their powers. All decisions originate as committee decisions and all councillors are, in theory, able to participate in decision making. There were three widespread criticisms of the committee system:

- (a) It was slow, cumbersome and an indecisive way of making decisions;
- (b) It represented an institutionalised disincentive to delegate decisions to officials;
- (c) There was a propensity to attend to detail at the expense of policy.

TOWARDS GREATER REPRESENTATIVENESS

A key aim of the Labour government was to remove barriers to local government service for women and members of underrepresented groups. It was assumed that changes in internal management – “concentrating power in an executive and developing a scrutiny role for the remaining councils” – would encourage different types of people to “enter and exit council service” (Rao 2000, 166).

A NEW POLITICAL EXECUTIVE

The government aimed to change the system in a number of ways. Three distinct proposals were offered:

- (a) A cabinet with a leader;
- (b) A directly elected mayor with a cabinet;
- (c) A directly elected mayor and council manager.

Councils were allowed to decide the system they wanted. In addition they were allowed to run referenda to allow the people decide which system they wanted for their council. Directly elected mayors could be seen as a cornerstone of Labour's plan for local government. He/she would provide a clear and accountable 'voice' for the local area.

IMPLICATIONS FOR THE PLANNING PROCESS, THE PLANNING SYSTEM AND GOVERNANCE

Allmendinger *et al.* (2005) and Marshall (2009) detail a number of distinct, though related, changes that have relevance for the planning process which arose from the reform approach in Britain:

- (a) Local governing transformations, in particular the importance attached to community strategies and a linked rise in community planning;
- (b) The consolidation of a regional tier in the planning hierarchy in England;
- (c) A very significant change in the role and approach of elected councillors;
- (d) Increased public participation;
- (e) The continued marketization of planning, i.e. dominance of discourse of competitiveness and re-orientation of existing economic governance. Ed Balls, then the Chief Economic Adviser to the Chancellor of the Exchequer, notes that planning, particularly regional planning, is about "strengthening the essential building blocks of growth" and "exploiting the indigenous strengths in each region and city" (Allmendinger *et al.* 2005, 366).

In terms of their implications for planners, three dynamics can be identified:

- (a) Increased participation by elected councillors, in their role as community leaders, communities and citizens (Stewart 2003, 18) in increasingly complex inter-agency planning processes (Tewdwr-Jones *et al.* 2006) often leading to enhanced scrutiny of activities and performance (Allmendinger *et al.* 2003, 764);

- (b) The “re-emergence of the regional level of governance and planning” (Tewdwr-Jones 2012, 125);
- (c) The focus of future planning activities on economic competitiveness and the “building of regional institutional capacity” (Amin 1999).

Allmendinger *et al.* (2003, 765-766) note these dynamics have major implications for “what it means to be a planner in such a modernizing local government environment”. They note that it “is widely accepted that there has been a broad change in the role and functions of professionals”, including planners (*ibid.*). Of particular interest in the Irish context is the very changed nature of the relationship between elected councillors and planners. For example, prior to 2002, complaints by professional staff against elected councillors were investigated internally, either by the Chief Executive or the council’s Monitoring Officer. Since 2002, however, each council is required to have a code of conduct for elected councillors that they are obliged to sign. Allegations of misconduct are investigated independently and whistle blowing is encouraged (Allmendinger *et al.* 2003, 767). In the first year of operation in England, the Standards Board received over 2000 complaints.

THE IRISH AND UK LOCAL GOVERNMENT AND PLANNING SYSTEMS

Before considering the implications of the British experience for Ireland, it must be acknowledged that there are considerable differences between the two systems both with regard to planning and the general activities of the Councils. In the first instance, the structure of Irish Local Government with its Manager (to be re-designated as a CEO) who has statutory authority independent of the elected members and who has a right to make many executive decisions on behalf of the Council is considerably different from the British system in which the role of the Chief Executive is more under the control of the elected members. While a re-balancing of this relationship has been flagged in the Programme for Government and in Putting People First, the recently published Bill sees the role of the Manager largely unaltered. Secondly, while the relationship between the Local Authority and other bodies in Ireland is certainly as complex as in the British experience, the stated aim of the Irish reform agenda is to strengthen rather than dilute the role of the Local Authority.

Both of these differences have implications for the way in which planning might be impacted by the reform agenda in Ireland.

LESSONS AND CHALLENGES FOR IRISH PUBLIC POLICY MAKERS

In many countries traditional approaches to local government are being transformed (Pierre 2011). Long established practices and procedures are being questioned and “innovations in democratic and managerial practice now proliferate” (Hambleton 2003, 147). Ireland is not unusual in attempting to address the democratic deficit that has developed in the existing public policy process (Keogan 2003). For the majority of European liberal democracies, public involvement in the detail of public policy decision-making has been the exception rather than the rule. The central “communicative bridge” between the state and the individual has been a mixture of opinion poll and public meeting (Khan 1999, 147). These have been primarily used as *ad-hoc* measures to assess levels of public dissatisfaction.

In this context, and having examined the route followed by Britain, this article argues that while the Irish reform package has much to recommend it from the perspective of democratising Irish local government, for example addressing voting inequalities, introducing a state-wide municipal tier of government, introducing the Local Community Development Committees, taking steps to address the Manager-Councillor power imbalance³ and introducing directly-elected mayors, these are tentative steps only. There is (a) still a great deal to do to develop appropriate processes of democratization and participation, and (b) the likelihood that very significant changes will arise in the relationship between management, professionals and elected councillors which changes must be properly managed if they are not to give rise to dysfunctional outcomes.

It should be noted that the Minister for the Environment, Community and Local Government is aware of the issue of the relationship between the citizen and Local Government. While it might be argued that the scale of representative government is being reduced, there does seem to be an intention to increase citizen participation. Indeed, the Minister has established a Working Group to specifically examine this issue and to recommend ways in which the citizen can be more engaged in the decisions that directly affect their lives.

DEMOCRATISATION AND PARTICIPATION

It is not suggested that the British experience is perfect or even that it is one that should be emulated. For example, there are many reservations regarding the Labour government’s belief that reducing the barriers to participation at elections and more

³ The position of Manager will be replaced by a very different position of Chief Executive and that elected councillors may have a veto over their appointment.

direct engagement would encourage greater involvement. Could a revised local politics really inculcate the civic virtues on such a scale as to reverse the adverse cultural changes of the past decades? To expect it to do so may be to place an unrealistic burden on the otherwise sensible steps taken to improve the politics of local government; it is to confuse modest improvements in turnout with actual shifts in beliefs, motivations and outlook on political life. Furthermore, Copus cogently details the flaws in the British efforts at establishing mayoral government, while still concluding that they offer a real attempt to provide “local leadership and local choice” (2006, 214). Hope and Wanduragala (2010, 8-9) conclude that a mayor-led more place-based approach has proved successful in many areas in England that have adopted the model of directly-elected mayor. In a similar vein Quinliven (2008) notes that a previous attempt to introduce directly-elected mayors, while quite ambiguous, was a meaningful contribution to improving democratic accountability.

When the Irish reform proposals are reviewed with regard to the elements that are widely regarded as being the “necessary components of a healthy local democracy”, i.e. (a) responsiveness to, and engagement with, citizens; (b) opportunities for citizen participation; (c) clear roles and responsibilities for elected representatives including representation of their communities; and (d) effective mechanisms for accountability, it may appear that they address the key issues at least in the intentions that are expressed. However it is worth recalling the Local Government Act, 2001. It also aimed to:

- (a) Enhance, in an appreciable way, the role of councillors, particularly in the area of civic leadership;
- (b) Embed a culture of citizen participation.

These didn’t materialise for a variety of reasons but a critical failure was the ambiguity contained in the establishing legislation and accompanying policy documentation (Forde 2004, 2005 and Callanan 2005). In relation to the role of councillors, this remains a very contested area of debate and despite the establishment of Strategic Policy Committees, City/County Development Boards and community fora, Ireland has been very poor at setting up complementary forms of participation (Quinn 2007). Local social dialogue has been sustained but it is argued that this is more a reflection of the currently mothballed national partnership mechanism than an embedded process (Ó Broin 2013).

Sean O’Riordáin has carried out a review of a number of community-based planning processes which have been implemented throughout Ireland. These

processes include the Balhyhoura ADOPT model, the IAP model developed by Tipperary Institute and the Mayo Community Futures project. O’Riordáin (2011, 4) identifies five factors that are required for such processes to be successful –

- Local community capacity (knowledge, understanding and skills to engage in socio-economic planning and deliver agreed projects).
- Legal umbrella structure within the local community and network of their representatives at county/sub-county (district) level.
- Local authority willingness to engage appropriately with the socio-economic planning.
- The level of trust among community leaders for engaging with the public sector.
- External facilitation is needed to support the socio-economic planning process at community level (most of which may be delivered by existing staff in local authorities and local development companies).

It will be noted that the willingness of the Local Authority to engage in such processes is a key element as is the trust between community leaders and public bodies. The philosophy expressed in *Putting People First* and the apparent intention of the Minister to facilitate citizen engagement will provide a challenge to those who have seen and continue to see the work of Local Authorities, including its planning work as primarily the realm of councillors and their expert advisers.

POLITICAL-PROFESSIONAL INTERFACE

As noted above in the analysis of the changes in the elected councillor-professional relationship in Britain, the enhanced role for elected members, including increased scrutiny roles and the operationalising of their community leadership function resulted in a change in both the nature and the extent of the relationship between planners and elected councillors. To date elected councillors in Ireland have had very limited powers in comparison to their counterparts in other EU member states (RPANI 2005). This is about to change. How they adapt to the new role allotted to them in *Putting People First* is unknown. The example of similar changes in Britain suggests that planners will notice a significant change in their work practices and the nature of their relationships for the following reasons:

- (a) Councillors will quickly adopt the role of “rigorously overseeing the performance of their organisations” (DECLG 2012, xi) and the areas in which they exercise this role are likely to be increased (DOELG 2012, 148);
- (b) With the establishment of Municipal Districts as the primary *loci* for action

and, in many areas, the increase in the number of councillors, it will be more straightforward to scrutinise the activities of the council;

(c) It is likely that the participatory planning processes, some planners envisage as allowing them to work directly with communities, will actually facilitate councillors in their “community engagement” role (DECLG 2012, 148). Councillors may well take the lead in such processes because in public policy term the state has been reluctant to facilitate this type of participatory mechanism despite alluding to participatory democracy⁴ and because elected councillors will assume it to be their ‘space’ as community leaders and representatives and act accordingly, thereby denying planners a primacy they may expect;

(d) As in Britain regionalisation will bring about a number of changes. It is suggested that while *Putting People First* outlines the case for a strong regional planning tier (DECLG 2012, 89) which many planners support, a key role of the Regional Assemblies will be overseeing the development of Regional Spatial and Economic Strategies. These strategies, unlike the analogous strategies of the City/County Development Boards, will have to be “adhered to” by (DECLG 2012, 99). This will mean, as in Britain, a significant increase in inter-agency collaboration to develop binding strategies and this has proved quite difficult for planners, “we have a generation of planners who find it incredibly difficult to move away from land use planning, they talk about spatial planning but what they’re really on about, because they are comfortable with it, is land use planning” (Vigar 2009, 1588). In addition the ‘marketisation’ discourse noted above and the current economic environment are likely to ensure that building or consolidating regional economic competitiveness becomes the dominant dynamic;

(e) The final change is broader but relates to very significant difference between the local and national political tiers in Ireland. Ireland is quite different from other small liberal democracies, for example New Zealand, in that at national level the formulation of public policy has largely been the remit of elected politicians with generalist, rather than professional staff, playing a support role (Christensen 2013). There is a significant body of public policy governance literature substantiating this analysis (see Hardiman and MacCarthaigh 2010, Independent Review Panel 2010, Peters 2010 and Smith 2005). *Putting People First* aims to make the local tier more similar to the national tier, with elected councillors taking on a role as “policy makers” rather than “policy takers” (Mair 1992). This change is likely to be the most significant change in how local government operates since the foundation of the state. It is likely to take a prolonged period to change the existing personal relationships and the dominant political culture but in cities, particularly Dublin, the proposed mayoral elections will mean candidates standing on policy platforms that if elected they will expect to be implemented.

⁴ For example, the Report of the Task Force on Active Citizenship (2006) and the Green Paper on Local Government Reform (2008).

Tewdwr-Jones (2012, ix) observes in relation to the Britain:

Our planning mechanisms change regularly, as do legal procedures, government structures, and rights and responsibilities, but bigger societal and structural trends are more difficult to change.

All of this must, however, also be considered in the context of the establishment of the role of Planning Regulator and the proposed limitation of the powers of elected members with regard to planning decisions which may impact on the nature of the emerging relationships.

In relation to Ireland, the changes and reforms one would have expected to see over the last 40 years have not happened. As a result the government structures, and rights and responsibilities are about to change radically and change quickly. That remains the key challenge for government as it strives to create the legislation that will operationalize the vision outlined in *Putting People First* and a challenge for planners as they will have to navigate a new politico-legal environment. This may well have implications for planners, their professional bodies and the skills which are focused on in planning education including Continuing Professional Development. Though it may appear somewhat esoteric, it is a matter that should be considered without delay and addressed as a matter of urgency and importance.

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Planning for a post ‘Celtic Tiger’ urban landscape

Paper delivered as part of the Young Planners Workshop 2013 ‘City Without Public Economic Funds’ - ECTP / 10th Biennial of Towns and Town Planners

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INTRODUCTION

From the mid 1990s until the onset of the global economic crisis in 2007, Ireland was one of the strongest economies in Europe. During the 1990s the so called ‘Celtic Tiger’ Irish economy grew at an average annual rate of 7.5%, more than three times the European average at the time (Murphy, 2000). Ireland’s economic success was reflected in the rapid development of its urban landscape and in the pursuit of ‘entrepreneurial’ style urban planning which aimed to position Irish cities, Dublin in particular, as cosmopolitan, global and capable of competing in an international arena. A proliferation of landmark and high rise developments became symbols of Ireland’s success, representing new visions of Ireland’s urbanity. This new focus on Ireland’s cities brought about a wave of market led regeneration efforts, encouraged by an availability of cheap credit, tax incentives and a climate which encouraged the creation of numerous public private partnerships (PPPs). Today the context for urban development and regeneration is very different. Since 2008 Ireland has been in a deep economic recession with government spending severely curtailed, creating a significant challenge for urban planning to manage city development and regeneration projects.

This paper seeks to provide an overarching review and critique of approaches to urban planning and regeneration in Ireland over the last decade in order to provide insights into how new paradigms for urban development could be shaped and implemented. The paper is structured around an analysis of the Irish response to the crisis in terms of both policy and practice at two spatial scales – the national approach to the crisis and the micro, local based approaches. It will examine both crisis response mechanisms currently employed in Ireland and also examine areas of potential opportunity in terms of alternative approaches to managing and stimulating urban development.

URBAN PLANNING IN THE CELTIC TIGER ERA

One of the most significant outcomes of the remarkable phase of economic growth in Ireland known as the ‘Celtic Tiger’ was the rapid transformation of the built environment. This period saw Irish urban planning undergoing a significant transformation, as it became increasingly infused with the ethos of entrepreneurialism (MacLaran and Kelly, 2007). The transformation of Irish planning was not an isolated event – indeed, the political and economic context for such changes were associated with a wider movement towards more market focused or neoliberal urban development strategies across Europe. However, it has been argued that the Irish housing boom was ‘inextricably shaped by the institutionally and place specific nature of Irish neoliberalism’ (Kitchin et al, 2010). While Ireland’s recession mirrors what is going on in most European states and further afield, the particular causes of the Irish economic crisis were decidedly local in origin as the Irish economy had become unsustainably dependant on the construction industry (and house building specifically).

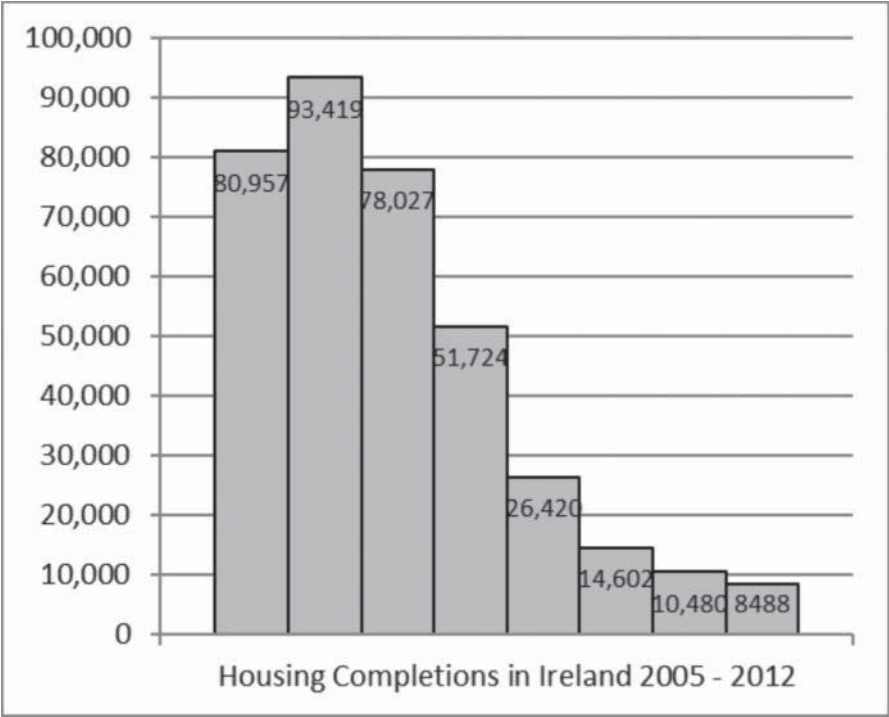


Figure 1: Housing Completions in Ireland 2005 – 2012. (Source: Authors own; Data: CSO)

During this period, urban planning and regeneration in Ireland became associated with new and more flexible forms of engagement with developers, often involving the use of fiscal incentives, special purpose development agencies (such as the Dublin Docklands Development Agency) and joint ventures (e.g. Public Private Partnerships). Indeed it has been argued that the goal of Ireland's loose regulatory system was to 'encourage the market rather than restrain it' (Kirby, 2009: 9). Ireland's loose regulatory system combined with an abundance of cheap credit to fuel mass speculative land and property development activity ultimately created an inflationary spiral of house prices and intense rates of building activity (see figure 1). During this period the total value of mortgage debt increased from 47.2 billion in 2002 to over 139.8 billion at the end of 2007, with house prices following a similar trajectory, reaching a peak of €322,634 for the average new home (a 382% increase since 1991) (Kitchin in Fraser et al, 2013). Thus, when the construction boom collapsed in 2007, Ireland was left with significant oversupply of housing and zoned development land and many areas are now blighted by large quantities of vacant and unfinished developments.

THE RESPONSE TO THE CRISIS - NAMA AND STRATEGIC PLANNING

During the Celtic Tiger era the Irish banking system had engaged in excessive lending to the property sector and, with the significant decline in the Irish property market from 2007 onwards, loan impairments have begun to rise substantially. Banks neither had the funds to lend to investors and businesses, nor to pay back loans to international banks. Property buyers and investors, already cautious because of the slowdown in the housing market, found it increasingly difficult to source credit, thus developers found themselves left with liquidity problems that prevented them from finishing already commenced developments.

Unlike as has happened previously in other European countries such as Sweden and more recently in Iceland, Ireland's banks were not allowed to collapse under the debt burden created during the boom. In order to introduce liquidity into the Irish banking system the state took a two-pronged approach: (1) direct recapitalisation or nationalisation, wherein the state took a stake in the banks for preferential shares or took direct ownership, using the national pension reserve and finance procured on the international markets; (2) relieving the banks of their toxic assets by purchasing all property loans of €5m or more issued before December 1st 2008 and placing them in a new state agency to manage on behalf of the taxpayer (Kitchin et al, 2010). This state agency is the National Asset Management Agency – or NAMA.

Under the legislation that established NAMA, it has two clear objectives which are as follows (Section 10 of the NAMA Act 2009):

1. the acquisition from participating institutions of such eligible bank assets as is appropriate;
2. obtain so far as possible the best achievable financial return for the State having regard to the amount paid, plus whatever additional working or development capital costs for the acquired bank assets.

A significant portion of NAMA's €77 billion loan (asset) book relates to land and property located both in Ireland and abroad. NAMA, having taken control of many of Ireland's unfinished developments and zoned land, is now the largest land owner in the state. In light of NAMA's primary objective of 'obtaining the best achievable financial return' on these 'assets', the potential impact of this on the future planning and development of the country should be a critical concern. While achieving the best financial gain may be in the tax payers interest it cannot be considered a core planning objective. NAMA must make important decisions about strategic land holdings and yet there is no overall spatial vision for NAMA assets. The incremental and disjointed disposal of property based assets, it could be argued represents a 'quick fix' property based solution to a property based crisis. The authors question the extent to which asset disposal can be aligned with sustainable development and the interests of the common good. Indeed placing such focus on reviving stalled developments (which in many cases should never have got through the planning process in the first instance) can undermine and inhibit new attempts at innovation and entrepreneurship.

SPATIAL PLANNING AT THE CROSS ROADS

NAMA raises some important questions for future strategic urban planning and development. These questions must be viewed in terms of the current governance and strategic planning context. In early 2013 it was announced that the National Spatial Strategy (NSS) 2002-2020, Ireland's first attempt at strategic long term planning on a national scale, was to be abandoned. The NSS was written in the early 2000s, a time when Ireland was experiencing considerable economic growth and high in-migration and these trends were very much reflected in the strategy. The strategy also reflected political intervention rather than sound planning principles in terms of its settlement hierarchy, which undermined the robustness of the strategy. The strategy demonstrated a lack of scenario planning and rigidity with very little in way of alternatives for weaker economic growth – the situation Ireland now finds itself in. Now, in the absence of a long term National Development plan Irish policy makers seem to be wary of committing to long term strategic planning.

Instead the emphasis has been placed on short-term capital expenditure programmes with an absence of any clear long-term strategic goals other than a return to economic growth.

However, this departure from the National Spatial Strategy represents a recognition that the planning system has, in many respects, simply not worked efficiently and steps are now being taken to reinvigorate it. Recently the Irish government has announced a reform of local government which seeks to devolve decision making power to the county level. The reform places local government at the centre of local service provision making it accountable for the development of the county. This should help to empower local communities to realise their potential allowing them to have a greater say in shaping the spatial development of their areas. This new local government reform along with the newly introduced evidence based Core Strategies in the 2010 Planning and Development Act which require counties to demonstrate compliance with national and regional policy in terms of zoning should help ensure the rampant over zoning of the Celtic Tiger era is a thing of the past.

Ireland now stands at a cross roads in terms of strategic spatial planning. Having scrapped the NSS in early 2013 it lacks a strategic long term planning framework. Rather than adopting another rigid national strategy it can opt for a broad strategy placing the emphasis on high level planning goals rather than prescriptive development strategies. The state of Oregon has a set of 19 high level strategic planning goals that must be adopted by all lower level plans. This type of national strategy is far more adaptive than Ireland's prescriptive attempt at National level planning. This type of strategic yet less prescriptive national strategy ensures all regions and counties adhere to the strategic national planning goals yet allow a degree of flexibility in terms of spatial development.

ALTERNATIVE FUTURES FOR IRELAND'S URBAN DEVELOPMENT?

In the earlier sections Ireland's attempts to combat the most debilitating aspects of the financial crisis were discussed; it has abandoned its long term development plan and is attempting to refocus planning and governance towards the people. In this attempt to reorient planning, focus has begun to shift towards Ireland's urban centres and how they can develop in an era of funding shortages.

Irish towns historically have had a very strong community at their core. Many would argue that this was lost during the boom years when weak planning, suburban

values and an uncontrolled market led to an overwhelming predominance of low density, greenfield development outside of and often remote from existing town centres (Keogh, 2009).

In the last fifteen years many town centres have become isolated, run down and abandoned as a more and more out of town retail developments were permitted. Today, the procurement of many town and city centre buildings by NAMA may present new challenges – or indeed opportunities. A number of recent initiatives aim to address these issues and encourage the regeneration and repopulation of Ireland's urban centres at minimal cost and without requiring large scale new build developments.

THE 'LIVING CITIES' INITIATIVE

The "Living Cities" Initiative is one such response which seeks to address urban regeneration on a smaller scale by providing incentives to home and property owners within the historic cities with a distinct focus on:

(i) encouraging people back to the centre of Irish cities to live in historic buildings and (ii) encouraging the regeneration of the retail heartland of central business districts (Department of Finance, 2013).



Figure 2 – Location map showing Waterford and Limerick

The two pilot project areas for this initiative are Limerick City (West) and Waterford City (South East). Both of these cities possess predominantly Georgian era (1741-1830) city centres with high rates of vacancy and dereliction within the built environment (Dublin Civic Trust, Limerick Chamber of Commerce, 2010, Locum Consulting & Waterford City Council, 2011).

The "Living Cities" initiative comes at an interesting time in the wider context of housing reform in an Irish context. Residential property guidelines recently enacted have made a large number of housing units untenable for letting. The Housing (Standards for Rented Houses) Regulations 2008 provides that all rental

accommodation must have its own separate sanitary facilities, alongside more stringent requirements relating to heating, facilities for cooking, food storage and laundry (Housing Regulations 2008). Many city centre areas in Waterford, Limerick and in particular, Dublin have a high concentration of residential units including Georgian conversions which fall below these new standards.



Figure 3- Graffiti in a marginalised area of Limerick City Centre (Image taken from “Limerick Regeneration Watch”)

There is an intersection between the regeneration of city centre environments and also the provision of housing for lower income earners, which in turn places further pressure on Local Authority (Social) Housing which is currently straining with the existing requirements of the population reliant upon it while also enduring a cut of 62% to its capital budget between 2010-2012 (Irish Council for Social Housing, 2013).

There is a growing body of evidence emerging that demand for this type of social relief is growing steadily meanwhile waiting list times across the major urban areas within Ireland (which now stands close to 100,000 individuals) continue to grow. Given the on-going processes associated with the mortgage debt crisis in Ireland, the numbers of those who will turn to this form of social relief is set to continue to rise. Furthermore, residents of substandard rental accommodation will further contribute to the numbers requiring an alternative housing solution.

The initiative targets tax rebates toward the owner occupiers of retail and residential properties and not toward property developers in an attempt to foster a less commercially driven focus in terms of realising the vision of a more vibrant city centre environment. The “Living Cities” initiative in Limerick and Waterford can therefore serve to provide a test bed for the development of an incentivised approach for residential property owners to redevelop their holdings in order to provide higher standard units for the market while also serving to spark the

secondary effects of positive regeneration within the environs of development sites.

Responses to the impending housing crisis have been slow from state bodies due to the reduction in funding these entities are suffering. Voluntary housing associations have become one of the main providers of social housing in an Irish context (Irish Council for Social Housing, 2013), and in the event that the measures contained within Articles 6, 7 & 8 of the Housing (Standards for Rented Houses) Regulations 2008 come into effect, it is likely that these bodies will experience a substantial increase in demand for their services as the lowest earners affected by the changes will either be forced to commute unsustainably in terms of distance/means of income or rely on completely on social measures to ensure their access to shelter.

COMMUNITY RESPONSES



Figure 4 – Thomas Street Derelict Buildings

A number of bottom up community initiatives to reclaim urban areas are also evident in many of Ireland's towns and cities. One such example lies in one of Dublin's most historic streets, Thomas Street, which is located in the Liberties area of Dublin City Centre. One third of this street has been found to be derelict, vacant or demolished, with the local business association indicating that it is in danger of 'sliding into irrevocable decline'. Local businesses refer to the decline of the area as 'state sponsored dereliction' as the state entered into agreement with developers and large sites were amalgamated but then never developed (Irish Times, April 2013). Much of these sites now lie idle in the possession of NAMA.

