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ENVIRONMENTAL APPRAISAL IN NORTHERN IRELAND - A MODEL FOR SUSTAINABLE FUTURES?

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INTRODUCTION

In the Belfast Agreement of 10 April 1998 the British Government gave a commitment to make rapid progress with a new regional development strategy for Northern Ireland, for consideration in due course by the Assembly, "tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban centres" (Mowlam, 1998).

Despite the fact that the North remains in a state of limbo the Department of the Environment has published a Draft Regional Strategic Framework which purports to offer a strategic and long-term perspective on the future development of Northern Ireland up to the year 2025. It aims to provide a spatial framework for action, influencing the distribution of activities throughout the region. It is not a fixed blueprint or master plan, but as the title suggests a framework which defines a vision for the region and frames an agenda which will lead to it's achievement (DOENI, 1998).

In accordance with Government policy the core guiding principle of the Draft Strategy is to move towards a sustainable approach to development based on:

- social progress meeting the needs of everyone;
- effective protection of the environment;
- prudent use of natural resources; and
- maintenance of high and stable levels of economic growth and employment.

It has, therefore been necessary to undertake a sustainability assessment of the Strategic Policy Guidelines (SPG's) contained in the Draft Strategy in order to ensure that it's effects are as beneficial as possible and that any negative effects are minimised.

It is the aim of this paper not only to demonstrate how Northern Ireland has made significant advances in the field of sustainable appraisal and how these advances can provide a model for other regions, but that significant deficiencies remain within the process - deficiencies which must be addressed if sustainable futures are to be achieved.

POLICY CONTEXT

Sustainability assessment is part of a world-wide trend towards environmental and social good practice. The United Nation's 1992 'Earth Summit' engendered global acceptance of the need to adopt sustainable development principles. The European Union's Fifth Environmental Action Programme of 1992, 'Towards Sustainability' (European Union, 1992), highlighted the importance of integrating environmental assessment into the strategic planning process in order to achieve a consistent approach to the environment across Europe. A draft European Union Directive on strategic environmental assessment is currently being developed; it would, if implemented, legally require environmental assessments to be carried out for land use (and possibly other) plans.

UK guidance promotes the incorporation of sustainability issues into plans and policies. The recent consultation document: 'Opportunities for Change' (DETR, 1998) presented a vision of sustainable development that includes social progress which recognises the needs of everyone, effective protection of the environment, prudent use of natural resources, and maintenance of high and stable levels of economic growth and employment. While the approach used in the Regional Strategic Framework accords closely with this characterisation of sustainable development, it succeeds in taking it to a new level.

Although sustainability assessment is not legally required in Northern Ireland, the Department of Environment committed itself at the outset to a full Strategic Environmental Appraisal of the Draft Regional Strategic Framework.

Since 1990, all Government Departments in Northern Ireland have also been required to appraise new policies to ensure that they are socially equitable, under a separate process entitled Policy Appraisal and Fair Treatment (PAFT). The Government continues to attach a high priority to the 'Targeting of Social Need' (known as New TSN) based on the premise that greater equality can be achieved by improving the social and economic conditions of the most disadvantaged areas and people. Employment and employability have been identified as strategic priorities for the initiative. Furthermore, the regional health strategy 'Well into 2000' (DSS, 1997) advocates the preparation of health impact statements.

All three of these forms of appraisal - environment, social equity, and health - have been integrated in a holistic approach. It is the first comprehensive integrated sustainability appraisal undertaken in the British Isles, and it is the aim of this paper to show how it can provide a model for the sustainability assessment of future plans and policies throughout Europe and beyond.

THE PROCESS OF SUSTAINABILITY ASSESSMENT

Sustainability assessment is a process that anticipates and evaluates the environmental, social and economic consequences of strategies such as the Regional Strategic Framework. The integration of sustainability assessment throughout the process of developing the Regional Strategic Framework has allowed the Strategy to

be modified to make it more sustainable.

In particular, integrated sustainability assessment:

- suggests how the Strategy can be improved or alternative ways that its objectives may be achieved;
- allows alternatives - for instance different approaches to locating new development - to be considered and compared at an early stage in decision-making, before the pace of development begins to foreclose options;
- allows sub-components of the Strategy to be examined for compatibility one with another;
- considers environmental, social and economic factors on a par;
- increases confidence that the Strategy's outcome will be relevant and effective; and
- assists in determining priorities for action, balancing responses, and allocating resources.

APPLICATION OF SUSTAINABILITY ASSESSMENT

The stages involved in the sustainability assessment of the Regional Strategic Framework, which took place during 1997 and 1998, are summarised in Figure 1. The methodology employed :

- identifies and describes aspects of the environment (global, regional and local) which could be affected by the Strategy;
- ensures that the Strategy is in line with existing Government advice and other relevant guidelines. In the case of the Region of Northern Ireland the Regional Strategic Framework itself will provide the overarching framework, or 'umbrella', for other plans; and
- appraises sub-components of the Strategy - in this case the goals and policy recommendations for internal conflicts, and the environmental effects.

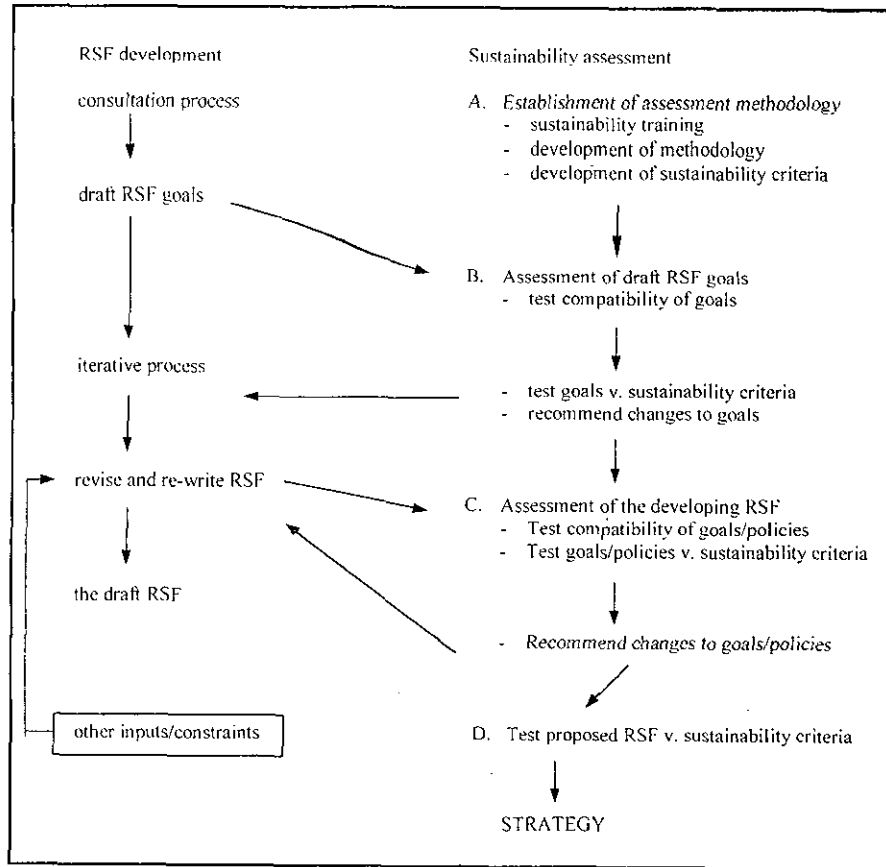


Figure 1. Stages of preparation of Sustainability Appraisal

Key aspects that contributed to the effectiveness of the process are the close integration between the assessment process and the development of the Regional Strategic Framework, and the early start of the assessment process in parallel with the development of the Regional Strategic Framework's goals. Another key aspect was the continuous and iterative nature of the assessment process. Where aspects of the Strategy changed, then the impact of these changes were assessed: thus various components of Step C were carried out several times as the Regional Strategic Framework was developed.

The outcome of any assessment does not offer an 'ideal' solution, nor is the assessment the sole determinant for development of a regional Strategy. Sustainability assessment can offer insight into the environmental, social and economic consequences of a given Strategy, identify the scale and nature of appropriate mitigation measures, and suggest issues to be considered at the next

point of review, but these findings need to be balanced out against the other inputs and constraints. In the context of the Regional Strategic Framework, the challenges of dealing with Northern Ireland's deeply divided society, relatively high unemployment, perceived need to improve the quality of the "hard" infrastructure, virtually sole dependence on a roads-based transport system, perceived inequity between rural and urban dwellers, and peoples' aspirations for improved quality of life (normally equated with increased personal mobility and affluence) all influenced the drafting of the Regional Strategic Framework and led to some policies for development being included in the proposed strategy, which may not be sustainable in the long term.

To some extent, the selection of policies reflects the inherited, predominantly rural pattern of settlement, the social and economic challenges facing the Region emerging from 30 years of "troubles", and what might realistically be achieved particularly in the short to medium term. It will be important, therefore, to monitor and review policy impacts throughout the period to 2025 and to identify modifications which may be necessary to enhance the sustainability of the Strategic Framework to the benefit of future generations.

A. ESTABLISHMENT OF THE ASSESSMENT METHODOLOGY

The first formal stage of the assessment thus involved identifying criteria for testing whether the emerging Regional Strategic Framework policies are sustainable or not.

There is no clear Government guidance on what indicators are appropriate for sustainability appraisal at a regional level. Indeed most assessments carried out to date have been limited to environmental issues. As a starting point, therefore, the sustainability indicators developed to appraise the regional planning guidance for the South East and North East of England were used. It was, of course, necessary to further refine these to meet the circumstances pertaining in Northern Ireland.

The criteria were grouped into five categories, which were felt to reflect the different components of sustainability and which carried equal weight. There were environment, quality of life, social equity, futurity and participation.

The main concerns of PAFT were incorporated into the section on social equity. The social equity questions are phrased slightly differently from the other questions: whereas a 'good' outcome for the other questions involves enhancement of the environment, a 'good' PAFT outcome involves having no different effects for different groups of the populations. Policies which aim to enhance conditions for groups that have traditionally been underprivileged, are tackled in the Quality of Life assessment.

The selected sustainability categories and criteria were:

Environment

Theme	Assessment criteria: Ask "Does the Strategy..."
Biodiversity	threaten or enhance natural habitats or wildlife?
Landscape and Countryside	threaten or enhance areas of open land?
Global warming and air pollution	help to reduce global warming? encourage energy efficiency and the use of renewables? contribute to air pollution?
Management of the water environment	reduce the need for water and/or promote reuse?
Mineral resources	reduce the need for minerals and/or increase recycling?
Waste disposal	Reduce waste production and/or increasing recycling?
Energy efficient transport modes	encourage a reduction in travel? promote a shift from private cars to public transport, cycling and walking? promote alternative fuel technology?
Land and materials	encourage the efficient use of land and materials? minimise the use of greenfield land?
Urban environmental quality	improve the quality of the urban environment? enhance the role of town centres? encourage "sustainable compactness" (multifunctional urban communities which are not subject to town cramming)?

Quality of life

Theme	Assessment criteria: "Does the Strategy..."
Current needs	provide for the needs of current generations?
Unemployment/Poverty	provide access to employment? reduce deprivation and poverty?
Education	provide (life-long) education or training opportunities?
Crime	improve safety and/or tackle the causes of crime?
Housing conditions	improve the housing conditions of households?
Public health	improve health and living conditions?

Social Equity

Theme	Assessment criteria: "Does the Strategy have different effects on..."
Religion/politics	people of different religious beliefs or political opinions?
Gender	men and women?
Marital status	married and unmarried people?
Dependants	people with or without dependants?
Ethnic groups	people of different ethnic groups?
Disabilities	people with or without a disability?
Ages	people of different ages?
Sexual orientation	people of differing sexual orientation?

Futurity

Theme	Assessment criteria: "Does the Strategy..."
Future needs	provide for the needs of future generations?
Future choices	maintain or increase the choices available to future generations to meet their needs? apply the precautionary principle?
Future impacts	have significant impacts on the environmental quality/capacity or social equity of future generations?

Theme	Assessment criteria: "Does the Strategy..."
Review	allow for future amendment?
Public input	promote consultation with statutory and non-statutory expert bodies?
Partnerships	encourage the development of "sustainable" partnerships?

The setting of targets for sustainability components (e.g. 'levels' of biodiversity to be achieved by 2025) was considered to require further research in the light of emerging guidance at the national level. Similarly the link to sustainability indicators for Northern Ireland is a matter for further consideration after the Regional Strategic Framework is finalised.

Following the publication of a discussion paper in November 1997 (DOENI, 1997) to assist the consultation process and the preparation of the Regional Strategic Framework, and the subsequent receipt of comments from a wide range of viewpoints, the Department prepared a set of goals which sought to achieve the aspirations expressed and also meet the demands of Government policy.

In line with UK guidance, the goals were appraised in two ways:

- 1 Compatibility assessment: Each goal was tested against every other goal in a 'compatibility matrix' to see whether they pulled in the same direction or not.
- 2 Sustainability impact assessment: Each goal was also tested against the sustainability criteria developed in Step A, again in a matrix format. Filling in the matrix required the appraisers to ask, for each goal:
 - What impacts would the goal have on the sustainability theme?
 - If the goal is likely to have negative impacts, how could it be changed to reduce these impacts?
 - How could the goal be changed to enhance any positive impacts? This question was felt to be particularly applicable in the context of social equity where some groups may need special targeting for positive action.

- greater emphasis on areas of social need and vulnerable sections of the community, including more focus on providing housing and services for all sectors of the community;
- a move away from an emphasis on improving the transport infrastructure, and towards a greater balance with reducing the need to travel;
- less focus on development of particular sectors of the economy and more on creating a wide range of employment opportunities;
- a move away from an emphasis on the promotional aspects of tourism (e.g. business, water-based), and towards a spatial development strategy supporting sustainable tourism.

Subsequent discussions, both internally and with the external Adviser, further refined these goals and provided a basis for writing detailed policy recommendations.

The proposed content of the Regional Strategic Framework was continuously appraised as it was developed, using compatibility and sustainability impact assessment.

The compatibility appraisals showed that most of the new goals/policies, expressed in the Strategic Planning Guidelines, were broadly compatible with each other, and they became increasingly compatible as the Strategy was worked up. The new emphasis on sustaining and supporting the existing rural community, the more balanced approach to transport, and the less sector-specific emphasis of the economic policies particularly helped to achieve a more balanced, internally compatible Strategy.

- some of the goals/policies were not phrased clearly or seemed to duplicate each other;
- there was potential conflict between some goals/policies for economic development and for environmental protection;
- there was potential conflict between goals/policies for sustainable tourism and expansion of the tourism infrastructure; and
- there was potential conflict between goals/policies for tourism, and for health and environment.

The sustainability impact assessment showed that many of the Strategy's sustainable impacts were strongly positive, particularly in terms of quality of life (reducing unemployment and poverty, improving housing conditions and public health) and social equity (positive effects for older people, people with dependants, and people with disabilities). Particularly positive SPGs include those on improving trans-regional co-operation, restructuring the Belfast Metropolitan Area, and making Derry/Londonderry the regional City for the North-West.

It showed that subsequent versions of the Strategy maintained a stance of continuity and steady, measured and more sustainable progress, emphasising the need to move on from "the troubles" to the development of a more integrated and harmonious society, urban-rural equity (making urban areas more attractive but not discouraging or channelling rural in-migration), the desire to promote tourism, and the upgrading of Northern Ireland's infrastructure and services in an equitable (rural-urban) manner. In the early stages the Regional Strategic Framework was felt not to have a sufficiently focused message regarding land use and development, although this improved over time as the emerging Spatial Development Strategy increasingly endeavoured to integrate land use, transport, environmental factors and other policy considerations.

Overall the Strategy sought to provide an integrated approach in which the negative environmental aspects arising from social and economic advancement are minimised as much as possible, e.g. rural growth despite impacts on air quality, tranquillity etc., and improvements to infrastructure without comprehensive policies to safeguard the environment from the impacts of that infrastructure. The assessment highlighted the need to promote some core environmental goals, for instance reducing need to travel, improving the balance between concentration and dispersal of development, and focusing on brownfield and other urban sites with development potential.

In the early stages, the Strategy was felt to have few implications on fair treatment as defined by PAFT. However it did seem to have differential and potentially positive impacts on 1) the unemployed, in terms of job creation, training and education etc., and 2) rural v. urban dwellers, with some policies benefiting rural more than urban dwellers and vice-versa.

The assessment of the developing Strategy recognised the challenge and potential benefits emerging from the need to support established rural communities which are undergoing change and diversification and at the same time to foster sensitive rural development and a more sustainable use of resources. A major issue arising from the sustainability assessment concerned the potential accumulative environmental impacts arising from the level of future development in rural areas.

The Strategy was vague regarding what is meant by 'rural', which in turn affected the interpretation of many policies, for instance on the provision of services in rural areas, the rural landscape, and economic development in rural areas, for example, the assessment process highlighted the impact of unrestricted rural development on traffic growth. Even with considerably improved rural bus services, it was felt that

rural traffic would significantly increase under the Draft Strategy, although the extent of this growth would depend on the form of rural development.

Current rural development trends in some areas, and particularly emanating from urban areas, were also felt to lead to a pattern of service and infrastructure provision which is neither environment-friendly nor cost-efficient. Dependence on septic tanks for sewage treatment may well have worse impacts on water quality than use of public sewerage infrastructure. Additional electricity and telephone lines would need to be provided to dispersed locations, with greater visual impacts and potentially at greater cost. Gas provision would be difficult with implications in terms of the cost of energy for all energy users in Northern Ireland, and for the environment in that gas is a more environmentally friendly option than electricity, coal and peat. More roads would probably need to be built or substantially improved to handle greater numbers of vehicles, pressures may possibly be generated to provide education, health and other services in areas where a population threshold consistent with good health and education standards may not be obtainable. This could in turn generate more car dependence, again with implications on land use, bio-diversity, and the cost of provision.

The development of a balanced settlement strategy was felt to offer people a broad choice of locations for development consistent with seeking to reduce and minimise environment impacts whilst keeping the urban centres vital and sustaining the rural community including a living and working countryside.

In response to the findings of the sustainability assessment and other inputs, the Regional Strategic Framework was changed over time as follows:

- 1 The Regional Strategic Framework policies became more clearly expressed, with more emphasis on benefits. This included a shift in emphasis from protecting the best to protecting and valuing the distinctiveness of Northern Ireland's natural and built heritage and promoting proper stewardship of all the Region's environmental resources. The need for positive management of the environment was also increasingly stressed.
- 2 It was recognised that transport need - both in urban and rural areas - cannot be satisfied by always constructing new road infrastructure, but requires a new and integrated approach which extends travel choice and changes travel culture over time. Land use-transport integration was increasingly stressed, with a shift of emphasis from mobility and road-based transport to accessibility and public transport. More emphasis was also put on creating a Strategic Transport Network in urban as well as rural areas, recognising the dynamic potential of the transport network in urban as well as rural areas, recognising the dynamic potential of transport corridors, urban hubs, and gateways. Mixed use developments within or on the edge of towns were increasingly promoted to optimise the benefits of developing around transport modes in these corridors.

- 3 The Strategy focused increasingly on promoting the interdependence of urban and rural settlement patterns, on acknowledging the roles of different scales of development, and maintaining good interdependent centres whilst trying to shift away from excessive dispersal.
- 4 For rural areas, it increasingly emphasised regeneration and balanced communities rather than just housing.
- 5 For urban areas, it increased housing targets within existing built-up areas including brownfield sites, with more emphasis on derelict land and reuse of urban areas. More emphasis was placed on the need to preserve and manage existing urban areas, villages, and buildings, thus reducing dependence on greenfield development.
- 6 The Regional Strategic Framework increasingly moved to promoting economic growth in the most suitable locations providing better integration with transport and a more sustainable approach to the use of environmental resources. In the tourism sector, it moved from promoting tourism generally to promoting it in distinctive resorts, based around larger settlements that can provide a better focus for tourism investment, subject to environmental safeguards.
- 7 Finally, the Regional Strategic Framework became increasingly balanced in terms of the spread of development across the Region.

D. TESTING THE REGIONAL STRATEGIC FRAMEWORK AGAINST THE SUSTAINABILITY CRITERIA

The final stage in the sustainability assessment was to test the Draft Regional Strategic Framework against the sustainability criteria identified in Step A, to give an indication of the likely main impacts. This test used a matrix to record the considered impacts for each Strategic Planning Guideline. An example of the matrix used for the exercise can be seen in Figure 2.

FIGURE 2 : SUSTAINABILITY ANALYSIS MATRIX FOR STRATEGIC PLANNING GUIDELINE NUMBER 1 - "TO STRENGTHEN AND EXTEND EUROPEAN AND WORLD WIDE LINKAGES".

SUSTAINABILITY THEME	DIRECT EFFECTS	DIRECT EFFECTS	SUMMARY OF EFFECTS
ENVIRONMENT	BIODIVERSITY LANDSCAPE & COUNTRYSIDE GLOBAL WARMING, AIR POLLUTION MGMT OF WATER ENVIRONMENT MINERAL RESOURCES WASTE DISPOSAL LAND AND MATERIALS ENERGY EFFICIENT TRANSPORT URBAN ENVIRONMENTAL QUALITY	X X X ? ? - - X -	LIKELY NEGATIVE EFFECT OF INCREASED TRAVEL LEADING TO GREATER USE OF FUEL AND AIR POLLUTION. ADDING ENVIRONMENTAL PRESSURE AROUND PORTS AND AIRPORTS AND ALONG MAJOR TRANSPORT CORRIDORS. POTENTIAL CHANGE TO NATURAL ASSETS.
QUALITY	CURRENT NEEDS UNEMPLOYMENT /POVERTY EDUCATION CRIME HOUSING CONDITIONS PUBLIC HEALTH	ok ? - - -	INCREASED LINKAGES MAY HAVE ADVERSE EFFECT ON EXISTING BUSINESS INTERESTS E.G. SMALL LOCAL RETAILERS, BUT COULD PROVIDE ADDITIONAL EMPLOYMENT OPPORTUNITIES.
SOCIAL EQUITY	RELIGION GENDER MARRIED/UNMARRIED DEPENDENTS ETHNIC GROUPS	ok ok ok ok	POSITIVE IMPACT PROVIDING ISSUES OF ACCESSIBILITY ARE ADDRESSED BY OTHER SPG's E.G. DISABILITY

FUTURITY	DISABILITIES AGES SEXUAL ORIENTATION	ok ok ok ok	GIVEN THE INEVITABLE SOCIAL AND ECONOMIC GLOBAL CHANGES THIS POLICY HELPS MEET FUTURE NEEDS. FUTURE IMPACT LESS CERTAIN DUE TO INCREASED COMPETITIVE PRESSURE. NOT EXPLICITLY PROMOTED BUT POTENTIAL IS PRESENT.
	FUTURE NEEDS FUTURE CHOICES FUTURE IMPACTS	ok ok ?	
PARTICIPATION	REVIEW PUBLIC INPUT LOCAL DETERMINATION PARTNERSHIPS	? X ? X	

Key to the assessment of direct effects:

- X Negative impact
- No relationship
? Relationship uncertain
ok Positive

APPRAISAL OF THE DRAFT REGIONAL STRATEGIC FRAMEWORK

The sustainability appraisal of the proposed Strategic Planning Guidelines (SPGs) of the Regional Strategic Framework was recorded on an individual matrix for each of the 30 Strategic Planning Guidelines.

