# Sustainable Development Evaluation Of Road Infrastructure Programmes And Projects

## Section 2.

## Sustainability Assessment of Land Use and Transport Planning in Ireland

Ian Lumley

feasta
The Foundation for the Economics of Sustainability

Cad a dhéanfaimid feasta gan adhmad? Tá deireadh na gcoillte ar lár
'What will we do in the future without wood? The end of the forests has come'

We would like to gratefully acknowledge the assistance of the following: Tadhg O'Mahony, Kevin Woods and Brian Donlon (EPA), John O'Neill, DoEHLG, Hugh Creegan, Michael Egan, Vincent O'Malley and Christian Nea (NRA), Rob Verheem, (Commissie voor de milieueffectrapportage), Mary Twomey, (Forfás), Emer Ó Siocrú, Enid O'Dowd and Clare Taylor (FEASTA)

ACKNOWLEDGEMENTS

This report has been prepared as part of the Environmental Research Technological Development and Innovation Programme under the Productive Sector Operational Programme 2000-2006. The programme is financed by the Irish Government under the National Development Plan 2000-2006. It is administered on behalf of the Department of the Environment and Local Government by the Environmental Protection Agency which has the statutory function of co-ordinating and promoting environmental research.

DISCLAIMER

Although every effort has been made to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the Environmental Protection Agency nor the author(s) accept any responsibility whatsoever for loss or damage occasioned or claimed to have been occasioned, in part or in full, as a consequence of any person acting, or refraining from acting, as a result of a matter contained in this publication. All or part of this publication may be reproduced without further permission, provided the source is acknowledged.

SOCIO ECONOMICS

The Socio Economics Section of the Environmental RTDI Programme addresses the need for research in Ireland to inform policymakers and other stakeholders on a range of questions in this area. The reports in this series are intended as contributions to the necessary debate on Socio Economics and the environment.

# 1 NATIONAL DEVELOPMENT PLAN 2000-2006

## 1.1 National Objectives for 2000-2006 defined in Section 2.1 National Development Plan (NDP)

*"The following key national objectives will underpin the strategy for the National Development Plan 2000-2006:*

- *Continuing sustainable national economic and employment growth;*
- *Consolidating and improving Ireland's international competitiveness*
- *Fostering balanced regional development;*
- *Promoting social inclusion"*

The overriding "*National Objectives*" or any further policy statement do not contain any endorsement of the principles of sustainable development as defined by the UN, EU or the Bruntland definition. While there are statements made in Section 2.22 and Section 2.23 under "Sustainable Development", these are not integrated with the overall "national objectives" of Section 2.1 or six investment actions proposed under Section 2.24.

Section 2.2 sets out a general statement that: "*Economic and social development should not be to the detriment of environmental quality"*

It is emphasised: "*The main environmental challenges which must be addressed by the NDP and other policy measures include:*

- Continuing sustainable national economic and employment growth;
- Consolidating and improving Ireland's international competitiveness
- Fostering balanced regional development;
- Promoting social inclusion

Section 2.23 states: "*The Plan has been framed taking into account the need for balance between the environment and development embodied in the concept of sustainable development".* It refers to the *"integration of environmental considerations into other policies is a key means of securing this balance"* and refers to the addressing of "*environmental considerations associated with the development proposals are addressed in the relevant chapters of the Plan* and refers to a National Spatial Strategy which *"will be prepared to secure sustainable spatial development over the longer term".*

## 1.2 Sustainability Analysis of NDP and Current Land Use and Transport Patterns

Statistics on Ireland's recent levels of economic growth, employment creation and inward migration are well known including a figure averaging 80,000 housing units per annum for the last two years. Analysis of land use and transport development is more difficult. The European Environment Agency 2005 report monitoring the "*Corine Satellite Monitoring data"* raised the issue of urban sprawl in Ireland. This concern was dismissed by the Minister for the Environment Heritage and Local Government as a healthy reflection of current growth.

There is insufficient analysis of the environmental, social and economic impact of current land use and transportation patterns in Ireland. While the controversy has focused on the

economic and environmental impact of dispersed road front one-off housing in the countryside amounting to over 20%, there has been insufficient analysis of the overall national housing stock with regard to land use and transport. The majority of new housing units in Ireland are in urban fringe or commuter satellite towns and villages in the catchments around the urban areas.