Recently, businesses and organisations in the locality including the Guinness Storehouse, the National College of Art and Design and the Digital Hub Development Agency have come together to produce a 90-day plan to “save” the street. The plan aims to improve both the appearance and the perception of the street over a three-month period, to encourage shoppers and tourists to use the street and to show how it can again be an attractive and viable destination for enterprise.

A frequent complaint among the community in the locality was that ‘no development ever made its way to Thomas Street or the Liberties during the boom years’ (McCarthy, 2013). Today it is considered ‘more of stroke of luck than a loss’ as many areas in Dublin received homogeneous investment which lacks any real identity. Thomas Street, and the Liberties as a whole, still holds very strong community values and it is this that has enabled the 90 day plan to be realised. Over the course of this plan, local businesses will be improving their appearance by repainting shop fronts, and removing redundant signs, wiring and external shutters.

In order to promote the street a “business and visitor hub” will be opened. There will be a number of cultural and entertainment events, including the Liberties Festival. NAMA is in control of a number of derelict buildings on this street and has been put under increasing pressure to clean them up and make them available for temporary uses.



Figure 5 – Before and after images of a building clean up

This is a strong local example of community led development to revitalise its locality and take back some control in how they wish to shape the future of their local economy and community, which has been lost in many communities throughout

Dublin and Ireland. It is important to note in this example that investment from Dublin City Council has been provided through initiatives from the local community and not, as has happened previously, the community reacting to a City Council initiative. It is this low level community led development that is required to raise the base line economic activity in Ireland rather than relying on large scale top down economic development that Ireland has seen in previous years.

THE ECONOMIC VIABILITY OF TEMPORARY AND ALTERNATIVE USES

Interest in temporary uses of properties and urban space has grown substantially since the advent of the global recession in 2008. Temporary use – which refers ‘to temporary activation of vacant or underused land or buildings with no immediate development demand’ (Lehtovuori, P and Ruoppila, S; 2012) - represents an opportunity to experiment with urban development. However, using underutilised land or unfinished/vacant buildings as a viable way to increase the community’s economy must be considered in the context of their strategic location regionally and nationally. While unfinished or vacant buildings could be transformed through temporary use or even vertical gardens, some of these sites, especially in city centre locations are of very high economic value which may be reduced if these uses are accommodated.



Figures 6 & 7: The large unfinished Anglo Irish Bank building on Dublin's Quays: A visual reminder of the boom and bust era. Among proposals for the redevelopment of this site was a vertical garden.

A prime example of this is the unfinished multi storey Anglo Irish Bank building in the financial centre of Dublin– a landscape feature which has become a icon of the boom and bust era (figures 6 and 7 below).

Last year, the building was sold by NAMA to the Central Bank for 7 million euro. Prior to this, discussion had centred on the idea of constructing a vertical park or

greenhouse style allotments within the building for the surrounding local community. While this is a novel idea, the strategic importance of the site makes this economically inappropriate considering Dublin's strength in attracting multinational headquarters such as Google, Dell, etc and past issues with lack of floor space for large companies within the city. In addition, the scale of the site would allow multiple uses – a park of this size, without other uses could potentially be a haven for crime and vandalism and would not represent the human scaled design that modern urbanism promotes.

In addition, significant issues pertain to unfinished residential units across the country which have the potential to be used as social housing. However some of these residential units are located in areas with very little or no physical or social infrastructure. In response this would result in the requirement to establish (most likely) unviable public transport networks. If no social infrastructure is provided then there lies the potential for social segregation, antisocial behaviour and deterioration of an already vulnerable section of society.

The economic viability of developments needs to be assessed on a case by case basis and either be developed to a standard suitable for a specific use or determined unviable and therefore the development should be removed. This unfortunately goes against NAMA's establishment which is to get the best financial return for developments for the state.

TOWARDS MORE ADAPTIVE AND RESILIENT SPATIAL PLANNING?

This paper broadly sought to outline approaches to urban planning in Ireland over the last decade. This final section seeks to explore the forces which shape the nature of spatial planning practice in order to provide insights into how new paradigms for urban development could be shaped and implemented.

In order to understand why certain kinds of development are taking place it is important to look beyond the statutory planning of any given city or region. What happens in a given locality is often less the result of local political decisions and more the result of 'deeper' economic and social conditions and forces. According to Taylor (1998) the activity and effects of planning should not be interpreted as if planning was an autonomous activity, operating separately from the rest of society - explaining planning it is necessary to 'situate' planning activity within its 'political economic context'. A central feature of the political economy of land development is the system of private property rights and a 'free' competitive market in land and

development. Thus – in order to view planning within its ‘political economic context’ – is to assess its effectiveness in shaping development patterns in relation to this neoliberal market system. Spatial planning is specifically about making choices about how we use land and the Irish system was restructured around a free market philosophy with an emphasis on values such as individual gain and the economic worth of housing as a commodity (Punch, 2009).

A number of important domestic factors were instrumental in shaping planning practice, the housing boom and the subsequent ghost estates phenomenon. NIRSA (2010) describes the Irish economic model as ‘predicated on constant growth to function’ and this focus spilled over into planning practice. Indeed the housing section of the National Spatial Strategy for Ireland (DoEHLG, 2002-2020) had a stated aim of avoiding ‘barriers to Ireland’s continuing economic growth, competitiveness and social development’ – of which traditional regulatory planning, it appears was a ‘barrier’. Irish land use planning during the boom period was not dissimilar to that employed in the UK, which has been described as largely exercise in ‘trend’ planning; that is, planning in which ‘the development plan merely reflects market trends in the allocation of land’ (Taylor, 1998). NAMA, the government’s response to the crisis, has proved to be politically divisive, with many describing it as ‘characteristic of the short termist and reactionary *modus operandi* of Irish politics’ (NIRSA, 2010) while others believe it may provide significant opportunity to promote more plan led development of our strategic sites if attention is refocused towards use of assets rather than their quick disposal (O’ Connor and Reid, 2009). It is too early to determine the effects that NAMA is likely to have on the built environment but the authors contend that it is crucial that its aims are realised within an established overarching strategic and spatial vision.

CONCLUDING COMMENTS

Irish spatial planning is at an important crossroad and inevitably, the legacy of the ‘boom’ period will influence theory and practice for years to come. Currently, many approaches to the crisis seem to be predicated on ‘quick fixes’ to stimulate markets and reinstate growth. Incremental responses (such as redevelopment of NAMA sites, temporary uses etc) tend to be place based and disjointed, lacking strategic direction and spatial cohesion. Ireland no longer has a clear direction for future spatial development with the abandonment of the NSS this year and it is critical that current circumstances do not combine to promote a tendency to short termism and a predomination of non-strategic thinking and action. It is time to rethink the purpose and spirit of modern planning and move towards a new paradigm which does not place competitiveness as its guiding motivation but places people at its core.

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Production of Vacant Sites Map

DATA SOURCES:

Vacant and Derelict Sites in Dublin –
<https://maps.google.com/maps/ms?msid=207327149283039286716.0004d2c7daf84c293b9ea&msa=0>

This is a dataset prepared by local volunteers mapping the vacant sites within Dublin City. They include images and a short description of each building where possible.

Granted Planning Application Data –
<http://dublinked.com/datastore/datasets/dataset-303.php> (DubLinked)

This is a planning application dataset published by Dublin City Council through the Dublinked Open Data platform. It is a dataset of planning applications processed by Dublin City Council from 2003 – 2012.

Tilemill – <http://www.mapbox.com/tilemill/> (Mapbox)

The mapping tool Tilemill was used to create the visualization of the data for the Dublin Area. Planning application data was filtered to only showing planning permissions granted by Dublin City Council in the Period 2003 – 2012.

Completed mapped tiles were uploaded to Mapbox.com and the completed map can be viewed at <http://a.tiles.mapbox.com/v3/rusty.map-5hc2ghzs/page.html>

Thomas Street, Dublin – Challenges and Potentials for Transforming a Street

Richard Hamilton and Stephen Coyne

ABSTRACT

Most town centres and traditional main streets in Ireland are experiencing significant problems from economic decline, expressed in the built environment through vacant retail units, derelict and unkempt building stock, deterioration in the condition and appearance of streets, and an overall loss of attraction to visitors, workers and residents alike. One response to the decline of our urban centres and streets currently advocated in government guidelines and by a number of retail groups is Place management; a bottom-up partnership response to urban renewal which may include Business Improvement Districts (BIDs), Town Centre Management (TCM) and 'Town Teams'.

The paper is essentially the story of the motivation and need to set up a Place management partnership group in Thomas Street, frequently highlighted as one of Dublin's great streets. It discusses the process of attracting retailer and business involvement, engagement with public bodies and institutions (including financial institutions), and the development of a forum /steering group on behalf of local business.

The authors have been involved in a voluntary capacity with the fledgling Thomas Street Business Association (TSBA) from its inception through to the end of the initial start-up phase, having brought all parties together, engaged with various state bodies and progressed to proactive measures. The second half of the paper briefly discusses the potential of the organisation and the models and similar initiatives it could follow. The paper critically considers if place management provides the right answers to the challenges our urban centres face, and whether it can be sustained given the challenges in establishing such partnerships.

PART I: INTRODUCTION

Perhaps the greatest challenge in modern urban planning is giving effect to plans. It is a curious paradox of the discipline that, often after years of intensive work and consultation by planners to develop a vision or a plan, the realisation of that plan

is left to a myriad of other players.

This is particularly evident in the approach of modern planning to the management of the centres of our towns and cities. These centres are complex, multi-layered places; physically, socially, economically and politically. Town and city centres are formed by an intricate and rich tapestry of culture, heritage, architecture, activity and business that is the essence of the authentic urban experience that so many of us value. However, this diversity and legacy also makes the ongoing development of urban cores highly challenging, and means these locations are often unsuited to simplistic planning approaches or development and investment models¹.

As we have seen for much of the past four decades in Ireland, the typical approach of councils to the development of town and city centres was to engage with commercial developers as partners through the planning process. However, the approach of these developers - sometimes with architects, sometimes without - has often been to simplify that which is highly complex and fragile, and to apply blunt and generic approaches that distil complex street scenes down to simplistic spreadsheets of apartment numbers or commercial floorspace. The approach of comprehensive redevelopment, requiring plot assembly, the demolition of traditional stock, and its replacement with larger floor plates, has all too often been put forward as the planning solution to urban decline. In fact this speculative model has often been the cause of stagnation, and is one, which very often ignores the needs of local communities. This over-dependence on market-driven solutions has all too often left a legacy of failure and 'planning blight' in our town centres and gaping holes in our urban and social fabric.

The story of Thomas Street in Dublin's Liberties is illustrative of this flawed approach. The street's recent past is littered with a multitude of unrealised plans and half-completed initiatives, built on the premise of intensive developer-led investment during the so-called Celtic Tiger boom, but which, in the subsequent recession, has left the street with precious little to show other than a crumbling, neglected city neighbourhood.

There has been a critical absence of consideration given to alternatives to the linear line of thinking employed when considering how these plans might be realised, and hence the varied and multiple possibilities of what the area could look like as a result. Consideration of what is needed, and organising and budgeting around that need has been entirely absent from the 'borrow-and-speculate' vision of recent times. However, another "vision" of the area, might involve multiple interests and multiple sites organising around the needs and potentials of the area in partnership.

The economic and social need comes from the businesses and community, and therefore, this is where the solutions to the challenges may be found. It is in this area of addressing street level issues and micro management that Place management finds its niche.

PART II: CASE STUDY - THOMAS STREET, DUBLIN - A STREET OF OPPORTUNITIES AND CHALLENGES

If one was to seek to develop a successful city street from scratch, then you would be hard pressed to create the optimal conditions that exists on Thomas Street in Dublin:

- The street runs between two prime locations, the historic city core to the east with its Castle, cathedrals, churches, museums and attractions and the renowned St James's Gate Brewery to the west, including the Guinness Storehouse, the State's most popular tourist attraction;
- Add in The Liberties, a surrounding area rich in tradition and folklore, architecture and social history;
- Include a range of high profile institutions, from a national college, to a bustling digital media hub and a busy enterprise centre, each bringing a vibrant mix of students, entrepreneurs and workers to the area;
- Imbue the street with a rich architectural heritage, a legacy of buildings and streetscapes of quality and presence punctuated by famous city landmarks such as John's Lane Church and St Catherine's Church;
- And finally, provide a vibrant and diverse local community, all within walking distance of the street and place the street on a major axis through the city that ensures that it receives a daily influx of visitors from the city and abroad.

How could these advantages not result in a successful and thriving place? Yet Thomas Street is failing: commercial life is declining on the street, the fabric of the street is decaying and has already decayed in parts, and the street is far from being the enticing and attractive urban experience that these advantages suggest. This is evidenced by even a casual walk down the street: between the businesses struggling to get by, lie vacant shops, many of which have fallen into dereliction.

The question must be asked: why? At a time when 'experience' and tourism play such a central part in the life and economy of the city, why is this street in an area that is so integral to the city's tourism offer, failing to take advantage. And at a time when markets are experiencing a renaissance, why is a market street failing to capitalise on this trend.

The street's tired retail offer presents one of its most significant challenges, particularly given the street's traditional role as one of Dublin's market streets. Retail that attracts high levels of spending, such as fashion, leisure and the like, has substantially withdrawn from Thomas Street and most of the retail offer now comprises a number of specialist stores, charity shops and a high number of discount stores, and locally-focused food stores. This diminishing choice of retail, which is of course compounded by the wider challenges that the sector is experiencing due to recession, changing methods of buying, and shifting styles and trends, further limits the appeal of the street to a key audience - shoppers and visitors from elsewhere in Dublin.

Services fare little better on the street. Thomas Street has a number of good cafes that open during the day and a number of public houses that open mainly at night. However, restaurants operating in the evening have generally struggled to operate on the street and despite the presence of a theatre and well known music venue, the evening-time economy on Thomas Street remains muted and under-realised.

However, there is a daytime vibrancy to the area, a steady stream of tourists pass along the street throughout the year, visiting nearby sites and attractions. Yet the significant footfall of tourists and city visitors coming onto Thomas Street (it is estimated that the Guinness Storehouse alone attracts over 1m visits per year with as many as 400,000 of these visitors walking up Thomas Street), has not translated into the uses and attractions that would be expected to thrive in this sector. The street has a significant student population focused on the National College of Art & Design. Collectives such as Digital Hub and the Guinness Enterprise Centre bring an innovative and dynamic workforce to the street.

At the start of 2013, the street finds itself with a very mixed legacy to show for the boom years that have preceded and a new set of challenges that have been wrought by the recession, which has been keenly felt on Thomas Street. Most obviously, dereliction, dilapidation and vacancy are all significant problems on the street and in total approximately 30% of the street's building stock lies disused and increasingly under threat². The need for investment in the basic infrastructure of the street, road surfaces, pavements and street lighting, is pressing.

The street is suffering from an uncoordinated approach to its management and a lack of vision, focus and care by the various stakeholders either responsible for the street or, with a vested interest in its success.

IN THE HEART OF DUBLIN'S HISTORIC LIBERTIES

Thomas Street and its surrounding area has always defied conformity and efforts to integrate it more closely into the mainstream life of city. The street is one of Dublin's oldest thoroughfares with a history extending back to the early development of the city in the middle-ages. The area around Thomas Street was first settled by religious as a 'liberty', that is an area outside of the jurisdiction of the Corporation of Dublin and therefore not beholden to the city authorities through the payment of levies or taxes. There were a number of 'liberties' located around the medieval city, but the name stuck most particularly here and hence today we refer to the area as The Liberties.

As Dublin expanded and developed through the 18th and 19th centuries, Thomas Street evolved into an important commercial and industrial thoroughfare, its fortunes tied to the various industries that thrived in the area. The street's 19th century heyday was connected very much to the area's role as the centre of Dublin's most important industries of the time, including brewing, distilling and light manufacturing. This period of prosperity gave the street many of its high quality commercial buildings and landmarks, many of which we still find today.

However, the street's 20th century history proved more mixed; the bustling commercial street of the early part of the century entering a slow decline that set in from the early 1970s onwards, as those traditional industries that had previously dominated the street declined, consolidated or relocated, and the indigenous community fragmented and moved to new housing development in the growing suburbs. The decline of Thomas Street from the 1970s mirrors the decline of other parts of the city centre during this period - marked by depopulation, exacerbated by misguided planning policies and a series of damaging and destructive road developments such as the Clanbrassil Street to High Street corridor and Cork Street that effectively segregated The Liberties from the city centre. Continued and damaging decline into the 1980s and 1990s finally gave way to growing demands to reverse urban neglect and to revitalise and rejuvenate the area.

THE EXPERIENCE OF URBAN RENEWAL ON THOMAS STREET

As far back as the late 1980s, The Liberties was designated for urban renewal, and in the mid-1990s it was included within the Integrated Area Plan (IAP) for The Liberties and Coombe. The IAP, which stemmed from the 1990 Urban Renewal Act, sought to target investment in the area through a range of tax incentives and

stimulus measures including Living Over the Shop (LOTS) and the designation of key sites. From the outset, the renewal of the fabric of Thomas Street and the reinvigoration of the street were seen as key objectives, recognising the street's pivotal role at the heart of Liberties life.

While initially the IAP process was marked by a multi-disciplinary and proactive approach to the challenges of the area, the process focused heavily on encouraging large-scale development that in turn fostered a culture of site assembly and managed decline of older building stock. The perception grew that the needs of the community in The Liberties was being increasingly overlooked or ignored, and the community increasingly withdrew from the process (MacLaran *et al.*, 2007). The developer-centric IAP process also proved largely ill-equipped to deal sensitively with a fragile historic area. The incentive-driven process of site assembly and large-scale development, sometimes of whole sections of streets, ultimately proved damaging to the fine grain and particular urban form of the area and led to the loss of a great deal of its historic fabric and character.

Despite the attractive range of incentives offered under the IAP, the urban renewal process delivered mixed results in The Liberties. LOTS failed to make any impact on Thomas Street, one of its primary candidate streets, due in part to lack of promotion by the City Council and competing new development in the city, which proved easier to deliver. While some new residential development did take place on adjoining streets such as Francis Street, IAP-led investment had limited impact in overcoming the negative perceptions of the area as residential locale. Overall the IAP didn't bring about a meaningful level of regeneration.

As the development boom of the early 2000s gathered pace, so too did the range of initiatives applied to the area including a series of public realm design studies, marketing strategies and increasingly overscaled private sector developments, all proposed to radically alter the character and skyline of the area³. Few of these proposals came about, although the investment in NCAD, the Digital Hub and the nearby Guinness Enterprise Centre during this period has given grounds for optimism for the future of the area. Meanwhile the gulf between the ambition of developers and the local authority and the expectations of local business and the community widened.

In 2009, Dublin City Council prepared a very detailed and costly Local Area Plan for The Liberties, espousing a far reaching and highly ambitious vision for the area (Dublin City Council, 2009). Thomas Street and Environs was also declared an Architectural Conservation Area, which recognised the enormous architectural

heritage of the area. However, the LAP was adopted at the most unfortunate of times, as the dramatic slump in the property and construction industry throughout 2009 left many of the highly ambitious proposals within the Plan unrealisable and exposed the failure of the developer-led model that had driven much of the urban renewal process in The Liberties since 1990. Both the LAP and the ACA lack effective implementation strategies, have no dedicated resources from local government or other agencies and their dependence on private sector capital for delivery means their implementation is limited.

THE POST-BOOM STREET: THE EMERGENCE OF NEW APPROACHES

In 2012, Dublin City Council published a report it had commissioned from Dublin Civic Trust to provide new impetus to improving Thomas Street, in the absence of the large-scale investment envisaged under the earlier Local Area Plan. The report, *Thomas Street: Improving the Public Face of an Historic City Centre Street* was a wide-ranging and detailed assessment of the street and its attractions, the quality of its streetscape and public realm, and the business, cultural and social activities on the street. A key theme of the report was the need to actively manage the street; to protect and maintain buildings, to improve and enhance the public realm, and to promote and develop the social, cultural and business opportunities on the street (Dublin Civic Trust, 2012).

The report recommended the establishment of an area partnership or business group on Thomas Street that would draw together the diverse range of interests on the street and lobby more effectively for investment and coordinated improvement. The report was clear: any commercial future for Thomas Street lay in a proactive local business community supported by engaged partner organisations such as Dublin City Council.

At the same time, a number of other initiatives were coalescing that offered opportunities to Thomas Street but which also demanded a responsive local community in order to fully realise the benefits for the area. In April 2012, Fáilte Ireland, the national tourism development authority, published an investment framework for *The Dublin*, a visitor discovery trail through Dublin from College Green to Kilmainham. The historic city area around Thomas Street forms a key element of *The Dublin* and the framework envisages a range of capital investment in the area design to promote tourism and culture. Dublin City Council is also progressing improvements to Thomas Street as part of an upgrading of a section of Quality Bus Corridor (QBC) that runs through the area from James Street to High

Street. The investment promises a renewed public realm and pedestrian environment on Thomas Street in addition to traffic and public transport improvements.

In the summer of 2012, a group of interested parties and businesses from Cornmarket, Thomas Street and James's Street came together and reformed the Thomas Street Business Association. The group set itself the ambition of realising the physical and commercial rejuvenation of Thomas Street, taking up the challenge of the Dublin Civic Trust report to actively manage and promote the street as a place for living, for business and to visit.

PART III: THE ROLE OF PLACE MANAGEMENT

Andres Duany et al noted in the Smart Growth Manual;

Local planning suffers because governance rarely operates at the scale of the neighbourhood or the block. Just as there is a hierarchy of physical structure – from the metropolis to the neighbourhood to the block-there is a need for a corresponding hierarchy of governance. The frustration that some citizens feel toward their municipal administration arises when these government entities do not correspond to the scale of the people's concerns. (Duany et al., 2010)

John Mant in his 2008 paper Place management as a core role in government (Mant, 2008) highlights that local government functions on an input-output model. Budgets are allocated irrespective of the needs of a place, but according to departmental needs. The organisation does not make a person responsible for doing what a place needs, or monitoring performance indices of a place. Mant considers strategic planning tends therefore to be an ex post facto rationalisation of what is being done, where the planning process firstly defines what the organisation is designed and funded to produce and then seeks to explain why.

Effective outcomes management on the other hand demands that the organisation be adjusted to suit the outcomes being sought. Strategic planning for an outcomes organisation should closely involve elected officials and stakeholders as it is intended to both inform and involve them and so increase their ownership of the outcomes and their commitment to the process.

This is where place management fits into the equation. A place management organisation or officer is essentially mandated to do whatever is necessary for improvement of the place, irrespective of the broader institutional parameters in which that function resides.

It is likely that a person or role cannot alter the organisational approach or priorities of local government over-night, but it can re-define that role to work independently and/or in partnership with that institution.

Place management does not follow one particular formula or structure, and operates as public and/or private organisations throughout Europe, UK, US, Canada, South Africa and Australia. However, it certainly reflects a common approach to governance, that is essentially “an innovation intended to improve the conditions of city places by taking care of the small things that make up the larger picture” (Mitchell, 2008, p. 55).

Place management organisations or Business Improvement Districts (BIDs) are operated on behalf of the businesses already in an area, rather than of finance seeking to speculate on an area’s potential or success. Fundamentally, it seeks to achieve urban renewal, and an increase in value for an area through micro-management of all aspects of that environment.

BIDs are less concerned with comprehensive rational redevelopment plans and civic white elephants (like convention centres and big malls) and more concerned with piecemeal solutions that attempt to improve the small things in cities. (Mitchell, 2008, 44).

Through a BID, improvement can continue to be leveraged where there is no market incentive for private developers to build, where there are few financial institutions with credible lending power, and even when those with available capital find inner city development and construction a far from tempting field in which to invest (Mitchell, 2008).

TOWN TEAMS

The ‘Town Team’ idea received widespread publicity in December 2011 when Mary Portas, reporting to UK PM David Cameron, published her analysis and proposals on the challenges faced by the UK High Streets. Her report highlighted in a very public manner that there were serious problems in town centre retailing (GENECON LLP and Partners) and that the planning system was not doing enough to protect and support these places. Portas combined her talent for directness with her experience in retail to speak plainly about some very evident trends; the main street was in serious decline, and a bottom-up, comprehensive and innovative approach was required to save it. The term Town Team summed up area-based partnerships (community and business) focused on rejuvenating the High Street.

Retail Excellence Ireland (REI) saw the Town Team approach as a means to address their concerns on the significant decline in retail employment and units in Ireland and used the concept to launch the *Town and City Management Framework* with the support of the Minister for the Environment in July 2012, followed up with the release of a consumer and member survey by the end of the year.

For town and city centres to compete with out of town retailing alternatives the Local Authority and the Town Team must manage the town and city as a shopping centre director would (para.1.14.) (REI, 2012, p.16)

REI's report sets-out a useful list of innovations and actions that a Place management organisation can undertake, but also highlight the need for long-term commitment:

For the town and city centre to be managed proactively and in a co-ordinated fashion the "Town Team" will require the assistance of a full-time town co-ordinator. The coordinator could be appointed through the establishment of a BID or through the secondment of a Local Authority, Chamber of Commerce or a Business Association executive team member. (REI, 2012, p.16)

The independent grocer's organization RGDATA also provides some passive support to 'Coherent Town Centre Management' in their rather pessimistically titled report 'Nightmare on every street, Town centres, car parking and smart travel' stating: RGDATA supports town centre partnerships to promote the best interest of a town, its businesses and customers in a unified manner.(RGDATA, 2013, 5).

The updated Retail Planning Guidelines 2012 also reflect a continued support in the Department of the Environment, Community & Local Government for Place management (Annex 2):

- to function effectively as a viable commercial centre, actions need to follow:

Development and improvement projects should be implemented efficiently; there should be regular and effective cleaning and maintenance and there should be co-ordinated town centre management initiatives to promote the continued improvement of the centre. (DECLG, 2012, p.53).

These developments are not new. Business Improvement Districts have been around for over 20 years in North America, and similarly the UK has long established Town Centre Management and now has some 136 BIDs.

In Ireland the Business Improvement District Act 2006 was introduced largely due to the leadership of Tom Coffey and the Dublin City Business Association. It provided primary legislation to support the establishment of Town Centre Management companies as limited companies supported by business in urban areas. This was a significant milestone for place management in Ireland, and two BIDs were established in Dublin and Dundalk, and both companies have had their mandate renewed for second terms. However, it is notable that no new BID has been established since.

THE ROLE OF BIDS AND PLACE MANAGEMENT

Business Improvement Districts (BIDs) are an interesting and widely used model of urban revitalisation. Whereas Public Private Partnership relies on private capital supporting a single consortium or project, and environmental improvement works are dependent on state/local government support, BIDs generate revenue from the existing commercial rates base and citizens.

BIDs provide an additional and separate revenue stream to municipalities, to address shortfalls in local government support or state intervention. BIDs also care about the existing fabric of the urban core, and making it more attractive for business. By focusing on existing assets, above comprehensive redevelopment, BIDs bring our attention to the level of the street. BIDs effectively provide a legal vehicle to bring all parties together, to act through an incorporated company to improve the business area, and to make it more attractive, competitive and valuable to the benefit of all.

Thomas Street is outside the Dublin City BID area, but provides a model for how a Place management organisation could be developed in this locality⁴.

PART IV: THOMAS STREET PHASE 1: CREATING A TOWN TEAM

Nobody involved in the Thomas Street Business Association is conscious of being part of a Town Team. The motivation for coming together as a group is less about the label we might give ourselves, or the organisation structure we adopt, but more about the changes and visible improvements we can make.

However, we talk about a 'Town Team' in the context of Thomas Street, because at a basic level it highlights that a partnership of some nature has been formed by

business and residents of a town or area, to attempt to redress some urban problems. In terms of form and action it is an open-ended formula.

The gestation period of the Thomas Street Business Association, is best described as a series of conversations to the power of 10. People talking about the potential of the street, and its great qualities documented in many reports and plans... people talking in frustration of the detachment of the local authority from businesses.... people attending launches of plans and reports which businesses hadn't been consulted upon.... and people wondering why reports are left on shelves with no sign of implementation.