The main conclusions from the appraisal were as follows:

- The Strategic Planning Guidelines (SPG s) almost uniformly have positive impacts on quality of life, reflecting the Strategy's overarching aim of providing a high quality of life for all the citizens of the Region;
 - A high degree of cross-referencing between SPG s has been achieved;
 - There are a number of important policies where the impact of the sustainability objectives of the Regional Strategic Framework will depend on how and when they are implemented by the public and private sectors and indeed the whole community and how they are worked out in operational policies including through Planning Policy Guidance or Development Plans;
 - Most of the SPG s impacts are positive. SPG s that are mostly positive over the entire range of sustainability criteria include those on community relations changing the regional travel culture, Northern Ireland's world wide image, prudent resource use and health;
 - Inevitably, any development on greenfield sites will have a negative impact on the environment, in particular on biodiversity, landscape and countryside, air pollution, land and materials, and a range of other environmental factors. This accounts for the negative impacts identified for the SPG s on European/trans regional links, transport, economic / rural development and tourism. In all cases it was felt that the economic and social benefits would outweigh adverse environmental impacts. The assessment highlighted the need for careful environmental appraisal at the implementation stage and the use of mitigating measures;
- Overall, the Strategy seeks to provide an integrated approach in which negative environmental impacts arising from social and economic advancement are minimised as much as possible. Potential negative impacts will need detailed appraisal at the local level and particularly the implementation stage. This includes careful site selection, environmental impact assessment for individual projects, and specific mitigation measures. the use of 'shadow projects' - environmentally beneficial projects that neutralise the negative effects of another project - should be considered, where appropriate. Environmental enhancements should, if possible, be the ultimate goal of any project;
- Most SPG s had no differential impacts on the PAFT groups highlighted.

- A number of SPGs had a differential impact in the form of better provision for TSN groups that are currently disadvantaged, notably people with restricted access to transportation / services;
- The sustainability assessment suggests that the Regional Strategic Framework overall provides a balanced approach to people living in the east v west of the Region, in rural and urban areas, and in disadvantaged areas. This should contribute to fostering a more cohesive society in the Region.
- The impact of transportation policies measured against sustainable criteria is very important. A heavy reliance on a mainly road based solution implies a concerted complementary effort to neutralise the inevitable adverse environmental impact and this should be reflected in transport investment priorities. The Regional Strategic Framework lays emphasis on:
 - provision that minimises additional demand for travel by car, meeting needs on a resource efficient way, minimising air pollution and global warming potential;
 - investment in existing Strategic Network, which should meet current and future needs in a resource efficient way;
 - a programme of transport integration measures designed to make the regional towns more attractive and better functioning places to live and work and, particularly in the Belfast City Region, to help provide relatively self-contained counter magnets to the Belfast Metropolitan Area.
- Impacts on the futurity were generally positive offering a range of quality of life choices, such as making city and town living more attractive choices, building urban communities for the future, sustaining a living and working countryside, the Belfast Metropolitan Area, and develop an integrated Regional Strategic Transport Network, with upgraded public transport elements.
- Many of the impacts on participation were not possible to predict given the present uncertainties regarding the devolution of powers to the Assembly. The Assembly provides the opportunity to promote more democratic input at the regional level. In addition, there is already a highly developed network of community organisations and specific purpose partnerships. These have contributed effectively in recent years augmenting the contribution arising from other measures such as the enhanced powers given to District Councils to promote economic development.

FUTURE STEPS

As evidenced above, the sustainability assessment has already influenced the shape and content of the Regional Strategic Framework, making it more environmentally

friendly and sustainable, clearer, and more internally consistent.

The Regional Strategic Framework will provide a framework for the development of future plans and projects, many of which will themselves be subject to sustainability assessment. Techniques for such assessment are continuously evolving. However this assessment's emphasis on sustainability (not just environmental) issues, integration of the appraisal process with the development of the Strategy, and focus on improving the Strategy (rather than giving a snapshot of its impacts) provides a useful model for future Strategic Assessments not only in Britain and Ireland, but beyond.

The Regional Strategic Framework does, however, rely on developers coming forward with sustainable proposals, on an economic system that supports such proposals, and on the commitment of the whole community to more sustainable outcomes.

The sustainability assessment has also highlighted the value of building sustainability factors into the decision making process relating to public expenditure infrastructure.

In relation to implementation and monitoring, ideally each goal should be accompanied by targets for success (for instance for the provision of important infrastructure, or the use of private cars for commuting). Each target would be linked to a form of measurement which indicates the progress towards achieving the goal or objective. In this way it should be possible to measure progress in achieving the overall aims of the strategy, and to determine which factors are preventing the achievement of success.

A set of nationally agreed sustainability indicators are expected to be available in the near future. As these are introduced, and as performance data begin to become available, quantitative assessment of progress will be a valuable additional monitoring tool for the Regional Strategic Framework.

In addition, monitoring and review may need to be supplemented by further studies to provide additional information which would assist the future evaluation of urban and rural development trends in relation to sustainability, and how future plans and policies should evolve in the light of international best practice.

The Role of Sustainability Appraisal in Implementation and Monitoring

The sustainability appraisal has been used to develop the Regional Strategic Framework as a whole, and individual Strategic Planning Guidelines within it, and to test them against sustainability criteria. Ideally the final Regional Strategic Framework emerging from the Public Examination process, and consideration by the Assembly, should then be appraised in relation to sustainability.

The use of sustainability assessment also has an important role in the immediate future, as the final Regional Strategic Framework is interpreted and made

operational through local plans and other policies and programmes. The Department of the Environment for Northern Ireland, is aiming to ensure that the Regional Strategic Framework is reflected in these plans and followed through into their proposals and programmes. As an important step in that process, consistency with the Regional Strategic Framework could be demonstrated if local plans were prepared and tested using sustainability assessments similar to the one outlined above.

It is envisaged that the progress of the Regional Strategic Framework's implementation will be monitored using key sustainability indicators. The sustainability assessment approach that has been developed to structure the Regional Strategic Framework will continue to guide the monitoring process. It will be refined and possibly modified in the light of experience and ongoing research and debate about how sustainable development can be achieved. The evolving sustainability indicators and targets for Northern Ireland will play a role in implementing and monitoring the Regional Strategic Framework. In this way the appraisal framework will remain 'active' and influential as progress on the Regional Strategic Framework is periodically checked and the need for policy review is considered.

CONCLUSION

It is apparent that the sustainability model adopted for the Regional Strategic Framework for Northern Ireland has much to offer in terms of achieving the Governments aim of sustainable development. It is, however, important to bear in mind that the appraisal process is still carried out by Departmental officials who are often divorced from the needs of those most affected by policies and proposals.

This begs the question "how can these needs be addressed"? The obvious response must surely be through community participation - specifically participation in the appraisal process. How and indeed if this will be achieved remains to be seen - the point is that while other regions can learn valid lessons from Northern Ireland in terms of sustainability appraisal practice, there is still much to learn in terms of procedure. It is not enough to do the right thing it is more important to do the thing right.

REFERENCES

Department of the Environment (1991) *Policy Appraisal and the Environment*, HMSO London

Department of the Environment (1992) *Planning Policy Guidance 12: Development Plans and Regional Policy Guidance*, HMSO London

Department of the Environment for Northern Ireland (1989) *Development Control Advice Note 10: Environmental Impact Assessment*

Department of the Environment for Northern Ireland (1997) *Shaping our Future, a Discussion Paper*, November 1997

Department of the Environment for Northern Ireland (1998) *Shaping our Future, Draft Strategy*, November 1998

Department of the Environment, Transport and the Regions (1998) *Opportunities for Change – consultation paper on a revised strategy for sustainable development*

Department of Health and Social Services (1997) *Well Into 2000: Regional Strategy for Health and Wellbeing*

European Commission (1985) Council Directive of the 27th June 1985 on the Assessment of the Effect of Certain Private Projects on the Environment, (85/337/EEC), *Official Journal of the European Communities*, L175, 40-49

Glasson, J, Therivel, R and Chadwick, A (1997) *Environmental Impact Assessment, Principles and Procedures, Practice and Process*, UCL Press, London

HMSO (1996) *This Common Inheritance: UK Annual Report 1996*, London

Analysis of implications for sustainability of NDP transportation investment under the Economic & Social Infrastructure Operational Programme 2000 - 2006

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INTRODUCTION

The National Development Plan, published in November 1999, is the Government's spending strategy over the next six years. In the words of Charlie McCreevy, Minister for Finance, "the plan will lay the foundation for Ireland's continuing social and economic development into the next Millennium". The philosophy which is stated to underpin the NDP is the promotion of more balanced regional development. Such a philosophy would be in accordance with the European Spatial Development Perspective, which promotes a polycentric pattern of urban development, and improved accessibility to more peripheral areas.

The total budget over the period of the Plan is £40.588 billion of public, EU and private funds. The figure is broken down as follows:

Heading	2000-2006 (£ billion)	Annual Average (£ billion)	1999 Base (£ billion)	% Increase
Economic & Social Infrastructure	20.948	2.992	1.931	54.9
Employment & Human Resources	10.952	1.565	1.560	0.3
Productive Sector	8.588	1.227	1.054	16.4
Peace Programme	100	20*	20	
Total	40.588	5.798	4.565	27.1

* The Peace Programme only relates to 2000-2004
Source: NDP 2000-2006

Key elements of the NDP strategy are:

- continuation of the stability orientated macroeconomic policies of recent years
- a major investment programme in Economic and Social Infrastructure
- a commitment to a better regional distribution of public and private investment
- the promotion of education and employment training policies attuned to the needs of the labour market and a special focus on those most at risk of unemployment
- a multi-faceted approach to the promotion of Social Inclusion, including targeted interventions aimed at areas and groups affected by poverty and social exclusion throughout the community

REGIONAL DEVELOPMENT STRATEGY

One of the main emphasis' of the Plan is to achieve balanced economic growth throughout the regions. In fact, the achievement of more balanced regional development is stated to be a fundamental objective of the NDP (although delivery of this objective is unspecified in the absence of any national land use plan/strategy). "More balanced regional development" is not taken to mean simply development of regions which are lagging behind, but also to ease pressure on urban infrastructure, to tackle urban and rural poverty over the long term and to better integrate economic and physical planning through more effective land use.

It is envisaged that more balanced regional development will be implemented through:

- infrastructural investment, particularly roads, public transport and environmental
- the promotion of regional Gateways or urban growth centres to complement what have been identified as existing Gateways (Dublin, Cork, Limerick/Shannon, Galway and Waterford). Gateways are identified as "centres which are strategically placed to drive growth in their zones of influence, generating a dynamic of development which embraces the complementarity between city, town, village and country". (NDP, p.43) The National Spatial Strategy (the final version of which is not expected until December 2001, i.e. two years into the NDP spending programme) will translate the NDP approach to regional development into a more detailed blueprint for spatial development in the long term. It will do this by identifying Regional Gateways, or urban growth centres.
- two Regional Operational Programmes targeted particularly at local infrastructure, local production and social inclusion, which will be managed by two Regional Assemblies, one each for the S & E Region, and the BMW Region
- positive discrimination in favour of regions lagging behind in terms of new enterprise and production

The objective of balanced regional development is to be achieved through the operational programmes outlined in the NDP. The OP for Economic and Social Infrastructure is one of these.

OPERATIONAL PROGRAMME FOR ECONOMIC AND SOCIAL INFRASTRUCTURE

Improved accessibility is identified in the NDP as an essential element in sustained economic growth and competitiveness. In a European context, this is particularly so for Ireland in view of its peripheral location, specifically its western and north western seaboard.

As can be seen from the NDP expenditure table above, over half the entire budget is to be spent on Economic and Social Infrastructure, or £20.948bn (22,361m euro). The Operational Programme includes spending on roads, public transport, water & waste water, coastal protection, energy, social and affordable housing, and health capital. The proposed spending plan is set out below.

Sub-Programme	National (million euro)	BMW Region (million euro)	S & E Region (million euro)
National roads	5.968	2.176	3.792
Public Transport - GDA	2.012		
Regional Public Transport	825	250	575
Environmental Protection	3.213	888	2.325
Energy	185	90	95
Housing	7.619	2.057	5.562
Health	2.539	800	1.739
Total	22,361	6,261	16,100
Total per capita	6,167	6,486	6,051

Source: NDP 2000 - 2006

The focus here is on transportation spending proposed in the NDP, and the implications for sustainability. One cannot consider transportation in isolation - it is inextricably linked with location and distribution of land use. The emphasis in transportation policy, in terms of modal priority and integration, and hence the level of accessibility provided, will influence location of uses, both at a micro and macro level. Likewise, the shape of urban areas and the distribution of uses will dictate to a great extent the modes of transportation which are most practical for the user, and most efficient in economic terms.

NDP Transportation Budget 2000 - 2006

An examination of the above expenditure table shows that of the total budget of 22,361m euro for economic and social infrastructure, 8,805m euro, almost 40% (39.4%) is to be spent on transportation.

This 40% figure breaks down as follows:

	Total	GDA	BMW	S & E
National Roads	5.968		2.176 (36.5%)	3.792 (63.5%)
Public transport	2.837	2,012 (71%)	250 (9%)	575 (20%)

An additional 2,108m euro is also available for transportation through the Regional Operational Programmes:

* 2,032m euro to be spent on non-national roads

* 76m euro on ports and airports

Therefore, the entire budget for Transportation Infrastructure is 10,913m euro

Roads	8,000m euro	(73.3%)
Public Transport	2,837m euro	(26.0%)
Ports & Airports	76m euro	(0.07%)

The following facts can be derived from the breakdown of spending set out above:

- The total planned spending on road infrastructure is 8,000m euro, which is almost 3 times the national public transportation budget.
- Of the planned investment in public transport nationally, 71% is to be spent in the Greater Dublin Area. This figure is likely to be an even higher percentage of the total budget when the actual cost and route of LUAS / Metro is eventually known.
- The budget for public transport in the most peripheral and inaccessible parts of the country, the BMW region, is 9% of the national public transport budget, and 3% of the national budget for road infrastructure.

Some notable issues emerge from analysis of the Transportation budget in the NDP:

1. The focus of investment is very clearly on road infrastructure, and the majority of that is to be spent in the S & E Region. This emphasis on road based travel is despite the fact that "increasingly, the transport of goods and people by rail is viewed as an environmentally friendly and safer alternative to road transport". (NDP, p. 58)
2. Investment in rail is primarily to be on safety, upgrading and renewal. No new rail links are proposed outside the GDA, apart from the "possible introduction" of commuter rail links between Cork and Midleton, and Limerick and Ennis. The lack of investment in rail transport as a commuter option will perpetuate congestion problems in the larger urban conurbations outside the Greater Dublin Area, and will hinder the achievement of high density residential development in these areas.
3. Of the money that is available for public transport, over 90% is to be spent between the GDA and S & E Region. Therefore, the areas which are currently most inaccessible by public transport, and most peripheral in both a national and European sense, (the BMW Region) are to receive the least amount of investment. Despite the obvious imbalance in spending on public transport, the NDP states that "investment in mainline rail and provincial bus services will facilitate balanced regional development and help to sustain rural areas". (NDP, p.47)
4. Improvements to ports and airports countrywide warrant less than 0.1% of the entire budget. No details of spending on airports and ports is given, and there is no discussion of development of regional airports as a tool for encouraging inward investment
5. The bias of spending in favour of the GDA and S & E regions does not reflect a commitment to promotion of a more balanced pattern of regional development.
6. As will be shown, a roads based transportation policy does not accord with the principles of Sustainable Development.

TRANSPORTATION AND SUSTAINABILITY

The term "sustainable development" is one which is much used, in many instances loosely defined, and very often misunderstood. The beguiling simplicity of "sustainability" has increased its attractiveness as a political mantra, evidenced by the vagueness with which it is used in both the NDP and the Planning and Development Act, 2000. The notion of sustainable development gained common currency post- publication of the World Commission on Environment and Development report "Our Common Future" (1987), popularly known as the Brundtland Report.

"Humanity has the ability to make development sustainable - to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs". (Our Common Future, p. 8)

This has become the most commonly cited definition of sustainable development, and portrays the three principles of growth and development for its achievement identified by Haughton and Hunter; intergenerational equity, social justice and transfrontier responsibility (Haughton, C. & Hunter, C. 1994). These three principles are defined as:

- Principle of intergenerational equity: in considering any human activity, the effects on the ability of future generations to meet their needs and aspirations must be considered. This is sometimes also referred to as the principle of futurity.
- Principle of social justice: this is concerned with current generations, where poverty is seen as a prime cause of degradation. Sustainability requires that control over distribution of resources be more evenly exercised, taking account of basic needs and common aspirations. Wider participation in environmental strategies and policies is an integral element of achieving this aim, sometimes also known as *intra-generational equity*.
- Principle of transfrontier responsibility: at the broad level, stewardship of the global environment is required. More specifically, transfrontier pollution needs to be recognised and controlled. Where feasible, the impacts of human activity should not involve an uncompensated geographical displacement of environmental problems. Rich nations should not overexploit the resources of other areas, distorting regional economies and ecosystems. Similarly, the environmental costs of urban activities should not be displaced across metropolitan boundaries, in effect subsidising urban growth. (Haughton, C. & Hunter, C. 1994, p. 17).

Sustainable transportation is defined as "satisfying current transport and mobility needs without compromising the ability of future generations to meet these needs" (Black, W.R., 1996).

"Implicit in this definition is the tenet that the transport system must have a fuel that will be available, that the fuel will cause minimal impacts on the environment, that the system will not become so congested as to no longer function, that the system may not kill and maim a large number of its users, and that the system may use additional land only when this is unavoidable" (op. cit. p. 147). In relation to fuel reserves, estimates vary, with depletion of global supplies between 2021 and 2050 (op. cit. p. 152).

Black also identifies short term costs or problems of transportation, but not long term problems of sustainability, as they do not pre-empt future generations from meeting their transportation needs. These short term costs include noise pollution, structural damage from vibration, water pollution due to runoff from streets and highways, loss of wetlands, loss of open spaces, loss of historic buildings, marine pollution due to petroleum spills, productivity losses due to accidents, decreases in property values, national security concerns, as well as macroeconomic concerns (e.g. inflation potential and balance of trade concerns).

Some of the major issues in transportation which pose a threat to sustainable

development warrant further discussion.

Air pollution is one of the main threats to sustainable development from the transportation sector. The main emissions from transport which have a detrimental impact on air quality are:

- Carbon monoxide (CO)
- Carbon dioxide (CO₂)
- Nitrogen oxide (NO_x)
- Volatile organic compounds (VOC's)

CO₂ is recognised as being responsible for 50% of global warming due to the greenhouse effect. The main source of CO₂ is from fossil fuel combustion. Other emissions from transport which contribute to global warming are NO_x and CFC's. Transportation is responsible for 22% of global energy consumption, and 25% of fossil fuel burning. (Haq, G., 1997), and produces about one sixth of global anthropogenic carbon dioxide emissions (Greene, D.L. & Wegener, M., 1997, p. 179).

The United Nations Environment Programme has estimated that the energy efficiency of various modes varies significantly, with more than a six fold difference in energy intensity between the most efficient (walking and cycling), and the least efficient, motorised passenger transport, particularly the private car (Haq, G., 1997).

Fossil fuels are not the only finite and non-renewable resource consumed by the transportation sector – land consumption to facilitate transport is also a serious issue. Land as a resource is used up by transport for the following purposes:

- laying new roads and, to a lesser extent, railways, airports and docks
- quarrying for raw materials for road and infrastructure construction
- car parking provision, particularly onerous in urban environments where land is at a premium
- scrap yards and waste disposal from transport
- land uses generated by transportation, particularly the private car e.g. out of town
- business and retail, service stations, low density suburban development

Land consumed by transportation, either directly or indirectly, becomes unavailable for alternative uses. As previously stated, land use and transportation are inextricably linked, and transport policy and investment decisions will dictate to a large extent urban density and structure. The less dense an urban area becomes, the less economic efficiency is achieved by public transport, as the network required to provide an adequate service expands. Conversely, emphasis on private car travel facilitates low density development on the urban fringe and higher levels of land consumption than policy which promotes public transportation.

The land take for infrastructure varies: railways demand forty times less land than roads. Also, the land take per mode varies, e.g. a lorry requires 0.007m² of space per tonne kilometre, in comparison with rail which needs 0.0025m². The lorry therefore requires three times as much space for the transportation of freight as rail. Land use planning has important implications for energy consumption and sustainability, with new transport projects generating land use development and vice versa (Haq, G., 1997, p. 19).

As well as air quality and land consumption, issues of **social equity** arise when considering transportation investment policy. It is acknowledged that an efficient road network is central to a successful economy, and that the car is more than just a means of transport, also functioning as a reflection of prosperity and satisfies the personal ambitions and requirements of some car users. However, car based urban transport networks discriminate against non-car owners and users. Social groups marginalised by an inadequate public transport service are lower income groups, the elderly, mobility impaired and disabled persons, and children. Particularly disadvantaged are the aforementioned groups who live in rural environments.

Cities which give dominance to the car through its pattern of land use, density and lack of modal choice inhibit access to employment, community services, retail, education, entertainment etc. for those dependent on public transport. The inevitable degradation of the urban environment which is dominated by private car travel increases the risk of accidents for pedestrians and cyclists. It can also seriously detract from the pedestrian environment through noise, fumes, visual intrusion, severance, and congestion on footpaths and at crossing points.

CONCLUSION

As can be seen, the proposed spending on transport is a very substantial portion of the entire budget for Economic and Social Infrastructure, in fact almost 50%. This reflects the Governments concerns in relation to increasing congestion and bottlenecks, which is regarded as having the potential to undermine competitiveness. Of equal importance, however, are the non-economic repercussions of congestion, which impact on every citizen. Congestion and infrastructural deficits impact on quality of life for everybody. For example, in terms of air and noise pollution, longer journey times, visual intrusion, severance and, in a global sense, the use of non-renewable resources and atmospheric degradation.