# 2 INTEGRATION OF NDP WITH UN CONVENTIONS AND EU POLICIES AND DIRECTIVES

## *2.1 RIO DECLARATION 1992 AND UN CONVENTIONS*

The NDP fails to make reference to the 1992 RIO declaration on Sustainable Development, and UN conventions on Climate Change, Biodiversity, Sustainable Forestry or Agenda 21.

There is no specific funding measure the NDP for any of the UN conventions including for Biodiversity where there is potential conflict with other funding objects of the NDP which specifically finds forestry and aquaculture

The implementation of Aarhus Convention required under the revised EIA Directive 2003/35/EC has not been transposed into Irish law.

## *2.2 AMSTERDAM TREATY 1997*

The adoption of Sustainable Development as an EU treaty objective was incorporated in to the Amsterdam Treaty 1997, to reflect the commitment of the EU to the UN Conventions agreed at Rio. .

## *2.3 GOTHENBURG DECLARATION 2001*

The Gothenburg Declaration defined policies for sustainable land use and transport to implement the sustainable development commitment in the Amsterdam Treaty 1997.The key commitments in the Gothenburg Declaration relating to land use and transport are:

21 *"new environmentally friendly technologies"*

29 *"ensuring sustainable transport"* with a *"sustainable transport policy"* which should *" tackle rising volumes of traffic and levels of congestion, noise and pollution and encourage the use of environment-friendly modes of transport as well as the full internalisation of social and environmental costs. Action is needed to bring about a significant decoupling of transport growth and GDP growth, in particular by a shift from road to rail, water and public passenger transport "*

No review of land use and transport policy or of NDP funding was carried out after Gothenburg. There is no information from any Government Department as to what review of existing policies took place after Gothenburg and what implementation measures were put in place

## *2.4 KYOTO TREATY AND NATIONAL CLIMATE CHANGE STRATEGY 2000*

The publication by the Department of the Environment Heritage and Local Government of National Climate Change Strategy Ireland (NCCS) 2000, coincided with the NDP.

This provided for the meeting of Kyoto green house gas control obligations, at 13% above 1990 levels. The provisions of the National Climate Change Strategy 2000 require fiscal

measures to change modal share between carbon fuel road vehicle and other transport modes. The proposed taxation measures to be introduced from 2002 have not been put in place with emissions trading being facilitated. With regard to transport a range of fuel efficiency, modal shift and demand measures are proposed.

There is no horizontal integration with the NDP. Section 2.22 of the NDP makes reference to "Meeting our Kyoto commitment to limit the growth of greenhouse gas emissions". However no budget line is provided in either the NCCS or NDP for the meeting of Kyoto targets. No policy integration provision is made in the NDP to meet Kyoto.

### *2.5 SEA DIRECTIVE 2001/42/EC*

While the SEA Directive is now in place for assessment of development plans and local area plans under the Planning & Development Act 2000, and the carrying out of SEAs is essentially a formulistic exercise based on a matrix assessment which is having no impact on decision making or planning and policy considerations.

### *2.6 EIA DIRECTIVE 85/337/EEC AS AMENDED BY 97/11/EC AS AMENDED BY 2003/35/EC*

While EIA is provided for the individual sections of the inter-regional road schemes and the majority of significant urban road projects, e.g. the M50 widening and the individual sections of the Dublin outer ring road, there is significant EIA avoidance through the use of "*sub threshold"* designations in other urban centres, e.g. Portlaoise and inter regional routes, e.g. N2 to Co Monaghan.

Analysis of the EIA process for the NDP funded inter city / inter regional motorway/dual carriageways reveals that the design capacity and route selection is pre-determined by the NDP, that planning and land use conditions are not being attached to meet the concerns and mitigation measures of the schemes and that there is a systemic compliance failure over wide categories of EIA mitigation measure compliance, e.g. material sourcing and waste disposal.