The impetus to create Thomas Street Business Association (TSBA) initially emerged out of the extraordinary voluntary time and effort of one or two individuals (particularly Killian O'Higgins), prepared to demand answers to questions from responsible personnel, and put in the leg-work to develop a street-based business network.

Subsequently, in the summer of 2012, a group of interested parties and businesses from Cornmarket, Thomas Street and James's Street came together and reformed the Thomas Street Business Association. A deliberate approach was followed of engagement with the businesses, retailers and services at the street level, without whose input the initiative would be meaningless.

ENGAGING STAKEHOLDERS AND PARTNERS

While the grand ambition of the Association is to realise the physical and commercial rejuvenation of Thomas Street and to actively manage and promote the street as a place for living, for business and to visit, the primary challenge was to identify, engage and build confidence with the stakeholders needed to form an area partnership.

Forming a partnership group where none exists, where one has to build up the trust of parties, and where belief in the value of engaging with local government can often be minimal, is a full-time task, that is at once daunting and challenging to a volunteer group. Were a local authority or Chamber of Commerce to apply its resources, time and reputation to support such an endeavour, it would undoubtedly speed up the process.

It is also notable that most institutional boundaries or organisational structures do not neatly coalesce with a neighbourhood, street or BID area. This applies to

councils, the HSE, business networks, Garda structures, educational and retail catchments, transport networks or the investment priorities of financial institutions. Therefore the primary challenge is to bring together a range of players with overlapping responsibilities and interests and to require them to focus on one particular place.

Small-scale retailers barely have the time or capacity to leave their tills, let alone think about strategic initiatives or longer-term planning. Small business and services need assistance and a convenient and accessible forum within which to engage. Most are not social-media savvy and require a lot of face-to-face engagement.

Engagement with bigger businesses and institutions has come much later in the process. These organisations understand the strategic need for the group, and are supportive, but clearly they don't want to be saddled with everything that the organisation entails. From our perspective, it was very important for bigger businesses to look around the table and see input from small retailers, educational, health, local government stakeholders, and the Garda, and see that they were part of a partnership, and not simply being treated as a cash cow.

The communications strategy of our Association could be summarised as regular meetings of a core group (3/4 people every 1/2 weeks), development of an email distribution list (weekly), engagement and promotion through social media, and full group meetings every 2 months approx. This culminated in a stakeholder forum in February 2013 where all public sector groups, big-business, service providers, and small retailers were represented equally around the table, plotting a strategic path for the area.

PUBLIC SECTOR ENGAGEMENT

The public sector brings huge influence to bear on any urban area, not only through capital schemes, but through services, education, employment, property ownership, expenditure and staff resources.

For example, vagrancy was identified as an important issue at the first full meeting of TSBA. The Gardaí were subsequently contacted, and invited to engage with the group, and have been very supportive and proactive. A 'Business Watch Scheme' is being considered. The HSE has an influence over many social and health facilities in the area, and again have positively engaged with the group.

Fáilte Ireland are developing *The Dublin* initiative (outlined above) which includes Thomas Street and have engaged with TSBA over their own proposals. They have listened to the need expressed for local tourist proposals for which funding may appropriately be directed.

The City Council and national funding partners such as the National Transport Authority have been intensively lobbied to realise much needed public realm and street improvements in the area.

Finally, on a street where one-third of the buildings are vacant, in disrepair or even derelict, TSBA has pursued Dublin City Council to utilise the powers of the Derelict Sites Act, and planning enforcement powers. The group has met with NAMA's receivers for properties on the street to underline the great qualities of the area, the strong business performance that exists, and the feasibility of profitable return on property, which is currently being allowed to disintegrate.

SPECIAL INTERVENTION PROJECTS

Thomas Street encompasses a large area, and it is difficult to envisage a complete makeover on a street of this scale with such limited resources. As a group we have focused on a small number of cost effective initiatives that could be achieved in the short-term, and show capacity for change. The Association is fortunate to include some talented architects Joe Rossney and Katya Samodurova (as well as creative planners!). We have developed low-cost proposals to bring derelict gap-sites to life, as well as communication and marketing/branding strategies.

THOMAS STREET PHASE 2: DEVELOPING THE TOWN TEAM

After some 8 months of work an organisation has emerged as a tangible working group, committed to common goals to improve the area, pooling available skills, a desire for actions and limited resources to a Town Team organisation. We have lots of ideas for sites, places and uses, both short and long-term and this is surely the basis for positive change in this area of the city.

The challenge now is to evolve from a committed group to a durable and sustainable organisation, bringing people along, and achieving the early-wins necessary to ensure the Association will still be around in 5 years to see its strategic goals through. The next phase of our work is thus considered to include the following:

- Move the organisation to a more formal standing, evolving our structures to meet needs of the area;
- Develop an Action Plan incorporating all the relevant activities, investments, programmes and events of organisations and businesses in the area;
- Develop strategic objectives for the organisation;
- Progress and implement site-specific interventions in the short-term - 10 Ideas for Thomas Street;
- Development of a communication and digital media strategy;
- Creation of unified approach to branding and marketing;
- Identification of funding sources, leveraging finance, attracting micro-investment to the area and pursue social enterprise structures for certain ventures if possible;
- Develop a Business Plan;
- Address institutional and regulatory obstacles to change, development and investment in the area.

The new 'vision' for this area is designed to deal with practical realities, present day issues, and the proactive measures a town acting in partnership can take. Research highlights the importance of stakeholders working in partnership and committing to a strategy for the town (de Nisco *et al.* 2008, p.169). Creativity is required and an organisational capacity that unites different interests in pursuit of a common goal. This is defined as;

the ability to enlist all actors involved and, with their help, to generate new ideas and to develop and implement a policy designed to respond to fundamental developments and create conditions for sustainable development. (van den Berg and Braun, 1999, p. 995)

Small business, property owners, and commercial associations also have a core role in working with larger property, business and investment interests in this process.

However, the group is conscious that enthusiasm and volunteerism will only sustain this initiative so far. It is uncertain whether this is the start or the end of the story.

PART V: CONCLUSIONS

Jane Jacobs (1961) in her critique of big metropolitan governance and the departmental nature of local authorities stated:

If great cities can learn to administer, co-ordinate and plan in terms of

administrative districts at understandable scale, we may become competent as a society, to deal with those crazy quilts of government and administration in the greater metropolitan areas. (Jacobs, 1961, p. 427)

The development of Town Teams and Place management initiatives reflect disenchantment with the governance of our urban environments. In Thomas Street and The Liberties there have been marked failures in conventional planning approaches to town centres, that have resulted in planning blight, but also a vacuum of responsibility and accountability that invites an alternative bottom-up response. The Thomas Street Business Association is in its infancy as a Town Team, but already significant lessons have been learned.

Firstly, Place management partnerships receive no support from local government level in their establishment and development. It is easy for any government Minister or department to support an initiative on paper, but if this is not carried through to reality, this becomes an empty gesture and disingenuous.

At present, the development of town teams based on the business and community needs of an area are dependent on extraordinary voluntary effort, commitment and enthusiasm, much of this provided by underemployment.

The first steps involve generating a positive image of the area, facilitating engagement and stimulating modest investment. *The foundational importance of territorial identity* (Argiolas *et al.*, 2009, p. 200) has the potential to align a series of strong local identities with an historic defined area, but the definition, communication and the development of local governance are intrinsic to any potential achievements in the area.

For place management initiatives to be meaningful, they need to be sustained for a 5 to 10 year period. This requires resources, commitment, professionalism, leadership and governance at the street level (Duany, *et al.*, 2010). The key initiative for any urban area is the establishment of public-private partnership. Informal partnerships, generally progress to more formal structures, such as limited companies or trusts which provide a supportive legal framework for a business to operate. A BID entails all businesses supporting the partnership in an equal and fair manner and properly resourcing the organisation. This allows membership to be sustainable. The progression to status as a company limited by guarantee ensures that the groundwork is sustained over time, and the partnership is reliable, trustworthy and committed to the place.

The recession and the withdrawal of finance has had devastating effects on our town centres. But, there are a wealth of ideas and examples of new regeneration models available from Social Enterprise Partnerships to Town Centre Management and BIDs. However, at present innovative investment models are simply not encouraged. For example, what is NAMA's policy on urban renewal; can we find mechanisms to buy-out NAMA sites for the good of the built fabric and community use? A greater engagement by Place Managers and Partnerships could have a potentially huge impact in developing community solidarity and realising the potential of otherwise failing urban areas.

Simon Baynham, Property Director of the Howard de Walden Estate, London (Baynham, 2008) highlights that most retail agents were geared to doing deals with multiples and have no real understanding of what works for small retailers, or even who they are, or what makes a particular street work. We need people and organisations addressing these key gaps. The whole nature of high-street retailing is undergoing seismic shifts at present. But the objective remains to find a balance of uses and people on a street that makes the quality of the urban experience exceptional.

Postscript: Work has continued on TSBA and updates are available at www.thomasstreetdublin.com, on facebook at [/thomasstreetdublin](https://www.facebook.com/thomasstreetdublin) and Twitter [@thomasstreetdub](https://twitter.com/thomasstreetdub).

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FOOTNOTES REFERRED TO IN TEXT

- ¹ This is discussed with some eloquence in Jacobs, J (1961) *The death and Life of Great American Cities*, New York, Random House, Chapter 22, 'The kind of problem a city is'.
- ² Survey work for Dublin Civic Trust in January 2011 found a total of 23 vacant, derelict or demolished units along the street, equal to nearly a quarter of its building stock. The survey did not consider the extent of upper floor vacancy, which is often more pervasive and more difficult to address.
- ³ The developments proposed for the Digital Hub complex on the western end of Thomas Street stand as cases in point. These two private sector-led schemes, by Manor Homes and Elliotts, proposed to radically alter the historic skyline of the area with promises of a 'mini-Manhattan' of office and residential towers.
- ⁴ See www.dublincitybid.ie for the wide range of initiatives Dublin City BID undertakes

Hamburg's Hafencity Regeneration Scheme

Some Lessons for Dublin and Irish Cities

Steve Margolis and Una Bagnall

"The zones situated at the interface between the city and the port are changing and are the subject of strategies through which cities and ports often ignore each other and sometimes come to blows. However, they are tending progressively to become areas of dialogue and co-operation."

International Association Cities & Ports (IACP)

INTRODUCTION

The redevelopment of HafenCity, an innovative waterfront development on the edge of Hamburg's city centre, currently regarded as Europe's largest inner-city urban regeneration project, aims to strengthen and consolidate the city centre by providing a viable and sustainable mix of cultural, retail, leisure and commercial uses in conjunction with extensive new residential development. Once completed, it will result in an expansion of the city centre by 40%, 'bringing the city back to the water', assist in redefining the image of Hamburg and help reverse the trend towards out-of-town development on the suburban fringes negatively impacting on the centre.

This article follows a study visit undertaken to Hamburg and includes an interview with the CEO of HafenCity Development Corporation. It initially describes the wider Hamburg City context and thereupon provides an overview of the HafenCity redevelopment strategy and process, as well as observations on the development that has occurred up to the present time. The article also highlights several noteworthy examples and features of this urban regeneration project, and includes consideration of certain shortcomings, and may be instructive in respect of urban regeneration initiatives in Dublin and other cities in Ireland.

BACKGROUND - PROFILE OF HAMBURG

Hamburg is a tidal sea port city built on the River Elbe, 100 kilometres from the North Sea. The population of Hamburg City is 1.8 million and approximately 4.5 million persons reside in the Greater Metropolitan area. Its inner city area, Hamburg's Mitte District, has a population of approximately 230,000. Prior to commencement of HafenCity, the city centre had a population of only 14,000. It

is the most multicultural city in Germany, with 15% of its resident classified as non-German, and is also the most affluent city in the country.

GOVERNMENT

Similar to Berlin, Hamburg is a city-state with no separation of city and state government. The Senate runs the city and state through nine departments, including one for Planning/Traffic & Housing. The HafenCity project CEO reports directly to a Senate Steering Committee. The City has seven districts with services provided locally. Political decisions can be made using a citizens' petition for referendum.

HAMBURG'S ECONOMY/NICHE MARKETS

Hamburg has the highest per capita GDP in Germany, a high employment rate and is home to over 120,000 enterprises. Some of the reasons for its remarkable wealth and economic strength can be understood in the context of the following key factors:

HANSEATIC TRADING CITY

Hamburg has generally been a liberal/secular/mercantile entity since mediaeval times and one of the powerful Hanseatic League of trading cities. Its economic pre-eminence is also based on its strategic location on the main trade routes of the North Sea and Baltic Sea.

MEDIA CITY – NICHE MARKET

Hamburg is long established as the media capital of Germany, following in the immediate aftermath of the Second World War when the British gave support to the powerful liberal media based in the city as a way of counteracting potential extremist nationalistic views. Today, many major national German newspapers, magazines & TV film production companies and publishing companies are based in Hamburg and the city accommodates approximately 17,000 Media companies with approximately 130,000 employees. *Spiegel*, who have set up a new iconic national headquarters in the HafenCity development, remain a pivotal focus and symbol of the media empires that dominate nationally and are a cornerstone of Hamburg's wealth and power and a symbol of the city's economic success.

PORT CITY

Hamburg is the second largest container port in Europe, an entry point for Chinese trade with the E.U. and a central hub for trade with Eastern Europe and Northern Europe. It is the single biggest economic sector in Hamburg, facilitating approximately 130 million tonnes of goods per annum. The port can accommodate the largest container ships in the world and its inland location allows for excellent rail, and motorway connections within Europe.

CITY CENTRE URBAN ENVIRONMENT

The foundation of Hamburg City dates from AD 808. It has a history of invasion and conquest due to its strategic location on the river Elbe. The city centre was destroyed by fire in 1842, following which extensive reconstruction took place. The city also experienced severe damage during World War 2. Despite the destruction of much of the city fabric, an area in the city, adjacent to river Elbe, known as the Altstadt, has impressive remnants of the early original timber-constructed city houses.

The city centre is compact and maintains a human scale, however with commercial uses replacing much of the residential uses over the last number of years the area is now unfortunately characterised by low levels of activity at night. The urban form is strongly characterised by its colonnaded shopping streets and numerous canals linking the various lake and river waterways (See Image 1).



Image 1 Collonades & Canals (Authors' Image)



Image 2 Speicherstad (Authors' Image)

The city's skyline is dominated by five church spires, which are highly valued and protected, and are considered as representing the distinctive profile of the city's skyline. There are very few 'skyscrapers' in the city, and the modern landmark in the form of the television tower is one of the only elements competing with the profile of the church spires. Notwithstanding the lack of high-rise buildings, there are significant landmark buildings of distinctive architectural merit.

One of the most distinctive pieces of urban fabric in the city is the Speicherstadt, the world's largest extent of 19th Century redbrick warehouse buildings incorporating spires, cornices, towers and gables, fronting onto canals and the River Elbe. Located at the interface between the HafenCity development and Hamburg City Centre, these buildings have been retained and incorporated into HafenCity (See Image 2).

GREEN CHAIN

Hamburg is a city of water, centred on the Alster Lake and fronting onto the river Elbe with a major canal linkage connecting the two. In addition, it is a green city with numerous parks and green links. 14% of the city is made up of green spaces and recreational spaces. A Masterplan for the development of the park and the area around the Alster Lake resulted in the provision of a green chain/spine connecting the residential district around the lake with the promenade along the river Elbe and providing a segregated route passing under all major roads through Hamburg's inner city. This green chain also connects business districts, providing a setting for conference facilities and government buildings.

The green chain provides for a range of active and passive recreational facilities for the inhabitants and workers of the city, including infrastructure such as ice rinks, active play grounds, and areas for barbecuing, relaxing and sunbathing. Second World War Bunkers were incorporated as features into the Park. The route is well signposted, with good urban legibility.

CASE STUDY HAFENCITY

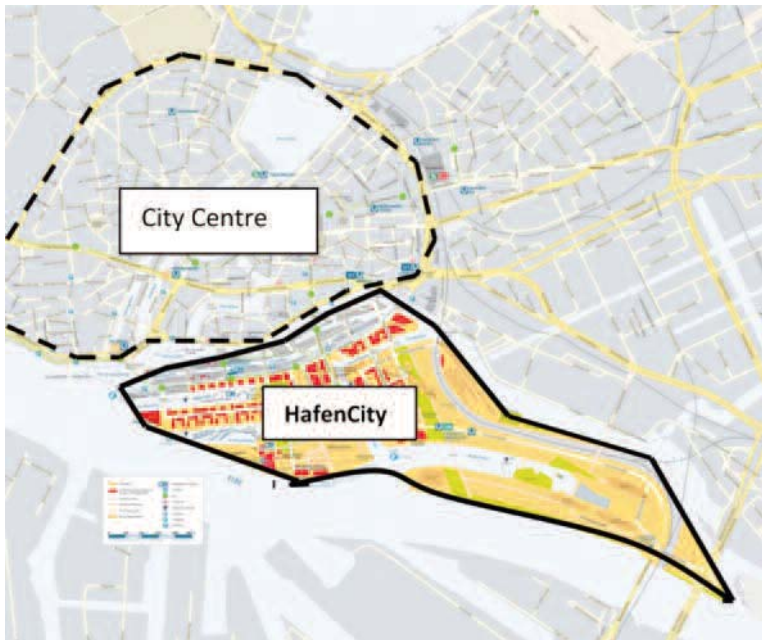


Figure 1: Location of HafenCity Image adapted from HafenCity Hamburg GMBH

HAFENCITY PROFILE AND MASTERPLAN AIMS

The area known as HafenCity is located immediately south of the city centre and occupies 127 hectares of land (See Fig. 1). The relocation of port activity from the old port areas has resulted in derelict and underutilised docks and waterfronts adjacent to the city and provided the opportunity for the regeneration of the area. The HafenCity area occupies a distinct district comprising of islands in the River Elbe, which are connected via bridges to the city.

HafenCity gmbH, a development agency owned by the city manages, plans and markets development sites. The *Speicherstadt* warehouse complex, referred above, was built 120 years ago on piles on former marshland, and now forms the link and interface between the commercial city centre and the new HafenCity Development. The attractive warehouse buildings of the Speicherstadt, which are of considerable heritage importance, have been retained & re-used and form a very successful part of the first phase of the new port area HafenCity redevelopment.

The regeneration of the HafenCity area aims to expand the city centre by 40%, consolidating the city centre's role in the wider Hamburg region and bringing the city to the water's edge. The HafenCity development includes a range of land uses including cultural, retail, leisure, commercial and residential, set within a coherent landscaped environment and it is intended that it will curtail the expansion of the city into new suburbs and out-of-town locations.

The aim of the HafenCity project is to assist in redefining the image of the city and consolidating its position as an international city of excellence attracting inward investment and tourism. The project began in 1997 and in 2000, a Masterplan for the area was produced which provided a flexible framework for the development of the area. The time-frame for its completion is approximately thirty years.

PROPOSED BUILDINGS

The Masterplan sets out the broad parameters for the development of the area, proposing new buildings amounting to 2.32 million square metres, including 6,000 new homes to accommodate 12,000 new residents. This is significant having regard to the fact that the existing city centre has a population of only 14,000.

The development scheme would provide employment for approximately 45,000 people and include a major retail core. It would also include entertainment, tourism and cultural facilities. The plan also identified elements worthy of preservation such as quay walls, bridges and cranes. The area is divided into a

series of districts/character areas, and the Masterplan makes provision for phased development running from west to east and from north to south (described in the following section), and has been modified to adapt to changing circumstances. Major landmark and company headquarter buildings were included, as well as 10.5 kilometres of dockside promenades, 28 hectares of public parks, squares and promenades.

DEVELOPMENT TO DATE

Development in HafenCity is ongoing and much has already been achieved. Over 1 million square metres of office space has been provided along with 300,000 square metres of education and cultural uses. 1,377 residential units have also been completed. The Marco Polo tower is a noteworthy residential scheme. In support of this residential content, a primary school has been opened, while a secondary school is also planned and HafenCity University is nearing completion. In terms of attracting investment, 450 companies have located there to date and there are currently approx. 9,000 people working in the completed phases of the HafenCity development. A significant objective of the Masterplan is the development of iconic landmark buildings.

HAFENCITY MASTERPLAN

In HafenCity, development takes place from west to east and north (edge of city centre) to south in 11 quarters/ independently viable phases, linked to the city centre. The phasing of the construction is proceeding in a logical manner designed to ensure that there are few undeveloped areas awaiting development in the midst of built areas. This enables the completed quarters to link into each other without left over pockets of visually obtrusive or unsafe vacant areas, which would also act as barriers to movement. The newly completed quarters along the northern perimeter are immediately linked by bridges to the city centre and then linked to the contiguous emerging quarters to the south and east.

Although each quarter will be mainly mixed-use, they will each have a predominant land use identity and independent character, such as commercial quarter, retail quarter, cultural quarter and so on.

Significantly, they will also be linked to, and represent a continuation of, both the established main retail spine and cultural mile route within the city centre (see Figure 2 [below] illustrating connectivity).

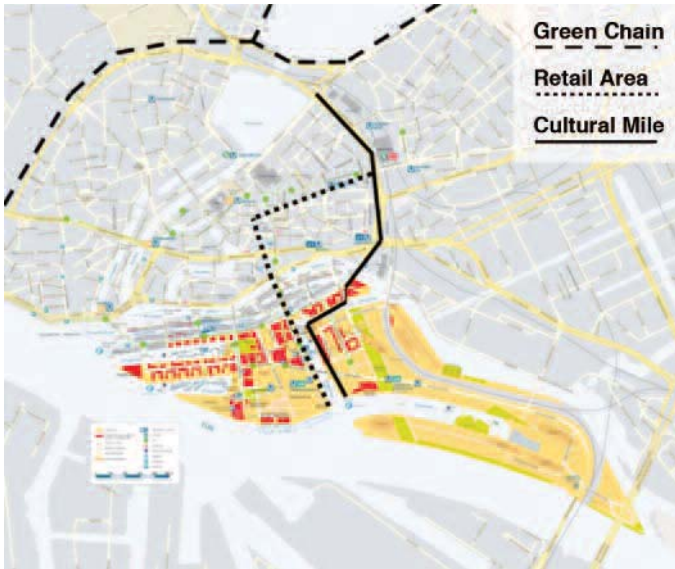


Figure 2: Connectivity between City Centre & HafenCity of Retail & Cultural Drivers and Green Chain

Each quarter will have a minimum residential threshold to ensure its viability as an independent phase. Ground floor restaurant and other local neighbourhood uses at a smaller scale will be dispersed throughout to ensure that a sustainable mix of uses is maintained in each quarter.

A review of port cities by Schubert (2011) describes HafenCity as the best example of mixed-use led redevelopment of a port city in Europe where it is distinguished from other schemes in London, Bilbao, Amsterdam and Barcelona that are either office-led, culture-led, housing-led or event-led.

Further features of some of the key quarters include:

Retail /Gastronomy/Entertainment Quarter (*Uberseequarter*). A major tourism attraction with a cruise terminal already built and a planned science centre. This partially completed quarter, is centrally located within HafenCity and is well connected to the retail centre of Hamburg. It will be a key focus and hub for the overall development and have a boulevard 600m long;

Knowledge and Environmental Quarter (*Elbtorquarter*). Containing HafenCity

University and Greenpeace HQ and 10,000 square metres for other environmental organisations and an already completed International Maritime Museum; and

Other Quarters with predominant themes/uses relating to, recreation/leisure, commercial, residential, containing noteworthy and prize winning buildings and structures such as the Hamburg America Centre and International Coffee Plaza, designed by Richard Meier, Spiegel publishing group headquarters designed by Henning Larsen Architects and Lloyds Germany HQ.

LAND DISPOSAL

Some of the features of the land disposal arrangements include the following:

HafenCity gmbH do not sell large sites to individual developers in order to avoid over reliance on a few major developers and to promote diversity of architecture;

Smaller plots provide opportunities for smaller firms and co-operatives to participate in the project;

HafenCity has a grant option at fixed sale price for a maximum of 1.5 years after a competition has been held to select a developer;

The fixed sale price can only be subject to minor adjustments, for example discovery of contamination during investigation taking place over 1 to 1.5 year option period. In this case, costs would be shared between developer and HafenCity gmbH;

The quality of the proposal is assessed prior to a building permit being issued. HafenCity gmbH can withdraw option if designs don't match certain important criteria, such as the interaction of ground floor with public domain; and

Key Firms such as Spiegel and UniLever can be selected without partaking in a competition as they are seen as key catalysts and their presence within the project is viewed as vital for the ongoing viability of the overall development of HafenCity.

PUBLIC DOMAIN

The strong theme of public open space evident in Hamburg city, typified by the green chain threading through the city centre districts, is carried through into HafenCity where 28 hectares of parks and squares are planned, of which 2 hectares are completed and a further 1.5 hectares are due for completion by 2015.

Significant amenity is derived from its waterfront location and there are 10 kilometres of publicly accessible quaysides. There are active uses, bars, restaurants and cafes along these quayside promenades, which help to animate the area. There is semi-private open space within the residential developments and these incorporate some incidental play areas. Permeability and vistas are maintained through the blocks and the primary emphasis is on the public spaces promoting the idea of public urban living.

A Barcelona based firm (EMBT Arquitectes Associates) was commissioned to plan public spaces. Their design strategy was based on developing the relationship between the land and the water. Two plazas have been created which provide for passive recreation and include public performance spaces (see photo of Marco Polo Terrace under heading Flood Protection).

DESIGN STRATEGY

URBAN FORM

In general, the urban form in HafenCity is based on individual plots, which are disposed of separately in order to encourage a rich diversity of architectural treatments. Whilst acknowledging that the design standard and quality of individual buildings has been high, some commentators have nevertheless been critical of the fact that a significant number of buildings over emphasise the individual style of architecture at the expense of the unity/visual cohesiveness of the whole and of the neighbourhood (Grubbauer, 2011).

Certain urban design guidelines are established in relation to the development of the urban blocks, which must be developed facing the water. The architects are required to work to a 'U' shaped built form allowing for the creation of semi-private open area within each block. This design requirement ensures the development will offer a good degree of amenity for the residents and encourage families to settle within HafenCity.

Specific requirements for large floor plates and standalone designs allowing for individual expression and landmark buildings at key locations are also catered for. An example of such a building is the Uniliver Headquarters, which addresses modern office requirements with large floor plates allowing for work patterns to be organised on a horizontal basis.

HEIGHT

The average heights permitted are 6 to 8 storeys, or approximately 25 metres. This

allows for a comfortable interface between the new development blocks and the existing warehouse strip of the Speicherstadt. It also ensures the preservation of the skyline of Hamburg, which is dominated by the existing church spires. The 6 to 8 storey limit is also considered to be the upper limit of a building height, which would appeal to families wishing to settle in the area. Significantly, higher residential blocks will be incorporated within future phases to the east where the skyline will not be affected.

Exceptions to the general height requirement are made for landmark buildings. These are located on the western boundary of the redevelopment area on the interface with the river Elbe. These landmark buildings represent a cross-section of land uses. An example of a residential landmark development is the Marco Polo

tower, a 55 metre high residential building.



Image 3: Elbphilharmonie Concert Hall (photo HafenCity Hamburg GMBH/Herzog & de Meuron)

Another landmark structure, the Elbphilharmonie Concert Hall, is currently under construction and incorporates the reuse of a cocoa warehouse building with the auditorium built 37 metres above ground level on the roof of the warehouse. (Architects Herzog & de Meuron). The completed structure will be 110 metres high.

ECONOMIC DRIVERS

The development of HafenCity is dependent on a range of factors to ensure its success. The area has a strong mixed-use component, with residential and office uses intermixed with active uses encouraged and usually achieved at ground floor. The development of a strong retail axis provides an important economic stimulus to the viability of the area.