Essentially, transportation and land use policies will influence the sustainability of the urban environment in the long term. For example, the distances between the home and other land uses will dictate the possibility of journeys on foot or bicycle. The availability and quality of the public transportation service will either offer modal choice, or increase dependency on private car travel. The availability of abundant, free car parking spaces, particularly at employment generating land uses, encourages single occupancy commuter travel by car. Deficiencies in public transportation modes and network penetration can discriminate against non-car drivers and the mobility impaired. A roads based, and particularly car based, transportation policy requires the use of urban space for parking, which may otherwise be available for economic, residential, community or leisure uses. A car based transportation network perpetuates reliance on fossil fuels, which have a detrimental effect on the global environment.

The spending strategy on transport infrastructure put forward in the NDP 2000 - 2006 is evidently road based. It is proposed to upgrade many of the national primary routes to motorway and dual carriageway standard, and achieve average inter-urban speeds of 94 kph on dual carriageway, and 105 kph on motorways. On

the basis of this, it is likely that average journey times between urban areas will be reduced in the short term, which will result in longer commuter journeys, as modal choice is not facilitated through investment in public transport, particularly rail. In spatial terms, this is likely to result in a wider hinterland of dormitory towns between large urban centres.

The paucity of investment in public transport outside the GDA and within the main regional centres, will make it difficult to contain urban sprawl through high density development, and promote sustainable modes of intra-urban travel. Neither will it help to alleviate congestion in these urban areas. One must bear in mind that congestion is currently, by and large, a peak hour commuter problem, and that dependence on private car travel is as a result of an inadequate public transportation system and pattern of low density suburban development. This is true not only for Dublin and the Eastern Region, but in urban areas countrywide. It is difficult to see how sustainable patterns of urban land use and higher densities, and the promotion of "balanced regional development", can be achieved by a transport spending plan formulated (and being spent) in the absence of any national land use / spatial development plan.

The Productive Sector Operational Programme recognises that sustained economic growth is best achieved through promotion of high tech, "intelligence" based industries. It is also proposed under this Operational Programme to increase the level of national spending on R & D. Again, the emphasis is on achieving balanced regional development. However, despite this, less than 1% of the transportation budget is to be spent on ports and airports. The upgrading of existing regional airports to facilitate business travel to mainland Europe, in tandem with the provision of telecommunications network, could help to achieve regional balance in these industries.

There is one certainty in transportation planning – that the fuel source on which we currently depend is rapidly depleting, and is estimated to be exhausted by the year 2050. Research is ongoing however into alternative fuels, such as hydrogen, although large scale penetration of such products is still some way off. Levels of car ownership and usage in recent years have reinforced the difficulties in accurately predicting demands for car based infrastructure. A more sustainable approach would be to switch emphasis in transportation policy to provide a comprehensive, efficient and reliable public transport service nationwide.

It is difficult to find comfort in Government Transportation Strategy, which appears to fly in the face of the principles of sustainability, does not promote greater urban densities and containment, and falls short of what could facilitate a meaningful regional development strategy.

However, the detailed spending plan for the Operational Programmes is not expected until the end of this year, and the National Spatial Strategy is still at preliminary stage. Perhaps further clarification of transportation and land use strategy on foot of these will make the prospects seem less bleak.

While it is acknowledged that improved transport infrastructure is essential to

continued economic growth, it is considered that the emphasis on a road based transport system in the NDP, particularly outside Dublin, is shortsighted and unsustainable.

Bibliography

Black, W.R. (1996) *Sustainable Transportation: a US perspective* Journal of Transport Geography, Vol. 4, No. 3, pp. 151 - 159

Greene, D.L. and Wegener, M. (1997) *Sustainable Transport* Journal of Transport Geography, Vol. 5, No. 3, pp. 177 - 190.

Haq, G. (1997) *Towards sustainable transport planning*, Aldershot: Avebury

Haughton, G. & Hunter, C. (1994) *Sustainable Cities* Regional Studies Assoc. and JKP, London.

Ireland National Development Plan 2000-2006 Government Publications

World Commission on Environment and Development, (1987) *Our Common Future*, Oxford University Press

Development of Infrastructure under the National Spatial Strategy

Hendrik W van der Kamp

INTRODUCTION

There is general consensus that the unprecedented scale of economic growth in recent years has highlighted the need to make a significant investment in the physical infrastructure. The publication of the National Development Plan (NDP) represents the Government's response to this need. The need to correct deficiencies had been concluded in several reports preceding the NDP (e.g. Fitzpatrick Associates 1998, FitzGerald et al 1999). Through the publication of the National Development Plan, the Government has clearly indicated its plans to provide for infrastructure.

This article¹ explores the potential contribution of the provision of the infrastructure under the NDP to the development and delivery of the National Spatial Strategy (NSS). For that purpose first the infrastructure programme as contained in the National Development Plan (NDP) is assessed. Important in this assessment is the issue of delays in the planning and implementation of infrastructure projects through long planning procedures and legal challenges. This is the question: Can we deliver? The second part looks specifically at the scope for using infrastructure to develop what could be termed 'spatial development concepts'. It is the thesis in this article that the development of such spatial development concepts is of fundamental importance in the necessarily creative approach to the NSS and that the NSS should provide the framework to guide the infrastructure programme that has been outlined in the NDP, not the other way round. Essentially this is the question how infrastructure provision can be used as a basis for developing spatial planning policies. Not the infrastructure as the objective of the policy but the spatial development patterns that the infrastructure makes possible to create are the objective.

THE EXTENT OF THE INFRASTRUCTURE PROGRAMME IN THE NDP

The NDP deals with infrastructure primarily in two ways: under a specific Operational Programme (Economic and Social Infrastructure Operational Programme (OP)) and under the two Regional OPs (Border, Midland and Western Regional OP and Southern and Eastern Regional OP). In addition it includes education and training infrastructure under the Employment and Human Resources Development OP.

The Plan adopts a comprehensive understanding of 'infrastructure' which is stated to include: roads, public transport, water services, waste water, solid waste management, telecommunications, energy, housing, health and educational capital. (GoI 1999). Table 1 shows the total extent of the infrastructure programme for the country as a whole as well as the two regions.

¹ This paper was originally presented at a conference of the Regional Studies Association, Irish Branch Tullamore Court Hotel, 3 April 2000

Table 1 - Infrastructure Programme under the NDP (million euro)

Category	BMW	S&E	Total
Roads, national	2176	3792	5968
Roads, non-national	892	1140	2032
Public Transport, GDA	0	2012	2012
Public Transport, regional	250	575	825
Seaports	13	45	58
Airports	10	4	14
Telecommunications	107	46	153
Water and Waste Water	870	2298	3168
Coastal Erosion	18	26	44
Waste Management	305	521	826
Water, rural	373	160	533
Energy	90	95	185
Housing	2057	5562	7619
Urban and Village Renewal	40	91	131
Health	800	1739	2539
Education and Training	592	1481	2073
Culture and Recreation	198	295	493
Total	8791	19882	28673

For the purpose of the subject here, i.e. that of how infrastructure can contribute to the development of spatial development concepts, only a proportion of the infrastructure programme in the NDP is of interest. Infrastructure categories that are not of a spatially strategic nature have therefore been excluded from the analysis here. This means categories of infrastructure referred to in the NDP (and clearly important) such as crèches, traffic management, demand management in traffic area or applications of IT technologies in the health area. All of these are rightly included in the infrastructure component of the NDP but are not of immediate interest in the context of the NSS.

If one excludes these elements from the infrastructure programme, what remains is a list as follows:

Roads, National

- Development strategy for the National Primary road network focusing in particular on key national routes (p51)
- M50 and Dublin Port Tunnel projects (p52)
- Improvement of national secondary roads of critical importance (these include links to strategic corridors, roads serving key ports, airports, tourist areas, industry and multi-purpose roads) (p52)
- Route selections for substantial sections of roads, rather than delivery of bypasses (p52)
- The option of an Eastern Motorway for Dublin is being assessed (p55)

Public Transport, Greater Dublin Area

- Providing for a spatial distribution of public transport which addresses the requirements of the Strategic Planning guidelines (p54). This means: possible provision or enhancement of rail services to Drogheda, Naas/Newbridge/Kilcullen, Wicklow, Navan, Athy, Arklow, Kildare and Monasterevin (p56)
- Implement Light rail network approved by the Government in 1998 (p55)
- Exploit potential for development of the suburban rail network short term (p55)
 - Upgrading of the Greystones to Arklow line (p55)
 - Linking Heuston and Connolly stations (p56)
 - Quadrupling of tracks between Hazelhatch and Sallins (p56)
 - Provision of new stations at Intel, Lucan N and S, Ashington station (p56)
- Exploit potential for development of the suburban rail network long term
 - New inland rail link Dublin to Navan (p56)
 - New rail link from Belfast line through Swords and Dublin Airport to Western line (p56)
- Provide additional Park and Ride facilities (p55) The provision of 3700 park and ride spaces at 8 sites, additional to the 2700 spaces being provided under the current programme (p57)
- The provision of public transport nodes and interchange facilities (p57)

Public Transport, Regional

- Upgrade commuter rail services on Cobh and Mallow lines. (p58)
- Possible introduction of commuter rail services between Cork and Midleton and Limerick and Ennis. (p58)
- Park and Ride sites in Cork

Environmental Protection, Waste management

- Integrated network of some 20 state-of-the-art landfill facilities. (p66)

Energy

- Importance of the energy transmission network to the promotion of regional development is recognised. The vast bulk of capital investment in the energy sector of the period to 2006 will take place outside of the provisions provided for in the Plan. (p67)

Communications/E-Commerce

- Promote investment in advanced telecommunication in areas where it is clear the market will not deliver sufficient investment (p68)

Housing

- Provide 100,000 additional houses in the short term (2000-2001) (p71)
- Longer term investment decisions necessary for achieving a better geographical balance of population distribution and economic activity through the NSS (p71)

THE RATIONALE FOR THE INFRASTRUCTURE PROGRAMME

There appears to be an interesting shift in the rationale for infrastructure investment. In the past and under previous National Development Plans, emphasis was on the peripherality of Ireland and the general lack of development. The infrastructure investment programmes were driven by the theoretical assumption that improved infrastructure can lead to development on the basis of the hypothesis that public infrastructure reduces private costs. This rationale was also clearly present from the start of the European Regional Development Fund that started the process of infrastructure improvement in Ireland. Now the rationale is more that wealth creation is already there and that the infrastructure needs to be provided because there are shortages and congestion effects, particularly in the S&E region.

Notwithstanding this shift in emphasis, the NDP seems to be still strongly based on the idea that infrastructure investment will lead to development. Whether this is true or not is an age-old question that remains to some extent unsolved. It is noted that the NESC for example, strongly support the idea that infrastructure does contribute to development and refers to the link between infrastructure and the economic growth rate and to the importance of high quality infrastructure for attracting foreign investment (NESC 1999, p443). Both that report and the reports that were prepared for the two regions as an input to the NDP (Fitzpatrick Ass. 1999a and 1999b) refer for example to the finding that 65% of firms surveyed in the Mid-West believed that the road network reduced its competitiveness.

On the other hand, while there are literature references to support the link between infrastructure provision and development, there is a general lack of evidence that this link is a causal link. Hurst (1994) concluded that research has failed to establish causality between infrastructure provision and economic development. His literature review also stated that it is of critical importance that the direction of causality is not clear. Though public capital and output are correlated, it may be that greater wealth increases the demand for infrastructure rather than the reverse. A recent study in Ireland also pointed to the complex nature of the relationship between infrastructure and economic growth and that it is not possible to say that providing a given level of infrastructure will have a causative effect in increasing economic growth (Fitzpatrick Ass. 1998).

Of course, it is important that infrastructure should not only be seen as contributing to growth in output but also to ensure improved social conditions or equity (e.g. public transport in rural areas) or improved environmental performance (e.g. wind energy infrastructure). This is clearly pointed out by the NESC in referring to environmental sustainability of infrastructure (NESC 1999). Nonetheless it is important to acknowledge that the rationale for the infrastructure programme contained in the current development plan is much more one of relieving congestion and removing critical deficiencies rather than using infrastructure as a policy tool of regional development as it has been in the past (e.g. the advance factory policy of the IDA in the 1970s).

We should therefore be very clear in making explicit what is the rationale for the infrastructure investment. Seen in this light, the reasons advanced for including

housing in the infrastructure programme, appear to be confusing. Housing is included as an infrastructure sector, according to the NDP and acknowledged by the NESC, for the first time reflecting the current housing shortage and affordability difficulties in Ireland. One could point out however that the previous National Development Plans (1989-1993 and 1994-1999) were based on a specific objective, i.e. to reduce the gap with income levels in Europe. Housing was not a relevant policy in that context in order to achieve that objective and this is why the previous NDPs could not be described as 'comprehensive plans' nor were they intended to be (see van der Kamp 1996). In terms of including housing as a category of infrastructure in the current plan, it seems that the social component of the rationale (i.e. affordability) is not an issue of infrastructure while the housing component as a land use is, and always was, a planning issue. The supporting infrastructure to enable the provision of housing (roads, public transport, community facilities and water and sewerage) are still of course an infrastructure issue.

In the general debate about the usefulness of public investment in infrastructure a number of pitfalls and conclusions have been reached and have been referred to in the past (see van der Kamp 1997) and it is of interest to examine the infrastructure programme under the NDP in the context of these conclusions.

Pitfall 1: Transport cost is a small cost factor.

This is the argument that while improved transport infrastructure could reduce private transport cost and therefore compensate to some extent for lack of competitiveness in peripheral regions, this is less relevant if transport cost forms only a small proportion of the total unit production cost. This argument has been proven by the success of the Irish economy in attracting large firms that serve European markets (e.g. Intel, HP, Dell). Clearly, it seems that transport cost is not a deciding factor as for these firms Ireland would represent a peripheral location. The NESC report points out that because most of the recent economic growth has come from technology based industry, crude transportation costs considerations and traditional peripherality concerns no longer matter as much as they did 15 years ago (NESC 1999). This is very relevant for the conclusions with regard to the rationale for investment in e.g. telecommunications as opposed to e.g. road infrastructure.

Pitfall 2: Existing infrastructure must be used to capacity.

In the past while infrastructure endowment was poor in Ireland, there was not always a real problem because there was generally little congestion. In comparison with core countries in Europe, the lack of congestion meant that there were no real capacity problems, even though the infrastructure was not adequate in comparison. This has clearly changed and it is interesting to note that in relation to the S&E region, the NDP gives as a reason for infrastructure investment, the existing congestion, while it is acknowledged that there may be serious shortages in infrastructure in the area of port capacity at Dublin Port (Fitzpatrick 1999a, p45).

However, care should still be applied as it is inadequate and too simplistic in my view to conclude (as the NDP does) that we have a problem with road infrastructure simply because only 0.1% of the total road network in Ireland is of motorway standard compared to an EU average of 1.3% (Gol 1999, p50).

Pitfall 3: Corridor effects

Where improved transport infrastructure is provided in a region, it will only contribute to the economic development of the region if it is properly integrated with the transport networks within the region as otherwise it may be detrimental to the region involved. This effect, known as the corridor effect, is still something that we should be concerned about because we are only beginning to put in place the type of infrastructure networks that may lead to these effects (e.g. roads bypassing towns, or the Dublin-Belfast corridor). The response to this will be a major challenge to the NSS and illustrates the need for spatial development concepts dealt with in the third section of this paper.

Pitfall 4: Lack of infrastructure must be of a critical nature.

This is a clear problem. Many of the infrastructure projects contained in the last National Development Plan and the current one, are not only of importance to the area where they are located, but are of national importance (e.g. Dublin Port Tunnel). This issue is dealt with in the next section.

Pitfall 5: New roads to peripheral regions.

It is interesting to note that the NDP mentions that ... "the lack of better quality roads serving the BMW region makes it less attractive to inward investment and acts as a constraint on growth and competitiveness in the region." (Gol 1999, p50). This is the traditional argument for infrastructure improvement in order to reduce peripherality. However, reduced peripherality also brings these regions closer to producers in the rest of Europe. With the improved transport infrastructure to the UK and Europe and within Ireland, the retail market has begun a process of fundamental change. The initial reaction has been to outrule large stores (see Ministerial Retail Directive) but it is likely that the changes in the retail sector will have further significant effects on the town centres and traffic on our roads. While the balance of impacts of road improvements on the regions is undoubtedly positive, we should continue to be aware of possible unintended but very real consequences.

Pitfall 6: New infrastructure can lead to new peripherality.

This receives a lot of attention and has clearly been recognised in the NDP. The Fitzpatrick reports noted that broadband infrastructure might be limited to larger urban centres only. The NDP notes that the rollout of broadband infrastructure to economically and socially disadvantaged regions, will provide growth, employment and wealth sharing opportunities (p67) and significant funding has been allocated for this infrastructure particularly for the BMW region (see table 1).

Coupled with the general conclusion in the literature, that infrastructure investment programmes are appropriate where the likelihood is that, if required, the market will not provide it, the appropriateness of the rationale for public investment in the broadband infrastructure and the balance weighted towards the BMW region, is clearly supported by this finding.

Pitfall 7: Investment in bottleneck situations in core regions may be more beneficial than investment in regions where economic development is less, even for those regions.

This is acknowledged by the emphasis on the congestion in the S&E region. The

infrastructure programme in the NDP clearly shows the heavy emphasis on bottleneck situations in the GDA (see table 1) and this is appropriate given the fact that these are the bottlenecks affecting the entire country not just the region itself.

Conclusion

The overall conclusion is that the infrastructure deficit is an issue largely caused by an enlarged 'footprint' of the Irish economy and not an issue of using infrastructure to stimulate development as it was in the past. With regard to the policies of regional development and balanced development in a national context, the NSS itself is likely to be of much greater significance although, of course, infrastructure forms an important component of it.

INFRASTRUCTURE: THE PROBLEM OF DELAYS

Delays in existing projects

This issue has received a great deal of interest in the media. It has been pointed out that the planning delays can be ultimately the real bottleneck, not the cost or engineering demands on infrastructure provision. This can be illustrated with strategic projects such as the Dublin Port Tunnel where the delays in the planning procedure may ultimately do damage to the competitiveness of Dublin Port and impose a restriction to the growth potential of the economy. Inordinate delays in delivering major infrastructure projects have been related to the ease with which individuals or minority groups can delay the process by using the legal and planning systems.

As a result the need for a fast track planning process for major projects that would be capable of consulting all interests fully, but also of reaching a quick decision, has been highlighted, while the NESC in its report stated that a "fast-tracking" system for major infrastructural projects is necessary - even beyond that proposed in the Planning Bill - to ensure delivery of services within the life of the NDP (NESC 1999).

Many commentators have therefore challenged the viability of the NDP not because of lack of finance, manpower or technical expertise to build the often technically complex projects, but rather because the delivery in time can't be guaranteed in view of the lengthy and protracted campaigns of opposition that have characterised many of the large infrastructure projects in the past (and unfortunately in the present).

The issue can be illustrated simply by examining the previous NDP. The Economic Infrastructure priority included three Operational Programmes: Transport, Economic Infrastructure and Environmental Services. It is interesting to note that the NDP refers to the achievements under each of these (pp279-282) but omits to mention that a significant number of projects were seriously delayed beyond the period of the plan. For example under the OP for Transport this is the case for LUAS but also a number of road projects. See table 2.

Table 2 – Review of Progress of Road Projects under the NDP 1994-99

(Source: GoI 1994, Annex 2)

Project	Current position In 1994	Indicative construction period	Current position in 2000
Southern Cross Route	Motorway scheme approved. Start delayed	1995-1999	Under construction
South Eastern Motorway	Preliminary design	1998-2000	Motorway scheme approved
Kildare By pass	Motorway scheme made	1995-1999	Under construction
Kimacanogue-Glen of the Downs	Preliminary design	1996-1999	Construction imminent
Dublin Port Access Route	Assessment of route options	1998-2000	Motorway scheme approved

But it was not only road projects. The Energy sub-programme included provision for a new Peat-fired Power Station in the Midlands. This was delayed at a late stage through a planning appeal. Many wind farms have been delayed to such a degree that planning has been identified as a constraint rather than a facilitating mechanism for the implementation of the Government's target on alternative energy. Power generating stations have been delayed in the appeal process to such a degree that the utility company expressed concerns about serious electricity power shortages. In Cork, the County Council revoked a planning permission obtained on appeal for an overhead transmission lines to serve the area incl. major industries.

Under the operational programme for Environmental Services, major improvements in the development of waste disposal facilities were planned, but significant proposals in the Greater Dublin area have been delayed or abandoned (e.g. Ballynagran, Kilcock). Waste water infrastructure was also delayed (Mutton Island).

The significance of the uncertainty that these delays create is very well illustrated with the fact that it forms a serious threat to the viability of PPP for projects, because the private sector is unable or unwilling to take the open-ended risk of lengthy delays and possible abandonment of a project if the planning procedures have not been fully completed.

Delays have been well illustrated with recent large scale strategic projects in the past. What is of interest is that examples can be found right throughout the spectrum of infrastructure categories and throughout the country. This is illustrated in table 3.

Table 3 - Delayed Infrastructure Project

Project	Category	County
Cork ESB Pylons	Energy	Cork
Kill Landfill	Waste disposal	Kildare
LUAS	Light Rail	Dublin
Glen of the Downs	Road	Wicklow
Dublin Port Tunnel	Road Tunnel	Dublin
Mutton Island	Sewage Treatment Plant	Galway
Loran-C Mast	Radio navigation	Clare
Ringsend Power Station	Power station	Dublin
Windfarms	Renewable energy	Several

The Geographic Disparity between Benefits and Costs

The issue of delays has received significant attention from the Government. The evidence for this is found in the NDP as it refers to the Cabinet Committee on Infrastructure Development. This Committee, according to the plan, has as one of its tasks to monitor and oversee at a high level the delivery of key infrastructure projects and to promote appropriate institutional, administrative, legal and regulatory reforms to avoid unnecessary delays in the delivery of infrastructure projects (GoI 1999, p14).

In order to reduce the problem of delays in implementation of important infrastructure projects, it is necessary to recognise the reality that there is this geographic disparity between benefits and costs attached to infrastructure projects. Because of this disparity the planning assessment of the projects should take place at the appropriate scale.