Less than 5% of the 80,000 housing units constructed in Ireland in 2005 are in schemes which have been subject to EIA. Part of the reason for this is the smaller size of urban development sites and lack of industrial/brownfield sites in Ireland. However, the major reason is the evasion of urban fringe development of the EIA Directive by the lodging of planning applications under the mandatory 500 unit threshold level. This is one of the issues cited by the European Commission against Ireland with regard to EIA Directive breaches in the Reasoned Opinion of July 2001 and is incorporated in the action initiated by the Commission to the ECJ in August 2003.

### *2.7 EU AIR QUALITY, NOISE,, WASTE AND WATER FRAMEWORK, BIRDS AND HABITATS DIRECTIVES*

Ireland is already facing a range of legal actions from the European Commission on waste, water, EIA Birds and Habitats, and complaints relating to air noise and the SEA Directive are likely to result in further actions.

Monitoring and implementation of land use and planning, transport infrastructure projects and traffic management is relevant to all of these directives .

## 3. NATIONAL LEGAL AND POLICY IMPLEMENTATION FOR LAND USE AND TRANSPORT

### *3.1 NATIONAL SPATIAL STRATEGY 2002.*

The over riding provision for sustainable land and transport planning in Section 1(iv) requires that Ireland "*consolidate and develop its existing towns and villages i.e keeping them as physically compact and public transport friendly as possible and minimising urban sprawl*", and under Section 1.3 *"maximising access to and encouraging use of public transport, cycling and walking "*

Section 6.1.2 National Spatial Strategy Ireland 2002 sets out objectives for *"integrated spatial planning frameworks, including land use and transpiration elements, will be prepared and adopted by the local authorities or combinations or authorities responsible for the development of new gateways and hubs. Integrated spatial planning frameworks for existing gateways that are in the course of preparation will be completed and adopted."*

Section 3.7.1 on Transport states that "*Ireland's transport networks must:*

- *Ensure, through building up the capacity and effectiveness of Ireland's public transport networks, that increases in energy demand and emission of $CO_2$ arising from the demand for movement as minimised."*

These objectives have not been met. A number of gateways and most hubs still have no effective land use and transport strategies in place. Even where strategies have been drafted or adopted they are not been implemented and adjoining local authorities are not cooperating in the strategic development of regional gateways and hubs. Individual local authorities are too easily motivated by the rates revenue of accommodating retail or business park development in their areas. This contravenes national policy on the consolidation of the centre and serviced area of the relevant hub or gateway. e.g the grant of permission by Kilkenny Co. Co of a major retail development at Abbeylands Ferrybank which was overturned by An Bord Pleanala following appeal by Waterford City and new Ross and Carrick-on-Suir town councils.

In the one area where Government had direct opportunity to influence spatial development, through the location of decentralised offices, 28 location were proposed , the majority unrelated to gateways and hubs designated in the NSS, and many with very poor public transport accessibility.

While the Department of Environment, Heritage and Local Government who produced the National Spatial Strategy (NSS) and is responsible for planning, there is no evidence of any coordination with other Government departments including the Department of Transport and Transport Planning and the OPW on Government decentralisation location for the implementation of the strategy.

In January, information was sought from DoEHLG on all records and reports with regard to monitoring and implementation of the National Spatial Strategy. No information whatsoever was made available or was stated to exist by the Planning Section of the DoEHLG. The only information provided was the response to Dail questions by the Minister for the Environment, Heritage and Local Government.

While the National Spatial Strategy, along with the NDP, is cited by the NRA/Roads Authorities and An Bord Pleanala in road project consents, there is no evidence of any parallel implementation strategy for the sustainable land use provisions of the NSS.

### *3.2 REGIONAL PLANNING GUIDELINES LAND-USE AND TRANSPORT PLANNING*

Until the implementation of the Planning & Development Act 2000 in 2002, Ireland had no defined structure for regional planning outside that of the Greater Dublin Area which was the subject of "*The Strategic Planning Guidelines for the Greater Dublin Area 1999".*

Section 6.1.2 .National Spatial Strategy 2002 required that "*Regional authorities will immediately commence the preparation of regional planning guidelines under the Planning and Development Act 2000 to give effect to the NSS at regional level* "Section 6.1.4. states that the *"key to its implementation lies in the actions of regional and local authorities"* .