In addition, the development company, have been successful at attracting major economic players to locate with HafenCity. Where major enterprises propose to locate in the area, there is a relaxation in the plot size requirements and certain design restrictions. The Spiegel Publishing group, have located in a 30,000 square metre office complex and the Unilever HQ referred above and Lloyd HQ has also

located within the area. The combination of major office headquarters with smaller individual commercial units and the development of a vibrant retail quarter with strong connectivity to the city centre are securing the rejuvenation of the area.

CULTURAL DRIVERS

There is an attempt to link many of the new and proposed cultural buildings within HafenCity to the Cultural Mile of Museums within the City. HafenCity has placed a strong emphasis on attracting major cultural institutions to locate within the area. To this end, it has been successful in getting the Elbphilharmonie concert hall to locate within the area. An International Maritime Museum is located in a historic warehouse building. It represents an exciting re-use of the oldest warehouse building in the Speicherstadt warehouse district. It is a building of significant scale, and is strategically located at the interface between the Überseequartier commercial centre of HafenCity and the city of Hamburg's cultural mile of museums.

A Science Centre, designed by Rem Koolhaas, is also planned for the area, and will be a contemporary building of significant scale located on western edge of HafenCity on the banks of the Elbe. The scale of the projects proposed illustrates the importance attributed to the provision of cultural infrastructure as a driver for the ongoing successful development and regeneration of the area. It combines tradition and innovation, whilst their proximity to the city centre enhances their viability and contributes to the full and successful integration of HafenCity into the city centre of Hamburg.

TOURISM DRIVERS

The strategic location of the HafenCity on the river Elbe has facilitated the development of an important tourism dimension. An inner harbour within HafenCity has been developed to accommodate historic ships providing a quayside attraction for visitors to the area. The building of a cruise centre on the banks of the Elbe has provided ready access for tourists into the area and Hamburg in general. HafenCity will become the gateway to Hamburg for seaborne visitors. As approximately 80% of Hamburg's tourism originates from within Germany there is scope for increasing the number of overseas tourists and some of the new cultural and tourist based facilities in the emerging HafenCity should assist with this objective.

EDUCATIONAL DRIVERS

A primary school and day care with facilities for 450 children has been provided and a secondary school is to be provided. While this will facilitate and encourage families to settle in the area the most significant achievement has been to locate the

new HafenCity University within the area which will specialise in architecture and the development of large cities. An International School of Management has been provided as well as School of Finance and a Medical School.

HOUSING

HafenCity will have approximately 6,000 new homes for 12,000 people. Approximately 1,400 units have been built and the bulk of housing will be provided in more high-rise developments to the east during the latter phases of the project. This will make a significant difference as the adjoining centre area of Hamburg, Alt Stadt and Neu Stadt, which includes the retail and office core, had a population of only 14,000, before the commencement of HafenCity. Housing in HafenCity, already built and proposed, comprises of apartments with a mix of sizes and tenures. In Germany, owner occupancy is generally 40%, while in HafenCity it is 55% owned/45% rented.

There is no target for a specific housing mix. Although the majority of housing in HafenCity is private, there are also schemes by housing cooperatives (including for senior citizens) and some collaborative ventures between housing cooperatives and private developers. Apartment costs are generally higher in HafenCity than many other areas in Hamburg, however this is offset by lower cost of transport. In HafenCity, the diversity of facilities (offices, schools, shopping) are intended to contribute to shorter daily journeys. In addition, there is a general aim to build to high ecological standards. Climate change and sustainability are important issues for HafenCity, and all buildings must be environmentally sustainable and climate friendly. Buildings, which are primarily residential will be equipped with solar thermal panels to provide a central hot water supply.

MOVEMENT

HafenCity is one kilometre from Hamburg Central Station which provides high speed frequent rail connections to all major cities. This ease of access to the mainline station and airport makes HafenCity a very accessible and desirable location allowing for multi-destination journeys, with easy access for example to Berlin as an onward interchange location. It will have various different forms of public transport. A new U-Bahn - *Line U4*, with underground stations in HafenCity has been recently completed and is now operating. There are also various new bus routes connecting HafenCity to the rest of Hamburg. An extensive integrated network of pedestrian and cycle routes has been proposed, while new bridges for pedestrians and cyclists linking HafenCity to the city centre have been constructed.

One of the advantages of the proximity of HafenCity to the city centre is that its residents will be less dependent on private cars for transport. Car parking in HafenCity is well catered for (1.2 cars per residential unit) however, many households have dispensed with the need for a second car on moving to HafenCity.

FLOOD PROTECTION

As a low lying port city, Hamburg regularly suffers from severe flooding. While Hamburg is approximately 100 kilometres from the open sea, it is still tidal with an average tidal range of three metres and a storm combined with a spring tide can result in much higher water levels. A flood protection height of 7.5 metres above mean sea level is incorporated in all new phases in HafenCity and flood protection is achieved by raising the level of the bases of the new buildings to 7.5 metres.



Image 4: Marco Polo Terrace (photo HafenCity Hamburg GMBH/Tim Kraus)

The original quaysides cannot be altered and are at a normal quayside height, which is approximately 4.5 metres above sea level. In order to provide adequate protection, buildings are set back 20 metres from the quay wall and the area is landscaped to raise the ground level to 7.5 metres above sea level. This 20 metre area forms public spaces throughout the development incorporating a 10 kilometre cycling and pedestrian route along the waterside.

All of the original quay walls of the former docklands will be preserved in this way. In some locations, retail units, restaurants and cafes have frontages incorporated into the stepped landscaped area between the quayside and flood protection level. These premises are provided with flood protection doors. The earlier phases of HafenCity, which were constructed before the decision to have a flood protection level, have buildings with many openings at a level, which is liable to flooding. These buildings are also all provided with flood protection doors. Where parts of buildings, especially basements, are located below the 7.5 metres above sea level, they are used for purposes such as car parking. New roads and pedestrian access are provided above the flood protection level, and in some instances raised walkways are constructed.

URBAN REGENERATION IN HAFENCITY: LESSONS FOR IRELAND'S CITIES

While it is recognised that many of the governance and land ownership arrangements are substantially different in Hamburg to the context of Irish cities, it is nevertheless felt that the process of urban regeneration at HafenCity is informative and useful in an Irish urban context.

The strong fine grain, mixed use of HafenCity, combined with the logical and sequential phased pattern of development has ensured the regeneration of the area on an incremental block-by-block basis. The land disposal process, as pointed out previously, whereby sites are released in small parcels, militates against big developers controlling the pace of development. The mix of uses and strong emphasis on integrating buildings with public domain within HafenCity has been successful in ensuring that the ground levels are more or less animated throughout. Irish urban regeneration schemes sometimes lack animation at ground levels even where buildings front onto high quality open spaces, streets and waterfronts.

The piecemeal nature of large-scale redevelopment processes that so often characterises the urban regeneration process in Irish cities, sometimes led by a small number of major developers, and largely driven by a response to market forces, regularly results in a time lag between early office-led development schemes and other important urban land uses such as residential and retail, as well as the more animated cultural uses.

The rejuvenation proposals put forward in HafenCity utilise the full range of land uses, and multiple employment sectors, as has been highlighted in the report, while consolidating and building on existing city centre nuclei. In some Irish cities by

contrast, a significant emphasis has been placed in the past, on single employment sectors e.g. the financial services sector in Dublin, leaving the area vulnerable to dips in this market sector.

On the other hand, in Irish cities there is a strong commitment to the provision of social and affordable housing, a factor which is not as evident in the HafenCity project. There is no similar requirement to provide a quantum of social housing and the overall scheme is very much private sector driven, with an ambition to provide a non-private housing mix where achievable. The relevant existing and future likely role of co-operative and other forms of social/affordable housing in HafenCity is difficult to assess or predict. However, there appears to be more of a commitment to subsidised housing in the latter phases and a very comprehensive monitoring system is in place to keep track of the emerging social/community profile.

Cultural, tourism and retail drivers are central forces in the HafenCity project, with major developments, inclusive of impressive landmark buildings, located within the area providing a strong stimulus to ensure the viability of the area and enhancing its connectivity to the existing city centre.

In summary, some of the noteworthy as well as questionable aspects of the HafenCity project are summarised below. Many of these are especially pertinent and informative in the context of the future regeneration of Dublin and other Irish cities.

A SUMMARY OF SOME QUESTIONABLE ISSUES RELATING TO HAFENCITY DEVELOPMENT

Over-emphasis so far on relatively expensive and largely privately-owned housing provision. However, there is evidence to suggest that some co-operative housing, subsidised housing schemes as well as housing for the elderly will be introduced in later phases;

Projected increase of housing numbers via HafenCity development would nevertheless result in fairly modest overall increase in number of residential units within combined City Centre/HafenCity;

Criticisms that diversity of individual building designs in some instances, detracts from visual coherence of the whole/neighbourhoods;

The 30 year time frame seems excessively long however advantages of having time to produce high quality end product;

It is recognised that there may have been capacity issues with a tram service resulting in the option to choose the underground U-bahn, however, a tram or overground rail would have allowed for spectacular views of river, and an interesting urban landscape and landmark buildings within this well designed environment (successful example of trams in similar, in many ways, harbour side Hammerby Sjostad development in Stockholm);

Car parking provision would appear to be excessive, perhaps the result of the availability of large tracts of available space under new buildings below the flood plain level. There is some evidence, however, of reduced dependence on the car; The latter end of the impressive Green chain/link from Alster Lake to the port area could be better connected and signposted to HafenCity via the River Elbe promenade as a continuous route; and

The construction of the prime Iconic Landmark building, the Elbphilharmonie concert Hall, appears to be beset with significant problems relating to costs and delivery.

A SUMMARY OF SOME OF THE KEY FEATURES OF HAFENCITY

Land is released in small parcels to ensure that no large developer controls and determines the pace of development and to encourage architectural diversity and participation of smaller firms and co-operatives in process;

There is a coherent, logical sequence of phased development ensuring linkages to existing and future phases. Time scales are also set for carrying out of development;

Housing thresholds within all mixed-use phases to ensure sustainability of independent quarters/independently viable phases;

Very good accessibility via pedestrian bridges, cycling and public transport provision, within HafenCity and with the wider city;

The governance structure associated with its status as a city-state promotes a direct streamlined approach to decision-making and reporting relationships and leads to efficient/effective development;

Regeneration via cultural and retail spines as extensions of the city centre 'cultural mile' and retail core;

Media-niche market as cornerstone of economy, which also serves to promote a variety of employment sectors to reduce dependence/reliance on single sector;

Design for Flooding. Very advanced technical know-how applied to minimising flood impact and adapting (flood proofing) buildings;

Allowing for some horizontal rather than vertical floorplates/development to facilitate specialised modern creative work practices;

Some easing of restrictions/flexibility to encourage location of key drivers such as company headquarters;

Effective interaction of buildings with public domain at ground floor level;

Successful new uses within old vacant warehouse buildings and reintegration of underutilised areas into urban fabric;

Eye catching proposed and completed iconic landmark buildings at gateway locations while protecting the main Hamburg skyline;

Effective monitoring systems for assessing emerging new community profile and measuring targets; and

Creative ventures, designs and uses catering for both mainstream companies such as Spiegel/Lloyds Bank and more alternative organisations such as Greenpeace and other environmental campaign groups and artists' housing/studios.

CONCLUSION

The HafenCity development appears to be a successful approach to regeneration and is largely meeting and achieving its aims and targets. While it is not possible to fully assess the overall project, as latter phases have yet to be completed, it can nevertheless already be viewed as a very good example of a highly sustainable, innovative, mixed-use, urban environment with impressive public domain, landmark buildings, cultural and water-based tourist facilities.

The key retail core district (Uberseequarter) located at the centre of the overall

proposed development, with its linkage and relationship with the existing city centre retail spine, has not been fully completed but is likely to consolidate the development and become an attractive and vital/integral component of the overall scheme. Ongoing feedback to establish how the HafenCity project is progressing, through the monitoring of the established phases and being aware of difficulties and successes arising with the future phases of the development, could be of benefit to Irish urban regeneration scenarios.

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Swapping Chaos for Coherence: Form-Led Guidelines for ‘Fitting’ and Retrofitting our Suburbs

Art McCormack

ABSTRACT

Suburban form during the past century has become a piece-meal, derivative by-product. That Irish contemporary suburbs critically lack a coherent urban fabric is due in part to a planning approach that prioritises land use, infrastructure and densities over form but also to life style choices of the general public and to political influence in policy making and zoning. Based on research carried out on Irish towns by the author, this paper proposes that urban morphology be adopted for the planning of urban and suburban areas. In order to facilitate this, it proposes a form-based framework using an urban morphology hierarchical order and language and applied through five urban morphological determinants as tools for description and analysis as well as a critical basis for urban planning and design. These tools are: the conceptual determinant, concerning the idea underpinning town layout; the physical determinant comprising landscape characteristics and transportation infrastructure; the organisational determinant consisting of the sequential arrangement of urban tissues; the structural determinant using essential urban elements affecting legibility; and the character determinant involving townscape.

Using these determinants, the paper critically reviews selected examples from Irish town suburbs. In conclusion, it posits that without a clear conceptual basis combined with a methodological framework, existing urban peripheries will remain morphologically incoherent and new periphery expansion will perpetuate the same problem.

Key words: urban form; urban morphology; urban planning and design; form-based guidelines

INTRODUCTION

MORPHOLOGICALLY INCOHERENT SUBURBS

Without consideration of the cohesion of urban fabric (built mass and interstitial space), the result is so typically an amorphous suburbia where identity and

distinction are lost to bland universality and monotony of form as well as user disorientation. This reflects a fundamental paradigm shift from the older compact (pre-1960's) town in which the relationships of form between the different components (eg. plot, street, block, constructed space and open space) created a system (Shaffrey, 1977) in contradistinction to the contemporary one that is open and fragmented with autonomous elements unrelated to each other (Krier, 1998; Levy, 1999). Empirical experience and systematic research on Irish suburban form (McCormack 2010 a, b) verify that these contemporary suburbs critically lack morphological integration and coherence.

PROBLEM AND PROPOSED SOLUTION

To whom or what can we attribute our amorphous suburbs? We could look to the absence of a unifying societal vision or to life style or the popularity of suburban living, working and/or leisure combined with a fondness for car usage (Breheny 2001). Other contenders are irrational and sporadic 'leapfrogging' in forward planning as opposed to sequential urban development or the prioritisation of infrastructure, land use and densities over harmonious and meaningful integration of the urban fabric (Hall, 1997, 2000, 2008; Hall and Doe 2000; Moudon, 1998) or, simply, the dearth of vision, leadership, skill and method in the planning system.

But should the focus not be on urban centre consolidation (UTF, 1999; Llewelyn-Davis, 2008; Neal 2003; Altman, 2007, DoEHLG, 2008; Murphy, 2012), so much more popular among professionals? In reality it is not always easy to provide for contemporary needs and expectations within or even immediately adjacent to urban cores (Breheny 2001). It can be argued pragmatically that there should be an acceptance of suburbs as an urban area for living, working and recreation and that they are every bit as worthy of attention in new planning as well as improvement through retrofitting. Indeed, the latter becomes opportune with the increasing concern for unfinished development, whether housing, commercial or leisure. This is urgent with the latest demographic trends indicating overall population growth, particularly in the eastern part of the country, leading to increased housing needs (CSO, 2011) along with a modest movement in housing development in south Dublin during 2013.

But why the concern for form rather than the conventional focus on land use, roads and capacities as primary bases for planning? Given that form has a much greater resistance to change than land use, it warrants at least the same if not greater attention (McGlynn and Samuels, 2000; Evans, 2005). Land use simply gives no clues for improving the urban fabric. Numerous studies have demonstrated that urban morphology can provide a critical basis in urban planning for realising a coherent urban fabric (Samuels, 1993 and 1999; Kropf, 1993 and 1998), England

(Dacorum Borough Council, 1995; Stratford-on-Avon, 2001) and Portugal (Oliveira, 2006).

The question then is how planning and design might conceive morphologically coherent suburbs and what methodological approach could be adopted in order to achieve this? We are in need of a different way of thinking involving methods for incorporation into the planning system, including effective practical tools.

This paper employs the discipline of urban morphology as a theoretical basis for applying a practical method that can serve for critical analysis along with planning and design considerations. Using Irish examples of suburban form, a case is made for form-led guidelines concerning both urban expansion and retrofitting existing morphologically weak suburbs. These also provide evidence that Ireland has exemplars on which to build guidance.

METHODOLOGY: EXISTING AND NEW

In adopting urban morphology as a discipline for understanding, developing and improving the urban fabric, certain core concepts provide methodological support. For example, the form of the urban fabric can be understood as a hierarchical nesting of parts considered within the whole, involving entire parts at a given level and their component parts at lower levels (Kropf, 1996; Conzen, 2004). A typical hierarchical structure from low to high level might comprise building, plot, plot series / street, block, urban tissue and town, each level being constituted by those below. Also, the basis of a language has been developed facilitating communication and conceptually identifying characteristic at a given level of the urban fabric, such as arrangement, position and outline (Kropf 1996, 2009) along with frontage, grain and texture. Accordingly, the constitution and configuration of a given level can be explained.

But for practical application there is a need to broaden core theory in order to ensure the explicit reflection of those forces that have shaped urban form throughout history and as well as in the present, including perception of the urban fabric. The author's analysis of Irish towns suggests that these kinds of influence can be grouped under five morphological determinants, each facilitating a categorical understanding of urban form and together providing a step-by-step methodology. These determinants constitute a morphological framework or tool-kit, namely;

Conceptual determinant: manifesting an idea that establishes an overall physiognomic identity in plan layout (Moughtin, 2005), eg. the Anglo-Norman or Georgian plan types. It is also engendered at lower levels by historical

structural constraints typically concerning plot widths and rhythm.

Physical determinant: involving (a) natural forces: topography (Moughtin, 2005), and water bodies (floodplains) and (b) movement: the infrastructure of transportation (roads, canals and railways) (Barton et al., 2003).

Organisational determinant: concerning the sequential arrangement of the urban fabric and land use which include graded densities (Barton et al., 2003). This approach is conceptualised as the ‘rural-to-urban transect’ (Bohl and Plater-Zyberk, 2006), used to arrange the urban fabric from the core outwards into the surrounding countryside.

Structural determinant: involving urban form perceptually read or ‘imaged’ as a basis of reading spatial structure and distinction of parts. Such imageability of urban form facilitates navigation, using the five elements of Lynch (1960): paths, edges, districts, nodes and landmarks.

Character determinant: based on the three-dimensionality of townscape (Cullen, 1971) and contributing to perceived urban character. It includes sequential perception through movement with its changing perspectives and reading of urban form (McCormack, 2010 c).

EXPLORATION OF A FORM-LED APPROACH TO IRISH SUBURBS

The paper will now explore this form-led framework, using Irish towns researched by the author, most of which manifesting some measure of morphological coherence in respect of one or more of the morphological determinants – given the complexity of the urban, some overlapping is inevitable.

CONCEPTUAL DETERMINANT

The conceptual determinant is represented here by social housing located in an edge-of-centre area that affirms the original formal idea for the layout of Westport. Whilst it is not necessary to extend the existing formal layout so literally, such an approach in general is an obvious starting point for consideration.

RESPONSE TO ORIGINAL CONCEPTUAL LAYOUT – WESTPORT

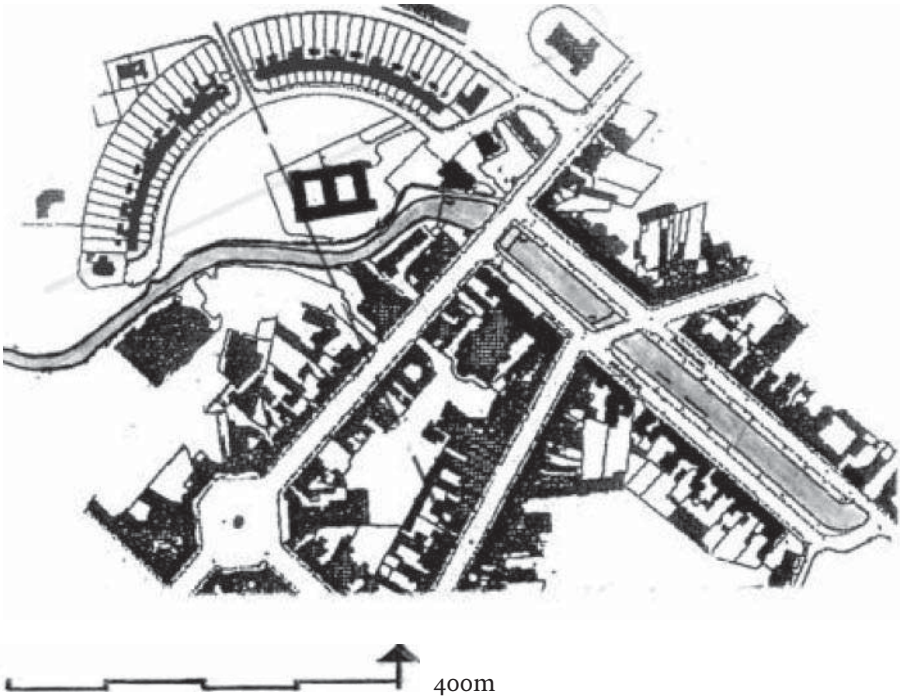


Figure 1: Westport – crescent and river boulevard (source OS Westport, 2005)

In plan the crescent shape lyrically embraces its riverside context whilst adopting a formality that reflects and affirms the Georgian geometry of the traditional town core and responding, in particular, to the axial 'river boulevard' that extends to the southeast.



Figure 2: Westport – view north westwards of crescent



Figure 3: Westport – impeded view north westwards along river boulevard

PHYSICAL DETERMINANT

The physical determinant is explored below in regard to topography, water and landscape. The response to topography by the location and layout of residential development in Donegal is examined first, followed by a response to water and a morphological use of landscaping in Carrick-on-Shannon.

RESPONSE TO TOPOGRAPHY – DONEGAL

The eastern side of Donegal town provides an example of housing that wraps around the lower slopes of a drumlin (Figure 4), affirming and celebrating this topographic feature that characterises the town and context while also articulating distinction of route and gateway (Figure 5) – an aspect anticipating later determinants. Such response by the plot series to the shape of the drumlin prompt a more general landscape based urban character theme for Donegal.

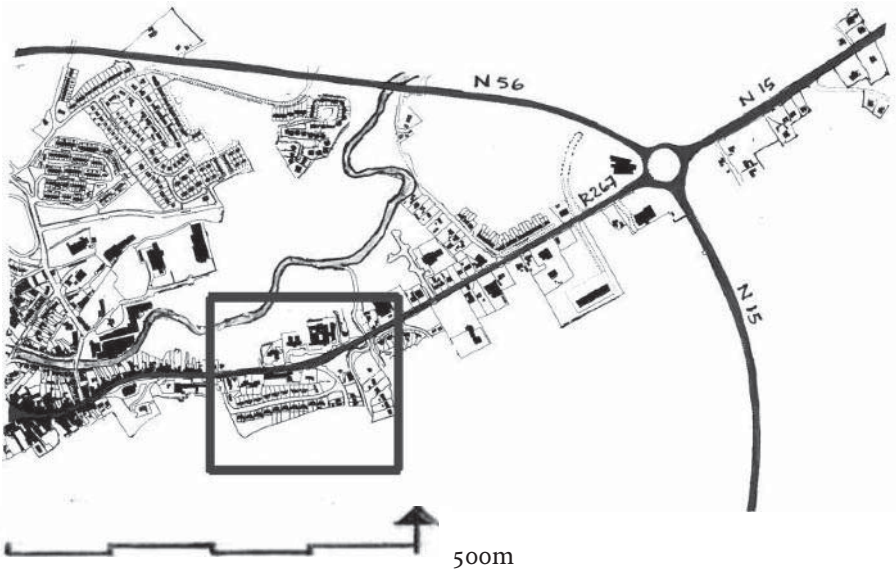


Figure 4: Donegal – topographic response by a double row plot series of houses (within box) to drumlin (source OS Donegal, 2005)



Figure 5: Donegal – view south westwards of housing on the side of, and delineating, a drumlin

RESPONSE TO WATER - CARRICK-ON-SHANNON

Having developed along the higher ground above and removed from the adjacent marshy banks of the River Shannon, Carrick-on-Shannon (primarily Anglo-Norman in origin) turned its back on the river. Notwithstanding, relatively recent residential edge-of-town development comprising a crescent plot series creates an unambiguous and morphologically coherent relationship to the river (Figure 6). Its curving layout lyrically and thematically relates to the water whilst accentuating the river bend. Furthermore, it establishes a concaved arc directed towards the town centre and the County Buildings on the opposite bank, thus reinforcing a unity as well as a hierarchical order.

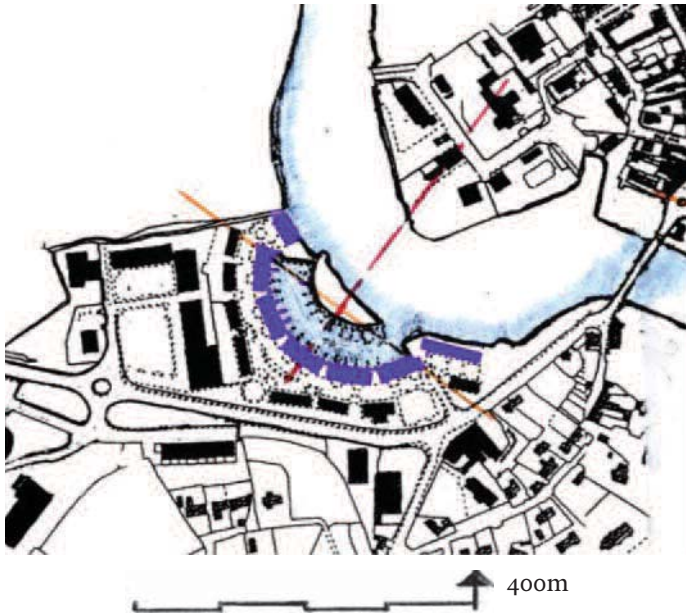


Figure 6: Carrick-on-Shannon – arcing residential layout responding to, and accentuating, the river (source OS Carrick-on-Shannon, 2005)

MORPHOLOGICAL USE OF LANDSCAPING - CARRICK-ON-SHANNON

Retail, commercial and leisure use development to the east of Carrick-on-Shannon along the N4, over the past ten to fifteen years, is morphologically weak. There is little or no coherence of form or interrelationship between the 'metal box' buildings surrounded by relatively large plots and neither is there clarity of relationship between the loose clusters they establish and the town core (Figures 7 and 8).

Notwithstanding, an unambiguous attempt is made at linking the cluster and roundabout to the town by two rows of tall slim poplar trees that flank the road with a guard-of-honour-like regimentation. Here is an ingeniously unique response to this context, deploying an unconventional morphological means to articulate connection and so achieve greater integration of form.

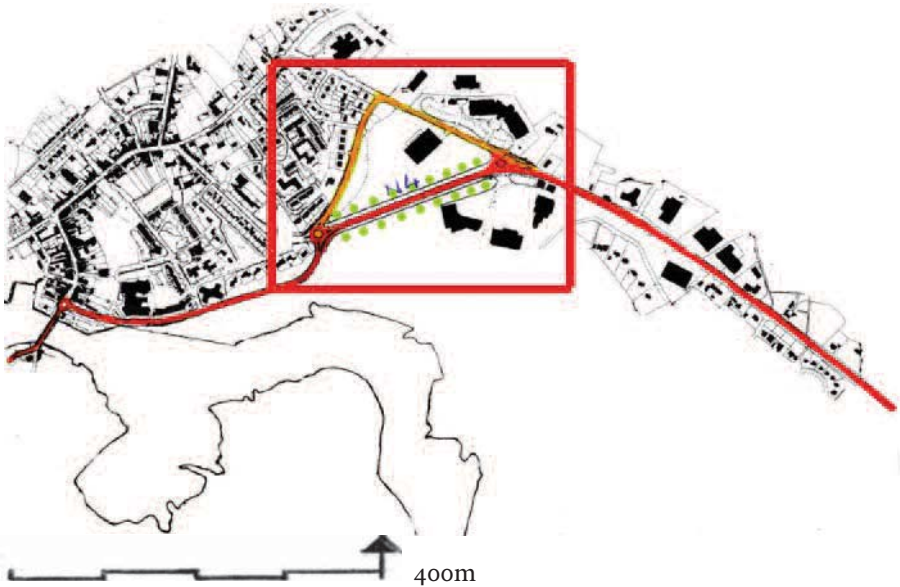


Figure 7: Carrick-on-Shannon – tree-lined road exemplifying an appropriate response to context plus route definition (source OS Carrick-on-Shannon, 2005)



Figure 8: Carrick-on-Shannon – view northwards along tree-lined road contiguous to shopping area

ORGANISATIONAL DETERMINANT

The common absence of a rational sequence of form extending from the cores of Irish towns into the suburbs has already been recognised above. An example below, is taken from Loughrea that illustrates a coherent traditional rural-to-urban transect sequence which then disintegrates into incoherence with contemporary built form.