Infrastructure projects are generally for the benefit of society, regardless of whether it is a road, hospital, incinerator or airport. However, almost always infrastructure projects will result in costs as well as benefits. These are often found in environmental areas such as noise, visual impact, severance, etc. If the costs exceed the benefits, the rational approach is that the project should not be built. Arguably this is the case in relation to nuclear energy where, although there are clear benefits in the area of emissions, the costs to society are considered to outweigh the benefits. In most cases, there is a geographic disparity between the benefits and costs. While the infrastructure project's benefits extend to the population of the entire country, the costs in terms of a worsening in environmental conditions arising from traffic generation, noise, or fumes, may be mainly experienced by those who live in the vicinity of the project. It follows from this that if the planning process considers the

balance between benefits and costs at the wrong geographical scale, (e.g. at local level instead of regional level, or at regional level instead of national level), the ultimate decision may not be in the public interest or reflect the common good. Projects may be rejected because at the level at which they are considered, the costs exceed the benefits.

In many cases such infrastructure projects are strategic because they are of national significance rather than just local significance. This is the case for example in relation to the Dublin Port Tunnel. It raises the question whether the planning decision in relation to such projects should be confined to the local level. In the case of the Dublin Port tunnel, the decision was made through a variation of the development plan. Because of the national and sometimes international significance of the projects, it is arguable that they should be decided in a national planning context rather than in a local one. The National Spatial Strategy may provide an opportunity to do this.

Of course, the planning system has built in provision to ensure that local decisions take national interests into account. Under the Planning and Development Act 2000 this is laid down in sections 28-34 where planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines (planning guidelines such as those for wind energy and telecommunications) and must comply with Ministerial Policy Directives (S29). When making a decision on a planning application, both the planning authority and the Board shall have regard to, where relevant, the policy of the Government, the Minister for the Environment and Local Government or any other Minister of the Government (S34).

One could say therefore that we have made provision in the planning legislation that the situation of making a decision at the wrong geographical scale, is avoided. What is a weakness however, is that the national policy that must be taken into account is frequently a sectoral policy (e.g. renewable energy). While no one is likely to disagree with the National Policy on renewable energy, equally no one would expect this to mean that the whole of Ireland could be covered in wind turbines. In other words, the sectoral policy needs to be translated into a spatial policy; the questions of 'where?' and 'at what intensity?'

Important contributions that the National Spatial Strategy can make are:

- To identify infrastructure projects where the balance of benefits and costs must be carried out at national rather than local geographical scale;
- To assess infrastructure across all sectors so that conflicts between sectors are ironed out.

Because an important function of the NSS will be to facilitate the proper analysis of benefits and costs at the correct national scale, it is equally important that the NSS should ignore and not get involved in infrastructure projects where the relevant scale is below that of, say, the region. This is where the subsidiarity principle must dictate that location etc. should be determined at the local or regional level. In other words, the relevant geographical scale to the project must also be the planning level at which the decision is made in planning terms.

Infrastructure as a Basis for Spatial Development Concepts

Infrastructure creates opportunities. While this is true in a general sense, it is particularly true for large infrastructure projects. These often create spatial development opportunities. It will be the function of the NSS to discover these opportunities through essentially a process of creative thinking. The classic example of how a spatial development concept can be based on one single infrastructure project and the opportunities that were created by it, is the Euralille project in Northern France. The entire strategy with a new role for the city, a major new business area adjacent to the city and the development of new local and regional infrastructure networks, was based on one single infrastructure project: a station on the high speed railway line connecting Paris to London.

On a more modest scale similar opportunities will arise in Ireland also with the provision of new infrastructure. The problem is that we usually react after the infrastructure is in place and the market has already reacted. We don't have a good track record in Ireland in terms of developing spatial opportunities based on infrastructure projects. Examples are the M50, Dublin airport, and even LUAS stops.

Developing a NSS would force us to consider areas as large units rather than looking at projects individually. Thus it becomes logical to look at infrastructure networks for example, instead of (as is usually the case) infrastructure bottlenecks which require a solution. The town bypass is an example of this approach, where rarely the land use planning opportunities are considered in a development plan e.g. in terms of the land opened up by the bypass. It is encouraging to note that the NDP will look at National Primary routes as routes rather than bypasses. This challenge must be taken up in the NSS because new routes create new opportunities both at the new route and at the old route.

The debate in the media about the Dublin-Waterford National Primary route has shown us that such strategic decisions can lead to active and informed public debate. It is the task of the NSS to discover and develop these opportunities that are created by infrastructure development. The NDP offers an interesting starting point where it refers on pages 266-269 to the two reports that were prepared on behalf of the regional authorities as an input to the NDP:

- A corridor and node approach in Dublin using rail based links
- The Limerick-Shannon-Ennis growth triangle
- Radial routes into gateway towns
- Strengthening of the energy transmission network
- Mainline rail to Dublin airport.

Each of these could be used for developing spatial development concepts. But we should also consider heritage and ecology as part of the infrastructure that leads to specific spatial development opportunities and needs. It is interesting to note that the NDP has chosen to include urban and village renewal as part of the infrastructure programme as it refers to the contribution it can make to social and

economic development, through increasing the attractiveness and enhance the quality of life of locations as places to live and work. (GoI 1999, p151) In particular the contribution it can make to tourism development by creating a foundation for future private sector investment in remote rural areas (p167) for example illustrates the infrastructure aspect of such renewal policies.

This is a clear recognition of interpreting the quality of the built environment as an infrastructural prerequisite and stimulus for development. The same arguments would apply in relation to the protection of key elements of national heritage (e.g. rock of Cashel) or natural beauty (e.g. high value landscapes such as Cliffs of Moher). Interpreting these elements as strategic components of the national infrastructure around which spatial development concepts should be developed, would be the approach that the NSS could adopt.

However, it is essential that we interpret infrastructure in a broad sense and identify new trends and categories of infrastructure and the contribution that they can make to the development process. In this regard it is highly disappointing in my view that the White Paper on Rural Development did not identify wind energy as an opportunity for rural areas. Indeed where it refers to necessary infrastructure, the White Paper does not include wind energy infrastructure (Dept. of Agr. & Food, 1999). Equally, the NDP does not refer to this opportunity in its chapter on rural development. Nonetheless, the White Paper does repeat the Government's commitment to developing a national spatial development strategy which "...will have a long term timeframe, will facilitate optimal investment in public infrastructure and will enable the Government to plan for the balanced sustainable development of the country as a whole." In my view wind energy provides an opportunity for rural areas to allow diversification to occur and provide alternative benefits from the land resource than the traditional one of food production.

Undoubtedly the most effective way to make sure that the large infrastructure investment programme under the NDP is done in a coherent way, is through a National Spatial Development Strategy. However, the case can be made that this argument should be reversed: the NSS needs to be developed in order to be able to determine where infrastructure should go. Infrastructure should follow from planning policies, not the other way round, with the exception of the strategic infrastructure projects.

CONCLUSION

While the infrastructure programme contained in the NDP is undoubtedly ambitious and will have significant impacts, many of the really strategic projects are either carried over from the previous national development plan (e.g. M50 and Dublin Port Tunnel) or do not form part of the programme or were yet to be decided when the NDP was published (e.g. Eastern bypass and rail based public transport system for Dublin).

The rationale underlying the current infrastructure programme is different to previous plans in that the primary reason is to address deficiencies and congestion

problems rather than to use infrastructure as a policy tool to achieve development.

The NSS can make a major contribution to the problem of delays and therefore the ability to deliver the infrastructure programme contained in the NDP. It can do this by providing a context for public consultation and communication programmes in relation to key infrastructure projects. It can also do it by providing a strategic planning context for local policy making in regional guidelines and development plans and ultimately decisions taken by planning authorities and An Bord Pleanála. However, the NSS should not be expected to function as a 'fast track' mechanism but such implementation should be carried out through the planning hierarchy principles of incorporating strategic policies and projects identified in the NSS subsequently in regional guidelines, development plans and local area plans.

The real challenge of the National Spatial Strategy is not the translation of the NDP in spatial terms including the infrastructure projects, but rather to see how we would like to organise our country in a spatial sense and use the infrastructure investment programme as both a guiding factor in this process as well as an instrument to facilitate and implement the organisation. This would be further facilitated by interpreting our heritage areas also as infrastructure, as it is arguable that much of the economic development of this century will be dependent just as much on the intrinsic qualities of the Ireland of the past as on the virtual needs of the broadband infrastructure of the Ireland of the future.

References

- Biehl, D (co-ordinator) (1986) *The Contribution of Infrastructure to Regional Development*, Final Report. CEC Brussels.
- Dept. of Agric. and Food (1999) *Ensuring the Future - A Strategy for Rural Development in Ireland*, a white paper on rural development. Dublin.
- FitzGerald, J, I Kearney, E Morgenroth and D Smyth (eds) (1999) *National Investment Priorities for the Period 2000-2006*, ESRI Policy Research Series, no. 33, Dublin
- Fitzpatrick Associates (1998) *Filling the Gap - the Nature, Scale and Costs of Ireland's Infrastructural Deficit*, A Report for IBEC, Dublin
- Fitzpatrick Associates (1999a) *Southern and Eastern Region Development Strategy 2000-2006*
- Fitzpatrick Associates (1999b) *Border, Midland and Western Region Development Strategy 2000-2006*
- GoI (1994) Operational Programme for Transport 1994 to 1999, Government of Ireland, Dublin Stationery Office
- GoI (1999) *Ireland National Development Plan 2000-2006*, Government of Ireland,

Dublin Stationery Office

Hurst, C (1994) *Infrastructure and Growth: a literature review*. EIB papers July 1994

Ministry of Housing, Spatial Planning and the Environment (1996) *Spatial Planning in the Netherlands - bodies and instruments*, The Hague

NESC (1999) *Opportunities, Challenges and Capacities for Choice*, report no. 105, National Economic and Social Council, Dublin

Petts, J and Eduljee, G (1994) *Environmental Impact Assessment for Waste Treatment and Disposal Facilities*, Wiley & Sons

Van der Kamp, H W (1993) *The Planning Implications of Key Infrastructure: an example from the Netherlands*, *Pleanail*, 11 pp.68-77

Van der Kamp, H W (1996) *The Impact of the National Development Plan on Physical Planning*, in: *Irish Planning and Environmental Law Journal*, 3.1, pp15-19

Van der Kamp, H W (1997) *Physical Infrastructure and Regional Development*, in: McCafferty, D and Walsh, J A (1997) *Competitiveness, Innovation and Regional Development in Ireland*, pp 193-202

The Irish Language : a growing planning issue ?

Dr. Gabrielle Nig Uidhir

INTRODUCTION

In this article, I set out to explore the interface between Town and Country Planning and the cultural and linguistic values of a community. I raise questions concerning the need for awareness and sensitivity towards community language patterns among professional planners which, I hope, will lead to discussion and collaboration across disciplines.

Changing patterns of language use

Firstly, I present some basic facts which provide a contextual outline for this subject. According to the N.I. census, 1991, some 140,003 people have some competence in Irish. (1,095,830 people over 3 years old were recorded as having some Irish in the 1991 census in the Republic of Ireland). This figure can be considered reliable on the basis of other statistical reports carried out on language related questions. The shift towards active bilingualism in urban areas has been ongoing during the last twenty to thirty years with Irish medium schools operating as the pivotal driving force. More recently, functional bilingualism has extended into rural areas. This growing trend is most clearly manifested in the emergence of 25 primary schools in the Six Counties, along with clusters of feeder nursery classes and two secondary schools, all of which follow Irish immersion programmes. Possibilities for third level education through the medium of Irish were introduced in 1996 with a bilingually delivered B.Ed., offered at St. Mary's University College, Belfast. On a nation wide scale, over thirty thousand children are being educated through Irish. This development impacts significantly upon surrounding communities and on the wider population in multifaceted ways, e.g., culturally, socially, economically and in relation to employment and tourism.

Irish-medium schools are generally founded by groups of parents and located where they are accessible to young families. However, the first of these schools to be founded in Belfast was opened by parents who had already designed and built their own residential neighbourhood. This challenge was undertaken in order to provide a supportive linguistic environment for the community children who were being raised as native Irish speakers. A larger bilingual residential estate has grown around the original nucleus of five families. As the community of Irish speakers and Irish learners builds its range of community services and also as children pass through the education system the need for Irish speakers in the domain of employment rises. Furthermore, many of the educational and cultural projects attract international as well as more local visitors. The changing pattern of cultural and language patterns evolving in Northern Ireland as in the rest of the country is dynamic and vigorous. Yet the involvement of planners in this development is very limited. It is time to address key questions which will examine the potential offered by a more multi-discipline focus on language developments in community life.

Bilingual planning reports

One step towards the adoption of a broader and more representative perspective on community needs would be the bilingual publication of major planning reports. Furthermore, the content of such reports should include clear statements, which acknowledge the value which so many people place upon the use of Irish. A submission along these lines was made in relation to the Belfast Urban Area Plan 2001. The Report published by the Department of the Environment for Northern Ireland included the following two lines,

"The Commission noted the inherent limitation of a strategic land use plan in matters relating to language and culture and again the Department would refer to the statement at Paragraph 2.02."

(B.U.A.-P. Adoption Statement, December 1989, p.22).

The more recently published draft document *Shaping Our Future* expresses a more positive, general attitude towards development which recognises cultural diversity. Several language organisations were consulted by the Consortium in their preparation of the draft.

Welsh legislation

As the pattern of language behaviour develops, it would be useful for planners to become familiar with provision made elsewhere which reflects community cultural values. For example, the Welsh Office Circular 53/88, directs attention to the importance of protecting and representing those values within planning legislation and practice where the use of the Welsh language is a component of the social fabric of a community. It is, clearly, appropriate that the implications of this be taken into account in the formulation of the land use policies expressed in structure and local plans. This document is bilingual, of course.

The need to make linguistic considerations a planning concern was identified in a national housing strategy produced on behalf of the National Assembly of Wales (Planning, 26 May, 2000). The report notes that, "In many parts of Wales, particularly in rural areas, the Welsh language is a material consideration in the provision of housing. It is an essential part of Welsh culture and must be taken into account in planning systems and other available mechanisms for protecting and fostering the well-being of communities." (NafW, 2000, p.19). The report makes three recommendations and states that planning departments require detailed guidance on how they can protect the Welsh language. The principle of giving consideration to language patterns within a planning context is therefore well established.

Developments in Irish legislation

Even though the above examples refer to areas more densely populated by speakers of the indigenous language and do not parallel urban areas where the language is more often the second language or the target language, it is still important to be informed of ways in which the rights of the former are protected and taken into account in planning decisions. For example, an interesting decision was made in Co.

Kerry in May 1998 when an application for Holiday homes in Corcra Dhuibhne was refused, partly because the proposal would impact adversely on the language balance in this Gaeltacht area.

Presently, language considerations are represented in certain County Development Plans. For example, Galway County Council's Planning Authority requires a linguistic impact statement with all applications for development in the area. This stipulation acknowledges the potential effect of planning proposals on patterns of language use in local communities. The draft County Donegal Development Plan 1998, volume 1, includes similar supportive provision. For example, it has adopted an integrated approach to the provision of Irish only signage in Gaeltacht towns and villages and on all associated street furniture and utilities.

A review of planning law has been carried out and provisions have been made in the Planning and Development Bill, 1999, concerning the Irish language and the Gaeltacht. In the Seanad, Mr. Noel Dempsey, T.D., the Minister for the Environment and Local Government, introduced an amendment to the Planning and Development Act, 2000, which provides that the planning authority must include in the development plan a mandatory objective for,

"the protection of the linguistic and cultural heritage of the Gaeltacht including the promotion of Irish as the community language, where there is a Gaeltacht area in the area of the development plan." (Section 10(2)(k))

Amendments were also introduced to ensure that An Bord Pleanála would be able to provide a service through Irish as well as English. (Sections 120(1), 135(8))

The protection of the Gaeltacht through land-use planning was discussed during the Committee stage of the Bill in the Dáil. Subsequently, two further amendments were put forward by the Minister. Section 19(1)(a) now provides that a local area plan may be prepared in respect of any area, including a Gaeltacht area, which the planning authority considers suitable. Section 20 of the Act provides that where such a local area plan is being prepared, Udaras na Gaeltachta must be consulted.

Finally, section 33 of the Act provides that regulations may be made to permit the planning authority to seek further information from an applicant for planning permission in a Gaeltacht area, in order to protect the linguistic and cultural heritage of the Gaeltacht.

Developments arising out of The Agreement (N.I.)

In Northern Ireland, the prospects for improvement in the degree of consideration afforded to the interface between planning and language look good. The Good Friday Agreement should prove to be a milestone in the provision of a more positive planning environment for the language. The key part of the Agreement, in this respect, is paragraph 4 within the subsection on Economic, Social and Cultural Issues, included in the section on Rights, Safeguards and Equality of Opportunity. The paragraph reads as follows:

"4. In the context of active consideration currently being given to the UK signing of the Council of Europe Charter for Regional or Minority languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to support the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, any restrictions which would disparage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated children;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of *Teilifís na Gaeilge* in Northern Ireland;
- seek more effective ways to encourage and provide financial for Irish language film and television production in Northern Ireland, and;
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community." (The Agreement, 1998)

Despite the fact that the introduction of this set of commitments uses words like, "where appropriate" and "where people so desire it", providing scope for diluted interpretations, this section, when considered in its relationship to the anticipated British accession to the Council of Europe charter for Regional or Minority Languages, must be regarded as a set of strong and genuine commitments.

It is, therefore, worth considering the implications of each of these commitments for planning, both at the level of general policy and at the detailed land use decisions. For example, the commitment to, "facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand" will have beneficial implications in a wide variety of situations where signage is under consideration. It will, of course, have non-planning implications for broadcasting, for example.

The further commitment to, "seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language", should encourage the planning service and the Planning Appeals Commission to take a liberal view when considering to what extent individual

policies and standards should weigh against the possibility of granting permission for a language related facility.

The following commitment to, "make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints", could be used to support provision for the language effects of planning policies to be considered at the plan making stage. The text commits Government to making specific provision for liaising with the Irish language community. This implies more than just listening when a case is presented. It implies real dialogue. Of course, it will be incumbent upon the language community to think in detail about the issues they wish to raise and the solutions they wish to propose.

The implications of the next commitment to, "place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education, would appear to be applicable mainly to the Department of Education. However, although the statutory duty will be placed upon the D.E.N.I., that Department will be bound to co-operate in the physical planning aspects of school provision. To this extent, therefore, the Irish language community will have support from the Department of Education when dealing with the Department of the Environment.

The final commitment to, "encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community", is pervasive in its potential influence on a wide array of policies. It encourages the new Assembly to take a positive attitude in relation to the language. This could be achieved and, if it were achieved, many positive initiatives could result. One only has to think of the immense scope for action which will be available when those towns selected for expansion in the forthcoming Regional Strategic Framework for Northern Ireland are being planned. This will constitute an excellent opportunity for much needed development in the provision of educational and cultural facilities in co-ordination with housing and other facilities.

The Bill of Rights for Northern Ireland

Further developments in this area are likely to emerge within the framework of the forthcoming Bill of Rights for Northern Ireland. This Bill constitutes a supplement to the European Convention on Human Rights, recently enshrined in U.K. law. The Northern Ireland Bill is currently at a consultation phase. However, language rights are expected to feature in final legislation.

Conclusion

The challenge of fostering sensitivity towards changing language patterns in urban towns and cities remains. Surely, the least accommodation which can be made in this regard should happen at the level of professional training. Prior to qualifying, planners' awareness of the cultural and linguistic values of urban communities should be heightened by inclusion in educational programmes. Furthermore, an

openness towards the potential of future development in this area should be cultivated as a basic requirement in professionals whose application will impact upon so many aspects of people's lives.

References

An Bord Pleanála. *Local Government (Planning and Development) Acts, 1963 to 1998*, County Kerry, Planning register Reference Number: 800/97.

Department of the Environment for Northern Ireland (December 1989) *Belfast Urban Area Plan 2001, Adoption Statement*.

Department of the Environment for Northern Ireland. (1998) *Shaping Our Future, towards a Strategy for the Development of the Region*. Draft regional Strategic Framework for Northern Ireland December 1998.

JRTPI (26 May, 2000) *Planning* The Journal of the Royal Town Planning Institute, pps. 1-2.

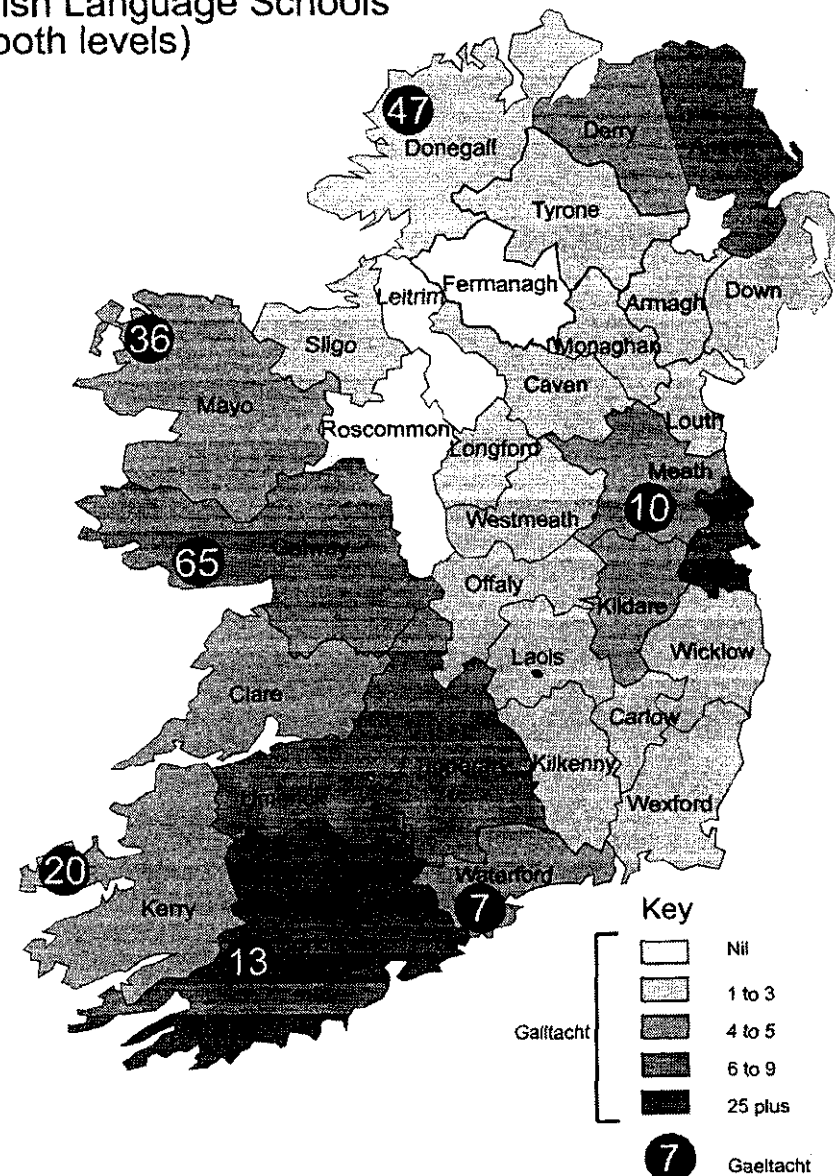
National Assembly for Wales. (May, 2000) *National Housing Strategy, Task Group 1, "Identifying and Meeting Requirements in the Context of Community Infrastructures and Local Planning Systems"* LGH-03-00

Planning and Development Act 2000, S.10(2)(K), 120(1), 135(8).