Sections 21 to 27 Planning and Development Act 2000 provided the legal basis for regional Authorities in putting regional Planning Guidelines in place as well as giving Retrospective status to the Strategic Planning Guidelines for the greater Dublin Area 1999, which has the status of ministerial guidelines.

The NSS envisaged that the Regional Authorities would adopt an active overview function in assessing the delivery of Regional Planning Guidelines, and ensure that Development Plans, Local Area Plans and individual planning applications in achieving the strategic objectives defined in the NSS. In view of the transport generation impact of the Greater Dublin Area into surrounding counties, assessment of issues relating to the Greater Dublin Area, must include the adjacent Regional Authority Areas.

While Regional Planning Guidelines have been in place since 2004, Regional Authorities have been entirely deficient in exercising their prescribed authority functions, in failing to take action against non policy compliant development plan zonings or planning decisions.

### *3.2.1 Issues in Greater Dublin Area*

John Byrne Director of The Mid East Regional Authority repeatedly justifies his refusal to take any action to exercise the prescribed authority planning function of the Authority. This is despite the serious warning contained in the December 2003 consultation document reviewing the performance of the Strategic Planning Guidelines (SPGs) 1999 for the preparation of the Regional Planning Guidelines for the Greater Dublin Area, which were adopted in 2004. Section 4.3 Part B observed: "*housing development is spreading throughout the GDA to an extent not envisaged by the SPGs " accompanied by an increase in long-distance commuting"* and "*The spread of housing development has made the provision of attractive public transport difficult. The consequent travel mode decisions leads to a car-based commuting pattern, and increasing congestion".*

The warning is then made that "*if current trends persist, by 2016 much of the Greater Dublin Area may have the following characteristics:*

- *Some of the countryside will resemble an ultra-low density suburb (or "exurb")*
- *Since dispersed development will continue at a substantial scale, public transport will often be unviable and car use will continue to be high for journeys to work, shops and schools. There will be worsening congestion at peak times, even in some village areas*
- *Major destinations will disperse to the edge of towns, as congestion in the whole regional territory grows, and an edge city or "doughnut" economy will emerge by degrees*
- *As a result, Dublin City may decline economically and socially "*

This analysis does not address the congestion in the Greater Dublin Area which is generated in counties outside the GDA. Wholly car based development exacerbated by rezoning

decisions such as over 20 villages in Co. Laois in 2005, threatens economic efficiency threatens economic growth, national competitiveness and the timely and efficient delivery of goods and services .

Where there is a breach of Regional Planning Guidelines occurring, there is provision for direction by the Minister for Environment Heritage and Local Government under Section 31(3) Planning and Development Act 2000 to require the local authority to comply with the Regional Planning Guidelines. This provision has never been used.

### *3.3 DEVELOPMENT PLANS*

Where a Development Plan "fails to set out and overall strategy for the proper planning and sustainable development of the area or the authority or otherwise significantly fails to comply with this Act", there is provision for the issue of an order by the Minister for Environment Heritage and Local Government under Section 27(2) Planning and Development Act 2000.

Successive Ministers for the Environment, Heritage and Local Government have failed to require local authorities to "*comply*" with the Regional Planning Guidelines under the provisions of Section 27 (2) Planning & Development Act 2000.

The weakness of the provision under Section 27 (1) Planning & Development Act 2000 by which a planning authority needs to only "*have regard to any Regional Planning Guidelines and enforcement area when making and adopting a development plan"* is highlighted in the September 2002 High Court judgement of Tony McEvoy and Michael Smith against Meath County Council by Mr Justice Quirke.

The judgement acknowledges (Page 25) that local authorities may depart from the Guidelines "*for bona fide reasons".* The effect of this ruling is that a local authority only needs to demonstrate a token regard to the Guidelines and that there is no sanction against guidelines breach.

While development in the larger urban areas is constrained by sewerage infrastructure capacity, major landowner are lobbying to accommodate speculative development on greenfield village fringe sites with developers proposing to take responsibility for private waste water treatment systems for areas not served by public sewer or with inadequate sewerage provision. A striking example is the extent of rezoning accommodated in the zoning of villages which has been accommodated in the Laois County Development Plan 2006, directly intended to exploit the increased road based commuter accessibility of large areas of Co Laois as a result of the N7 and N8 motorway and dual carriageway proposal.