SEQUENTIAL ARRANGEMENT OF PLOT SERIES / BLOCK AND DENSITY – LOUGHREA

The typical sequential organisation found in Irish towns today regarding the rural-to-urban transect and comprising both traditional and contemporary form is exemplified here by Loughrea. Starting at the core, it consists of the densely built main street with its continuous façade and mixed use of retail, commercial and above street residential extending to secondary streets of similar use but shifting from retail to residential and further out to a Victorian institutional fringe and, then, on to terraced residential that, prior to contemporary expansion, signalled the end of the urban area bar a few one-off houses. Today this is followed on the northern side of the road by a mix of residential types, mostly semi-detached housing estates and some terraced houses (Figure 9). This is followed by industrial and/or commercial estates comprising a change to slacker space.

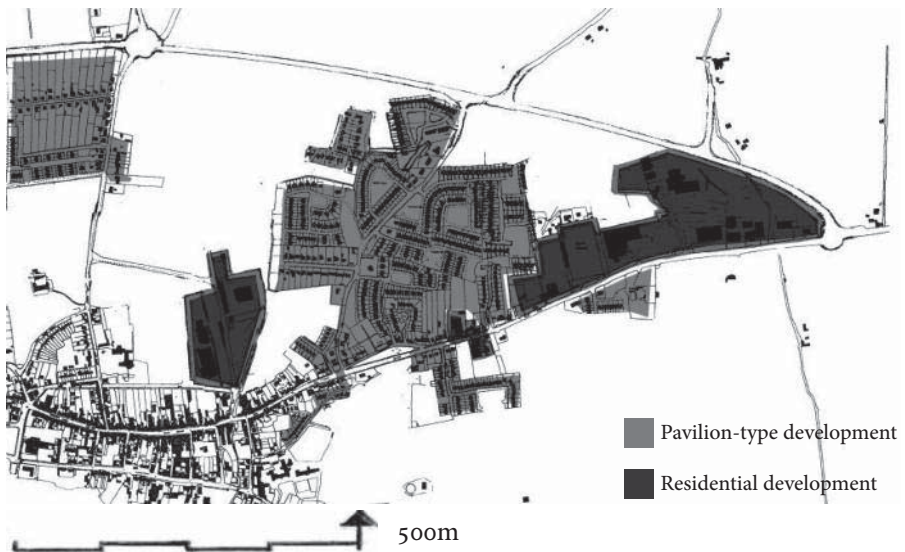


Figure 9: Loughrea – relative disposition of suburban residential and pavilion tissues (source OS Loughrea, 2005)

This traditional rural-to-urban transect, however, highlights the fragmentation and incoherence in latter-day suburbs. The relatively dense contemporary residential development lies outside and beyond the much lower density one-off houses of the traditional town. More critically, the new industrial outer fringe comprises a loosely assembled plot series right out to the eastern roundabout without rhythm or any consideration of urban tissue / block outline or building position / frontage, resulting in a lack of clarity of form at the plot series level. Manifestly, this contemporary development offers no meaningful organisational order. The opportunity of carefully forming road edge / frontage, generally, and an eastern entrance, in particular, was missed – this could have proved, and could yet prove, one exemplar solution typical to Irish towns.

STRUCTURAL DETERMINANT

Given its concern for those elements that allow us to mentally map space, the structural determinant broadens the morphological bases from the primary reliance on the plan by the first three determinants to involve the three-dimensionality of visual perception, so ensuring legibility of form. An urban tissue to the east of Ballinasloe, for instance, involves four of the elements identified by Lynch, namely, a node, a landmark and potential district division and, by virtue of the strength of these elements, a sense of route / path. An example of the fifth element is taken from Carrick-on-shannon where a new urban edge has been formed.

LANDMARK, NODE, PATH (ROUTE) AND POTENTIAL DISTRICT BALLINASLOE

Ballinasloe is a formal planned town and includes the basis of a minor urban nucleus at the eastern end of an urban tissue on the N6. A church functions as a landmark terminating the vista at the eastern end of this axis and, prior to expansion over recent decades, established a gateway (Figure 10).

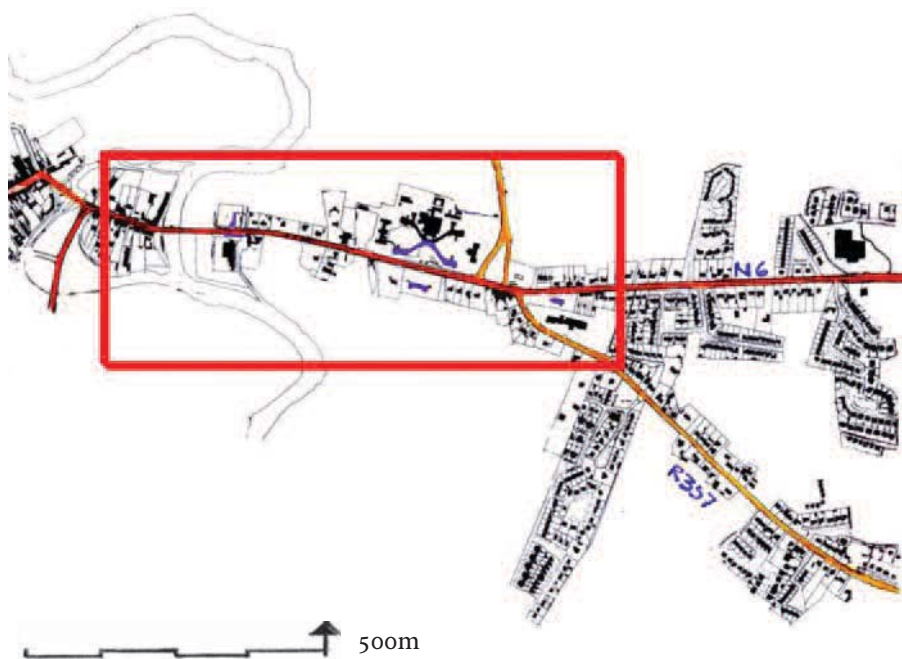


Figure 10 Ballinasloe – road-centred form study concerning the landmark, node, path and district (source OS Ballinasloe, 2005)

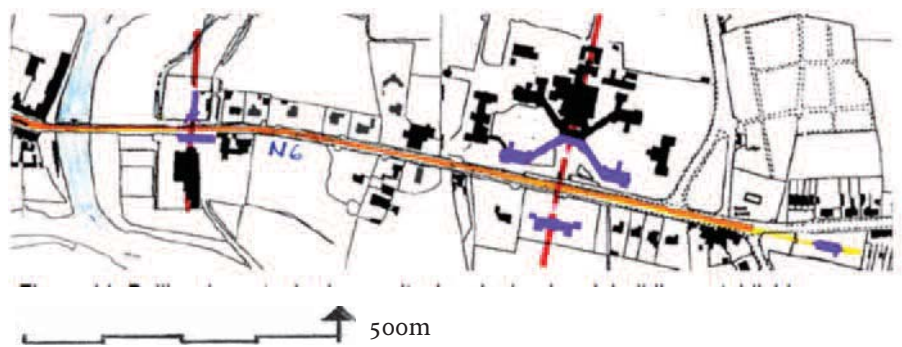


Figure 11 Ballinasloe – ‘paired opposites’ and a landmark building establishing a sense of path / route while a district to the east could be centred around the landmark church in the future but separated from the town by the river

On the town side to the west, the route is punctuated by a relatively loose yet coherent plot series of buildings and plots that face one another on either side of the road, establishing what can be described as ‘paired opposites’ (Figure 11). These include the Mental Hospital (north) formally pairing with the original Nurses’ Home (south) (Figure 12), followed by a more subtle informal ‘paired opposite’ arrangement comprised of a fine Georgian house and old castle walls to the north and a walled-in mill yards to the south, their relationship in visual tension being strengthened by the proximity of their building frontage to the road. This

sequence of two paired opposite building / plot arrangements establishes a certain sense of procession and route / path that, in turn, become a powerful structuring element of urban form in plan and as perceived. This phenomenon can be found too with the pairing of contemporary buildings / plots, such as service stations.



Figure 12: Ballinasloe – computer generated view westwards along N6 showing church in foreground.

The church already discussed above, also engenders the nucleus of a node that could be augmented into a substantial outlying urban neighbourhood, with the potential for a distinctive identity and including a more legible role as a gateway countering the present morphologically weakening due to surrounding suburban sprawl (Figure 13). Moreover, with judicious and increased density, this node might yet provide the basis of a separate district from the urban core, with the River Suck as the demarcation edge between the two.



Figure 13: Ballinasloe – computer generated view eastwards along N6 showing church in middleground

RE-PRESENTING EDGE AS NEW FRONTAGE - CARRICK-ON-SHANNON

The introspective form of the pre-1960's Carrick-on-Shannon was, in a sense, challenged by the subsequent N5 by-pass to the southeast alongside the river. Recognising that the significant number of 'passers-by' would only experience the 'back-side' of the town, the opportunity was seized to create a new front or edge with a representation of the town to both the river and a road (Figures 14- 16), thus affirming the urban elements of path / route in respect of the structural determinant whilst also responding to the physical determinant of the river with a new urban edge.

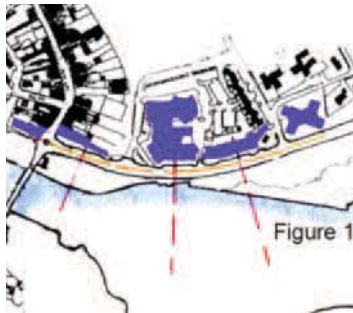


Figure 14: Carrick-on-Shannon – new urban edge re-presenting the urban settlement to the town by-pass and river (source OS Carrick-on-Shannon, 2005)



Figure 15: Carrick-on-Shannon – view eastwards along the N4 showing new town frontage to road and river.

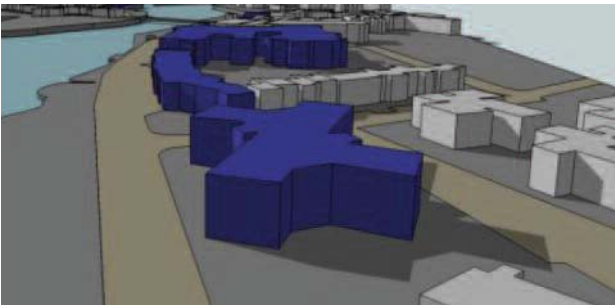


Figure 16: Carrick-on-Shannon – alternative computer generated view westwards along River Shannon showing new frontage of town to road and river as a more or less continuous edge

CHARACTER DETERMINANT

Whilst the structural determinant draws the reading of urban form beyond the plan into the realm of visual perception and mental mapping, the character determinant embraces a more complete three-dimensional townscape reading of the urban fabric in terms of urban character. It involves the plan, section and elevation combined to produce a particular profile and layering. This determinant involves both static view points and sequential mobility and, so, the effects of undulating topography on our perceptual experience of urban form. Ultimately it concerns the search for coherence of urban character as read from the ground. Part of Mullingar town is used to explore this determinant, providing morphologically varied areas between the core and the surrounding countryside, each with some degree of character distinction (Figure 17). This exploration is based primarily on the Devlin Road leading northeastwards from the canal and terminating at the N4 (Figures 18 and 19).

URBAN CHARACTER FROM THE ROAD – MULLINGAR

The normal rural-to-urban transect pattern is evident from the urban core to the canal. Here the road heads northwards and, then, turning against a terraced housing plot series, it heads north eastwards into a densely grained residential area defining one side of a triangular green and with a church and school on the opposite side. This suburban nucleus gives way to more loosely grained residential area but without distinction of character which, in turn, leads on to another nucleus at a large roundabout, accented by a combination of a formidable stone Victorian hospital to the northwest and a residential plot series that arcs in layout to the south of the road. Due to their respective height and position relative to the roundabout as a 'paired opposite' arrangement, these buildings establish a gateway feature. Further out toward the N4 a few loosely spaced large pavilion buildings on wider plots, comprising sports and industrial / commercial use, are strung out, lacking any particular urban character.

Returning to the triangular green and travelling back towards the urban core, the view opens towards the canal. This falling terrain provides a subtly commanding view and appreciation of the triangular green as characterised by a softness and greenness created by the open grassed area with its mature broadleaf trees, affirmed and extended by the open plots of the school and church pavilion-like buildings. The area between this and the canal is, however, less clearly characterised, comprising low terraced houses to the north but with little counterpoint on the opposite side of the road - here planning objectives could seek tighter and taller street frontage, so framing the canal and articulating the change from the suburban

to the urban (Figure 20). After crossing the canal, the ground, again, falls, affording a view towards the core with a few tall structures, most notably the distinctive twin spires of the cathedral, providing relief and articulation to an otherwise fairly even and bland urban profile (Figure 21). Again, however, this perceived urban character could be enhanced by increased articulation in the foreground as a threshold.

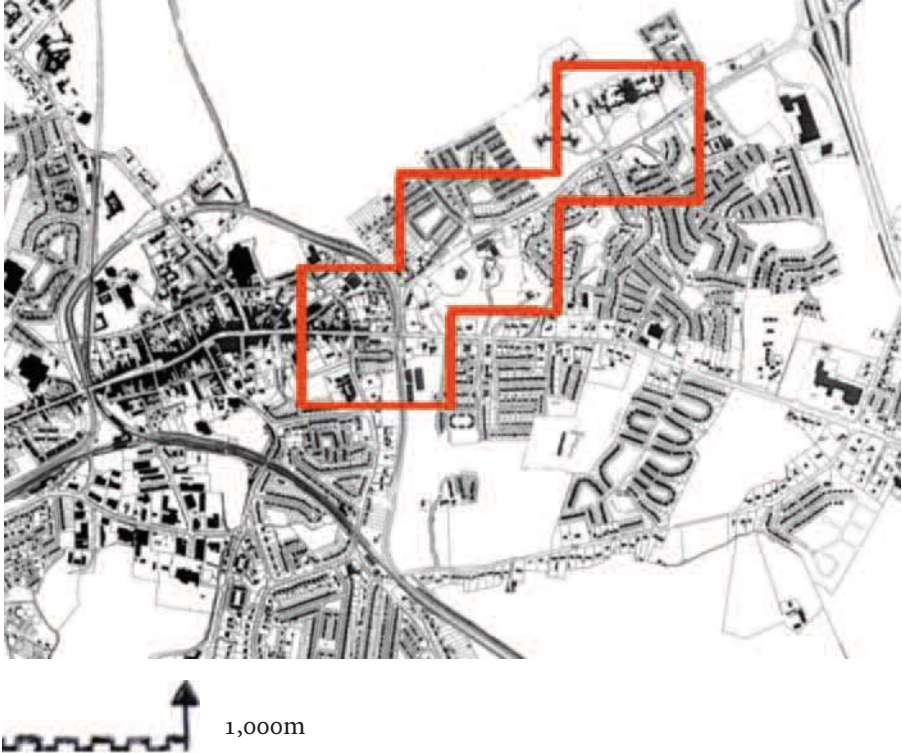


Figure 17: Mullingar – overall layout showing core and suburbs, with the Devin Road extending to northeast as well as canal and railway lines defining an earlier urban fringe. Note: mini-nodes: terraced residential plot series area at green triangle with pavilions opposite (centre) and hospital and arcing residential plot series at roundabout (right) (source OS Mullingar, 2005)



Figure 18: Mullingar – computer generated view of study area



Figure 19: Mullingar – areas to the northeast of Mullingar with distinctive character: Right: mini-node defined by hospital, high in section, large parkland plot and opposing crescent of uniform residential buildings and plots arcing around and accentuating the roundabout Left: tightly formed residential plot series defining triangular green juxtaposed two pavilions (church and school) on large plots opposite side (source OS Mullingar, 2005)



Figure 20 Mullingar – view south westwards with pavilion building to left, canal in front and residential terrace to right Note: weak and ambivalent character in front at canal



Figure 21: Mullingar – view westwards from bridge over canal and Devlin Road junction looking towards urban core Note: twin cathedral spires give distinction of character along with one or two other towers in otherwise homogenous town profile

CONCLUSION

The central questions here has been how a form-led approach to planning and designing our suburbs that addresses contemporary ways of living, working and recreating outside town centres can engender a more coherent urban fabric. Part of the answer must lie with the local authority and the vision it establishes. The achieving of morphologically coherent suburbs can be effected through form-led plans, incorporating the relevant hierarchy of levels, language and determinants as key components of a morphological ‘tool-kit’ that is comprehensible and easy to use (Sanders, 2013).

Realistically, such improvement will likely be realised on a plot-by-plot basis.

Success, slow as it might be, will depend primarily on the policies and objectives of the local authority and this, in turn, will require certainty of continuity from one development plan to the next. It is, therefore, crucial that a vision for retrofitting that aims to achieve morphological coherence as a clearly defined end is articulated and followed through, albeit over decades.

More fundamentally, national policy needs to forthrightly and positively embrace existing suburbs (without compromising town centre consolidation and densification) as an integral aspect of urban sustainability. This policy should, thus, acknowledge urban morphology as a critical discipline, including the importance and use of typology (Scheer, 2010) for improving the spatial schema of suburbia. This can be supported, in turn, by comprehensible guidance that includes numerous examples of successful and unsuccessful suburbs at different urban levels, such as exemplars found in Ireland and systematically explained and analysed morphologically as in 'Retrofitting Suburbs' (Dunham-Jones and Williamson, 2011).

The deathly absence of activity that has prevailed over recent years in the world of development due to economic recession provides an ideal opportunity for laying the foundation for a better approach to the urban fabric than exists - that will make a significant difference now and into the future to urban order, experience and meaning.

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Integrating Marine and Land Side Planning in Ireland

Colm McCoy and Dr. Walter Foley

PREAMBLE

From the top down, efforts to achieve a coordinated approach to marine planning in Ireland have traditionally been hampered by divisions of responsibility and a lack of an overriding framework to balance competing interests and activities within the marine environment. Tentative first steps have been taken at a national level to address this. In 2009 a Marine Coordination Group was established chaired by the Minister for Agriculture, Food and the Marine and convened by the Department of the Taoiseach. Stemming from this, in July 2012 the Government published an integrated marine plan for Ireland entitled '*Harnessing Our Oceans Wealth*¹'. This marine plan seeks to develop a unifying horizontal support for marine policies and programmes across the Departments of the Government and provides a road map for future marine planning in Ireland over the period 2012-14. The document contains 39 actions relating to issues of governance, maritime security, research, business development, cooperation and awareness. Notably one of the actions under the governance theme is to develop a Marine Spatial Planning Framework and a National Marine Spatial Plan. This raises the question as to how this process will fit with established landside planning and vertical governance structures. The current *Oceans Wealth* Roadmap recognises that Governance (from local to international scale) is a key enabler of a successful marine sector and envisages an overarching marine "spatial" plan underpinned by a robust planning and licensing framework. The actions proposed include an integrated enterprise strategy through a *Development Taskforce* and the establishment of an *Enablers Taskforce* to develop an appropriate Maritime Spatial Planning Framework which will consider EU policy, legislative changes that may be required to support this framework and responsibility for data coordination and exchange.

This paper explores the integration of marine and terrestrial planning in Ireland and draws upon some "in-house" experiences relating to developing a stakeholder model to coastal planning around the Dublin Region.

¹ *Harnessing Our Oceans Wealth An Integrated Marine Plan For Ireland Roadmap: New Ways, New Approaches* New Thinking July 2012, DAFM.

MARINE STRATEGY FRAMEWORK DIRECTIVE²

The Marine Strategy Framework Directive (MSFD)³ (2008/56/EU) perhaps has arguably not received adequate attention to date and nor has it consequently captured the imagination of mainstream planning. However, the implications of this Directive will soon need to be realised. Like many other EU environmentally conscious directives it has been derived as a pan-European response to threats to the marine environment and provides the basis for protecting, preserving and enhancing marine ecological systems through shaping national policy responses to this threat. A central concept of this response appears in the form of spatial planning aimed at achieving Good Environmental Status (GES) for the marine environment or to put it more simply marine spatial planning. Agreement on details such as clarity on what is meant by certain definitions of marine areas and terminologies are still being teased out within the EU stage as well as at national level. Other important elements underlying this process are the use of an eco system based approach and consensus based planning to balance a variety of interests in a plan led format (EU, 2008). The value of the marine economy and harnessing its potential is also a key function within the Irish context.

Key dates from the Irish perspective include:

- July 2010 – requirement to transpose directive into national law⁴
- July 2012 – initial marine assessment; targets and indicators for Good Environmental Status (GES)
- July 2014 – coordinated monitoring programme for ongoing assessment
- July 2015 – develop a programme of cost effective measures to achieve GES
- July 2016 – implement Programme of Measures

It is these key dates which have resulted in the roll out of a national marine roadmap and a move towards a plan led response to development within the sea and coastal areas.

Three guiding principles outlined in the *Oceans Wealth Roadmap*⁵ which are of particular relevance are *inclusive stakeholder participation, integration of spatial, jurisdictional and sectoral dimensions and adaptive plans to account for the unique characteristics of the context* (DAFM, 2012). This first introduces the concept of Integrated Coastal Zone Management and the process of aligning land bound and

² Marine Strategy Framework Directive is the Environment Pillar of Integrated Maritime Policy for Europe (2008/56/EC)

³ EU (2008) Marine Strategy Framework Directive, European Union

⁴ S.I. No. 249/2011— European Communities (Marine Strategy Framework) Regulations 2011 were made on 3rd June 2011 for the purposes of giving effect to Directive 2008/56/EC.

⁵ Government of Ireland (2012), *Harnessing Our Oceans Wealth –Integrated Marine Plan*, Stationary Office, Dublin

sea front interests and activities through a process of consensus building and dialogue. The latter two purport to the aforementioned need to build vertical structures to implement effective plans and the need for these plans to defer to spatial uniqueness of different coastal units and changes which may occur over time.

At this juncture it is probably useful to briefly clarify that there is a distinction to be drawn between Marine Spatial Planning (MSP) and Integrated Coastal Zone Management (ICZM). MSP involves a planning process for (i) the coastal area, (ii) the wider territorial seas and (iii) the EEZ⁶ marine area which must be complementary to neighbouring territorial waters. ICZM can be considered as a management process which specifically relates to coastal waters and can therefore be used as a facilitation process to carry out inclusive marine spatial planning of coastal waters and the coastal-terrestrial interface. It is therefore, in essence, a consultation process for master planning of coastal and terrestrial interfaces. It is this element that this paper focuses on, drawing upon the experiences within the Dublin Bay Area in the current context of proposals and progress in the marine. In order to understand how such a process can be integrated into a bottom up and local led approach to the implementation of maritime objectives we use a “Directives Family signposts” approach to outline how policy-makers might transpose high level issues under the MSFD to locally focused coastal interface planning.

THE ‘DIRECTIVES FAMILY’ – A SIGNPOST FOR TRANSPOSING MSFD

Families share similarities and characteristics in a variety of ways. The Marine Strategy Framework Directive represents the environmentally focused maritime branch of a big family. Its closest relation is perhaps its sister Directive– the Water Framework Directive (WFD) with an extended family of cousins including - Habitats Directive (HDA), Birds Directives, Environmental Impact Assessment (EIA) Directive, Shellfish Water Directive, Floods Directive, Urban Wastewater Treatment Directive to name but a few. Arguably it is these relations which offer the first signpost for how plans and actions stemming from the MSFD and ultimately ‘*Oceans Wealth*’ may be transposed and delivered in Ireland. While we now have a marine roadmap, at this early stage the actions within ‘*Our Oceans Wealth*’ do not specifically determine how the “planning” function will be delivered on the ground. It is at this level that true impact can be realised and strategy turned into tangible action. In this regard while the purpose of local government can be described as “giving expression to local identity (and) identifying local concerns

⁶ For more information on offshore marine delineations see ‘*Our Oceans Wealth*’ publication and Marine Institute website www.marine.ie

(and) local priorities⁷” in the same way marine concerns will need to be expressed within viable units with local to regional application as appropriate. These units can be based on economic forces, resource efficiency, marine ecosystems, land side administrative boundaries, fishing grounds or other factors. Logically they should consider a range of factors. The aforementioned Directives, broadly speaking, are implemented through national policy (and plans/strategies) by way of a hierarchy of agencies and bodies ranging from central government departments down to local authorities. The question arises - will the implementation of the MSFD be any different?

Interestingly the European Commission’s ‘*Proposal for a Directive establishing a framework for Maritime Spatial Planning (MSP) and integrated coastal management*’ published in March 2013 offers some useful insights into how things may shape up⁸. Transboundary issues, ecosystem approaches and a requirement to engage with other environmental directives and targets seem to be central tenets of the proposed directive. Broad parameters regarding the content of these plans is also set out but ultimately it appears Member States and their competent authorities will remain responsible for designing and determining, within their marine waters and coastal zones, the content of such plans and strategies, including the apportionment of maritime space to the different sector activities.

On the issue of a requirement to engage with other environmental directives - the WFD shares mutual aspirations with the MSFD regarding the good ecological status of waters and a requirement for a programme of measures, in which case it may be likely to generate some similar challenges e.g. the adequacy of current legislation to deal with and respond to implementation of any future programme of measures for the marine and coastal environment. The Planning and Development (Amendment) Act 2010 includes provisions to *promote compliance* with mandatory objectives under the WFD⁹ - essentially suggesting that local authorities should integrate water management issues with planning policy in the development plan process. It would not seem beyond the realm of possibility that any future revised planning legislation would see similar requests or even a mandatory requirement for coastal /marine objectives to be contained within statutory development plans as the targets for GES draw closer.

⁷ M Callanan, “The Role of Local Government”, in *Local Government in Ireland*, ed. M. Callanan and J. Keogan, pg 4, Institute of Public Administration, Dublin, 2003.

⁸ http://ec.europa.eu/maritimeaffairs/policy/maritime_spatial_planning/index_en.htm

⁹ Section 10 (2) (cb) states a development plan shall include objectives for “the promotion of compliance with environmental standards and objectives established—

(i) for bodies of surface water, by the European Communities (Surface Waters) Regulations 2009;

(ii) for groundwater, by the European Communities (Groundwater) Regulations 2010;

which standards and objectives are included in river basin management plans (within the meaning of Regulation 13 of the European Communities (Water Policy) Regulations 2003)”

There are perhaps some other useful signposts stemming from approaches to deal with the WFD in Ireland - namely the River Basin Management process which introduced 'supplementary measures' – actions outside the scope of 'basic measures' to assist in achieving good water status targets¹⁰. Indeed the Basin management process also offers the potential to examine a sea basins approach to marine spatial planning.

As a second and more obvious example, flood risk management is now an established feature of planning policy, transcending the planning hierarchy with national flood risk guidelines¹¹, regional level flood risk assessment and policies and local knowledge being a driving force for CFRAMS and ASPRs to inform forward planning functions within local authorities. Notably both the aforementioned processes are reliant on local knowledge and agencies to advance actions stemming from both directives (sometimes with added responsibility as competent authorities¹²).