The Government of the U.K. of Great Britain and Northern Ireland and the Government of Ireland. (10 April, 1998) *The Agreement: reached in the multiparty negotiations*.

Welsh Office, (1988) *Welsh Office Circular 54/88*.

Irish Language Schools (both levels)



Confronting the Problems of Shelter Provision in a Period of Rapid Urbanisation: A Case Study of the Greater Banjul Area, The Gambia

Paul Caprani

Introduction

The provision of adequate housing is a universal human necessity. The extent to which the state has responsibility for housing provision has been the cause of many debates. Most would agree, however, that the state should have some level of responsibility towards providing, or at least supporting, shelter provision for those lower income groups unable to provide shelter for themselves. This creates an intolerable burden on governments and municipal authorities of less developed countries where the levels of urban poverty are greatest, yet finances available for alleviating housing problems are small.

African Governments have recognised housing provision as a key component of social welfare and in most developing countries it is a politically sensitive issue. A direct and comprehensive approach in meeting perceived housing demand has been undertaken in most African Nations at one time or another. Financial constraints however ensured that such approaches merely exposed the surface of the problem, and because of the sheer scale and nature of the task, strategies for the provision of social housing made little headway. Global urbanisation figures indicate the urban housing provision will be promoted to a higher position on all national Governments agendas, especially in less developed countries. Between 1985 and 2020, the urban population is expected to increase by 664 million while the rural population is expected to increase by 291 million. In other words, two-thirds of the additional population will live in towns and cities, and by the year 2020 African cities will therefore record a population growth equivalent to 3-4 times their current population. In the Gambia financial access to the ownership of habitable and affordable housing is open to only a privileged minority, and this is especially the case in the largest metropolitan area-the Greater Banjul Area (GBA). The GBA comprises of approximately 33,000 hectares constituting 3% of the total surface area of the Gambia (see maps).

The population of the GBA, at the most recent census in 1993, was 363,000, just over one-third of the population of the country. The recent growth in population within the GBA (see Table 1 below), and the extreme likelihood of the continuation of this phenomenon, makes adequate housing a major priority. Within the GBA, factors such as unbalanced distribution of resources, access to housing finance, lack of housing finance institutions, and of course rapid urbanisation have continued to pose serious problems in providing adequate shelter to the urban poor. The resultant housing problems are manifold, including overcrowding, high rents, environmental degradation, and poor access to centralised employment and services through peri-

urban sprawl and substandard and unauthorised housing development with low levels of associated infrastructure.

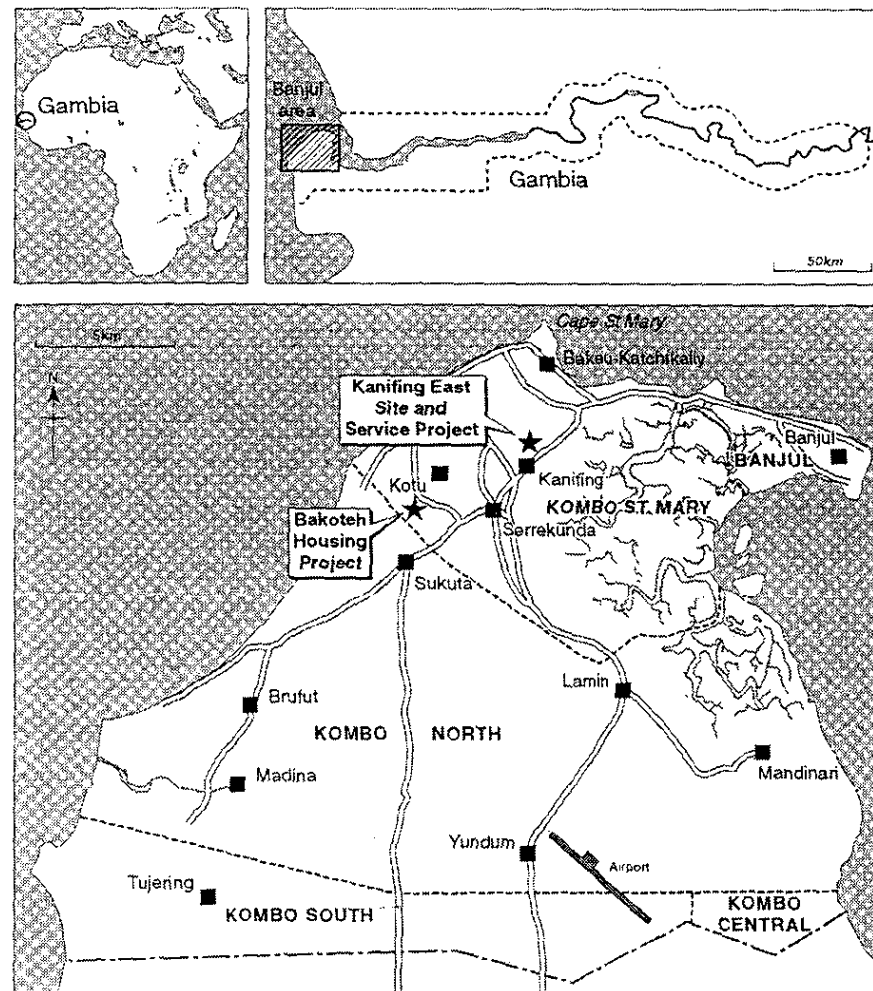


Table 1: Population of Banjul and Kombo St. Mary as a proportion of the National Population

Year	1963	1973	1983	1993
The Gambia	315,486	493,999	687,817	1,038,148
Banjul & Kombo St. Mary*	40,017	78,583	145,692	270,540
% Of National Population	12.6%	15.9%	21.1%	26%

* (It should be noted that the area and population of Banjul and Kombo St. Mary is smaller than the GBA, nevertheless it is more appropriate to use the above figures, as the population in these areas are strictly urban. Please refer to map.)

Government intervention in the form of housing provision has achieved little to date and efforts undertaken on behalf of the Government will be elaborated upon in the next section. Private sector activity on the other hand has played an important role in the provision of housing, especially in the area of low-income housing. Large companies or specialised housing finance institutions are non-existent in the Gambia and as a result the country's formal housing finance market is very limited in scope. The commercial banks are not interested in long-term finance of housing loans, when compared to the risk-free high returns on short term lending operations.

Most private sector activity in housing consists of individual constructions - not only for owner-occupiers - but also for rental purposes. The bulk of private sector housing is financed through personal savings, usually assisted by remittances from relatives abroad. Usually these newly constructed dwellings are internally laid out so as to contain a number of room-and-parlour type dwellings, which front onto a communal open space within the residential compound. Socialising, cooking and eating takes place normally within the communal open space and the room and parlour acts as the sleeping quarters. These room and parlour units within the dwelling are in most cases rented out to low-income families. Small contractors, often skilled tradesmen such as masons and carpenters appear to be more active in the construction of low-income dwellings. In many cases this self-help method is prevalent in situations where the family, or extended family, include members of the building industry. This obviates the necessity of hiring contractor services.

To date co-operative societies have played a role of little importance in housing investment in the GBA. Institutional finances have not been made available for such schemes, in addition there is a large amount of migratory activity into the GBA and, as in the case of most urban areas, community ties and family ties are weaker than those in rural areas, hence large scale co-operative activity is lacking.

Housing Density and Household Formation within the GBA

Average housing density within the GBA is low, in comparison with other West African cities. Average density of persons per hectare for the whole of the built-up area of the GBA is estimated at just 26 persons per hectare. This is low when

compared with the likes of Nairobi, Kenya where the average density is estimated at 70 persons per acre or Ibadan Nigeria where the average density is estimated at 200 persons per acre. There are however great variations in population densities in the GBA. The older, pre-independence urban areas - such as Banjul, Bakau-Katchikally and Sukuta - have densities exceeding 600 persons per hectare. While these densities are not considered particularly high by international standards, lack of basic physical infrastructure ensures a poor urban living environment. There are many cases of overcrowding in terms of persons per room, per toilet, and access to water etc. In addition it should also be noted that the social/domestic life in the Gambia is very much centred on the open areas within the residential compound; these spaces play an important function in terms of accommodating social congregations and other activities as already mentioned. These cultural and social aspects of family life should be maintained as the residential compound plays a fundamental cultural and social role in the day to day living of the Gambians. The residential compound should remain a quintessential element of any future housing layouts for low-income shelter.

Another aspect of the housing problem relates to the low-density spontaneous, unplanned and fragmented development which is most prevalent in the urban fringes. These areas have experienced exponential growth in recent years often at very low densities (5 to 10 persons per hectare), yet infrastructure provision has lagged behind, and as a result, these peri-urban housing developments lack good quality roads, electricity, adequate water supply, and adequate transport provision to service areas and centres of employment. To provide these areas with basic infrastructure would prove to be very difficult and very costly. So there exists a duality of problems associated with very-high and very-low housing densities in the GBA.

As in the case of housing densities, the average number of persons per household varies considerably throughout the GBA. The 1993 census reveals that the average number of persons per household ranges from 5.9 persons in Banjul to 8.8 persons in the peri-urban areas. The number of persons per household has increased and the reasons for this are twofold; firstly, there is a large influx of immigrants into the GBA from the rural areas and also from surrounding countries - especially Sierra Leone, Liberia and the Casamance in southern Senegal - where political instability and fighting have forced immigrants to seek the Gambia as a place of political and economic refuge. As in the case of other cities in West Africa many immigrants stay with extended families, often from the same place of origin, and stay for periods of months or even years. There is strong normative pressure on urban residents to accept these new arrivals and help them get started.

Secondly, land is not as freely available for development as a result of the on-going rapid urbanisation process and planning controls have become more stringent in terms of releasing land for housing development, hence more people are forced to live in the same dwelling.

Past performance of the Housing Sector to Date

As already mentioned there is a general consensus that housing policy to date has done little to address the needs of the lower-income groups and that intervention up

to the present has tended to benefit only the middle and even higher-income groups.

The Government's first five year National Development Plan (1975-80) recognised the importance of housing in promoting the family and contained a number of goals and policy statements regarding the provision of shelter for low-income groups, but the plan failed to develop and deliver any comprehensive shelter programmes. The second National Five-Year Plan (1981-86) laid down definite strategies for the improvement of housing in general, but especially housing provision in the urban areas. The Government's strategy to achieve its objectives were based on:

- Controlling the supply of urban land through nationally planned development.
- Providing and improving infrastructure services to sizeable areas of population concentrations.
- Supporting the institutions of the housing industry and housing finance sectors.
- Expanding housing production, particularly in the private sector by encouraging individual initiatives and corporate enterprise to play a larger role in housing construction and finance.
- Promoting housing cost reducing through research into building construction and through the provision and promotion of indigenous building materials.

The objectives of the first two plans were both realistic and laudable; however, the specific targets contained in both plans were not met. The first Five Year Plan aimed at, increasing public housing provision from 120 units to 350 units per annum hoping to achieve a target of 1,000 units by the end of the period. By the final year no public housing had been built.

The second Plan places greater emphasis on developing institutional arrangements to facilitate housing provision, and to this end the Social Security and Housing Finance Corporation (SSHFC) was established to satisfy the housing requirements of lower-income groups in the GBA.

Site and Service Schemes

In many African countries governments have recognised that the housing needs of the less well-off can not be met by government resources alone. It is necessary to ensure that housing development does not occur in urban areas in a totally uncontrolled way, devoid of basic infrastructure and services. Site and service schemes offer a compromise in that they provide appropriate locations and basic infrastructure for housing development yet allow occupants to build their own dwellings at a pace tailored to suit their own financial constraints. Furthermore it allows the government to provide basic services for many people rather than the provision of everything for just a few. Another laudable principle behind the site and service schemes is that it relies on the self-help principle, the state concentrates on whatever individuals cannot do for themselves.

Generally the government determines the location of the scheme, lays out the individual plots, with access roads, piped water and sewage. The occupants of the scheme undertake the actual house construction at whatever pace they can manage. In some cases the government will set down the foundations or build the core of the house in the form of a toilet or shower. By setting out and regularising plot sizes the

government can control and plan for the appropriate housing densities which it considers appropriate. Problems associated with overcrowding or the proliferation of unplanned low-density development in the peri-urban areas can be overcome with the implementation of site and service schemes.

The SSHFC initiated two Site and Service Schemes. The first was located at Bakoteh in 1981 and consisted of 200 residential units. Bakoteh is a small settlement on the periphery of the built up area, approximately 4 km inland from the coast and 4 km west of the largest market town of Kombo St. Mary, Serrekunda. The second much larger scheme was located at Kanifing, a more centrally located site within the suburbs and in close proximity to the more affluent areas within the GBA. The Kanifing scheme was initiated in 1986 and consisted of 732 units. These site and service schemes (especially the latter) were not only important in that they were the first serious attempts to confront the issue of low-income housing, but also it was a recognition that the Government could only support and facilitate low-income shelter through laying out of individual plots and providing basic infrastructure. Meanwhile, the new residents undertook the actual house construction as finances permitted.

The success of these two schemes can, at best, be described as mixed. Both schemes were completed but only a fraction of the benefactors were low-income groups.

The original contract for the Bakoteh Housing Project envisaged the construction of 1,340 houses; however, in December 1980, the contract was re-negotiated and reduced to 200. Like many approaches to mass housing provision, the Bakoteh Housing Project failed in the sense that the housing units were contractor-built, and although subsidised, were ultimately unaffordable by the intended target group, as the Table below indicates:

Table 2: Net Monthly Income of Allottees of The Bakoteh Housing Project (1987):

Income Level	Number of Persons	Percentage
Less than 200*	1	0.5
200 - 399	109	54.5
400 - 599	87	44.5
600 - 699	0	0
Not Stated	1	0.5

Source: The Government of the Gambia, SSHFC Housing Departmental Files.
* All the above incomes are measured in Gambian currency, the Dalasi. In 1984 the exchange rate was approximately 3.08 dalasis = US\$1.

In addition to the problem pointed out above, there were other problems associated with the development; these included:

- Mortgages were not indexed-linked or reviewed, hence middle and higher-income groups pay very low mortgages, and the social aspect of the housing, (i.e. based on the ability to pay) was largely ignored. In addition subsidising the project over the project loan repayment period was a large loss to Government revenue.
- The beneficiaries had no say in the design and layout of the housing product

delivered, and the designs and layout, to a large extent, failed to consider the social and cultural living patterns of the allottees.

- The over-subsidised loans have enabled many beneficiaries to either expand or improve on their existing dwellings or build separate structures many of which contain incompatible uses with residential areas, such as metal repair shops and junk yards. Planning enforcement procedures are slow and inept and such uses are likely to remain within the housing scheme.

- Problems also exist with the quality of infrastructure provided especially with regard to the sewage system and the electricity cables; the latter had to be completely replaced by the SSHFC.

The Kanifing East Site and Services Project (KESSP) proved to be more successful in providing shelter. Like similar Site and Service schemes in West Africa, the KESSP provided for no more than the layout, allocation and basic service provision for individual plots of land. The scheme comprised the development of 34 hectares of land in which the Government provided a road network consisting of bitumen surfaced and compressed laterite roads, a water reticulation network with 54 communal standpipes, an overhead electricity distribution system with street and security lighting, and an open surface water drainage system.

While again, the scheme did not totally cater for the urban poor, there is little doubt that the lower-income groups benefited to a greater extent than those in the Bakoteh Housing Project, as Table 3 below indicates:

Table 3: Net Monthly Income of Allottees of The Kanifing East Site and Services Project (1987):

Income Level (Dalasis)*	Number of Persons	Percentage
195-292	122	17.4
293-484	293	41.8
485-604	124	17.6
605-750	110	15.6
751-918	53	7.6

Source: *The Government of the Gambia, SSHFC Housing Departmental Files.*

* In 1987 the value of the Dalasis was 7.30 Dalasis = US \$1. This devaluation of the currency is reflected in the income levels listed above during the period 1984 to 1987.

An evaluation of the KESSP revealed the following notable facts:

- The Site and Service approach allows for greater beneficiary participation from the scheme's inception through to individual house designs. And this is demonstrated in the fact that the use of open space within the individual housing units in the KESSP was much more prevalent than in the previous housing scheme.
- The nature of the Site and Services scheme allows greater scope for low-income dwellers to enter the housing market for the first time.
- While such schemes prove to be more accessible for lower-income groups, the standard of construction is lower than that of houses built by contractors.
- Because the project was the first of its kind in the country, many beneficiaries

refused to heed the advice of the SSHFC technical officers and decided to build bigger, more elaborate houses than the loans could complete. As a result many of the beneficiaries were forced to resort to multiple borrowing or, in some cases, sell the lease on to higher-income groups, thus reducing the number of beneficiaries from low-income backgrounds.

Projecting Future Housing Needs in the Greater Banjul Area

The housing needs constitute the existing housing deficit, the projected future household requirements and the replacement requirements of the existing housing stock. In 1991 housing need in the Gambia was put at about 12,000 dwellings for the urban areas and 4,500 for the rural areas. It was also estimated that if houses that were in need of major repair were added, the housing requirements/improvements for the GBA would double. With this in mind the gap between demand and supply for housing in 1995 for the GBA was estimated at approximately 22,000 dwellings.

The Department of Physical Planning and Housing estimated a threefold population increase in the GBA from 363,000 in 1993 to 857,000 in 2006, an increase of almost half a million people. The implications in terms of housing are nothing short of phenomenal. Below are the estimated additional housing requirements to cater for the above projected population increase, (it should be noted that the following Table below does not include the existing estimated deficit of 22,000 dwellings).

Table 4: Total Projected Housing Needs by Administrative Area within the GBA, 1993-2006

	New Houses	Replacement of Existing Dwellings
Banjul	--*	1,859
Kombo St. Mary	32,972	4,769
Kombo North	13,348	1,530
Kombo South	2,313	728
Total**	48,633	8,886

* The city of Banjul is situated on St. Mary's Island and physical urban expansion on the Island has reached its limits. Therefore it is estimated that all new housing on the island will be in the form of replacement of existing dwellings.

** That part of Kombo Central located within the administrative area of the GBA has been omitted from the above projection, as housing requirements will be negligible.

It is evident from the above projections that the municipal authorities face a monumental, if not impossible, task in providing adequate shelter for the urban population in the years to come. The infrastructure requirements alone, which will need to accompany such housing, will place an intolerable burden on local authority finance. The municipal authority's capacity to provide even a fraction of the projected housing demand may ultimately prove unrealistic. As already outlined, the Government has provided less than 1,000 residential dwellings in the last 20 years and has not provided any form of housing provision in the last decade.

Plans are afoot to initiate another Site and Services Scheme at Brusubi, a 356 hectare site located equidistantly between Brufut and Sukuta. As with the KESSP, it is

proposed to develop basic infrastructure for approximately 3,000 dwellings over a three-phase period. While the Government in 1995 formally transferred the land to the SSHFC, and preliminary designs for the scheme have been approved, the project has yet to take off the ground because of the unavailability of finances.

The initiation of the largest Site and Service Scheme is most welcome; however, it will have a negligible impact on the scale of the housing problem currently confronting the Government. It would be unrealistic to assume that the Government will be in a position to satisfy the housing requirements by conventional approaches of intervention, i.e., housing subvention or social housing.

If the Government is to have any chance of coming to terms with the shelter crisis, it must seek to institute rapid and fundamental changes in the way commercial lending institutions are currently offering access to housing finance. In addition, the Government must see its role as an *enabler* rather than a *provider* of adequate shelter, this can be achieved by encouraging and facilitating private sector housing finance in accordance with strict land use guidelines. Simultaneously, the municipal authorities will need to become more active in supporting community participation by enabling target groups to organise themselves to improve the housing situation collectively.

These points will be dealt with in more detail in the concluding section.

Strategies to help Improve Access to Shelter

Any sensible and realistic shelter delivery strategy must provide a multi-faceted approach to alleviate constraints in providing adequate shelter for the urban poor. The problems in the GBA are manifold but much can be attributed to institutional inertia coupled with traditional prejudices and practices in the housing sector.

The experiences of the site and service schemes outlined have demonstrated that, despite the drawbacks, the approach could prove beneficial in providing affordable housing for low-income groups. This conclusion has also been confirmed by other studies which noted that lower-income communities can provide their own shelter over time. What they cannot provide is the necessary supporting urban infrastructure. The government of The Gambia is fortunate in that almost all of the land within the GBA (but not the rest of the country) is in some form of state ownership. Therefore the battle to acquire land for site and service schemes has already been won and more finances are therefore available for basic infrastructure. Publicly owned land needs to be developed at for sale at subsidised market prices. Recouping some cost of the infrastructure provision will be necessary if the projects are successfully replicated. Charges could be levied by way of a small tax on the use of the services provided or the imposition of a small lump sum on the occupants after 2-5 years subsequent to obtaining a plot of land in the site and services scheme. The imposition of such charges should be based on the occupant's ability to pay. Critics may argue that such charges would automatically exclude the lowest income groups from such schemes. This may well be correct, however the scheme would provide shelter for many income groups who otherwise could not gain access into the housing market, and by doing so would allow government policy, at a later stage, to concentrate on shelter provision for the poorest. Replicated projects which

are seen to be in some way self-financing are looked upon in a positive light by donor agencies as they encourage capacity building at municipal and local level. Donor agencies, including non-government organisations (NGO's) are more likely to fund projects that generate income for government. It is therefore imperative that in facilitating housing development the Government recovers at least some of the costs of their initial investment in order to replicate the project. In the past very little effort was made to control costs or recover Government subsidies in the Gambia, and as a result revolving funds have not been perpetuated to provide sufficient low-income housing stock. Within site and service schemes there exists some scope to provide shelter to those of the lowest income distribution by providing modest shelter with low rent and shared services (such as communal water taps etc.) to those who have unstable incomes, or incomes not large enough to permit them to commit scarce resources to long term investments in shelter. But the site and service schemes mainly offer accommodation to other low income groups with stable incomes who can afford to invest in modest housing.