### *3.4 LOCAL AREA PLANS*

Sections 18-20 Planning & Development Act 2000 contain a major new provision for local area plans for any particular area within the functional area of a planning authority. Section 20 requires a management report to contain an opinion to take account of the statutory obligations of any local authority in the area and relevant Government or Ministerial guidelines. Local area plans are increasingly used as a mechanism for significant rezoning and the extent of discretion given to local authorities is resulting in deficient analysis of local area plan compliance with national policy, regional planning guidelines and even the Local Authority's own development plans.

### *3.5 DUBLIN TRANSPORT OFFICE (DTO)*

There is a clear distinction to be made between the fiscal, administrative and policy integration and implementation measures in place for the Grater Dublin Area (SDA) through the provision of the NDP and the constitution of the Dublin Transport Office (DTO).

Publication of the NDP coincided with DTO A PLATFORM FOR CHANGE 2000-2016. In addition to a phased transportation investment programme it set out targets :
"*to reduce the demand for travel by motorised modes "to reduce the number of peak car trips to 180,000 by 2016," "to reduce congestion to 1991 levels"*

Sections 4.17 to 4.32 of the NDP endorses the policy objectives of the DTO, as well as the implementation of the first phase of the specific infrastructural objectives in Platform For Change.

The DTO, Dublin Transport Office has not been an effective transport authority for the Greater Dublin and surrounding area in exercising even the limited functions which it has been given. The "prescribed authority" functions held by the DTO under Planning and Development Regulations 2001 including Article 13 on Development Plans, Article 15 with regard to Regional Planning Guidelines , Article 28 (1) (k) with regard to planning applications, Article 121 (1 )(k) with regard to local authority projects has not been effectively used. While the DTO has made submissions on planning applications at local authority stage, it has systemically failed to exercise its function to appeal decisions when the DTO strategy is breached.

However the DTO was not given any " prescribed authority " status under Article 14 Planning and Development Act 2000 for the purposes of Section 20 of Planning and Development Act 2000, on Local Area Plans, and that all of the prescribed functions should be applied to the already defined Greater Dublin Area, and the contiguous Regional Authority Areas.

The DTO has been almost entirely ineffective in exercising their prescribed authority functions . It is not assessing rezoning and Local Area Plans to identify locations or cases where Regional Planning Guidelines and DTO or NRA policy is being breached. While it often makes very critical comment on planning applications e.g.. regarding development in locations with poor public transport accessibility and which would generate traffic pressures on National Roads, it fails to appeal non policy compliant decisions to An Bord Pleanala. This is shown by cases on the N11 or N7 where appeal taken by An Taisce and others has resulted in major development being refused on grounds of breach of Regional Planning Guidelines or NRA or DTO policy.

### *3.5.1 DELIVERY FAILURE IN THE CONGESTION REDUCTION, TRAFFIC MANAGEMENT AND DEMAND MANAGEMENT MEASURES PROPOSED BY THE DTO AND NPP*

While most of the infrastructural measures in the NDP are completed, under construction or in planning there has been significant non delivery of effective public information and promotion of public transport, cycling and car pooling.

- Management of unified ticket scheme for public transport use.
- Integrated traffic management.
- Demand management measures to curtail commuter and comparison traffic on M50 and inter regional roads, e.g. school generated traffic

- There is no proper provision for regulation and control of Heavy Goods Vehicle HGV, movement including introduction of restriction zones

- Measures to curtail toll evasion on M1 and M4, and other tolled roads currently under construction are not in place.

The implementation of an integrated pricing structure for parking is a primary demand management tool. Given the difficulty of introducing a road pricing structure in the immediate term in the Greater Dublin Area, an integrated pricing structure should be put in place on car parking, particularly in and around employment, retail and leisure uses, with the revenue going to public transport enhancement. While the DTO has recently considered this as a proposal, it has reportedly been rejected in the immediate and longer term.