While the challenges of the detail remain, it is useful to question how the planning system and the profession is positioning itself to deal with this issue as it unfolds. It is worth acknowledging there is already evidence of policies and objectives related to marine planning (or more specifically coastal areas) within the planning system at a national, regional and local level¹³.

Cognisance also needs to be taken of lead in times to build up relevant competencies and up-skilling as evidenced through the delivery of other directives such as Strategic Environmental Assessment¹⁴ and more recently Habitats Directive Appropriate Assessment¹⁵ and flood risk assessment. This may prove difficult with tight training budgets due to current economic circumstances, however all actors have responded well to these challenges to date.

Taking a broader perspective of the Habitats and Birds Directives, the European Commission has recently outlined links between these Directives and the MSFD¹⁶. In the document *Natura 2000* it is considered that for the Marine Environment the

¹⁰ Basic measures are required by law and apply to all waters and require the implementation of key EU Directives on water protection. The implementation of other stipulated basic measures can be implemented by the member states individually. Supplementary measures can be considered in waters if basic measures won't achieve the objectives and can include best practice guidance and techniques.

¹¹ The Planning System and Flood Risk Management 2009, by DoEHLG* and OPW * Now DoECLG.

¹² For example the 2010 Planning and Development Act defines "competent authorities" for various land-use plans and developments in relation to appropriate assessment provisions.

¹³ The RPGs for the GDA 2010-22 refers to ICZM Chapter 7 Section 7.5 p.155 while some Development Plans reference ICZM and coastal management.

¹⁴ 2001/42/EC

¹⁵ Habitats Directive 92/43/EEC, Article 6 (3) and Article 6 (4)

¹⁶ http://ec.europa.eu/environment/marine/publications/index_en.htm

need to apply the Habitats and Birds Directives to the offshore marine environment are key challenges.

ENVIRONMENTAL STOCKTAKING OF THE MARINE RESOURCE

From an environmental perspective, work is ongoing in relation to mapping environmental sensitivities and baseline information in the form of an 'Atlas of the Irish Marine Area'. This work, effectively covering the entire Exclusive Economic Zone (EEZ)¹⁷ boundary, forms part of an initial assessment of marine waters as required under the MSFD and is being carried out by the Marine Institute, RPS and Departmental representatives with input from other agencies and departments. This involves, amongst other things, mapping those areas affected by HDA and the Natura Network. Interestingly it is anticipated that this will provide an overview of the environmental status of marine waters around Ireland, pressures on the marine environment and the impacts of those pressures. (A summary document for public information is due to be available shortly).

There is an opportunity to integrate work being carried out under the 'Atlas' with the forthcoming Offshore Renewable Energy Action Plan, particularly with increasing emphasis on renewable energy as a path to increased security of supply and potential export opportunities. This process would act as a forerunner to means through which the multiple potentialities and interests of marine areas and the coastal/land interface can be better aligned and managed.

PLANNING FRAMEWORK

The National Spatial Strategy (NSS) provides a national framework for balanced regional development which informs the determination of regional population distribution and targets across the constituent regional counties and urban and rural fabric of those counties. Similarly a marine spatial plan has the potential to set targets for the quantum and distribution of economic growth arising from the marine economy, to marry environmental and socio-economic considerations (as also stipulated by the MSFD) and to deliver those targets within viable territorial units which are linked to pre-determined and associated coastal zones.

Previous consideration to marine spatial planning and its management along the coastal interface has been forthcoming. As early as 2001, the NSS research document "Coastal Zone Management" (SPU, DoEHLG, 2001) stated that viable

¹⁷ the Irish Exclusive Economic Zone extends to 200nm

groupings of local authorities to facilitate better cooperation through ICZM are required and these groupings will increase overall resource efficiencies.

As with the NSS, a National Marine Strategy will arguably require appropriate structures to deliver these plans on the ground and to provide a hierarchical vertical planning framework. In this regard the existing planning system offers some existing institutional arrangements upon which marine planning can integrate with land side planning. In relation to offshore renewable energies for example, existing Strategic Infrastructure Development arrangements could be applicable to large scale offshore renewable developments - which might provide interesting challenges for An Bord Pleanála. Given that such projects will usually entail some form of landside interaction in terms of pipes, cables etc, the potential emergence of marine planning policies and support for strategic off shore infrastructure in development plans will put a spotlight on coastal areas and on the integration of development between sea and land and responsibilities for forward planning functions.

This in itself raises questions about foreshore development, licencing arrangements, areas of responsibility for land/sea interfaces and integration of land and sea zoning objectives.

LICENSING AROUND THE COASTAL AREAS

The requirement for licenses and leases within the marine environment vary depending on the nature of the project and where it takes place – for example whether it is within the foreshore or beyond. Likewise a number of Departments and agencies are responsible for issuing and enforcing these. It is anticipated that a new Foreshore Bill (due out in 2014) will assist in resolving some of the current complexities surrounding licensing and lease arrangements regarding a more integrated land use and marine spatial planning system and hopefully provide a more structured framework for future decisions.

Changes regarding the existing foreshore regime and consent processes (for offshore renewables, Strategic Infrastructure Development (SID), and integration of land and marine planning systems) are being contemplated centrally as set out in the foreshore consultation document from earlier this year; *‘A New Planning and Consent Architecture for Development in the Marine Area’*.

Currently timelines for the issuing of various licences /leases may vary. In tandem with a new marine strategy, it would seem logical to condense and simplify this process as far as practical. For example, having the same consent authority for

planning permissions and licensing and/or linking timeframes to statutory timelines for planning permissions and linking public participation procedures around existing planning processes could be looked at.

It is noteworthy that the 2010 Planning and Development Act introduced a section governing foreshore development under Part XV. The foreshore has the *meaning assigned to it by the Foreshore Act, 1933, but includes land between the line of high water of ordinary or medium tides and land within the functional area of the planning authority concerned that adjoins the first-mentioned land*" (PDA 2010).

Section 225 requires permission under the PDA 2000, Pt III, in respect of development of the foreshore, not being exempted development, in circumstances where such development carried out, it would adjoin (a) the functional area of the planning authority or (b) any reclaimed land adjoining such functional area. Section 225 also provides that apart from obtaining planning permission in respect of development on the foreshore one will also have to obtain the necessary licences as required under other provisions of the Foreshore Acts 1933 to 1998 (subject to some exemptions).

It will therefore be interesting to see the extent to which responsibilities under any revised Foreshore Bill will be transposed into the planning system.

DISTINGUISHING THE COASTAL ECONOMY AND THE COASTAL ZONE

The Irish coastal region is defined by any economic activity which takes place along the coast and includes counties which either have a coast or more than half of their population within 50km of the coast (DAFM, 2012).

The European Commission's Proposal for a Directive establishing a framework for maritime spatial planning and integrated coastal management' states the Coastal Zone means:

'the geomorphologic area on both sides of the seashore area with as the seaward limit the external limit of the territorial seas of Member States and as the landward limit, the limit as defined by the Member States in their integrated coastal management strategies'.

Elsewhere "Integrated Management for Coastal Areas in the UK" (ICZM) defines

the coastal area as:

“... areas affected by off-shore and near-shore natural processes, such as areas of potential tidal flooding and erosion; enclosed tidal waters, such as estuaries and surrounding areas of land; and areas which are directly visible from the coast. The inland limit of the zone will depend on the extent of direct maritime influences and coast-related activities. In some places, the coastal zone may be relatively narrow, such as where there are cliffs. Elsewhere, particularly where there are substantial areas of low-lying land and inter-tidal areas, it will be much wider.”

The “Northern Ireland ICZM Strategy 2006” defined the coastal zone as follows:

“...in Northern Ireland it has been decided to use a 3km inland limit and include flexibility in instances where this limit needs to be increased to take account of factors outside the zone but have an impact on the coastal zone i.e. Water Framework Directive...”

From a planning perspective a definition of our coastal areas will need to be pinned down and it would seem that it is within our own remit to determine same.

DUBLIN BAY: BUILDING A PARTICIPATORY MECHANISM FOR PLANNING AND MANAGING THE COASTAL RESOURCE

Dublin Regional Authority was involved in managing an early stage coastal management process, consequent of a requirement of a taskforce¹⁸ to develop a Masterplan for Dublin Bay. This began with a consultative process which included representatives from the coastal communities (residents associations), NGO's, elected representatives, Dublin Port, Dublin Docklands Development Authority, the National Parks and Wildlife Service and Department of Transport, amongst others, in 2009. (More recently in 2013, the Celtic Seas Project¹⁹ commenced and provides an opportunity to build upon earlier experiences for planning in the Dublin Bay area, whereby a stakeholder engagement process will form part of the project).

Experiences from the initial process resulted in:

¹⁸ Mandated by the then Minister for the Environment, Heritage and Local Government (2009)

¹⁹ This project has been developed under the European Life+ Programme. The overall project objective is to demonstrate successful approaches and best practice through multi-stakeholder collaboration to guide practical implementation of the Marine Strategy Framework Directive and contribute to “good environmental status” of the Celtic Seas Marine Region.

- Proposals for a Bay area delineations across the coastal-land interface with initial considerations focusing on groupings of electoral areas, natural breaks and hydrological areas.
- A SWOT of the Bay area.
- Building up experience in consultation and first steps in consensus building across the Bay area.
- Ideas for integration of bay management into the planning process and for associated institutional arrangements for coastal zones and the use of an ICZM governance structure.
- Integration of coastal management issues into the Regional Planning Guidelines for the Greater Dublin Area 2010.²⁰

USEFUL LESSONS

A) DELINEATION OF ZONES

From an early stage the need to identify a marine and land side delineation for Dublin Bay was prioritised. It was broadly agreed that delineation of coastal zones would need to be carried out according to the existing and projected future use of sea areas. Some areas may be exclusively for conservation, others for conservation and leisure, others for mixed use and others for exploitation. It was suggested here that delineation of zones should be carried out according to:

- 1) defined types of usage and the level of use, i.e., limited economic uses, no use, combined uses.
- 2) territorial seas and EEZ (more so for offshore zones and coastal zone delineation and incorporating levels of use and types of use).
- 3) and specifically for coastal zones using Water Framework Directive (WFD, 2000/60/EC)²¹ river basins (hydrological areas), inland fishery and conservation zones (incorporating the types and levels of uses).
- 4) on the land side, (a combination of) associated areas of environmental protection (Natura 2000), political boundaries (Electoral divisions), infrastructural aspects such as rail or roads and community associations and gravitations.

²⁰ See Section 7.5.1 of the RPGs for the GDA 2010-22

²¹ The WFD (2000/60/EC) applies to rivers, lakes, groundwater, estuaries, transitional and coastal waters. Member States must aim to achieve good status in all waters by 2015 and must ensure that status does not deteriorate in any waters.

B) AREAS OF BENEFIT

The process also assisted with the identification of three broad areas of benefit including:

- 1) *Economic Benefits*: The ocean can be used as a catalyst for innovation in renewable technologies, water management, aquaculture, maritime transport and tourism to name just a few. “Smart Ocean Ireland” (Marine Institute and Sea Change, 2010) mentions “convergence” as major process in developing the marine sector in Ireland. This process is an essential prerequisite to the development of a properly managed and successful marine sector. It involves the integration or convergence of capabilities in ICT, sensors, software, control systems, materials science, mechanical engineering and so forth into the marine sector.
- 2) *Environmental benefit* greater protection of the marine environment through integration of processes, identification of responsibilities and alignment.
- 3) *Organisational benefit – Planning System*: MSP achieves greater planning certainty and reduces the chances of either a) commercial risk or b) commercial exploitation. MSP also achieves more efficient licensing systems and resource management.

CONCLUSION

The potential for local or regional authority groupings to deliver aspects of an Integrated Marine Plan for the State deserves considerable attention as Ireland looks to maximize its marine resources and satisfy its legislative requirements of framework environmental Directives. Management and planning of the marine resource has been carried out in an ad-hoc manner and local actions on the land side in particular have, in many respects, been dependent on individuals or disparate groups who have carried out these duties outside of their prescribed duties and responsibilities. Meanwhile planning in Ireland has been shaped more and more by a series of EU Directives and the strategic planning hierarchy. The provisions of ‘*Oceans Wealth*’ is a positive first step policy response at the national perspective in addressing the challenges. However there is a timely opportunity to bring marine planning into mainstream planning processes and to maximize the marine ecosystem in socio-economic, environmental and institutional dimensions. The task force was a forerunner for ICZM in the Dublin bay Area, a natural marine unit which has multiple existing and potential future uses in the ocean (sea) zones of the Irish Sea and coastal/land interface. The experiences of the Bay could prove

useful for future marine based planning challenges. The MSFD necessitates an alignment of thinking, plans, processes and expertise if our requirements are to be realised and deadlines met.

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Making the Most of Landscape

Brendan McGrath

This year our village re-entered the Tidy Towns competition after a gap of several years. As well as tidying up the village itself, work parties have also gone outside the village. They have made flower beds beside the main approach road from Ennis and spruced up the picnic tables at Lake Inchiquin. Our contribution was designing a map board with heritage information for residents and visitors that was erected in the main street. While the geographical range of the work parties is a short stroll from the village, the map covers a wider area, about 100 km². It includes part of the Burren National Park, which is to the north of the village, Dromore Wood to the west, and the ancient settlement of Dysert O'Dea to the south. The top of the map corresponds to the edge of the Burren uplands and the left side to the start of the boggy hill country of West Clare. However, to the south and east, where the land merges seamlessly into the low lying heartland of the county, the map edges are arbitrary lines across the land. Somewhere between the area covered by our map and the territory overseen by the work parties of the Tidy Towns committee, there is an imprecise entity that, for most purposes, passes muster as the Corrofin area. This is the area of the parish, the catchment area of Corrofin national school and the area from where the Corrofin GAA, camogie and soccer clubs and the drama society draw most of their members. This is the place, larger than the farm and the townland and smaller than the county, within which social and cultural relationships and landscape intertwine. Beyond this local scale, fervent attachments to county sports' teams notwithstanding, the strength of affiliation and knowledge of place wane.

At the local scale landscape is less an abstract concept and more an amalgam of ingredients of everyday life that share place as a common denominator. It is an idea of landscape that finds expression in the maps and writings of Tim Robinson. This is landscape at its simplest and most profound, an interaction of people with the places they inhabit. Few of us possess the literary and cartographic skills of a Tim Robinson but, while unravelling a landscape narrative requires patience and persistence, it is not a complicated skill and one that is well adapted to communal enterprise.

Terry O'Regan, a Cork landscape architect, has devised a simple landscape survey method for community groups to follow, called 'The Landscape Circle' (O'Regan,

2008). Depending on the resources that are available to the community, the circle can be between 1 and 5 kilometres in radius, 'small enough to be studied having account of the time and resources available, but large enough to encompass a range of landscape diversity' (O'Regan: 18).

Beyond the scale of O'Regan's circle, landscape becomes more abstract but retains its pedagogical power. Landscape offers an age-old means of making sense of the world. From the perspective of an archaeologist, Conor Newman (2009: 8-14) explains that 'in so far as the landscape is constructed in, and according to our likeness, it is capable therefore of being a classroom, a storehouse of personal, tribal and communal knowledge'. Of most pressing concern in our times, landscape provides an accessible route to an understanding of the interdependence of culture and environment, offering a powerful alternative to the prevailing paradigm of academic specialisation. The notion of a geographical area serving as a basic educational tool has always been appreciated. Forty years ago Lewis Mumford (1970: 386) proposed it as a means to educate people so that they 'will know in detail where they live and how they live...united by a common feeling for their landscape, their literature and language, their local ways.'

At a local scale, therefore, landscape is within our grasp as something that can be enhanced and enjoyed in modest and satisfying ways. All landscape has this local dimension but there are several parts of Ireland where landscape possesses such a striking character that it also has national and international significance. This is landscape as national heritage, something to be treasured and safeguarded as a source of pride for future generations, and also something that can be exploited as a tourism asset for short-term economic benefit. At this scale landscape cannot be managed by piecemeal local interventions but requires a national engagement. This has not happened in Ireland which is in marked contrast to other European countries.

The Burren is one of those Irish landscapes that stand out. In 2005 Liam Lysaght (2005: 8-12), a former ranger in North Clare, and now Director of the National Biodiversity Data Centre in Waterford, proposed a 'landscape scale' national park for the Burren, 'a landscape like no other in north-west Europe'. Lysaght observed that landscape scale initiatives work elsewhere in Europe so why not in Ireland. He cited the National Park of Abruzzo, Latium and Molise in the Apennine Mountains, east of Rome, as a comparable example. That park, now about 500km² in extent, began life as a small 500-hectare protected site in the 1920s, i.e. about the same size as the Burren National Park is today. Lysaght lists failed initiatives of recent times: Tourism in the Burren- A Strategic Plan, The Burren Monuments Strategy and the Burren Consultative Committee. They failed, according to Lysaght, because there

is no management structure for the area, an organisation that can ‘reconcile national policies with local needs’ that ‘would straddle the area between ensuring that the needs and expectations of local communities are realised while also protecting this special place’. If such a body were to be created it would be staffed not just by people with expertise in nature conservation management but also ‘teachers, tourism specialists and even business advisors to assist the proper development of the area’.

Nothing has come of Lysaght’s suggestion but much has been happening in the Burren over the last half dozen years. Working out of an office in Carran, in the centre of the Burren, scientist, Brendan Dunford, is leading a three-person team implementing the Burren Farming for Conservation Programme, a 4-year project, funded by the Departments of Agriculture and Heritage. The programme, which builds on the successful Burren LIFE project¹, currently covers 40% of the designated SAC land in the Burren. The aim of the programme is to help farming practices, which benefit the environment, with a special emphasis on the conservation of species rich grasslands. In its second year of operation the programme has disbursed nearly a million euro in grants to farmers for environmental improvements. The 143 farmers involved received average payments of €7000 in 2012². Carol Gleeson, meanwhile, is running Burren Connect from the area offices of Clare County Council in Ennistimon. Burren Connect is a multi-agency project that was begun in 2007 to develop local tourism. The project has set up the Burren Ecotourism Network, a network of accredited local businesses committed to sustainable tourism practice. Burren Connect has also helped to secure Geopark status for the area. On the Galway side of the Burren, Kinvarra is the base of Burrenbeo. Burrenbeo was founded in 2002 by Brendan Dunford and Ann O’Connor and re-launched as a charitable trust in 2008. The trust is dedicated to the conservation of the Burren landscape. With just one full-time staff member, the trust sustains an impressive information, conservation and educational programme. The Burrenbeo Trust, Burren Connect, Burren Farming for Conservation and the Burren IFA had all been involved in drawing up a community charter an initiative that is supported by the Heritage Council. Michael Starrett, its chief executive, hoped that the charter would mark ‘a new dawn’ and show that ‘within the existing #frameworks....landscape management and conservation measures can play a central role in sustaining us all’ (Starrett: 2011). There can be no doubt, as Paul Clements (2011: 234-236) has commented that ‘the Burren has a large number of people fighting its corner’. But the Charter project appears to have stalled, and, in the absence of a Burren Park or a similar area-based organisational structure to enable policy integration, implementation and continuity, can progress be sustained?

¹ Burren LIFE was the first major farming for conservation project in Ireland. Running from 2004 to 2009 the project was a partnership of the National Parks and Wildlife Service (NPWS), Teagasc and Burren IFA with financial support from the EU LIFE Nature fund which supports European conservation initiatives.

² Brendan Dunford, pers.com.

The Burren has a 'sister' limestone landscape, about the same size, on the island of Öland in the Swedish Baltic and here too much has changed in the past decade. This is another stony place that has been moulded into a distinctive landscape by generations of farmers. The Stora Alvaret on the island is the outfield part of an infield-outfield agricultural system that had largely died out on mainland Europe in the 19th century. Through a quirk of geography the system survived on Öland well into the 20th century but by the end of the century it was about to disappear. This prompted Kalmar County, the Swedish administrative area where Öland is situated, to embark on a four year conservation project to restore the grasslands of the Stora Alvaret. The project involved clearing bush vegetation and re-establishing grazing. The project was grant aided by LIFE, the EU conservation body. The Swedish authorities were also interested in achieving the designation of the whole agricultural landscape of Öland; infields, outfields and the linear villages, as a UNESCO World Heritage Site³. World Heritage Sites are places with an 'outstanding universal value' and applications for designation must be accompanied by comprehensive management plans. Kalmar County set up a multi-disciplinary team (biologist, cultural geographer and agronomist) to prepare an application to UNESCO. Two years of consultations and negotiations followed that involved local authorities, landowners and farmers. This culminated in a plebiscite of local members of the farmers' federation and a vote for designation. In 2000, while communities in the Burren and the Irish government were coming to terms with the Mullaghmore debacle the Agricultural Landscape of Southern Öland, an 'outstanding example of human settlement', was inscribed as Sweden's eleventh World Heritage Site. The largest part of the Site is the Stora Alvaret, but the Site also contains 87 villages and intensively farmed arable and pasture lands in private ownership. The plebiscite was not a foregone conclusion. Support from a local farm leader and an undertaking by the Swedish government to continue financial support for the local farm economy, irrespective of EU agricultural reform, were probably crucial factors in securing a 'yes' vote⁴. Southern Öland has now celebrated its tenth birthday as a World Heritage Site. An adjoining area on the island, which voted against designation in 2000, has since requested inclusion in the Site, an indication of the local popularity of the designation.

Western governments have been protecting landscapes for more than a century. The idea has its roots in the national park movement in the United States during the 19th century. There the objective was to preserve spectacular wilderness landscapes. But the desire to protect landscapes has been as strong, if not stronger, in Europe, where, although landscape has a more equivocal natural character,

³ The United Nations Educational Scientific and Cultural Organisation is a specialised agency of the UN, responsible for international collaboration in the fields of education, science and culture. The programme to protect world cultural and natural heritage sites started in 1972

⁴ The commentary on Southern Öland is based on a presentation by Susanne Forslund, Kalmar County Administrative Board to the conference 'The Burren. What is to be done?' Ballyvaghan, 2011

landscapes are nevertheless prized and celebrated. In the early 1990s international recognition of such landscapes was placed on a more formal footing by the World Heritage Committee of UNESCO deciding to make 'cultural landscape' a new category of World Heritage Site and the International Union for the Conservation of Nature and Natural Resources (IUCN) recognising a new form of protected landscape. A Category V landscape is:

an area where the interaction of people and nature over time has produced an area with a distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area. (Phillips, 2002:9)

The national park east of Rome described by Lysaght and Southern Öland in Sweden are examples of Category V protected landscapes. About two thirds of European protected landscapes fall into this category. They occupy more than 10% of the land area of the Czech Republic, France, Italy, Latvia, Luxemburg, Slovakia, Switzerland and the United Kingdom and they account for more than 20% of Germany and Austria. By contrast, less than 1% of the land area of the Republic is covered by landscape designations. There are four small national parks, two larger ones (Wicklow and Ballycroy) and a handful of areas around Dublin that are covered by Special Amenity Area Orders (SAAOs).

There are just three World Heritage Sites on the island; the Giants Causeway (inscribed in 1986), the Bend in the Boyne (inscribed in 1993) and Skellig Michael (inscribed in 1996). The three sites are all relatively small, the largest of them being the Bend of the Boyne (770 hectares). The 2000 Planning Act also provides for the making of Landscape Conservation Areas (LCA). This is a statutory development tool in the old conservation tradition (draw a line around somewhere to stop further development), but to date only a single draft LCA has been made and not one LCA has been adopted. With understandable exasperation, given the wealth of the landscape heritage, a report for Fáilte Ireland in 2007 stated that 'It is high time the Irish landscape is afforded the level of attention and concern that it so deserves. Future generations will not thank us if we needlessly erode the special character and quality of Ireland's landscape.'

Protecting landscape as heritage is an ambitious endeavour of the modern state. The fact that so much has been achieved in this policy arena in Europe during the 20th century is an unsung achievement of modern European civilisation. Fifty years ago, the scale of the endeavour was not properly understood. Governments believed

that they could protect landscape simply by drawing lines on maps and passing laws to stop things happening within the lines.

The first Irish SAAO for the Strawberry Beds stretch of the Liffey Valley in Dublin and the AONBs in the North are legacies of that era. Even a review in 1982 of the much admired national park system in Britain concluded that it was then a largely cosmetic enterprise (MacEwen and MacEwen, 1982: 249-250). But it is necessary to draw a distinction between landscape conservation initiatives in the past and what has been happening over the last two decades. A new paradigm has taken shape, which reflects a more realistic understanding of the demands of landscape conservation and provides a more solid basis for effective intervention. That paradigm is summarised in the table below, taken from an IUCN guidance document.

Table 1: A new paradigm for protected areas (Source Phillips, 2002: 14)

As it was: protected areas were....	As it is becoming: protected areas are...
Planned and managed against people	Run with, for, and in some cases by local people
Set aside for conservation	Run also with social and economic objectives
Managed without regard to local community	Managed to help meet the needs of local people
Developed separately	Planned as part of national, regional and international systems
Managed as 'islands'	Developed as 'networks' (strictly protected areas, buffered and linked by green corridors)
Established mainly for scenic protection	Often set up for scientific, economic and cultural reasons
Managed mainly for visitors and tourists	Managed with local people more in mind
Managed reactively within short timescale	Managed adaptively with long-term perspective
About protection	Also about restoration and rehabilitation
Viewed primarily as a national asset	Viewed also as a community asset
Viewed exclusively as a national concern	Viewed also as an international concern

The Howth Head SAAO that was made in 2000 is one example of the new paradigm in practice in this country, albeit on a very small spatial scale. Unlike earlier SAAOs the Howth designation was preceded by extensive consultation with the local community and affected landowners and the order itself established a long-term cooperative management process for the area. The Order requires the area to be managed to 'realise the exceptional potential (of Howth) as a place for informal recreation, tourism and environmental education, to ensure that all sections of the local community have an equal opportunity to enjoy the natural attractions of the area and to ensure effective local participation in the management process' (Fingal County Council, 1999). The Order required the local authority 'to establish a partnership structure to manage the area'. In 2002 Fingal County Council set up a management committee comprising five landowner and local community representatives and seven elected members of the Council. The committee meets quarterly. Recent and on-going projects overseen by the committee include the maintenance and expansion of the extensive public footpath system on the peninsula, a project to conserve the headland's red squirrel population, the eradication of alien flora and the drafting of management plans for the peninsula's heathlands.

The Howth SAAO stands in stark contrast to the prevailing inertia about landscape conservation. The SAAO for nearby Bray Head, made eight years later, has all the hallmarks of the old mindset of drawing a line on a map and leaving it at that. The draft order that was brought forward by Bray Town Council for confirmation by An Bord Pleanála, incorporated no mechanisms for effective community participation or on-going management. However, at confirmation, the board amended the Order to require the preparation of a management plan⁵.

Measured by statutory designation initiatives, the Irish government commitment to landscape protection rarely extends beyond the aspirational. The Burren is on a tentative list of World Heritage Sites that was submitted by the government to the World Heritage Commission in 2010. Most of the sites on the list have the restricted dimensions of a site in the generally accepted sense of that word. Only the Burren, the NW Mayo boglands and Clonmacnoise are of 'landscape' scale. In 2007 the government decided to proceed with the designation of 'Clonmacnoise and its Landscape Setting' as a World Heritage Site. To that end a draft management plan was drawn up for consideration by the UNESCO technical committee and for public consultation over the summer of 2009 (Department of the Environment, Heritage and Local Government, 2009). The Clonmacnoise site has an area of nearly 30km², and comprises not only the monastic settlement itself but also the surrounding callows, farmland and bogland. There are an estimated 200 people

⁵ www.pleanala.ie/casenum/SX2001

living in the area and a further 500 in a buffer zone around it. Most of the land is in private ownership. When the draft plan was presented to a public meeting in Athlone in 2009, there was 'an IFA inspired walkout and the intimidation of a Department official in a highly charged atmosphere'⁶. Then Taoiseach and local politician, Brian Cowen, subsequently met the Clonmacnoise Action Group and assured it that no proposal would go to UNESCO without local support. In 2010 Minister John Gormley launched a new website, World Heritage Ireland. With detailed information about the Bend in the Boyne and Skellig Michael World Heritage Sites, but no mention at all of Connemara or Iveragh, the website is a very narrowly bounded version of the landscape heritage of the Republic of Ireland.