The main failure of site and service schemes in the Gambia to date probably relates to the issue of access to the housing developments. It would appear that plots were not always allocated to those most deserving, but often to those in the most influential positions to secure plots. In some cases plots of land (often more than one) were allocated to high ranking civil servants in the housing and planning departments, those persons arguably least entitled to such plots. Such corruption is endemic in many African societies other than The Gambia, and may prove a more difficult obstacle to overcome than that of infrastructure provision. It has been suggested from time to time that outside independent agencies could be entrusted with the task of allocating housing plots in a fair and objective way. Such approaches however should be treated with caution as they can undermine the ability of municipal local councils or central government to carry out their institutional mandates and undermine indigenous capacity building at central and local level.

Given the scale and nature of the housing problems in the GBA however, site and service schemes can only be considered as part of an overall solution. A package of complementary services is also necessary if the Government and municipal authorities are to embark on a comprehensive and coherent housing programme. Other components of the strategy are outlined below:

The upgrading of existing settlements is a most useful tool in ensuring adequate shelter for the urban poor. To date the municipal authorities in the GBA have directed little investment in this area, preoccupying themselves with initiating comprehensive new development. Emphasis on upgrading existing settlements in the GBA, however, would prove to be greatly beneficial, as formal land delivery for housing development is slow. In adopting such an approach, it must be realised that upgrading may force some low-income groups out of the area, and the authorities should aim to counteract this through subsidising rents or, where preferable, offering the rental of plots on the site and service schemes as outlined above. Upgrading of existing settlements can be integrated with the self-help or *testito* projects already up and running in the GBA. As mentioned earlier the self-help philosophy is already prevalent in that much of the construction industry is already carried out through

informal contracts amongst family/extended family etc. The fact that labour is contracted out this way often leads to a more cognate sense of community. The advantages of this should be exploited and communal loans for small and incremental improvements of this nature should be encouraged.

Access to land is another major problem that needs to be addressed in the short term. Inadequate supply of serviced land is deficient. This deficiency is compounded by cumbersome and ineffective procedures for the allocation of land and an inadequate institutional framework for managing cadastral matters. Land administration and information needs to be modernised, and legalising land ownership (through land titles) should be streamlined and simplified. For low-income groups occupancy certificates should suffice for title deeds.

The use of improved local building materials must be encouraged. The vast majority of new houses in the urban area are constructed in concrete, virtually all of which is imported and therefore expensive. Some of the houses in the older area of Banjul are made of mud and krinting, traditional materials still prominent in building construction in rural areas. There have been some advances in the research into the use of indigenous building materials. Ground laterite, a rock in abundance in the Gambia, has been successfully used in building prototypes in the GBA. Compressed ground laterite, mixed with water and left to set, offers a cost efficient and durable material, with little heat absorption. Similar success has been recorded using mud, but to date neither material has been used extensively. Gambian authorities still consider the importation of concrete and brick to be more reliable and progressive despite being prohibitively expensive for the vast majority of the Gambian population. Research into these and other materials on a collaborative basis should be the way forward. The local building industry must be encouraged to produce basic building materials, thus reducing reliance on imported ones.

Given the limited financial resources available to the municipal authorities in the GBA, it is of paramount importance to design and implement new methods of facilitating investments in housing.

There is an urgent need for the housing finance market to be broadened in scope. At present only the commercial banks, SSHFC and the Government offer any type of mortgage financing, and the high mortgage interest rates preclude all but the very rich from availing of these facilities. Interest rates on mortgage ranges between 20%-30% in the Gambia throughout the 1990's. A package of financial measures should be made available to (a) facilitate low-income groups to avail of loans and (b) to entice potential investors to invest in new housing for commercial purposes. Political decision-making at a high level is necessary if certain regulatory mechanisms are to be put into place to aid housing construction in the GBA. Most are in the form of fiscal tools; some of the more important are outlined below.

Long-term saving schemes are not prevalent in most Gambian households. Most income is spent on a day-to-day basis, sometimes through necessity, but also due to general mistrust or incomprehension of the way saving and lending institutions work. A change in this attitude is necessary if the volume of household savings is to increase. The Government should initiate schemes, perhaps initially targeting public

sector workers, which aim to encourage the concept of long-term saving amongst those with stable incomes. Various types of saving schemes could be made available to lower income groups and the Gambian Government are currently encouraging a number of saving schemes including, free saving schemes, household saving schemes, compulsory saving schemes amongst public sector employees and informal saving schemes. One or a combination of the above saving schemes would help individual or groups of families get a foothold into the housing market.

Conclusions

It can be seen from the above that the Government of the Gambia faces immense problems in delivering housing provision in the GBA in a period of such rapid urbanisation. Policies to date have merely scratched the surface of the problem. What's required is a totally fresh approach which seeks the Government's facilitating an environment where housing provision is seen as a lucrative investment opportunity to both provider and consumer. Direct intervention in the form of physically providing housing will have a negligible effect in satisfying housing demand. What is required is a five-pronged approach ensuring that (a) Government continue their efforts in the provision of housing through site and service schemes, but recover costs in order to replicate projects. (b) Utilise and encourage the existing self-help and informal contracts that already exist in the housing market in the upgrading of existing settlement. (c) Review and overhaul the existing institutional framework for land and housing allocation. (d) Encourage and support, through fiscal enticements, low-income groups with stable incomes to save in order to enter the housing market and (e) Encourage, again through fiscal enticements, financial institutions and property investors to become involved in the housing market in order to rent or sell dwellings as an investment. Such a comprehensive and integrated approach is necessary if a housing crisis has any chance of being averted in the long term.

Rather than re-regulate or fine-tune its housing strategy; The Gambia requires the creation of whole new institutions in relation to spatial planning, housing finance, housing infrastructure, and channels for equitable access to affordable housing. Such institutions despite their perceived shortcomings are taken for granted in Ireland, so one may ask, can the Irish take anything from the Gambian experience? On the surface possibly not. The issues of social and affordable housing and the general increase in the levels in the demand for housing in Ireland have come to the fore in recent years. Part V of the Planning and Development Act, 2000 is devoted to the issue of housing policy and housing provision. The housing shortage currently being experienced in Ireland is modest and manageable in comparison to that being experienced in The Gambia and other less developed countries. Issues in relation to infrastructure provision and housing finance need to be fine-tuned or re-regulated in this country in order to address the housing problem and there is general agreement amongst experts that housing demand and supply will reach relative equilibrium in the coming years.

However perhaps any rural housing strategy in Ireland may look to the site and service schemes as a way of providing a more regulated approach to the problems of

one-off housing associated within the Irish countryside. Many people simply have no aspiration to live in what they perceive to be monotonous and banal residential housing estates at the edge of towns. Instead they aspire to build their own houses to their own personal tastes designs and specifications. The problems of the resultant one-off houses in the countryside in terms of access to services, ribbon development, septic tank proliferation, visual impact and general principles in sustainability have been documented on many occasions. Site and service schemes at appropriately chosen locations may enable the planning authority to direct new housing into serviced locations while allowing the applicant to construct a house of individual design. The designation of site and service areas may allow the planning authority to become more proactive in dealing with the issue of one-off housing. It may also offer an appropriate compromise between living in an urban area and living in the countryside.

The writer would like to acknowledge and thank Mr. Tumbul Danso for his work in this area of research. Some of this article was based on research carried out by Mr. Danso.

References

- BERTAUD, M. A. (1993) *Land Use Dynamics in the Greater Banjul Area, Republic of the Gambia*, for the World Bank. (Unpublished).
- Bertaud, M A (1993) *Land Use Dynamics in the Greater Banjul Area, Republic of the Gambia*, for the World Bank. (Unpublished)
- McGrath, B (1989) Problems of setting up an urban planning system in The Gambia, *Cities* November 1989 325-335.
- O Conner, A (1983) *The African City* London, Hutchinson & Co.
- Pugh, C (ed.) (1996) *Sustainability, the Environment and Urbanization*, London, Earthscan Publications
- Smith, D (1996) *Third World Cities in Perspective, The Political Economy of Uneven Urbanization*, Colorado, Westview Press
- Social Security and Housing Finance Corporation, Habitat II Preparatory Committee Working Document No. 6, 'A Review of Housing Financial Schemes and New Innovative Mechanisms (if Any) To Facilitate Access of the Urban and Rural Poor to Shelter', (Unpublished Dec.1995). Paper Presented to the National Habitat II Conference, The Gambia, April 1996
- Ministry of Local Government and Lands (1985) *The Greater Banjul Area Physical Development Plan 1985*, The Government of The Gambia
- Ministry of Local Government and Lands *The Greater Banjul Area Physical Development Plan 1996 -2006 (First Draft)* The Government of The Gambia, (unpublished).
- Ministry of Local Government and Lands (1996), *National Report and Plan of Action 1996-2000 for the Habitat II Conference*, (Banjul) The Government of the Gambia.
- National Population Commission Secretariat (1996) *National Population Data Bank*, Banjul, The Government of The Gambia

How We Wrecked Rural Ireland in the Latter Part of the Twentieth Century

Fergal MacCabe

Let me tell you a story

In 1955, when I was 15, my Aunt Nell gave me a bicycle, a Raleigh (Reg. No. DC61994) and on it I explored Offaly. One day I cycled from Tullamore to Croghan Hill about 13 miles of a lonely uninhabited road through woods and bogs. I wanted to see the house at the Wood of O that Myles Na Gopaleen was brought up in and which he had referred to in one of his novels when he said that "Hell is a place to the East of Tullamore". I reached Croghan Hill which at about 600 ft, is the highest and most prominent hill in the Midlands Plain. It was a lovely summers day as I remember it and I wanted to climb it but I couldn't see a track. There was a small house at the foot of the hill and two old ladies were sitting chatting outside. I went up, bade them good day and after a few words, asked them how I could walk up to the top of the hill. One old lady looked at the other and at the hill she had probably gazed at all her life and said "Do you know Bridie, I was never up it - were you?" To this very day, I am still astonished at the deep incuriosity of that woman and her sublime lack of interest in her local landscape.

This summer, after 45 years, I decided to re-trace the journey and got up on my present bike (TREK, 11 gears) on an equally beautiful summers day and set off. But as Thomas Mann once observed "you can never go home". All had changed - changed utterly. From Tullamore to Croghan, the road was lined with bungalows and the sites in between festooned with notices seeking to build more. None of the bungalows had any architectural merit and thanks to affluence and garden radio and television programmes their vulgarity extended to the gardens which abounded with swans, swings and illuminated fountains. Whilst the houses were uniformly awful, the gardens were individually awful. The few farmhouses I remembered were now abandoned and decayed and ironically the only unspoilt part of the whole route where no housing had occurred, was, where you might have expected it, in the little village of Kilclonfert with its church and school. The house of Myles na Gopaleen was still there, battered and unnoticed.

It is not a tourist road though there is a pleasant view southwards to the Slieve Blooms and it is not a particularly scenic part of the Midlands, but what shocked me was that an ordinary inconsequential landscape had deteriorated. Returning back to Tullamore I enquired how it had happened. Some suggested that the increasing costs of meeting the new Pollution Regulations meant that farmers were more willing to sell, others that people wanted a detached house and privacy and this wasn't possible in the town. The cheapness of sites relative to urban costs was also a reason. But the general consensus was that if you knew how to go about it, you could still do it.

Now, as we all know, this has been the experience all over rural Ireland but in the last 4-5 years, the pace has accelerated. I understand that in 1996, about 10,000 one-off rural houses were provided (whatever about holiday homes) and that by last year this had gone up to 16,000. As the years have gone by, planning restrictions have begun to bite - there is no access onto primary routes and you can't build on a hilltop, or beside a lake or river (or at least not as much as you could). Nevertheless, go up any rural road in Ireland and you will find nests of bungalows all over the place. It is now out of hand and many planning authorities it seems to me have thrown in the towel. Certainly Kerry and Donegal are beyond redemption and Kildare is heading that way. Some counties, Westmeath for example, have tried to hold back the tide. The Appeals Board which still takes Development Plans seriously, generally rejects any unjustified rural housing that comes to it on appeal. However, not only are permissions freely available at local level, it would appear that many County Councillors regard it as their aggressive duty to see that as many one-off houses as possible are provided in the countryside, regardless of any longer term consequences and efforts by outsiders to stop Kerry people from ruining their own County seem to be deeply resented.

There will be prices to pay. In the short term, it is becoming increasingly difficult to plan rationally for rural Ireland. Any national roads programme or waste disposal scheme will run up against a newly formed action group, many of whom live in residences that should never have been there in the first instance if Development Plan policies meant anything. These newcomers will fight tooth and nail to protect their rural environment. As for a Residential Density policy, you can forget about it. If you can still get a cheap site out the road and can afford to commute into Town - why bother? Most importantly, the prospect of trying to produce a coherent national spatial strategy is being compromised on a daily basis.

In the longer term, there are issues of sustainability - and a few more floods and the odd drought might bring that message home. Brendan McGrath in his paper some years ago clearly showed the excessive energy needs of rural housing but it seems to have gone unheeded (McGrath 1998).

The biggest victim I believe is the belief of the ordinary person in the credibility of the planning process - if he or she ever had it in the first place. Every Development Plan in Rural Ireland mouths pious policies restricting rural housing to farmers' children or those with locational needs. But it is as plain as a pikestaff that the amount of rural housing being built bears no relationship to that policy. So in order to build a house, applicants must tell lies and planning authorities must turn a blind eye. Everybody knows that the permission granted to the local will be sold on to a non-local and nobody objects because they might want to do it themselves next week. Little by little, the countryside is eroded. If such a central plank in the Development Plan policy is patently a lie, why should anyone believe any of the other policies?

So what are we going to do about it?

Well the first thing is to try to find out the scale of the problem. I believe that a Government Commission should be set up to investigate and clearly set out the

nature and scale of the situation, analyse why it is happening, the probable consequences and the possible solutions. The problem has complex socio-economic roots and I doubt if it is susceptible to quick-fix solutions such as a Ministerial Directive or some such approach. Possible ideas that might be examined would be:-

Preventing the freehold of the family farm being sub-divided so that the new dwellings cannot be sold on independently. Equally if the farm is sold, the dwelling must be sold with it. This would at least test the bona fides of many of the applicants.

Checking the Voting Register on a regular basis against planning applications granted. If it transpires that the house is now occupied by someone other than the original applicant who professed a locational reason to live in the area, the use would be deemed to be unauthorised and a retention application required. The journey to work pattern of the new occupant and his family would be a relevant consideration as would the effects that this might have on sustainability.

The old lady beside Croghan Hill said it all – in general we don't really see our rural landscape and we don't care very much if it is compromised. We tend to place more value on human relationships and are pleased to see our neighbours building houses for themselves as evidence of their own improvement and general national affluence. We don't yet have an appreciation of urban values which might convince us that more beautiful houses could be built in the towns and villages and in particular, we don't have the skills to build new houses or gardens of any particular merit. We are not alone in this. Whatever about the glories of Greece and Italy, most of their recent suburban houses range from mundane to awful also.

But now the problem is spiralling out of control and the longer we leave it, the harder it is going to be to fix it later on.

References

McGrath, Brendan (1998) Environmental Sustainability and Rural Settlement Growth in Ireland, *Town Planning Review*, Vol. 69, no.3.

O'Keefe and the Clove of Garlic²

Michael M. Collins

Many of us working in the field of planning law had very mixed feelings about *O'Keefe v An Bord Pleanala* (1992) ILRM 237. Our apprehensions did not however spring from any intellectual concerns with the reasoning of the Supreme Court (although some issues do arise which I touch on later). We were not motivated by sympathy for the residents of County Meath and their concerns about electromagnetic radiation from the Radio Tara mast; having acted for many years for An Bord Pleanala and having thus been attacked by my wife on a number of occasions for defending to the death a wide variety of developments where there was no necessary correlation between the unimpeachable perfection of An Bord Pleanala's procedures on the one hand, and the architectural or environmental merit of the development on the other hand, I was comparatively immune to the sobbing of disappointed litigants who sought to impugn the Board's decisions.

No, my concern and that of my colleagues at the planning bar was much more mundane and sordid. The sweeping adoption by the Supreme Court of the irrationality test. In the context of planning law, the repeated emphasis on the self-contained nature of the planning code, the holding that the onus lay on the applicant to produce all the relevant documents which were actually before An Bord Pleanala as an almost pre-condition to obtaining any relief, seemed to erect a Maginot line of defence against the swarming hordes of applicants for judicial review. And if those applications should fall away, if planning decisions were now to be almost inviolate short of members of the planning authority or the Board (as the case may be) succumbing to the planning equivalent of a mid-life crisis, we practitioners of the black arts of planning law, exploiters of the careless phrase in an inspector's report, would have to fold our forensic tents and steal away to other forms of jurisprudential battlefields. Was it any wonder then that we looked gloomily at each other in the aftermath of our success in *O'Keefe*?

Well, we needn't have worried. The planning code may be self contained but within its four walls, developers, planners, members of the public, eco-warriors, speculators and their attendant professional advisors flail and lay about them with such vigour that cracks, uncertainties, ambiguities and even novelties still appear in the code resulting in an undiminished flood of judicial review type applications to the High Court, fuelled in part, no doubt, by the broad rise in property values which has made the game more significantly worth the candle.

Even the holy grail of *O'Keefe* is beginning to show some wear at the edges. One of the fundamental principles in *O'Keefe* which was not even challenged on appeal in the Supreme Court was that since section 26(5) of the Local Government (Planning and Development) Act 1963 provides that the decision of the Board "shall operate to annul the decision of the planning authority", it follows that procedural or other

² This paper was originally presented as the Irish Planning Institute Annual Law Lecture on 18th October 2000. Some points have been updated to reflect developments since the lecture was given.

imperfections in the planning authority's process cannot affect the proceedings before the Board which is a *de novo* hearing on the merits. But does this mean that the outing before the planning authority is only in the nature of an exhibition match? Is it merely the players tentatively sizing each other up pending the real game which will take place before the Board? And is it the case that since there is a statutory entitlement to appeal the decision of the planning authority, it is pointless or perhaps even simply wrong to attempt a judicial review of the planning authority's decision on the grounds that one will have the statement of Henchy J. in *State (Abenglen) v Dublin Corporation* (1984) IR 381 thrown at one that even if the planning authority's decision is made in excess of jurisdiction, the correct procedure for the correction of the legal errors complained of lies in an appeal to the Board save in exceptional circumstances. As Henchy J put it in an extremely well known passage:

"Certiorari proceedings, based as they are on affidavit evidence can result only in a stark and comparatively unilluminating decision to quash or not to quash; whereas an appeal to the Board would have allowed all relevant matters to be explored (if necessary, in an oral hearing, with the aid of experts in the field of planning), thus allowing an authoritative practice and procedure, aided, if necessary, by reference to the High Court of a question of law.

Because of the technicality of the objections raised by Abenglen, because their resolution might require oral evidence, because the resulting decision would probably govern other cases, past, present or future, I would, in the exercise of my discretion, refuse certiorari on the grounds that Abenglen should have pursued the appellate procedure that was open to them under the Acts ..."

In *O'Keeffe*, Costello J held that

"The Oireachtas clearly intended that if a notice of appeal was served within the statutory period then the Board should determine the application as if it had been made to it in the first place, and that it should not have any regard to what had happened before the planning authority. It would follow that I should construe this statute as meaning that no defect in the proceedings before the planning authority should have any bearing, or impose legal constraints, on the proceedings before the Board. The Board had no jurisdiction to consider the validity from a legal point of view of the County Manager's decision ... and it seems to me to be contrary to the proper construction of the section now to hold that the Board lacked jurisdiction to entertain the appeal merely because the County Manager's decision was ultra vires."

But this does not mean that it is always pointless to attempt to challenge the planning authority's decision by way of judicial review. In *Hynes -v- An Bord Pleanala*, High Court, 30 July 1998, a distinction was drawn by McGuinness J

between procedural defects which were relevant only to the planning authority's decision and procedural defects which might affect both the planning authority and the jurisdiction of the Board. If the error is relevant only to the planning authority (say, where the planning authority fails to take account of some proper consideration or denies somebody an opportunity to be heard in breach of natural justice), then the decision of the planning authority, although invalid, is nonetheless a decision sufficient to give the Board jurisdiction on appeal. However, suppose that the defect is not so much to do with the procedure adopted by the planning authority itself but rather that the planning application itself is invalid because, say, the applicant for permission did not have the necessary interest in the land to warrant him making a planning application. The planning authority might not take that point or the point might not be made at all and the planning authority might give a decision. Nonetheless, the Board would not have jurisdiction to entertain an appeal from such a decision, despite the statement of Costello J in *O'Keeffe*, because the lack of necessary interest on the part of the applicant is a defect which would render the application itself invalid and would therefore deprive not only the planning authority, but also the Board of any jurisdiction.

Rejecting the submission made to the contrary in reliance upon *O'Keeffe*, McGuinness J stated:

*"There remains the question of the validity of the developer's original application. While the judgment of Costello J in the O'Keeffe case makes it clear that it is the decision of the planning authority that founds the jurisdiction of An Bord Pleanala, no question of the validity of the original application arose in that case, and I would not interpret the judgment as meaning (as suggested by Mr. Collins) that An Bord Pleanala could simply ignore a situation where the original planning application was clearly invalid. I accept that the primary duty of vetting a planning application and ensuring that it is in accordance with the relevant regulations lies with the planning authority but one must ask whether An Bord Pleanala would have jurisdiction to adjudicate on an appeal where the application on its face was one which would be considered invalid under the criteria set out by the Supreme Court in the *Frescati* case? Surely the answer must be no, particularly bearing in mind the cross-reference from section 26(5) to section 26(1) of the Act of 1963."*⁵

The *Abenglen/O'Keeffe* coat of mail received another dent with the decision of O'Donovan J in *Eircell -v- Leitrim County Council*, High Court, 29th October 1999.

Eircell -v- Leitrim County Council was concerned with a decision of the planning authority pursuant to section 30 of the 1963 Act whereby the planning authority purported to revoke a grant of planning permission on the ground of a change of circumstances, namely considerable fear, apprehension and opposition within the local community at Ballinamore as to the health implications, impact on property

⁵ She found however, on the facts of that case, that the applicant *did* have a sufficient interest in the property and so the planning application was valid and therefore the Board did have jurisdiction on the appeal.

values, tourism and visual implications of a 32 metre telecommunications mast. It was claimed that the elected members of the planning authority had not been aware of these matters as of the date of the grant of permission.