# 4 GOVERNMENT POLICY

## 4.1 Agreed Programme for Government between Fianna Fail and the Progressive Democrats

The Agreed Programme for Government between Fianna Fail and the Progressive Democrats has three relevant key objectives:

***1 "We will implement an integrated transport policy, designed as far as possible to overcome as far as possible existing delays, bottlenecks and congestion and to provide alternative choice by alternative modes of transport."***

This needs to be addressed at national level with effective land use and transport implementation not just for the Greater Dublin and surrounding area, but all of the regions and regional centres.

While the Department of Transport has set up the Establishment Team for a new Dublin Transport Authority, there is no provision for effective national and land and transport implementation to reverse the irreparable damage which will occur if current trends continue in road accident fatalities, loss of social cohesion, and urban sprawl as well as the direct economic cost in green house gas emissions trading, damage to international economic competitiveness, economically inefficient land use, fines resulting from breach of EU environmental directives, and loss of GDP through congestion, excessive transport costs, and inefficient mobility for movement of goods and services.

***2 "We will introduce legislation to establish a new greater Dublin Land Use and transport Authority with a strong mandate to bring greater focus and better co coordination to the implementation of this strategy and to land use and transport issues generally ".***

The pressures experienced in Dublin stem to a large degree from its function as a national capital. Commuting patterns have long outgrown the Greater Dublin Area defined as counties Kildare, Meath, Wicklow and Dublin itself. And the pressures by the capital city are becoming ever more prevalent in Cork, Limerick, Galway Waterford and Sligo. Any definition of the geographic remit of the Authority would have to go far beyond Leinster, and since such a canvass would represent a huge missed opportunity to shape the development of the regional cities in a sustainable way, the new body should be the National Transport Authority, NTA and have a commensurate remit, including a regional implementation structure. Hereafter in this submission the proposed Authority is referred to as the NTA

### *3 "We will ensure that access to public transport is one of the criteria taken into consideration by the planning process."*

While the implementation assessment refers to the putting in place of Regional Planning Guidelines and Regional Transport studies such as in Cork, existing implementation structures are not working nationally.

### *4.2 TRANSPORT 21*

Current economic growth and the budget for infrastructural investment through Transport 21, creates an unparalleled opportunity to achieve sustainable land use and transport planning for the future, to meet to UN, EU and National and Regional legal and policy obligations, and to maintain and enhance quality of life, connectivity, and international economic competitiveness

Transport 21 aims to provide an integrated national transport plan embracing road, rail and public transport enhancement.

It includes the commitment to funding for the rail provisions for the Cork Area Strategic Plan (CASP), the integrated bus, rail, Luas and Metro proposals most of which are already in the DTO Strategy for the Greater Dublin Area, the Galway rail commuter proposals and the phased restoration of the Western Rail Corridor.

However launch of the plan does not address the legal requirement for Strategic Environmental Assessment which is required under EU Directive 2001/42/EC for major plans or programmes which came into force on 21 July 4004. No public consultation is provided for.

The plan as proposed is deficient in addressing major strategic environmental and sustainability issues. No measures are proposed to address the reduction greenhouse gas transport emissions including for internal inter regional air travel.

No reference is made to Kyoto and the linked of the strategy to the NCCS. No costing is provided to assess the contribution of transport emissions to excedence of Kyoto target limits. The long term cost of emissions trading has not been quantified.

Transport 21 proposes further inter regional road investment including an "Atlantic" road. It does not address land and transport planning integration and effect of the plan in completing the inter city road schemes already largely approved and additional roads proposed in reconciling substantially greater traffic volumes.

## 5. SUSTAINABILITY ANALYSIS OF MEETING OF OBJECTIVES OF NDP ROAD PROGRAMME

### *5.1 Strategy for National Roads*

The primary road transport objectives in Section 4.9 of the National Development Plan are:

- ***To improve the reliability of the road transport system by removing bottlenecks, remedying capacity deficiencies and reducing absolute journey times and journey time variance;***

There is inadequate data to establish whether the current road projects being funded by the NDP and future projects proposed to be funded under Transport 21 are or will achieve this objective. Figures for induced traffic generated by more dispersed and longer distance commuting development feeding into road corridors has not been adequately modelled. Journey times saving projections are based on journeys between outer ring roads between urban centres rather than typical destinations in or around those centres.