Figure 1: World Heritage Sites Tentative List submitted in 2010 by the Irish Government

1. The Burren
2. Ceide Fields and NW Mayo Boglands
3. The Monastic City of Clonmacnoise and its Cultural Landscape Setting
4. Dublin – The Historic City of Dublin
5. Early Medieval Monastic Sites (Clonmacnoise, Durrow, Glendalough, Inis Cealtra, Kells and Monasterboice)
6. The Royal Sites of Ireland (Cashel, Dún Ailinnne, Hill of Uisneach, Rathcroghan Complex and Tara Complex)
7. Western Stone Forts (Aran Island forts, County Galway group of forts, Cahercommaun in Clare, Charerconree and Benagh on Dingle, Staigue in Iveragh)

The only national park initiative in Ireland in recent times was an ill-fated 'solo run' in 2002 by Northern Environment Minister, Dermot Nesbitt. Nesbitt resurrected an idea that had been around since the 1940s of a national park for the Mournes. The Mournes cover an area of 570 km², about half of which is farmed. There are about 1500 landowners but much of the higher land is in large holdings held by public agencies, the National Trust and the Mourne Trustees (McAreavey, 2002). The government appointed consultants to carry out various studies and also set up a Mournes National Park Working Party to prepare for designation. But the working party was disbanded in 2007 at the end of a divisive and unsuccessful public consultation process and, after that, the official enthusiasm for designation faded away.

The contrasting experience of other European countries invites two questions. Why does Ireland not put more resources into conserving its landscapes? And in terms of landscape conservation, does this matter? Designation, which seems to be a

⁶ Athlone Advertiser, July 31st 2009

natural impulse of government elsewhere does not happen here. Jim Connolly from the IRDA once told *The Irish Letter*, an Irish-American subscription newsletter, that 'if people want to see the green fields they should go to places like Scotland', that off-the-cuff remark revealing a degree of alienation that cannot be discounted⁷. A few years ago Fintan O'Toole (1994) suggested that 'Irish society has skipped the evolutionary stage when a society rediscovers the sacred'. O'Toole believed Ireland had 'become a post-modern society in which landscape is viewed only as a commodity'. He is also of the view that 'one of the legacies of our history of dispossession is that we've never, collectively, taken ownership of the place we inhabit. We don't belong to it and it doesn't belong to us'⁸. But, if alienation is an issue, governance is too. The Heritage Council, originally set up by C. J. Haughey in 1988, and established as a statutory body in 1995, charged with advising the government on heritage matters, has consistently promoted a landscape conservation agenda. The Council ensured that Ireland signed up to the European Landscape Convention and continues to lobby the government for action on landscape (The Heritage Council, 2010). Yet very little has happened in this policy area in the last two decades. This may reflect a pervasive alienation but it also reflects a weakness in the institutions of state, which characteristically demonstrate an 'intervening' as opposed to a 'managing' capability (Peillon, 1987). Given the centralised nature of power in Ireland it seems essential that effective landscape initiatives are driven from the centre but, at the same time, these initiatives have also to find a way of bolstering local democracy.

I have already referred to old and new paradigms of protected area described in the IUCN guidance. In the old paradigm landscapes are set aside for conservation and are planned and managed without much regard for the interests of local people. In the new paradigm, which has come to the fore in Europe in the past two decades, protected areas are run with, for, and in some cases by local people and they are run with social and economic objectives in mind alongside the more traditional conservation ones. In Ireland, however, the debate about protected areas continues within the old framework of thought. If anything, the prospect of a paradigm shift in Ireland has receded. In recent years the state has been obliged to comply with EU environmental directives and this has led to the extensive designation of areas for nature conservation. The Natura 2000 network, which is now substantially in place, is a product of two EU directives, the 1979 Birds Directive to protect endangered birds and the 1992 Habitats Directive to protect endangered habitats, fauna and flora. While less than 1% of the land area of the Republic is covered by landscape designations, 14% is now affected by nature designations, the bulk of which are located in the western seaboard counties (Kelly, 2009). Virtually the

⁷ Reported by Frank McDonald, in 'Rural housing advocate advises tourists to go to Scotland', in *The Irish Times*, March 13th 2004

⁸ Fintan O'Toole, *The Irish Times*, 19th June 2007

whole of the Burren, for instance, is covered by either SAC or SPA designations. We have arrived at a situation where landscape conservation is a by-product of an EU-driven nature conservation strategy. Unfortunately, that strategy has had all the hallmarks of the outmoded protected areas paradigm. The SACs and SPAs are viewed as creations of 'Brussels' and 'Dublin', and little to do with local people, other than the restrictions that they place on the use of their land. This is how Conor Skehan describes the situation.

The (Irish) landscape is becoming a place to receive and reflect the value systems of an increasingly urbanised European population. These value systems are scientific- ecological designations- and aesthetic- scenic areas and drives, national parks. Control of the countryside is changing hands. Not the ownership, just the control. The landscape is beginning to become a patchwork quilt of designations, which determine where and how the land uses of the future will be arranged. It will be a very new landscape, one that is emerging very haphazardly as a result of the well intentioned but uncoordinated imposition of such designations. These problems are rapidly becoming apparent and there are already signs of the emergence of a 'planned landscape' in Ireland.⁹

Skehan's critical viewpoint is completely in tune with popular rural sentiment. The Uplands Forum is a voluntary group pursuing a partnership approach to the management of upland areas (more than 300 metres above sea level). In 2009 the Forum commissioned a questionnaire survey of communities and individuals living in three upland areas; the North Sligo/North Leitrim Uplands, the Comeragh Mountains in Waterford and the Twelve Bens and Benchoonas in north-west Connemara. In all the areas the survey revealed a strong antipathy towards landscape and environmental designations.

We seem to have arrived at an impasse. State intervention of any kind in landscape is regarded with suspicion at best and at worst as an unwarranted intrusion in the lives of individuals and of local communities. State institutions appear to be relatively impotent as guardians of the common good, except, that is, when, that duty is underpinned by European directives. From a landscape perspective the recent record of the wholly state-owned company, Coillte, is not good. The Office of Public Works has a fine record of managing heritage sites but a poor record of landscape-scale interventions, witness the interpretative centre fiascos in the 1990s and the failure to make progress on World Heritage Sites in recent times. The area-based tax incentive schemes of the nineties and the noughties, such the 1995 scheme for renewal and improvement of certain resort areas (the 'seaside resort scheme') and the 1998 Rural Renewal Scheme for the Upper Shannon, dreamed up by

⁹ Gordon Deegan, 'Lecture warns of collapse of Irish Agriculture', a report of Conor Skehan's lecture at the Burren Law School, The Irish Times, 2nd May 2004

ministers and officials in the Department of Finance, have had serious adverse landscape consequences. Meanwhile, local authorities are immersed in land matters, their official roles undermined by a decision-making culture that is preoccupied with the interests of landowners and developers. Even where local authorities are directly involved in successful initiatives such as Clare County Council's lead role in Burren Connect and Fingal County Council's management of the Howth SAAO, there is the impression of a 'semi-detached' mentality, of officers and members playing a part and turning up for meetings, but without much conviction, believing that their priorities and obligations lie elsewhere.

The effective management of outstanding landscape areas requires a hitherto unseen level of engagement with this issue by Irish society. It requires political and financial commitment by national government and creating local management structures that can command a sufficiently broad base of community support. It requires radical initiatives that would probably have been inconceivable in the recent past. The IUCN paradigm for the participatory management of landscape areas to achieve social, economic and heritage objectives offers an attractive template provided that it incorporates a realistic approach to local participation. With annual visitor surveys conducted by Fáilte Ireland consistently confirming that 'landscape', in its broader sense of people and scenery, is why people choose to visit Ireland, there is an obvious economic rationale for the pursuit of a landscape-based development strategy. What has been happening in the Burren in recent years, where a range of different initiatives the work of a handful of committed individuals are beginning to bear fruit, is showing what can be achieved without sustained institutional support. Embracing landscape conservation as a core philosophy would signal a change in perspective from the short term to the long term, from an opportunistic outlook to a sustainable one, from a narrow materialistic perspective to a broader vision for the future. This perspective would bring other landscape projects to the fore of a national agenda in addition to the conservation of outstanding landscapes. Here are just a few examples. The EPA BOGLAND report (2011) proposes a National Peatland Park in the Midlands and the re-use of degraded bogs there for wind farms as an alternative to building more wind farms on vulnerable and more valuable boglands further west. Michael Viney quoted in Hickie (2002) believes that 'We must also find room in Ireland for at least one sizeable broadleaf forest- big enough to get lost in – which is not planted for any kind of timber and which nature holds sway'. The Belfast- Dublin economic corridor could be re-imagined and planned as a European urban region containing exceptional natural recreational assets in the form of its coastline, the Mourne, Slieve Gullion and the Cooley Peninsula. In Britain the official biography of the national park movement acknowledged that setting up the parks was considered

by the government of the day as a cheap and easy way to meet expectations of a better, brighter future for everyone in society after the cataclysm of the second world war (Cherry, cited in MacEwen and MacEwen, 1982:7). We know better today that landscape conservation is neither a cheap nor an easy management objective but it is almost certainly one that is both desirable and achievable.

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The Purpose and Practicalities of Landscape Character Assessments in Development Management

Tomás Bradley

INTRODUCTION

The current economic slowdown has allowed Ireland to reflect on the ‘Celtic Tiger’ era, including the changes it brought to the landscape and has provided space to consider how the country will face-up to planning, conserving and managing the landscape in the future. Although positive outcomes have emerged from the last decade they have been masked by the negatives, particularly the degradation of character in the countryside by aberrant development (McDonald and Nix, 2005; The Heritage Council, 2009). There is now a chance for local authorities in Ireland, who oversee the management of the countryside, to consider what is important to their landscapes, environments and communities and be ready for future transformation. However, landscape is a complex phenomenon and agreeing on landscape values has become a contentious topic for the government, local authorities, stakeholders and public alike (Selman, 2010).

To remove this contentiousness from landscape and promote agreement on landscape character and value the Council of Europe (2000) drew up the European Landscape Convention (ELC). Of most relevance to this research, is Article Six of the convention, which states that signatories are required to identify their landscapes and analyse their characteristics and values including the forces and pressures transforming them. It was this article, which has prompted Landscape Character Assessment (LCA) to emerge as a planning tool. LCA is concerned with the character of all landscapes not just high quality or valued landscapes, although quality and value are important when making judgements on factors changing the landscape. A rounded perspective on landscape character is the ‘distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse’ (Martin, 2006, page 9).

The process of producing and representing LCA has been well analysed in Ireland with Martin (2006) carrying out a baseline audit which was then updated by Minogue (2009). Three years on from the updated study, with all counties having completed Landscape Character Assessments, the research outlined in this paper

poses the question: Are LCAs being purposefully and practically applied in development management divisions of local authorities? No research of this specificity has been carried out in Ireland to date, despite concern from academics in Britain who feel, that in most cases LCAs are neither used to their full potential nor fully understood by development management planners. For these reasons Martin (2004) considers LCA a planning tool, that often sits on the shelf. This research seeks to analyse if this is still a relevant statement?

From the examination of the DoELG (2000) draft guidelines and The Countryside Agency (2004) guidelines there are imaginative and innovative functions provided for LCAs in development management. The application of these guidelines, however, requires dedicated staff interested in the issue of landscape. This research using a mixed methods approach including the use of case studies, attempted to explore the perceptions of those who apply landscape assessment in practice - professional planners in development management.

UNDERSTANDING 'LANDSCAPE'

Before the practice and practicalities of LCAs are explored basic concepts integral to this study need to be understood, including the meaning of 'landscape'. Landscape has become a popular and contentious subject in recent decades (Aalen et al., 2010; Antrop, 1998, Brandt and Tress 2000; Muir, 1999; Olsson, 2008; Phillips, 2007). It has become equally contentious to define landscape, as the different approaches to landscape are continuously being developed and refined (Preece, 1991; Morris and Bailey, 2001). In earlier centuries the term landscape referred solely to the aesthetic qualities of scenery or ideal and untouched places, particularly wilderness. However, as time progressed it was realised that humans have a strong influence over the landscape. These two values now unify the concept of landscape. Nonetheless, the term landscape will always hold a larger affinity with aesthetics according to Haber (1995), a throw-back to earlier times suggests Roe (2007a). Brabyn (2009) supports landscape as a visual phenomenon, an approach which is evident in the United States, where landscape means natural scenery. In Britain, however, landscape always contains a human element (Jackson, 1986; Swanwick, 2004). Debating the different meaning of landscape, Swanwick (2009) criticises the way the word is imprecisely treated and used. She refers to specific words like nature, the environment and place as words often interchanged, suggesting general misunderstanding.

Brabyn (1990) who provides a review of landscape definitions cites archaic definition by authors such as Appleton (1980) and the Countryside Commission

for Scotland (1970), to conclude with a definition of landscape as the appearance of land from a distance. This is a rather limited view when considered in the context of broader definitions such as that offered by Hawkes (1951), Phillips (2007) and the Council of Europe (2000) which capture the more wide-ranging and 'integrated' nature of landscape (Swanwick, 2004).

The definition of landscape used in the European Landscape Convention (ELC) has been influenced by both socio-cultural and environmentally determinist theories (Priede, 2009; Sauer, 1959). The ELC defines landscape as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. This view is shared by Phillips (2007) who draws on Hawkes's (1951) definition of landscape as being shaped 'in time by geological processes, by organic life, by human activity and imagination'. This definition encompasses all the characteristics of landscape: natural and cultural values; physical, metaphysical, social, cultural and artistic associations; senses and feelings; history of landscape; universality of landscape; and finally identity, diversity and place (Phillips, 2007). For the purposes of this research, a combination of definitions provided by Hawkes (1951) and the Council of Europe in the the ELC (2000) will be used to understand and frame the concept of landscape; however, there is no evidence to suggest that this definition is universally recognised.

CHARACTERISING LANDSCAPE

In the past, landscape as a unifying term received little attention at international level compared to individual issues such as pollution control and nature conservation, despite obvious connection to each other. However, this began to change in the 1990s. Firstly, in 1992 the World Heritage Convention included the concept of 'cultural landscapes' and in addition the International Union for the Conservation of Natural and Natural Resources began to focus on protected landscapes (Phillips, 2007). Finally the ELC increased interest in landscape issues within countries it influenced. In doing so the issue of characterising all landscapes equally gained status (Déjeant-Pons, 2006).

The importance of characterising and classifying landscape emerged from Article Six of the ELC, although it has been argued that is unclear from this how to proceed with characterising landscape (Antrop, 2005). According to Brabyn (2009), landscape classification is driven by a need for practical solutions to managing changing landscapes. This planning technique, LCA, essentially determines the landscapes meaning of the past, present and future (Martin, 2006; Priede 2009). LCAs have been used in Europe since the early 1990s but only since the adoption

of the European Landscape Convention have they been implemented in Ireland in an official capacity (Martin, 2006).

Despite a difference in implementation between countries national schemes of landscape characterisation are gaining momentum across Europe. It is suggested that this growth is testament to the importance of landscape, particularly the realisation that landscape is the everyday as well as the extraordinary (Swanwick, 2004; Martin, 2006; Priede, 2009), as it would be rare to find untouched landscape that has not been impacted on by humans. However, Selman argues that the old idea of ring-fencing of beautiful areas prevails today, despite the attempts to raise awareness of the importance of everyday landscapes (2006). This can be seen in studies from Ireland, for example Starrett's (2004) study gives a detailed account of how a pilot landscape characterisation scheme was undertaken in County Clare. Although a practical project, the area was chosen due to the international and national recognition of Clare's cultural and natural landscape (ERM, 2004). The impetus to focus on beauty appears to prevail in LCA, when many areas to the east, surrounding Metropolitan Dublin, may have benefited much more from such an exercise (The Heritage Council, 2011).

Martin (2006) defines landscape character as: 'the distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. Swanwick (2004), an academic leader in the field of LCA, put forward a different perspective considering 'countryside character' as opposed to landscape character. She feels that 'countryside' encompasses much more than landscape but also eliminates the urban landscape which requires more detail when being assessed. Selman (1981) and Brabyn (2009) suggest that no matter how much an objective LCA approach is created, a subjective appraisal, however slight, will always arise. Selman (1981) goes on to consider three facets of LCA: the user's preference; the purpose of the landscape; and the particular scenery of that landscape. The complexity of these facets makes it impossible for a universal, single standard assessment technique to be created. Swanwick (2004) also claims the issue of complexity is quite clear. She refers to the Manchester Landscape Evaluation study which attempted to take a scientifically objective approach (Robinson et al., 1976). However, it only led to disillusionment as landscape was reduced to numerical and statistical values when it holds much more by way of emotion and culture, substantiating Selman (1981) and Brabyn's (2009) arguments. Roe (2007a), on one hand, is quite critical of decision-support tools such as LCAs, as tangible actions of sustainability have not been realised despite a solid basis for the sustainability concept in landscape projects. However, she (2007b) contends that LCAs are an 'important step forward' in collecting ecological and cultural

thinking. Swanwick (2004), tracking the evolution of landscape assessment, suggests that after a scientific approach in the 1970s and 1980s consensus was found that no common approach to assessment was available. A shift was then made in the late eighties to capturing the distinctiveness and relative value of landscape. Following emerging practice throughout Britain and a review of academic literature, The Countryside Commission (1993) put forward guidelines promoting landscape assessment resulting in a better application of the planning tool.

What surfaces from this discussion is the uncertainty of approach. There is disparity and discord among academics as to whether LCA is the most appropriate approach. However, it is difficult to dispute LCA with no comparable options available and it seems the most viable planning tool that has emerged to date. Despite its current prevalence there is little research available which attempts to improve the process of LCA. As outlined throughout this review there are several critiques but no academic research has emerged to devise better strategies for landscape assessment and planning.

ENDOWING LANDSCAPE WITH VALUE

The basis of characterising landscapes is quite simple. As Newman (2009) suggested earlier, humans are pre-programmed to compose a landscape. Composing a landscape is inherently valuing a space, as value emerges through humans use and understanding of the landscape. Tuan describes the human process of valuation succinctly, as: what begins as undifferentiated space becomes place as we [humans] get to know it better and endow it with value (Tuan 1977:6). But as Brandt et al. (2000) note, everyone will value a landscape differently depending on how they experience it and for this reason landscape is a 'complex phenomenon'. Zube and Zube (1975) also share this view. Selman (2010) and Swanwick (2009) further this point, suggesting not only is value different for everyone it also changes over time (Antrop, 1998). Taste and perception of landscape is volatile, we see this through the history of landscape appreciation, where now national parks of outstanding beauty would have been seen as the everyday and unsustainable for agriculture in the eighteenth century (Selman, 2010; Swanwick, 2009). Roe (2007a) considers LCA, and the examination of beliefs and values of landscape, as perception and psychology studies. She goes on to indicate that this qualitative assessment might be due to the lack of scientific understanding of landscapes. While Roe includes values in the characterisation of landscape, Brabyn (2009) contends it is a simple description of landscape with regard to traits and does not involve a value judgement. However, as previously suggested, the argument Brabyn (2009) puts forward appears to be contradicted by the ideas of more idealistic authors, who attempt to portray a cohesive and holistic landscape.

Roe (2007b) points toward identity as the reason for valuing landscapes. Expressing identity through landscape character is a fundamental democratic right. Landscape does matter, as people build both social and physical experiences around it. Communities and individuals are being defined by their landscape and landscape reflects the quality of life or visa-versa (Swanwick, 2009). The economic value of landscape has also been considered (Priede, 2009; Thomson 1999). In this approach Landscape and land can be perceived as a commodity, where monetary worth is given. However, for this research, moral worth is considered more important. Although economic indicators are rarely used in LCAs, they may become useful in providing an integrated qualitative and quantitative system of landscape assessment. This view is supported by Roe (2007) who suggests robust economic valuation can capture an environment's true scale and value, which can lead to proper protection being put in place to sustain its future.

The list of values for landscape is limitless (Brandt et al., 2000; Selman 2009; Thompson, 1999). There is little variation between authors each suggesting different facets such as: ecological; economic; socio-cultural; historic; aesthetic; recreational; spiritual existence; biodiversity; security; and agricultural. Martin (2006) who provides an Irish study on landscape values suggests value is the relative importance that is attached to different landscapes. A landscape of value can be recognised through a designation (national park or special protected area) or may simply have local values and not be designated. Considering the values put forward by the above authors it must be noted other values will, without doubt, arise. Despite the most objective and qualitative attempt to value a landscape, in reality, it is difficult to conjure up an objective determination of value that holds for all people (Zube et al., 1975). The difficulty in coming up with a definitive number of values is backed up by Nijnik et al. (2008), who argue for the to multi-functionality of landscape. They suggest that functions such as amenities, wildlife and recreation are just as important in value as commodity production and agriculture, dispelling old neo-classic economic theory of supply and demand and reminding us that there are values which may be perceived as negative. Characterisation of values is a difficult process, with several questions emerging as to how useful and objective they can be, if subjectivity will always arise (Zube et al., 1975). Swanwick (2009) questions the weighting on perceptions of experts and professional bodies, against that of the general public; of course, whose participation is supported by the ELC.

It can be concluded that landscape is a subjective and contentious topic, with LCA equally so due to an intricate valuation process. With unclear, subjective techniques used in producing LCAs, how objectively can it be applied by development management planners when every individual holds their own perception of

landscape? LCAs in Ireland have been found to be inconsistent and can miss vital elements when being produced (Martin, 2006; Minogue, 2008). This question is worth investigating as the public perceptions of landscape are completely different to that of trained professionals, leaving planners unsure, as to how they use LCA. This is the focus of the research analysis described in the following sections.

RESEARCH DESIGN

A mixed method approach is used by the author to undertake research into LCAs. The reason qualitative and quantitative methods are brought together is simple: neither quantitative nor qualitative methods are sufficient by themselves to capture subjectivity and complexity of landscape (Creswell, 2002; Green et al. 1989; Tashakkori & et al., 1998). Approaching the research from a qualitative perspective, a complex, holistic picture will be produced in some detail. Research projects which rely on quantitative data alone can be problematic, the Manchester Landscape Study being a case in point (Robinson et al., 1976). A combination of both quantitative and qualitative methods will result in reliable objective scores and a more holistic and personal account (Bryman, 2006b; Creswell, 1998). Ultimately, mixed methods produce an understanding of the issues at hand based on a multitude of contextual factors. Through a mixed methods approach, knowledge is built on pragmatic grounds (Creswell, 2003). A major issue in mixed research is creating quantitative and qualitative methods that work together.

In addition to the mixed methods approach, the research data will be triangulated. That is, different sources of data will be used to check for consistency of findings. In the current research both secondary and primary data will be considered together, which will allow a more comprehensive and accurate view to be obtained and links and comparisons to be made between sources of information. As suggested by Patten (1990) the process allows for validation or accuracy and credibility of the findings. Due to the constraints in terms of time, access and finance two case study local authorities– Wexford County Council and Kerry County Council were investigated in detail. The case studies used were an ‘empirical inquiry’ investigating the contemporary phenomenon, of LCA, within its real-life context, which in this instance is the application of LCA by development management planners.

This research aims to provide an overview of: the content; approach; application; and effectiveness of LCAs while also exploring the viewpoint of development management planners and stakeholders who are involved in the use and promotion of LCA. To acquire information the research firstly, using content analysis evaluate

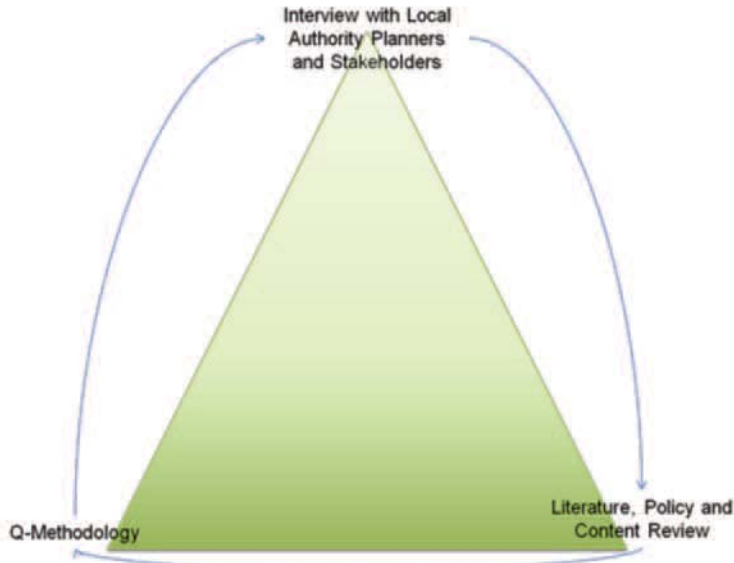


Figure 1: The triangulation method allows for each facet of the research to be tested against others. This process of validation allows for more robust results.

the LCAs within the chosen case study areas. Secondly, seven interviews, were carried out with development management planners who are tasked with implementing LCAs in the case study areas. Thirdly, four interviews were conducted with key representatives of national stakeholders involved in LCA. Finally, an analysis of planning applications where LCA was utilised was carried out.

Landscape is enveloped by social constructs and subjectivity, therefore a focus of the research was on observing the importance accorded to some factors over others and how people choose and rate values of landscape (Walsham, 1995). While the data from these interviews is of its nature subjective the aim was to give a spectrum of subjective opinions from all levels and experience of planners in local authorities. The interview design contained mostly open-ended questions; however, some closed questions were included which allowed some quantifiable results to be reached.

The interview design emphasised the use of illustrations and attempted to make the interview as interactive as possible with opportunities to draw, colour-in, sort photographs and statements. Photographs were used during the interviews with

participants asked to choose which photographs they considered to be landscape and following this rank them in terms of preference. One particular facet of the interview was the introduction of Q-Methodology. According to Nijnik (2008), the Q-Method is a quantitative tool that examines human subjectivity empirically. This method helped provide an insight into people's perceptions, preferences, attitudes and values regarding landscape and following this provided details of emerging consensus and differences to evaluating policy options. This test was used in several studies across Europe, one of which included an approach to measure attitudinal diversity between forestry policy-makers and the perspectives of other forest policy actors. In the planning field the Q method, has been used by Ellis et al. (2007) to measure and understand the public's acceptance of wind farm proposals.

FINDINGS & ANALYSIS

In understanding the application of LCA in development management the first element to be examined are the two case-study LCAs themselves and what they offer to development management planners. Both the DoELG(2000) and the Countryside Agency's (2002) guidelines on LCA were followed closely in the analysis sections below, as they provide strong direction on how LCAs should be implemented. In most planning applications received by a local authority landscape will be an issue, particularly in the predominantly rural case-study local authorities. With this in mind the results of the LCA content analysis were linked with the responses of development management planners. The planners were rigorously interviewed on their perceptions of LCA and what LCA provides for them when carrying out their daily duties of assessing applications for development. This was further compared with the outlook of leading stakeholders who are involved in providing national direction in promoting the use and application of LCA in Ireland. The results of this comprehensive triangulation and mixing of methods are encapsulated in the following nine themes.