Eircell Limited successfully challenged the decision to revoke the permission on the grounds that the planning authority had not sufficiently investigated the alleged fears etc. of the local community such as would enable them to come to an informed view as to whether there had truly been a change of circumstances sufficient to revoke the decision. In any event, O'Donovan J considered that fear, apprehension and opposition within the local community was not, of itself, a proper planning consideration or change in circumstances within the meaning of section 30.

It had been argued that on the basis of O'Keeffe, Eircell would have to establish that the decision to revoke the planning permission was an irrational decision and that since there was some evidence of fear and apprehension in the local community etc., it could not be said that the planning authority's decision was irrational and that the challenge to it on this ground was therefore bound to fail. However, O'Donovan J carefully (and in my view correctly) drew a distinction between irrationality on the one hand and a failure to sufficiently inform themselves with regard to all relevant matters before reaching their decision on the other hand:

"In my view, the circumstances under which those two decisions [O'Keeffe -v- An Bord Pleanála; P & F Sharpe Limited -v- Dublin City and County Manager] were given on the grounds therefor are distinguishable in the instant case, in that, in the cases of O'Keeffe and Sharpe the courts were concerned with allegations of unreasonableness and irrationality with regard to the impugned decisions whereas, in this case, the validity of the revocation made by the elected representatives of the respondent council is challenged not on the grounds of unreasonableness or irrationality on the part of the decision makers, but on the grounds that they did not sufficiently inform themselves with regard to all relevant matters before reaching their decision and, in my view, these are two totally different concepts. That being so, I do not think that the decisions laid down in the cases of O'Keeffe and Sharpe are relevant to the issues which I have to decide in this case."

This is a particularly important passage in the judgment because there is a noticeable tendency for almost any attack on the validity of a decision of a planning authority or the Board to be defended by invoking O'Keeffe as a sort of jurisprudential clove of garlic, which if waved often enough will suffice to repel not only the standard vampire of irrationality but almost any allegation of invalidity based on some procedural defect or want of natural justice. However, that patently is not so and however high the O'Keeffe wall is in the context of the irrationality argument, it is a wall which stands only on the irrationality path, and like the Salvador Dali pictures of a wall or a door standing alone in the desert, it can be easily walked around utilising an analysis based on a failure to take account of relevant considerations etc. rather than what one might term pure irrationality.

The Eircell case is interesting for three other aspects of the judgment which also limit the scope of the application of some of the principles of O'Keeffe.

First, the Abenglen-O'Keeffe line of authority is frequently invoked for the "hands off" principle. Judges are repeatedly scolded by counsel for planning authorities and the Board that they should be very slow to interfere with planning decisions, that these are matters for planning experts and that judicial review applications of planning decisions come with a particularly severe constitutional health warning that the sacred shrine of the planning decision must not be looked into or disturbed and that the court should confine itself to investigating whether the rituals surrounding the shrine have been carried out by the planning high priests in accordance with the holy book of rules.

One of the ironies of this perspective on the court's role is that it is in the case of the irrationality argument above all others that the court must not only open the shrine, but must dissect the body of the martyr and plunge the judicial hand into its entrails to examine whether or not the decision stands up. Irrationality cases in planning law inevitably involve the most detailed scrutiny of the Planning Officer's report, the expert's reports, the submissions of the parties, the report of the Board's inspector and so on, all with a view to seeing if there was material before the planning authority or the Board (as the case may be) which can rationally justify the decision.

And even in the cases where irrationality is not the ground of attack, it is a mischaracterisation to suggest that the court must then timidly cower behind the bench like Dorothy's lion. While it is undoubtedly true that save in the irrationality cases, the court will not concern itself with the merits of the planning decision, it will subject the fairness of the procedures to the most intense scrutiny. O'Donovan J. made this distinction plain in the Eircell case in the following passage:

"I do not accept that the unreported judgment of Mr. Justice Geoghegan delivered on the 30th July 1999 in a case of Elizabeth Hughes -v- An Bord Pleanála, Monaghan County Council and Castleblaney Urban District Council is authority for the proposition that the courts should be slow to intervene in planning matters. As I interpret that judgment, the learned trial judge avoided comment on any question relating to the merits of the case, which was concerned with planning matters, on the grounds that those are matters to be determined by the planning authority. However, he did not conclude that the courts should be slow to intervene in planning matters when that intervention did not involve any adjudication on the merits of a planning application or, indeed, on the merits of a revocation of a planning permission ... While I accept that the courts should avoid intervention in matters which are purely related to proper planning and development, I do not accept that they should necessarily be slow to intervene in related matters which do not involve considerations of a purely planning and development nature."

The second interesting aspect of the judgment concerns the issue as to whether decisions of planning authorities should be capable of attack by judicial review

when there is the alternative remedy available of an appeal. I have already made reference to the decision of McGuinness J in *Hynes -v- An Bord Pleanala* from which it is clear that the existence of an appeal will not cure a fatal defect in the original planning application so that the planning authority's decision can therefore be successfully attacked notwithstanding the existence of an appeal mechanism. In *Eirce I*, O'Donovan J gave a somewhat different justification for upholding the attack on the planning authority's revocation decision notwithstanding that the revocation decision itself was capable of appeal to the Minister. O'Donovan J stated:

"I am not persuaded, although I accept that I have an inherent discretion to refuse the relief sought by the applicant herein on the grounds that there was an alternative remedy open to it which has not been prosecuted i.e. the right to appeal to the Minister against the decision to revoke the said grant of planning permission, to exercise that discretion in favour of the respondent. In that regard, and in light of the several authorities referred to above, I have no doubt but that I am entitled to exercise that discretion in favour of the applicant and furthermore, that it is in the interest of justice that I should do so; if for no other reason than that the public at large are entitled to know that the planning authority cannot ride rough shod over principles of constitutional justice and fair procedures which, in the event that the applicant had chosen to appeal to the Minister against the decision of the elected members of the respondent council to revoke the said grant of planning permission, was unlikely to have come in to the public domain."

In other words, there is a value inherent in fair procedures in themselves. One is entitled to fair procedures at each stage of the process and the outcome may well be different where fair as distinct from unfair procedures are adopted. Why therefore should one always have to rely on the appeal remedy if at the early stage, one has not had the benefit of a fair decision which might obviate entirely the need for an appeal at all? The point has been made eloquently by a leading US constitutional law expert:

"Whatever its outcome ... a hearing represents a valued human interaction in which the affected person experiences at least the satisfaction of participating in the decision that vitally concerns her, and perhaps the separate satisfaction of receiving an explanation of why the decision is being made in a certain way. Both the right to be heard from, and the right to be told why, are analytically distinct from the right to secure a different outcome; these rights to interchange express the elementary idea that a person rather than a thing is at least to be consulted about what is done with one. Justice Frankfurter captured part of this sense of procedural justice when he wrote that the 'validity and moral authority of a conclusion largely depends on the mode by which it was reached ... No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it."

⁶ These were authorities to the effect that a planning authority is obliged to act judicially.

*Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done. At stake here is not the much acclaimed appearance of justice but, from a perspective that treats process as intrinsically significant, the very essence of justice."*⁸

Thus it was that when Ann Summers opened its first exotic lingerie shop in O'Connell Street last year, and when Dublin Corporation, even before the shop had actually opened and the window display unveiled, had decided that the shop front was not in keeping with the tasteful fast food outlets and amusement arcades that make up much of the O'Connell Street retail frontage and decided accordingly to serve a discontinuance notice under section 37 of the 1963 Act requiring Ann Summers to close the shop within a month on pain of committing a criminal offence, I was asked to advise as to whether an application for judicial review should be made to quash Dublin Corporation's section 37 notice or whether Ann Summers should avail of the statutory right of appeal to An Bord Pleanala.

The argument was that the procedure which had been adopted by the Corporation leading up to the making of the notice was so flawed from the viewpoint of natural and constitutional justice that the applicant was entitled to ask the court to intervene at this stage. What complicated matters however was that once the one month period had passed after the expiration of the section 37 notice, then unless the shop was closed, Ann Summers would be committing a criminal offence. It was almost certain that the judicial review application would not be heard within that one month period. Thus, to avoid the possibility of committing a criminal offence, an appeal to An Bord Pleanala was lodged which had the effect of suspending the notice pending the determination of the appeal.

Obviously, the fact that Ann Summers had actually lodged an appeal to An Bord Pleanala was a point taken against the applicant on the application for leave to commence judicial review proceedings. Mr. Justice O'Caoimh was ultimately satisfied that the fact that the applicant had availed of the opportunity to appeal did not in itself debar the applicant from seeking judicial review of the Corporation's decision. Liberty was given to commence judicial review proceedings on a wide variety of grounds including the contention that the Corporation had taken into account the nature of the goods sold within the premises⁷ which the applicant suggested did not change the character of the use from the existing retail use and was therefore not a material consideration to the proper planning and development of the area. Considerations which appear to have influenced the Corporation such as an apprehension that the shop would provoke public protests were argued to be both irrelevant factors and factors which rendered the decision irrational. The Corporation's declared aim to use all legal means to close down the shop was cited as evidence of prejudgement and bias. A failure to give any reason for the view stated in the section 37 notice that "the use of the said premises for the display and sale of Ann Summers range of products is unacceptable and is in conflict with the objectives of the O'Connell Street Integrated Area Plan" was attacked as a breach of the obligation to

⁷ Joint Anti-Fascist Refugee Committee -v- McGrath, 341 U.S. 123, 171-172 (1951) (Frankfurter J., concurring).

⁸ Tribe, *American Constitutional Law* (2nd Edition, 1988) page 666 (emphasis in original).

⁹ Described as hosiery, ladies' evening wear, nightwear, PVC wear, jewellery, toiletries, fun novelties, books and novels, greeting cards and gift wrapping.

give a adequate reasons for the decision and indeed the point was made that the area plan for O'Connell Street sought to encourage niche retail marketing of which it was suggested that Ann Summers was an excellent example.

The applicant was refused leave on one ground which was that the failure of the Corporation to act to close down particular retail outlets which were specifically identified in the Area Plan as unacceptable, in contrast with the alacrity with which it sought to close down the Ann Summers shop, was evidence of both irrationality and bias but this was appealed to the Supreme Court who granted the applicant liberty to pursue the Corporation on this ground also. Somewhat to my regret, the Corporation decided shortly thereafter to withdraw the notice and to pay the applicant's costs, thus depriving the court of an opportunity to further advance the jurisprudence in this area.

I mentioned that there were three aspects of the *Eircell* judgment that are interesting and the third relates to what has always struck me as the somewhat odd requirement in the *O'Keeffe* decision that there is an obligation on the applicant for judicial review to put before the court all the material which was before the decision maker (i.e. the planning authority or the Board as the case may be) and that if the applicant fails to discharge this onus, then his application is liable to be dismissed without further ado. Finlay C.J. stated:

"I am satisfied that in order for an applicant for judicial review to satisfy a court that the decision making authority has acted irrationally in the sense which I have outlined above so that the court can intervene and quash its decision, it is necessary that the applicant should establish to the satisfaction of the court that the decision making authority had before it no relevant material which would support its decision."

As indicated by this court in P & F Sharpe Limited -v- Dublin County and City Manager (1989) IR 701, the onus of establishing all that material is on the applicant for judicial review, and if he fails in that onus he must fail in his claim for review. Accordingly, on the first submission made by the appellants on this issue on this appeal, I would hold with them and allow the appeal."

In other words, the *O'Keeffe* case was in fact decided on this point and the balance of the judgment as to whether the Board's decision was or was not irrational is, strictly speaking, only obiter.

At the time this statement was made in *O'Keeffe*, there was no automatic right to get access to the Bord Pleanala file and it therefore seemed to be the case that the applicant had to bring an application for discovery to get the documentation even before he could bring his application for leave to commence judicial review proceedings, having regard to the fact that the applicant must formulate all his grounds of attack at the beginning and will be fairly strictly confined to whatever grounds he is given liberty to proceed upon. While that particular problem was

ultimately eased by the introduction of a statutory instrument permitting the public access as of right to the Board's file (and in fairness to the Board it must be said that immediately after the *O'Keeffe* case, the Board adopted a voluntary policy of making its file available to the public), this apparent onus on the applicant to not only get all the documentation from the planning authority or the Board and then put it before the court in some way (presumably by swearing something akin to an affidavit of discovery) has distinctly odd features.

First, it is an obligation which, in logic, can only be relevant to that part of the applicant's case which relies on an irrationality argument since it is only in that context that the question of satisfying the court that there was no material before the decision maker on which it could reasonably have come to its decision, arises. Yet, the principle is repeatedly invoked as if it applied to any and all grounds of attack upon a planning decision. Thus, in the course of the recent proceedings in *Irish Hardware Association v South Dublin County Council*¹⁰ concerning a proposed monster retail warehouse development in Liffey Valley, quite a number of grounds of attack apart from irrationality were relied upon by the applicant. Nonetheless, South Dublin County Council applied at the start of the case (supported by the developer Barkhill Limited) to strike out the proceedings on the grounds that although the County Council had an obligation to make the file and the documents available to the applicant, the fact that the applicant had not put the entirety of that file before the court in the form of exhibits to an affidavit meant that it had breached this supposed obligation and that its case should be struck out accordingly.

If this principle be a principle, its absurdity was illustrated in that case by the fact that the applicant (which maintained that it had put all relevant documents already before the court) simply asked the County Council to give it the full file (which the County Council had in court and was obliged to hand to the applicant) and the contents of which file the applicant then listed and swore in an affidavit thus fulfilling the supposed obligation. As a result, the issue died away. But it does seem particularly bizarre that a planning authority which has the file, which is obliged to make the file available, and which has the opportunity itself to put on the record any document on the file it says justifies its decision, nonetheless can seek to have an applicant's proceedings struck out on the grounds that the full file has not been put before the court.¹¹

In any event, in the *Eircell* case, O'Donovan J made clear that whatever onus lay on the applicant in light of the *O'Keeffe* case to put the documentation before the court could only arise in the context of an irrationality argument:

"I am not persuaded by the authority of the decisions of the Supreme Court given in the cases of Denis O'Keeffe -v- An Bord Pleanala and Ors and P & F Sharpe Limited and Anor -v- Dublin City and County Manager and Anor that the onus is on the applicant to establish,

¹⁰ The High Court judgment was given on 19th July 2000 but the point discussed in the text arose in the course of argument in the case. I must confess to a no doubt biased view as I was counsel for the Irish Hardware Association.

¹¹ This absurdity became clear in the Irish Hardware case when the full file was made available and it transpired that there was little if anything of any further relevance on the file.

either what matters were considered by the County Manager, when he decided to grant the said planning permission and, in particular, that the matters relied on, when the decision to revoke the said planning permission was taken, were not considered by him at that time or that no change in circumstances had occurred since that permission was granted."

He went on to say, as quoted above, that in his view those decisions were distinguishable to the case before him on the grounds that they were concerned with allegations of unreasonableness and irrationality whereas the case before him was concerned with an allegation that the planning authority had failed to sufficiently inform themselves with regard to all relevant matters.

Even in the irrationality context, it is by no means clear that there is or should be some absolute obligation on the applicant to produce the relevant decision maker's file and put it before the court, notwithstanding that, taken literally, this is what Finlay CJ seemed to be saying in *O'Keeffe*. There is no doubt that the onus is always on the applicant to show irrationality but it may be able to do so without necessarily going through the entire file with a view to demonstrating the lack of material to support the decision. It all depends on the basis for the irrationality allegation. For example, in the *Irish Hardware* case, one of the key allegations of irrationality was that the reasoning of the County Council as contained in the Planning Officer's report (which was ultimately accepted to be the reasoning of the County Manager) noted that the planning application as lodged (which was for a terrace of five retail warehouse units) was radically different in character to a warehousing development which had been the subject of a permission in 1997 which permission had sanctioned the concept of a retail warehouse park. The Planning Officer noted however that the current application was very different in a number of important respects and, in the words of the Planning Officer,

"will create an environment seriously deficient in terms of urban scale and character, having regard to the importance of the overall Quarryvale site as a future urban centre. It is apparent that the revised proposals [meaning the change from the 1997 permission] represented significant loss of environmental amenity relative to the previously permitted retail warehousing development. Furthermore this is clearly due to the applicant's intention to achieve a similar level of development on a substantially reduced area. In order to achieve a significantly more intensive development it has been necessary to minimise landscaped areas and reduce setbacks from adjoining roads and houses, with consequent loss of environmental quality."

Even this proposal was subsequently amended to convert the terrace of five retail warehouses into one enormous retail warehouse of 13,662 square metres thus putting further distance between the development for which permission was now sought and the 1997 permission.

Yet, in that same Planning Officer's report, when he came to ultimately give his recommendation which was adopted by the County Manager, he simply stated that the precedent value of the 1997 permission justified the grant of permission on the application before him.

The applicant's argument (which was rejected by the court) was that on the face of the reasoning of the planning authority as contained in the report, there was a clear irrationality in that it was simply inexplicable how the Planning Officer could have originally been of the view that the development sought was radically different in character to the 1997 permission and later on in the report (and when now faced with a further modified proposal which was even more different to the 1997 permission) concluded that the fact of the 1997 permission justified the grant in the instant case.

If an applicant can demonstrate a *prima facie* case of irrationality, why should the applicant have to still list out all the documents on the planning authority's file to reinforce the argument that there is no justification for the decision? If there is such a justification (e.g. some new report which was commissioned by the planning authority which gave a different view), then no doubt the planning authority in its reply to the allegation of irrationality will point to such report or such other document which it maintains justify the decision. Indeed, in the *Irish Hardware* case, extensive replying affidavits were put in on behalf of South Dublin County Council and on behalf of the developer including affidavits from experts retained by the respondents. But they were unable to point to any extra documents on the file which were relevant or which in some way explained the about turn which was argued to be apparent on the face of the Planning Officer's report.

It seems to me therefore that even in the irrationality context, the statement of Finlay CJ in *O'Keeffe* that there is a sort of absolute obligation on the applicant to produce all the material which was before the decision maker may not have been intended to have been interpreted so literally and must be read in the context of the facts of that particular case. In that case, the applicants had alleged that the Board's decision to grant permission for the radio mast was irrational as being contrary to all the evidence but the applicants had not put before the court any evidence themselves upon which the court could assess the merit or otherwise of that claim. If your argument is that the weight of the evidence was all so predominantly one way that any contrary decision must be irrational, it is easy to see why the court will say that you have an obligation to put that material before the court in order that you can make out your case. Thus, Finlay CJ's statement was a direct response to the particular type of irrationality argument that was being made in that case. I think it is a mistake however to suppose that it is a statement of universal application applicable even when the irrationality argument is constructed in a different way as happened in the *Irish Hardware* case.

Judgement was given in *Irish Hardware Association -v- South Dublin County Council* on the 19th July 2000, when Butler J. dismissed the applicant's claim. He did so in a judgment in which he found as a fact that the revised proposal put forward by the developer some ten months after the original application for permission was a radical alteration to the former plan in that instead of five retail warehouse units,

there was to be a single giant retail warehouse unit, sometimes referred to as a category killer store. Nonetheless, he held that the change was not "a materially different development".

As regards the argument that notice should have been given to the public of the radical alteration proposed in the revised plan, he held that adequate notice had been given of the original application and that "all information concerning any modification of that original plan was available to the public." This means that a developer can put in an application for one type of development, and the public, although perhaps unperturbed by the type of development proposed, must continue to monitor the file in the planning officer thereafter for months or years as the case may be, lest the developer put in a radically different proposal by way of variation to which members of the public might have a violent objection but where the members of the public will otherwise have no knowledge and will receive no public notification of such change.

Given the consistent importance which the court has always attached to public participation in the planning process, this decision can arguably be described as a seismic shift in planning law. Application was made to the High Court for leave to appeal to the Supreme Court on the grounds that the case involved a point of law of exceptional public importance and that it was in the public interest that an appeal be taken to the Supreme Court. Thirteen points of exceptional public importance were identified. However, that application was refused. The applicant then sought to appeal the decision refusing to certify a point of exceptional public importance.

Since the decision in *Irish Asphalt -v- An Bord Pleanala* (1996) 2 IR 179, it has generally been accepted that where the High Court refuses to grant leave to appeal, that decision in itself cannot be appealed to the Supreme Court. The Irish Hardware Association appeal was made on the basis that the *Irish Asphalt* decision is wrong and that the mere fact that a certificate from the High Court is needed to appeal the substantive decision does not interfere with the constitutional right of appeal to the Supreme Court against the decision to refuse a certificate. If the Supreme Court thinks the High Court decision was wrong, it was argued that it can simply direct the High Court to grant the necessary certificate as was done in somewhat analogous circumstances in *Hanafin v The Minister for the Environment* (1996) 2 IR 321.

However, in a judgment given on 23rd January 2001, the Supreme Court reaffirmed the *Irish Asphalt* decision. The court stated:

"The words 'shall only be granted where the High Court certifies....' make it clear beyond argument that the Oireachtas envisaged that it was the High Court, and that court alone, which was to grant leave for an appeal and then only where it issued a certificate in the terms of the section."¹²

This is undoubtedly true but it might, with respect, be questioned as to whether this answers the separate point that the decision as to whether or not to issue the

certificate is a separate decision of the High Court in its own right. There seems to be nothing in the section which qualifies or regulates the constitutional right of appeal from that particular decision. Nonetheless, the point must now be regarded as settled, at least for the foreseeable future.¹³

Linked with the question of irrationality is the question of the duty to give reasons. The precise extent of that duty remains a vexed question. As Professor Tribe points out, the necessity and the entitlement to understand why a decision, particularly a decision adverse to one, has been made, is an integral part of natural justice. However, the extent of the duty to give reasons remains unclear. In *Ni Eili -v- The Environmental Protection Agency*, Supreme Court, 30th July 1999, Murphy J drew a distinction between the position which applies when the Agency gives reasons, as it must, for its proposed determination and the reasons for its final determination when it decides to grant or refuse the licence (when it again must give the reasons for its decision). At the proposed determination stage, Murphy J stated that the sort of reasoning which was deemed adequate in *O'Keeffe* (a fairly uninformative statement that the development was in conformity with the proper planning and development of the area but combined with very detailed conditions with a reason attached for each condition) would be adequate. Murphy J. stated:

"I have no difficulty in accepting that the principles enunciated by Chief Justice Finlay in the O'Keeffe case would be properly and readily applied to a decision by the Agency in relation to a proposed determination. The applicant for the licence would readily understand that the Agency was satisfied that the statutory conditions would be met if, but only if, the conditions specified by it were met. Moreover, the applicant would have ample information and evidence with which to seek judicial review if he wished to contend that any of the conditions imposed were ultra vires the Agency."