THE DEVELOPMENT PLAN

In both sets of guidelines it is understood that the local authority should have regard to their LCA in their development plan policies and objectives, particularly landscape values and landscape sensitivity. Further to this, Section 10 of the Planning and Development Act 2000 allows for the preservation of the character of a landscape which requires it. This does not however, make LCA a legal requirement under Irish law. A consensus among all planners suggests that the inclusion of LCA in their respective development plans strengthens its position and empowers them to make better use of the document in assessing applications for development. If the development plan is well written the LCA would be enshrined

in it, meaning that a separate LCA document need not even be referred to. When considering the responses of planners, who are responsible for advising potential applicants on landscape, it was found that most would refer applicants to the development plan over LCA. They felt that the development plan should be sufficient information for the applicant and offer the most official line on landscape issues. One advantage from a quality perspective is that inclusion of LCA in the development plan requires it to be reviewed every six years. Landscape is not static and for example, the changes to the character of landscape can be observed in the aftermath of the development boom. A second advantage, which is noted in the findings, is the opportunities that exist for the public to become involved in the development plan through an extensive consultation period. All planners interviewed strongly support the inclusion of the public in landscape matters; this attitude bodes well for the future implementation of the Aarhus Convention recently ratified.

Some planners suggested that pre Celtic Tiger development plans contained more specific policies and direction for landscape protection, but feel that this has been eroded by urban policies of the past decade, leaving a gap. The link between the growth in development and the reduction of landscape policy is evident. It is suggested that Irish planning is returning to normality as people realise what has happened to the Irish countryside with scope for a re-emergence in the importance future development plans.

In one case study there was reference made to LCA in the county's development plan. This plan also failed to reference landscape character assessment and only two references are made to preserving the character of landscape through zoning. As noted, the omission of LCA from the development plan leaves planners in a precarious position as they are left without any specific support for implementing LCA. All planners who were questioned stated that the omission of a specific LCA in the development plan resulted from councillor opposition. Landscape is a contentious subject for councillors who often do not wish to adopt it, due to the politics involved in drawing lines on maps. Lines are too prescriptive for councillors when votes are involved.

COUNCILLOR APPRECIATION

When planners were questioned on how they felt councillors understood and appreciated the issue of landscape, little consensus was found, with a particular variation between case studies. Of more interest is the variation between the ranks of planners, with more senior planners suggesting a good working relationship with councillors, than those in more junior positions. The reduction of landscape policy

in current plans has led to a lessening of councillor's appreciation of landscape. It is also understood that councillors feel they benefit the electorate by pushing for development, rather than protecting the landscape.

Overall it was felt that councillors' did appreciate landscape, although it was admitted that this was not as good an appreciation as that of trained professionals. LCA is not yet recognised as an identifiable tool in planning on its own and it is the smaller local schemes, such as village design statements and local action plans, which heighten awareness of councillors and the public. Where LCA is not adopted by the councillors, in the absence of specific guidance, the planning department, are coping well and just because the LCA is not adopted does not mean they are not aware of its importance. Councillors accept this position, as they also strive to inform the electorate to respect landscape, views and amenity in their respective counties. Senior planners feel this 'lack of lines' works well, with flexibility on both sides. However, comparing these findings to those junior planners interviewed, it would seem that the lack of LCA is a direct result to councillor's lack of knowledge and opposition to a perceived restrictive planning system.

It was also suggested by interviewees that graduate planners are emerging from universities and entering the local authorities with 'ideals in planning' and find these ideals compromised by councillors views, leading to frustration on the planner's part. To work in a local authority, a planner would almost need a second education in politics. Politicians are a key stakeholder in local authority planning and there needs to be a better understanding of their needs, something not factored into the ideals of current graduate planners.

PLANNER'S PERCEPTIONS OF LANDSCAPE

In addition to planner's perceptions of their elected members views relation to landscape issues, the planners own perceptions of landscape were examined. Planners were required to describe their understanding of landscape and what they, as development management planners, were trying to protect and manage. In addition there was an attempt to test their way of thinking and reveal whether or not they viewed 'landscape' as per the Council of Europe (2000) definition. Further to this all types of landscape were given a platform with participants required to choose which they believed were landscape. In this section, preference of landscape was also sought, to seek which landscapes the participants felt were most in need of management and protection.

In describing landscape, it appeared most planners had a comprehensive understanding of what it meant and how it should be approached, with many

describing landscape as ‘everything’ and ‘everywhere’. Many note physical features as having most importance, as they are more visually obvious. The majority did suggest that the interaction of human factors should not be ignored either. Due to the rurality of case studies many suggested that dwellings, farm buildings and working landscapes all form part of the cultural and living landscape. Most noted the evolving nature of landscape for which preservation was the wrong approach. One planner noted ‘just because it [the landscape] is a pretty place, does not mean the farmer or local should not be allowed to build there’. This formulates into a holistic understanding of landscape from a rural perspective. Perhaps again due to the rurality of case studies is why little thought is given by planners to urban, peri-urban or blighted landscapes. In one instance, in describing landscape, a planner went through several character areas from highlands, lowlands and coastal landscapes, however, did not include the urban areas. Two planners considered the urban, peri-urban and blighted photographs, as planning’s influence on landscape but these are not landscapes in the participant’s sense of the meaning. Where an economic agenda is oriented toward tourism, it was suggested that landscapes are the tourist areas only, although this statement was not supported by the other planners who agreed on a more general understanding of ‘landscape’.

When planners’ preferences were tested using visual prompts, beauty and aesthetics have come out on top with planners. This coincides with Haber (1995) who suggested the term landscape will hold a larger affinity with aesthetics and Zube and Zube (1975) describing how subjectivity will always arise in landscape. Roe (2007) and Selman (2010) suggest this has historically always been the case. Further to this, the landscape photograph which scored highest in terms of preferences was the ‘outstanding landscape’, which was taken at Muckross House and Gardens in Killarney, Co. Kerry, an estate house built in 1843, the landscape of which was tamed for the enjoyment of the gentry (O’Hare, 1998). Both the ‘natural’ and ‘rural’ landscape were also rated highly, these were also images of mountain ranges and agricultural areas in County Kerry. The fourth most preferred image was the urban landscape, which showcases the redbrick buildings of the Iveagh Trust in Dublin City. These were set against the backdrop of a cobbled street. Again this image may have rated higher if the case-study counties been more urban. The blighted landscape scored the poorest. This image was a ghost estate in Clonee, Co Meath. Many planners felt this was not a landscape but more a building site. Only one planner, with no prompt suggested that it was landscape with potential to be pleasant albeit abandoned now. The same planner went on to admit, these are the landscapes which require most protection and management and that many planners will attempt to overlook them for the more aesthetically pleasing landscape projects in the county.

THE RING-FENCING TRADITION

The issue of choosing outstanding landscapes over the everyday is reflected in the guidance document's calls for a departure from the old tradition of designating pristine landscapes only. This has been an important and growing theme in recent literature and policy. (Selman, 2010; Council of Europe, 2000). The research assessed whether this issue had been taken on board in the case study LCAs. Urban characterisation is a large and almost certainly separate undertaking which will not be analysed in this research. However, characterisation for peri-urban areas in LCAs will be critiqued. These are the character areas perhaps in most need of protection and management. In all LCAs reviewed there was no characterisation of peri-urban areas. Most were incorporated into large character areas, for example, Gorey and environs in north Wexford which have experienced significant population growth over the past decade and has been the focus of an inter-urban motorway project, is simply included in the 'Lowlands' character area with no specific policy on its management. Vagueness in character areas is apparent, as 'Lowlands' is the largest character area in Wexford and includes much of south Wexford, stretching to the town of New Ross, which is approximately fifty-five kilometres away from Gorey. It is suggested, a person from south Wexford would consider their landscape to be quite different from those in north Wexford, where the landscape is under far more influence from Dublin. In Kerry a much more individual account is given of landscape areas. While some policy detail is evident for development management this area is limited overall. In the Tralee-Castleisland Valley a more populated area in Kerry and a major economic corridor attention is given to the capacity and sensitivity of physical units within the character area. This should act as a local guide for planners to identify where development should take place.

A limitation of many LCAs is the insufficient detail given, which might support the rationalisation of a planning decision. Most planners interviewed suggest LCA does not go far enough to help them justify a decision. They would suggest that zonings carry much more weight in terms of landscape assessment. In addition, the long list of European and National designations hold more significance and legal backing. These include the many SPAs, SACs, NHAs and Natura 2000 sites. One planner suggests that LCA areas and types are 'completely visionary, not no-go areas.' A planner suggested that in a 'lot of instances they [Forward Planning] characterise well, however, lack detail or are wrong in other cases.' The planner points out that there is difficulty in trying to trying to create a 'blanket' seven or eight designation LCA across a county.

LANDSCAPE CHARACTER AND RURAL DESIGN GUIDELINES

In the DoELG (2002) draft guidelines for LCA it states that 'contextual colours, shapes, textures and forms' of the landscape should be considered in the overall

design of buildings and other developments. Neither of the two LCA case studies studied advance this level of detail in their documents. Several planners asserted that the LCA should not be a sticking point to granting or refusing a development. Several would prefer if LCA was used as a guidance document to show the public how a building might fit within its own landscape character, in conjunction with Rural Design Guidelines. There is huge scope for this to occur according to most planners who usually advise applicants to review the RDGs before embarking on designing their single rural dwelling. An approach of this nature should discourage uncharacteristic suburban style development in the countryside.

A good example of where links between landscape character and 'character-able' rural design are presented is the Cork RDGs prepared by Colin Buchanan and Partners in 2003. The document contains a detailed chapter asking those designing a dwelling in the countryside to 'Read the Landscape'. This document links in well with the Cork LCA, however, they still remain as separate documents. In one case study planners were critical of their own county's version of Rural Design Guidelines which show no connection with LCA and only form a small part, hidden within the development plan. In the other case study area, detailed RDGs are available, quite similar to those that exist in Cork. However, there is no correspondence with their LCA.

Many planners interviewed suggested that what the LCA lacks, the RDGs provide and visa-versa. This was substantiated in the Q-Sort methodology where the majority of planners were of the belief that RDGs offer more direction and substance for them than LCA. There is the possibility that a holistic 'Landscape Design' document could be created where each character area could hold generic criteria for design in that landscape. Several planners did warn of the possibility of becoming too prescriptive in such guidance. Prescription in development management would only exacerbate the frustration of developers with the planning system and perhaps even lead to further unimaginative design. It is noted that although a progressive notion, councillors would not buy into it, explaining planners can make good choices without elaborate documents and the reduction of prescribed documents would result in a reduction in tension between councillors and planners. It would seem councillors do trust planning officials to make the correct choices in assessing developments. However, they would prefer if the public were kept unaware of perceived 'design divisions'. Again, this point relates to the councillors appeal for votes, which often appears to be gained through councillors lobbying the planning department on behalf of the electorates for one-off-houses. However, the political nature of planning appears to be a discussion beyond the scope of this project.

All planners agreed that the more guidance they receive the more consistent applications, decisions and developments would be for the landscape. In theory, the planners interviewed supported a more holistic and amalgamated 'Landscape Design' document. It was believed that such a document, the experience of development management planners and consultation with the potential developer would create a more rounded approach to the impacts of development on the landscape.

In contrast other stakeholders voiced their concern on the possible combination of LCA and RDGs. RDGs just provide 'infrastructure in context', not how to make a house acceptable in a specific area. It is felt that reducing LCA to something as specific as rural housing is naive. It was stressed by these stakeholders that there is more going on in the landscape than the building of one-off-houses. LCA will be important in the future for changes like the introduction of bio-fuels, wind farms and agricultural practice, elements which would change character much more than one-off houses. RDGs could therefore lessen the scope for what should be considered in landscape assessment. LCA also tends to keep out bias that emanates from economics and engineering, which are positivistic and do not consider the social and cultural impacts. An example given is of a new road - an economist and engineer will look for the cheapest shortest route, however, LCA will look at the social, cultural and physical vulnerability which is not easily quantified.

SITE SPECIFIC CHARACTERISATIONS

Most planners admit to a degree of subjectivity in assessing applications for developments. One planner suggests that with support from the Development Plan they would have no issue using LCA, However, it was argued that not every application will concur with the LCA and planners stressed that they have to go with their own judgement. It is suggested that with every application assessment a subjective characterisation of the site and locality is carried out and that this is a scale not provided for in any LCA. In describing the pre-application process in Wexford County Council, there is a standard protocol when a meeting is requested by the potential applicant. Firstly, the planner carries out a site visit and secondly meets with applicants to discuss the proposal. The planner at this point would already have an up-to-date characterisation carried out. It is this issue, the site specifics of every development, that makes it difficult to have a 'broad brush' document such as the LCA and to be able to use it as a reason for recommending a grant or refusal of permission. Being critical of LCAs, it is suggested that rural houses generally tend not to be located in 'odd locations'. An application for a house on high mountainous terrain, for example, would immediately come to the planner's attention – the issue of contravening the character of a mountain where

no other houses exist is obvious. Perhaps from this more thought in LCA should be given to the areas of more intense development and would aid the planner when attempting to make site-specific characterisation. The level of detail in the current LCAs only goes so far. Some planners would prefer to use their own experience to judge what would work on a site-by-site basis, saying that the application of LCA would be better informed by planners rather than members of the public looking at a document.

Stakeholders admit that development management planners are talented and knowledgeable in their work and would know the difference in character areas. However, they disagreed with planners making sole judgements on subjective site-specific characterisations. It was argued that there are a larger series of scales and patterns in a character which are just as important as the immediate environs. LCA provides that larger scale, which is difficult to judge from one site.

INVOLVEMENT AND TRAINING

It should be clear from the findings in previous sections, that landscape character does play an important role in development management in whatever form it is employed. Evidence suggests that this can be through the use of a formal document, inclusion in a development plan or through site specific characterisations. However, in the course of this research questions were asked about the role development management planners played in the preparation of LCA. When asked did they make any contribution to the LCA or become involved in any discussions to give a development management viewpoint, all planners responded negatively. None of the development management planners interviewed had been invited to be part of the preparation of LCAs. Most did note, however, that the documents were prepared by private consultants or that officials in forward planning had a greater input. The Countryside Agency (2004) suggests that development management planners are 'important stakeholders' and ideally positioned to contribute to the making of judgements of character. If LCA is to have an impact in development management and create more consistent and informed decisions, then it is vital that development management planners are included and understand the document itself. The Countryside Agency's (2004) guidelines provide a flow diagram representing LCA methodology. It is suggested that from step one 'Defining Scope', development management planners should be included with further opportunities for them to become involved throughout the next six stages. This is an easily solved problem, however, issues arise when private consultants take charge, the only link they would have to the local authority is the forward planning division. However, it would be hoped the private consultants would consider every stakeholder in its consultation.

This research would suggest that a detailed understanding of the LCAs by development management planners is not a necessity. However, a general understanding of how the document can help in their day-to-day work is essential. The Heritage Council have made in-roads in this respect with an award-winning Introduction to Landscape Character Assessment: All-Island Multidisciplinary Continuous Professional Development and Training Programme which did invite development management planners to attend. However, the training, which was envisaged to be a continuous programme, ended up becoming a 'once-off' event for most professionals who attended with no following up or support network. Positively, it became a multi-disciplinary project with all specialities attending from landscape architects to ecologists, including planners. The Heritage Council are doing significant work to promote landscape, particularly developing Continuous Professional Development. This does assuage the concern raised as to how connected landscape related disciplines are. It would seem that some progress has been made in this area by the Heritage Council. However, none of the planners interviewed had received any formal training from the Heritage Council or otherwise. This could be because of the small sample size. A positive finding, arising from the Q-Sort is that planners are calling for more training, information and guidance from national bodies.

All stakeholders would agree that the DoECLG, on the other hand, have let landscape slide off the agenda and point to the National Landscape Strategy which has been on-going for the past seventeen years with no resolution or decision. Equally, most landscape experts are becoming more disillusioned when straightforward guidelines are being held in draft for over a decade.

SIZABLE SCHEMES AND SINGLE RURAL DWELLINGS

There was considerable diversgence of opinions of planners regarding when LCA should be used. Three planners in the sample suggested that the application of LCA is more appropriate in larger schemes such as: power lines; wind farms; quarries; forestry; and housing estates. It is argued that small dwellings are site specific, and that one dwelling on its own will not have a detrimental impact on the landscape provided it is suitably designed. Projects such as wind farms, however, will have a greater impact on the landscape given their potential visibility across an entire landscape area. However, as pointed out, a wind farm on the mountain side will of course contravene the character of an area. One planner goes on to suggest that the LCA in that case would need to offer advice on how to suppress the overall infringement on character. None of the case-study LCAs prescribes such measures. An example, provided, is of a wind farm development in Kilgarvan, Co. Kerry. Within the EIS the developer acknowledged the landscape character in which the

development was located and attempted to reduce significantly the impact on character through variations in the proposal. In this instance, it was admitted that wind turbines would alter the landscape character, but the EIA argues that the functional role of the wind farm should enrich the local social character. The EIS even goes so far as to note that despite an objective approach to assessing the impact on the character area there is subjectivity in their judgement. The wind farm, as located is thought to have a medium landscape impact despite its visibility across the character area. It will introduce a new functional character to the locality and should not be perceived negatively. Following a comprehensive review of the impact on landscape character in the EIS the planner proceeded to recommend a grant of permission, although landscape character was not cited as a primary reason it did play a role in ensuring mitigation was as successful as possible.

A second example given relates to an application for a rural dwelling which was refused primarily on the grounds of the county's LCA. This is despite some stakeholders considering LCA to be redundant for assessing one-off houses. The proposal was architecturally sound, however, the site was not deemed suitable. Several public submissions suggested that the development contravened the LCA through the development plan, perhaps evidence of growing public understanding of landscape issues. The planner deemed the site to be inconsistent with the LCA due to the location, design and visual prominence. These examples would seem to illustrate that LCA has a range of applications and depending on the detail of the LCA, that smaller scale development can also be assessed under LCA. In describing the process of assessment it is suggested five important elements are always considered: the need; environmental impact; traffic; and integration into landscape – whether you have a detailed LCA or not. It would seem, that due to the larger scale and vision of the LCA, it can be applied more successfully in larger schemes, such as wind farms. It could also be successful on a smaller scale if the detail and compatibility of LCA and RDGs is holistic and strong.

THE NATIONAL AGENDA

All those interviewed in this research acknowledged that landscape is higher on the policy agenda today than it had been ten to twelve years ago. However, most of those interviewed felt that the issue of landscape is being skipped at national level in Ireland. Following the departure of the Green Party from Government in 2011, the agenda has shifted away from landscape. The inclusion of a landscape definition in the Planning and Development, Act (Amendment) 2010, which followed the ELC definition, was commended. Regarding LCA, most stakeholders agree it has become a document which sits on the shelf (Martin, 2005). The promotion of a new Landscape Bill by the Heritage Council should go so far as to include LCA as a legal

facet of the development plan. Although it would appear planners disagree with stakeholders in this regard and in comparison to other issues feel that there isn't a need for a Landscape Act to be high on the government's agenda. Despite these differing views it is suggested that the National Landscape Strategy, which will not surface until at least 2014 is slightly more advanced than the introduction of legislation, which is less likely in the current economic climate. All planners agreed that no development plan has fully captured the complexity of landscape, admittedly an immense challenge.

RECOMMENDATIONS



Figure 2: The three stands of LCA which needs to be improved upon to create a better working LCA in local authorities in Ireland.

There is a desire to provide practical recommendations on the use of LCA which can be realistically applied by governments, stakeholders and organisations. The findings have indicated that there are different levels of understanding of landscape and LCA among the planners who participated in this study. However, it would seem they do not apply LCA to its full capability in their daily work of assessing applications for development. It should be noted however that most agreed that it is a useful document. There is a mismatch between the literature and most of the

participants' practical application of the LCA for development management. Many refer to LCA when needed, some implement LCA indirectly, others not at all. Most would prefer to use their own subjective judgements on landscape. What appears to be significantly lacking is national direction on how LCA should be implemented in accordance with the ELC. It was also found that Planner's dated understanding of landscape has influenced their confidence in assessing development with LCA. Drawing on the forgoing there are three strands of LCA which need to be improved upon: Policy, Planners, and the Public.

PROMOTION WITHIN DEVELOPMENT PLAN

Drawing on the contrasting application of LCA in the different case studies, it is apparent that the support for LCA outlined in the development plan tends to determine its use and planner's confidence of its use. Well written and encouraging inclusion of LCA in the policies and objectives of the Development Plan would hold legal backing, something which independent reference documents do not. Some resolution will have to be agreed, which gives planners the support of an additional planning instrument and councillors the knowledge their electorate will not be divided by designated character areas. Further reasoning for recommending inclusion in the development plan is to ensure greater public participation and revision of the LCA every six years, which adds benefit to planning policy (Sevenant and Antrop 2010). This revision should strive to include more detail with every plan.

A Holistic County Landscape Document -The creation of a single landscape document would undoubtedly enhance the use and promotion of LCA, and other landscape related documents. However, a caveat is attached to this recommendation. In creating such a document local authorities should not become absorbed by the combination of the RDGs and LCA in order to help better the situation with single rural houses. Although a purposeful document which would help in protecting the character of landscape, it is most applicable to single rural housing and it is evident that other issues such as the expansion of wind farms, diversification of agriculture practice, landscape recreation and the building of communication links also affect the landscape significantly. These issues would be omitted to a great extent if LCA is simply combined with RDGs. Local authorities therefore need to review their landscape holistically and promote a vision taking in all scales of change. It should also be noted, however, that a degree of 'entropy' will always exist according to Antrop (1998). In other words, a certain measure of disorder will always occur in a planning system, despite a prescriptive policy document.

FURTHER RESEARCH

This research has revealed the perspectives and experiences of a small group of development management planners concerning their adoption of a particular approach to assessing applications in development management. Due to the scope and limitations of the study, the results are not able to represent the generalised situation for all planners in Ireland. However, they are indicative of certain trends. Further studies should focus more on a quantitative analysis of the issue and cover all local authorities of Ireland to obtain a more comprehensive overview.

CONTINUOUS PROFESSIONAL DEVELOPMENT

The findings have shown the importance of collaborative professional learning in familiarizing planners with LCA and its use in development management. Formal training, similar to the Continuous Profession Development provided in 2011 should be afforded to development management planners to develop their expertise, but remain multi-disciplinary. The focus of the training program should be on application of LCA, rather than preparation. These training programs should include, well devised activities and information, follow-ups, networking, innovative delivery modes, as well as links to particular local authority issues. The Heritage Council should again take the lead in this respect and design the training and promote the principles of the ELC, with emphasis on working with the everyday and less attractive landscapes. In addition CPD should spark innovation and imagination in restoration projects and foster creativity among attendees to tackle issues such as abandoned quarries and 'ghost estates'.

TRIANGULATING OF CHARACTERISATION METHODS

LCA should be referred to in any situation where landscape will be affected. This extends to all levels and scope of development. However, this research concedes that development management planners have a great wealth of knowledge relating to their localities and can independently make characterisations based on their own site visits. However, to remove any subjectivity which may arise from the self-characterisation, a process of triangulation needs to occur (Patten, 1990). Planners need to validate their own analysis, this means finding correspondance between the LCA document, their own self-characterisation and other development plan policies. This would create a more rounded rationalisation on the character of an area.

Heightening Awareness of LCA - LCA needs to be promoted as a credible and rational tool in development management. In this regard, development management planners need to promote their LCA in all stages of applications to developers, councillors, third parties and the public as a whole. In addition local

authorities need to promote landscape in general to its developers as an issue which needs to be taken seriously. Commitment, on paper to landscape issues will heighten public awareness of the issue. This is quiet similar to the issue of biodiversity, which has received a lot more direct attention. Antonson (2009) claims that promotion of landscape characterisation to developers will help bridge the gap between research and planning practice concerning landscape in general to its developers as an issue which needs to be taken seriously. Commitment, on paper to landscape issues will heighten public awareness of the issue. This is quiet similar to the issue of biodiversity, which has received a lot more direct attention. Antonson (2009) claims that promotion of landscape characterisation to developers will help bridge the gap between research and planning practice concerning landscape.

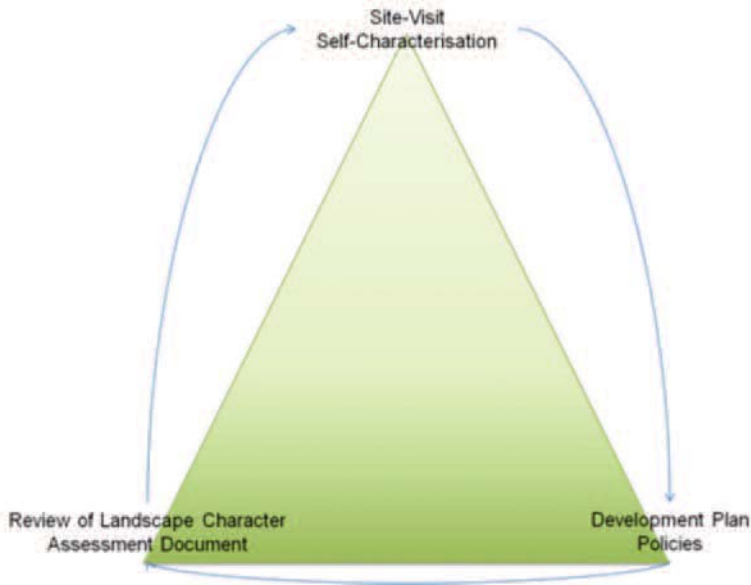


Figure 3: When characterising landscape a formal system of triangulation would help to validate results and produce a more robust and rounded character assessment for assessing a development in the landscape.

ACCESSIBLE LANDSCAPE CHARACTER ASSESSMENTS

From its initiation, LCA should be accessible not only to landscape professionals, but also stakeholders and the general public. There is a need for public participation to include all facets of the community and stakeholder involvement. In saying this,

the forward planning division of every local authority should not ignore their cohorts in the development management division when consulting with stakeholders. Development management planners can play an important role in defining the scope and issues in implementing forward planning policy. Further to this, LCA needs to be made readable and available to all members of the community. It should be clear and concise with purposeful policies and objectives. These policies and objectives should be easily implemented and support planning officials in their daily work.

CONCLUSION

Landscape has received less attention than other issues concerning the environment in the past. However, the issue of landscape is growing in importance with leadership from Europe. In addition, the Irish government, although hesitant, has slowly been making progress in implementing the ELC and helping to create a better understanding of landscape. As Antrop (2005) suggests, there is nothing new under the sun, but the atmosphere is changing. Equally there is a more technical understanding of landscape and LCA by development management planners. However, there is a need for improved and developed policies as well as continuous professional development to improve this. This can be achieved through appropriate commitments from the government, preferably in the form of a legally binding Landscape Act which would compel local authorities to take landscape character seriously and not repeat the mistakes of the past decade.

The research outlined in the paper does confirm the somewhat subjective nature of landscape and its assessment and illustrates that LCA cannot be objectively and practically applied in the development management system. Without formal understanding and training in LCA, planners tend to retain past understandings of landscape and apply their subjective considerations when assessing applications for development. However, LCA is proving a useful tool to support planner's subjective but educated landscape assessments, even if limited in its approach.

The research has shown that there is scope to improve the quality and technique of assessing landscape character through incorporating the subjective educated judgements of planners and triangulating and validating these judgments with the results of LCAs. It is argued that LCAs should be pursued in more detail and incorporated into the legal framework of development plans, guidelines and other regional policy. However, integration of policy into a holistic landscape document needs to be undertaken sensitively so as not to omit facets of the landscape or focus on specific elements. There are limitations to the current research and it cannot be

generalised beyond the case study areas. However, it is argued that the case studies have been illustrative and have provided insights into the achievement of LCA to date. A full study of practice across the country would be valuable and following their successful examination of the production of LCAs, the Heritage Council and indeed the DoECLG would be well placed to carry out this research.

Although often critical of local authorities and their executive and elected members, the research, recognises the difficulty of trying to manage a multifunctional landscape which evokes emotions for many. However, local authorities need to accept this challenge and work together to examine their landscapes more holistically. It is felt LCA can provide this holistic outlook. Moreover, the DoECLG needs to accept this challenge as they hold the greatest influence over local authorities and could ensure the mainstreaming of landscape into spatial planning policy and encourage a move away from conservative and unadventurous practices.

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