Earlier in the judgment he had explained that the reasoning of the Agency at the different stages is likely to be provided for the benefit of different parties.

"At the stage of the proposed determination, I would assume that it is the Applicant who was most likely to be concerned by conditions imposed by the Agency on its intended activity and the reasons by which it justifies any particular intrusion on his industrial enterprise. The application will only proceed to the decision process if objections are made formally to the proposed and pursued determination. It follows that such objectors would at that stage have a clear interest in knowing the reasons of the Agency for granting a licence opposed by them and, in particular, in those cases - such as the present - where the opposition was based on expert evidence and not merely personal preference or social pressures."

He pointed out that by contrast with the proposed determination, the position is different where a decision to grant a licence is made:

¹³ The court expressly was influenced by the legislative policy of promoting certainty and expedition in planning appeals. See page 13 of the judgment.

¹² Page 13 of the judgment.

"In that event, by definition, objections will have been made to, and submissions received by the Agency in relation to such objections. If a licence is indeed granted, it might be inferred that those objections had been overruled or the submissions rejected. That would not be an adequate compliance with the regulation. Those who have gone to the trouble and expense of formulating and presenting serious objections on a matter of intense public interest must be entitled to obtain an explanation as to why their submissions were rejected."

In the instant case however, since the directors of the Agency had accepted the detailed report of the Hearing Officer (who, Murphy J said, *"appears to have performed this task [preparing his reports] with extraordinary clarity and cohesion"*), it was quite apparent that the reason for the decision was that the Board accepted the recommendations of the hearing officer.

Yet, extraordinary brevity may suffice as an adequate statement of reasons. Although not a planning case, the most recent statement of the Supreme Court on the duty to give reasons is contained in its decision in *Orange Communications -v- Director of Telecommunications Regulation*. Orange was the unsuccessful bidder for the third mobile telephony licence, the successful bidder being Meteor, an Irish American consortium. Each of the bidders had submitted a tender consisting of a very detailed proposal as to how they would operate if they were awarded the third licence. The Director through her staff and outside consultants evaluated these proposals by means of a complex set of criteria which ultimately produced a result whereby Meteor was ranked ahead of Orange. On this basis, Meteor was awarded the licence.

Prior to the final decision, the Director had given each of the bidders a kind of "report card" on their bids. This identified strengths and weaknesses and sought further clarification in certain areas but the bidder was not allowed to "improve" his bid in any of the weak areas. Crucially, the report did not compare one party's bid with another on the basis that to reveal how each party was doing vis a vis the other would encourage the parties to attempt to revise their bids to exploit weaknesses in the other's bid.

When the Director announced her decision, she gave as the reason for her decision the fact that Meteor had been ranked ahead of Orange. One of the grounds upon which Orange sought to quash the Director's decision by way of judicial review was that this was an inadequate fulfilment of the Director's obligation to give reasons for her decision. It was argued that to say that Meteor was ranked ahead of Orange was doing no more than telling the parties that Meteor had won and Orange had lost. While this argument succeeded in the High Court, the Supreme Court held that the reason Orange lost was truly because they were ranked second to Meteor and that such a statement was therefore an adequate statement of reasons. The court also seems to have taken the view that the "report cards", although predating the actual decision, were sufficient for the parties to know where they had been strong and where they had been weak and thus, indirectly, Orange could or should be able to appreciate why it had been ranked second.

One might think that where the essence of the competition is a comparative evaluation and where the report cards expressly do not engage in a comparative evaluation, and where one can only know why one has lost, not by knowing where one is strong or weak in itself, but by knowing where one is strong or weak in comparison to one's competitor, the mere statement that one lost because one finished second is an inadequate statement of reasons having regard to the integral role which reasons play, as Professor Tribe put it, in not merely the appearance but as part of the essence of justice.¹⁴ Nonetheless, the decision is of relevance in that it leads one to believe that the type of reasoning which passed muster in *O'Keeffe* (where it was really the reasons for the conditions which saved the day) would still be regarded as sufficient. Indeed, in light of the *Orange* decision, the reasons given in *O'Keeffe* would probably be regarded as a form of prolix luxuriance.

And yet, the characteristic brevity with which planning authorities or the Board express the reasons for their decisions sometimes causes them to continue to live on the judicial knife edge. What may seem to be the comparatively mundane issue of whether McDonalds should be allowed to open up in Kilkenny threw up three separate and interesting judgments in *Village Residents Association -v- An Bord Pleanála and Kilkenny Co. Council*, which judgments ranged over issues such as the duty to give reasons, locus standi, security for costs and the interesting notion of pre-emptive costs.

Insofar as the duty to give reasons is concerned, the ground upon which the applicant was given liberty to proceed was that the Board's decision to grant permission to McDonalds, which allows people to take away their burgers etc. in a brown paper bag, was arguably in material contravention of the Kilkenny Development Plan which prohibited take-away outlets, although there was some ambiguity as to whether that restriction only applied to the centre of Kilkenny. The issue was whether the Board, if the permission did involve a material contravention of the Development Plan, was obliged to give reasons specifically addressed to the question of why the Board was prepared to grant permission which was in material contravention of the Development Plan.

However, on the facts, Laffoy J. accepted the argument advanced on behalf of McDonalds that the planning issue or issues which required the giving the reasons was not the question of whether or not the development was in material contravention of Development Plan. The Board could only grant permission if it was satisfied that the development was in conformity with the proper planning and development of the area. The planning issues which arose primarily had to do with the impact of the development on traffic (where the development as proposed had incorporated a drive through element which was dropped by An Bord Pleanála) and the possible effect on residential amenities in the area. Both of these issues had been addressed by the Board and reasons had been given by the Board in relation to both of these issues. Accordingly, it was neither necessary to decide whether or not the development was in material contravention of the Development Plan¹⁵ nor to articulate the reasons for the decision in terms of the more abstract notion of material contravention of the Development Plan.

¹⁴ I must again warn the reader that I may have a bias in this view as I was counsel for Orange.

¹⁵ McDonalds had argued that it was not a take-away outlet within the meaning of the Development Plan and that in any event the prohibition on take-away outlets was confined to Kilkenny town centre.

The McDonalds case is also interesting for what seems to have been the first application by an applicant for judicial review in a planning case for what was described as a pre-emptive costs order. The applicant was a company limited by guarantee which was actually incorporated after the Board's decision (notwithstanding which it was held to have locus standi to bring the proceedings). Its members were local residents concerned about the proposed McDonalds development and subsequent to obtaining leave to commence the judicial review proceedings, but before those proceedings actually came on for hearing, the applicant applied for an order that irrespective of the outcome, it should not be liable for the costs of the other parties and indeed that McDonalds should pay the costs of the application for leave, all on the grounds that the applicant was acting in the general public interest. Relying on a number of English authorities, Laffoy J, in a judgment delivered on the 23rd March 2000 accepted that the court had a discretion to make this type of cross-order (referred to as a pre-emptive costs order) but only in the most exceptional circumstances. She adopted the test set out by Dyson J in *R-v-Lord Chancellor ex parte CBAG* (1998) 2 All ER 755 as follows:

"I conclude, therefore, that the necessary conditions for the making of a pre-emptive costs order in public interest challenge cases are that the court is satisfied that the issues raised are truly ones of general public importance, and that it has a sufficient appreciation of the merits of the claim that it can conclude that it is in the public interest to make the order. Unless the court can be so satisfied by short argument, it is unlikely to make the order in any event. Otherwise, there is a real risk that such applications would lead, in effect, to dress rehearsals of the substantive applications, which in my view would be undesirable. These necessary conditions are not, however, sufficient for the making of an order. The court must also have regard to the financial resources of the applicant and respondent, and the amount of costs likely to be issue. It will be more likely to make an order where the respondent clearly has a superior capacity to bear the costs of the proceedings than the applicant, and where it is satisfied that, unless the order is made, the applicant will probably discontinue the proceedings, and will be acting reasonably in so doing."

Laffoy J was satisfied that the Village Residents Association met none of these criteria. In particular, she pointed out that the pre-emptive costs order was sought against McDonalds which was a private party embroiled in litigation in which the issue was whether An Bord Pleanála should give reasons for allegedly materially contravening a Development Plan. She said that it was very difficult in the abstract to identify the type of case in which the interests of justice would require the making of a pre-emptive costs order. But she went on:

"Having said that, it may be that in a particular type of case other factors may come into play. For instance, in judicial review proceedings challenging the validity of a decision of the Board or of a planning authority which has no private, as opposed to public ramifications and, therefore, where what is at issue is a true public

interest issue of general importance, perhaps a heritage protection issue or an environmental issue, it might well be that there would exist policy considerations reflected in legislation which the courts would have to have regard to."

A somewhat related issue before the same judge arose a few weeks later in April 2000. Although not a planning case, the decision of Laffoy J in *Broadnet Ireland Limited -v- Office of the Director of Telecommunications Regulation and Ors* (2000) 2 ILRM 241 has implications for all applicants for judicial review. Broadnet was another disappointed applicant for a particular type of telecommunications licence. It applied for leave to judicially review the decision of the Director of Telecommunications Regulation and the court directed that the four successful tenders be joined as notice parties to that application since they had an obvious interest, in that if the judicial review proceedings went ahead, it would almost certainly delay the Director in granting the licences since the Director could not be sure that her decision was valid. But such a delay would cause very severe losses to the four companies who had been awarded the licences and who were, so to speak, ready to go. And yet, since the applicant had not sought any injunction (because the mere commencement of judicial review proceedings would, in practical terms, be sufficient to stay the process in that the Director would almost certainly decide not to go ahead), the applicant did not have to give the usual undertaking as to damages which would normally accompany an application for an interlocutory injunction.

As a result, the companies and the Director applied to the High Court for an order that if the court was minded to grant leave to commence judicial review proceedings, it should be a condition of the grant of the leave that Broadnet not only provided an undertaking as to damages, but provided what was described as a fortified undertaking meaning that Broadnet's backers (among which was a large German telecommunications company) should be obliged to put up some form of security or guarantee so that an undertaking as to damages from Broadnet, a company with little or no assets, would be worth something. In addition, the respondents sought security for costs against Broadnet.

The court held that by including in the relief sought a declaration that the competition was void, Broadnet's proceedings had created the same effect as an interlocutory injunction restraining the Director from implementing the outcome of the competitive process. Laffoy J held that it would be patently unfair and unjust to allow the proceedings to continue without the applicant carrying the risk occasioned thereby if the proceedings were ultimately found to be unsustainable. Since such an undertaking would be worthless unless it was fortified or secured by Broadnet's backers, such a fortified undertaking would have to be provided and she also directed that Broadnet provide security for costs.

This is, so far as I am aware, the first time that the court has directed an undertaking as to damages as a condition of granting leave on a judicial review application. Judicial review applications in the planning context very frequently cause the successful developer very considerable loss by virtue of the delay to the development. While the mere existence of judicial review proceedings does not stop

the developer from proceedings with the development as such, the developer is obviously on risk that if the judicial review proceedings are successful, he will have built something with no planning permission and he may or may not be successful on a subsequent application for permission or retention as the case may be. In most cases therefore, the developer chooses not to take the risk and the development is inevitably delayed without any recourse against the applicant for judicial review who has caused the delay.

In light of the *Broadnet* decision, there seems no reason in principle why a developer faced with such a situation should not seek a similar undertaking as to damages as was obtained in *Broadnet*. Whether such an order will be made will always depend on the individual circumstances of the case. There may in some instances be public policy reasons as to why such an order would not be made in the context of a planning case. On the other hand, the clear policy of the legislature since the 1992 Act has been to limit the opportunity for challenges to planning decisions and to ensure as far as possible that any such challenges are brought on quickly. To that extent, the requirement that a fortified undertaking as to damages be given as a condition of granting leave for judicial review may be consistent with rather than at odds with public policy.

Money, but in the shape of compensation rather than costs, featured in an important decision of McGuinness J in *Arthur -v- Kerry County Council*, High Court, 9th February 2000. The Board having refused permission for a development, the owner of the land applied for compensation under section 11 of the 1990 Act and the planning authority issued a section 13 notice that the lands in question were capable of other development which notice, if valid, deprived the owner of the right to compensation.

The point about a section 13 notice is that it must be served no later than three months after the claim is received in which case the notice continues in force for a period of five years unless certain events occur. One such circumstance where the notice gets annulled is where an application for permission to develop the land consistent with the type of development specified in the notice is refused (or is granted subject to certain types of conditions).¹⁶

Two years after the section 13 notice was served, the applicant's next application for permission (which was broadly in accordance with the type of development specified in the notice) was refused by An Bord Pleanala.

Since that notice was therefore annulled by virtue of the Board's decision (pursuant to the operation of section 13(5) of the 1990 Act), the planning authority decided to serve a second section 13 notice within three months from the Board's decision and they argued that this prevented any claim to compensation arising. The owner argued that there was no implied right to issue another notice and that since years, and not just months, had now passed since the original claim for compensation, and since the original section 13 notice had been annulled, his claim to compensation was now absolute. If a second notice were to be permitted, then there would be nothing

¹⁶ Section 13(5).

to prevent the planning authority from issuing a third notice, and so on ad infinitum, thus permanently preventing the owner from ever exercising his right to compensation.

However, the planning authority argued that if this was correct, then the planning authority could never serve a second notice. If, after receipt of a section 13 notice in the ordinary way, the owner applied for permission and the matter perhaps went on appeal to An Bord Pleanala, there is no doubt that more than three months would elapse from the date the original claim for compensation was received. If that application was ultimately turned down, but if the planning authority could only ever issue a section 13 notice within 3 months from the original claim for compensation, then the planning authority could never serve another section 13 notice even if the planning authority considered that some other form of development was permissible. It was argued therefore that the claim for compensation should be deemed to be stayed or put in abeyance when the section 13 notice was first issued and that the claim for compensation would only revive when the first notice was annulled by the decision of the Board to refuse permission. While in theory this might mean that the planning authority could continue to issue notices in perpetuity, it was argued that the court would not be slow to quash any such issue of notices if it was clear that there was an unjust or an unreasonable persistence in issuing notices.

McGuinness J recognised that there was force in both contentions. She said:

"If section 13 is to be interpreted literally, as canvassed by the applicant, it will, on a practical level, be impossible for the planning authority to issue a second notice even in a case where it might clearly be proper to do so. On the other hand, if one accepts the interpretation by implication put forward by the respondent, there is a danger that a developer may be unjustly denied compensation (or that compensation may be unduly delayed) by the issue of repeated notices. The practical problems are clear, but the statute is silent as to their solution."

She went on then to refer to previously decided cases on the compensation provisions although there does not appear to be any previous decision on section 13 notices.¹⁷ The effect of those cases was that the right to compensation was a statutory right and that it should be upheld unless it was strictly and specifically limited or excluded by statute. The architecture of the legislation is to establish the right to compensation and then to set limits on it and this architecture is broadly the same in both the 1990 Act and in the earlier 1963 Act which was the subject of many of the decisions. It is of course the case that the compensation provision is there to eliminate or reduce the possibility that a refusal of planning permission without some mechanism for compensation might be vulnerable to attack as an unjustifiable infringement of the constitutional right to private property.

¹⁷ She referred to *Dublin Corporation -v- Smithwick* (1976-77) ILRM 280; *Hoburn Homes Limited -v- An Bord Pleanala* (1993) ILRM 368; *Grange Developments Limited -v- Dublin County Council* (1986) IR 246.

McGuinness J. was further influenced by the principle that if the words of the statute are clear, then they must be given their natural meaning even where this produces an incongruous or absurd result since it is not the function of the court to amend legislation. She concluded:

"Bearing in mind these statements of principle, and in particular the dicta of the learned McCarthy J. in the Grange Developments case, it seems to me that I must give a strict interpretation to section 13(1) and 13(5) of the 1990 Act. This will have the effect of rendering void the notice issued by the respondent on the 21st May 1999 [i.e. the second notice]."

Thus, since the second notice was quashed, the applicant was entitled to compensation since the first notice had also been annulled by virtue of the decision of An Bord Pleanála refusing the application for permission. The case is thus an interesting one both because it is the first decision on section 13 notices and because it reinvigorates the principle that there is a prima facie right to compensation which can only be excluded by clear language.

This survey of some of the planning caselaw in 1999 / 2000 illustrates, if nothing else, that while O'Keefe may have changed the emphasis of attack, challenges to planning decisions continue to be made with imagination and enthusiasm. Whatever element of protection the O'Keefe clove of garlic may have given to planning decisions, it clearly falls short of being a stake through the heart of planning litigation.

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Research and Policy Publications

The Editor

Planners are faced in recent years with an increasing flow of policy and research publications. While this has always been a case and is a normal aspect of professional continuing education to keep up with what is being published, the interesting aspect of recent times is that a lot of publications are in the area of planning and are based on Irish policies or research data. This is new as in the past such material was relatively scarce.

This section does not attempt to provide a detailed overview of publications but rather is a guide to the type of material available. The published material can be categorised as follows: planning documents, Government guidelines or standards, sectoral policy documents, and datasources.

Residential Density Guidelines

As well as being the planning guidelines that need to be taken into account in relation to development control and development planning policies, the guidelines form a practical reference guide for the assessment of planning applications in terms of performance criteria incl. plot ratio, site coverage, building height etc. Also useful is the background document that was published in conjunction with the guidelines.

DOELG (1999) *Residential Density – Guidelines for Planning Authorities*, Stationery Office, Dublin.

DOELG (1999) *Planning Issues relating to residential density in urban and suburban locations*, Stationery Office, Dublin.

Landscape and Landscape Assessment Guidelines

This publication aims to achieve a coherent framework to be applied throughout the country in categorising landscapes by identifying landscape character areas and their degree of sensitivity. By doing this it is hoped that the development plan will give clear development guidelines for different parts of, in particular, the rural parts of the counties. The need for a more consistent approach between local planning authorities that is also clearly based on an agreed methodology, has been clearly shown in the difficulties to deal with planning applications for wind farm developments.

DOELG (2000), *Landscape and Landscape Assessment, Consultation Draft of Guidelines for Planning Authorities*, Stationery Office, Dublin.

Retail Planning Guidelines

The Retail Planning Guidelines were published in draft form in 1999 and only recently in final form. The main implications of the Guidelines include the need to prepare retail strategies in the context of statutory development plans, and in providing a framework to prepare and assess planning applications for retail developments. While the Guidelines do not set out a detailed technical manual of an agreed approach, the guidance in terms of the type of analysis contained in a retail impact analysis sets a standard that is welcome for practitioners.

DOELG (2001), *Irish Retail Planning Guidelines*, Stationery Office, Dublin.

Childcare Facilities

Again, these Draft Planning Guidelines for Childcare Facilities are intended to provide appropriate practical guidance on good and bad practice in relation to childcare facilities. The Guidelines identify for example, appropriate locations, a standard of provision (places for 20 children for each 75 dwellings) and a range of development control criteria to be applied in assessing planning applications for childcare facilities with distinction between new and existing residential areas.

DOELG (2000), *Draft Planning Guidelines on Childcare Facilities*, Stationery Office, Dublin.

Waste Water Treatment Systems for Single Houses

This manual was prepared by the EPA to provide guidance on the design, operation and maintenance of on-site wastewater treatment systems for a single house. The manual does not replace the SR6: 1991 standards but is meant to provide guidance to deal with the complexities of on-site systems. The manual deals with septic tank systems and mechanical aeration systems. The manual provides a valuable technical reference document for the planning professional who has to deal with such systems on a daily basis, particularly for parts of the country where site suitability can be a critical factor to assess.

EPA (2000) *Wastewater Treatment Manuals – Treatment Systems for Single Houses*, Environmental Protection Agency, Wexford.

Heritage Appraisal of Development Plans

This is a useful document produced by the Heritage Council setting out a methodology that can be followed to assess a development plan on heritage issues. A separate section of the document sets out how a development plan can be monitored and suggests useful range of indicators that can be used for this purpose. The manual document is useful not only to guide planners in the preparation of a

development plan in terms of heritage issues, but particularly also to encourage planners and planning authorities to adopt monitoring methods during the period of a development plan. Again, its value for professionals lies in the practical use value of the document.

Heritage Council (2000) *Heritage Appraisal of Development Plans – a Methodology for Planning Authorities*

Wind Energy Infrastructure

Undoubtedly wind energy has been a topical issue in planning policy in recent times. The document prepared by a specially installed Renewable Energy Strategy Group is of interest to planners because the principal conclusion of the Group was that three key elements, Electricity Market, Electricity Network and Spatial Planning, need to be integrated into a plan led approach to wind energy deployment. As part of this plan led approach the document makes detailed recommendations on the type of planning structures, policies and procedures at national, regional and local level that should be adopted to achieve a greater use of wind energy. The document is also a useful reference document for planners dealing with wind farm policy or applications because of the large amount of technical information contained in it.

GoI (2000) *Strategy for Intensifying Wind Energy Deployment – Renewable Energy Strategy Group*, Government of Ireland, Stationery Office, Dublin.

European Spatial Development Perspective

One of the key areas of significance of the ESDP is that it has given Ireland a framework for national and regional strategic planning. The document provides an interesting and easy to access guide to strategic planning issues and up to date analysis of urban development patterns. Because the document deals with policies for cities, city-regions, and the relationship between urban areas and their hinterlands, its significance and practical value goes beyond European planning but is equally relevant to domestic planning issues.

EC (1999) *ESDP European Spatial Development Perspective*, European Commission, Luxembourg

Protection of the Archaeological Heritage

The document sets out the basic principles of national policy on the protection of the archaeological heritage. It provides sources, information on the archaeological survey of Ireland, and provides guidance on the principles that should be adopted in assessing the type of approach and the issues relevant to archaeological assessment including test excavation. Zones for Archaeological Potential etc.

GoI (1999) *Framework and Principles for the Protection of the Archaeological Heritage*,
Department of Arts, Heritage, Gaeltacht and the Islands, Stationery Office, 1999.

Pleanáil

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THE JOURNAL OF THE IRISH PLANNING INSTITUTE

National spatial strategy development plan regional planning
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No. 15

2001

PLEANAIL
The Journal of the Irish Planning Institute

Editor: Hendrik W van der Kamp

ISBN

Pleanail is published by the Irish Planning Institute, 8, Merrion Square, Dublin 2

The views expressed in this publication are not necessarily those of the I.P.I., nor are they intended to reflect IPI policy. The contributions represent the personal views of the authors and do not represent those of any individual or organisation.