- ***to improve internal road transport infrastructure between regions and within regions, contribute to the competitiveness of the productive sector and foster balanced regional development;***

The evidence is that the strategic regional objectives of the roads programme is being undermined by increasing long distance commuting sprawl around Dublin, Limerick and Cork and other urban centres. The focus of the current NDP roads programme on the radial routes between Dublin and the main regional centres. This is having the primary effect of fuelling the disproportionate growth of the Greater Dublin Area (GDA) and a spillage of satellite GDA orientated development into the ark of surrounding of counties of Louth, Cavan, Westmeath, Longford, Offaly, Laois, Carlow and Wexford which is contrary to the objective of balanced regional development.

- ***to facilitate better access to and from the main ports and airports with the main objective of offsetting the negative effects of peripherality;***

This strategic objective has been undermined by the lack of control of car-based commuter traffic and comparison shopping generated traffic.

- ***to contribute to sustainable transport policies, facilitating continued economic growth and regional development while ensuring a high level of environmental protection;***

The NDP funded roads programme is having an effect contrary to achieving a sustainable transport policy since it is generating longer distance commuter and comparison shopping patterns, and encouraging new development locations whether for housing, retail or other uses which are inherently car dependent. This will generate and exacerbate new patterns of car dependence and car mobility, not capable of being significantly relieved or retro fitted through future public transport enhancement, because of the dispersed or car-based nature of the development patter which is already established. . The more car-based development is facilitated, the more it fuels further development of more dispersed travel patterns and road vehicle use and further sprawl and inefficient land use. The effect of this will be to undermine the strategic objectives for economic growth and regional development. The long term environmental impacts in road vehicle greenhouse gas generation and downstream air particle emissions on urban centres have not been quantified or costed either environmentally or economically

- ***to help achieve the objectives of the Government's Road Safety Strategy in relation to the reduction in fatalities and serious injuries caused by road accidents.***

While the grade separation will improve road safety on the new regional road corridors, this is not being matched with any measures to address the increased traffic levels being generated on the feeder roads and the maintenance and operational integrity of regional roads, which are under pressure for ribbon development with new entrances outside speed limits, e.g. regional roads feeding into the M7 in Co Kildare.

Furthermore, notwithstanding the increased number of appeals being taken by the NRA to An Bord Pleanala against local authority decisions on national roads from zero in 2003, four in 2004 and 18 in 2005, neither local authorities nor the NRA are taking effective systemic action to control further development on national roads outside speed limits.

Section 4.10 of the NDP states:

*"These objectives will be achieved as part of an integrated transport investment programme for the period 2000-2006. The key features of this programme will include:*

- ***A concentrated and focused development strategy for the national primary road network focusing in particular on key national routes;***

The focus on the currently funded key national routes is not addressing the land use and transport implication of the turning of those routes into longer distance commuter corridors, or the impact of comparison shopping traffic and lack of traffic management feeding onto new bypass and ring roads around urban centres.

- ***Improvement of national secondary roads of critical importance for economic development and balanced regional development;***

There is a significant lack of consistency in the protection of the safety and operational integrity of national secondary roads. Mayo County Council has specifically removed large sections from the N59 from safety and operational protection policy control in the Mayo County Development Plan 2003. The NRA, notwithstanding the increased number of appeals being taken by it to An Bord Pleanala, is not enforcing consistent national road protection and safety standards.

- ***A high priority to the safety of road users in the design and construction of road projects.***

The standard of road safety improvement being claimed by the NRA with regard to the inter regional road projects through grade separation, has been subject to technical criticism due

to the divergence from international crash barrier specification standards for grade separated roads.

**National Roads**

Since 1982, the Department of the Environment & Local Government through the issue of Circulars, has required local authorities to maintain the safety and operational integrity of national primary and secondary roads, through curtailing development and new entrances outside speed limits. When the National Roads Authority was established in 1994, this policy was continued in Circular NRA1/1995 and subsequent circulars to date. The Prescribed Function of the Minister for the Environment to be referred planning applications affecting national roads, and function to take appeals against non-policy compliant local authority Decision Notifications, was also transferred to the National Roads Authority.

The Department of the Environment, Heritage & Local Government continuously emphasises the policy requirements to protect the safety and operational integrity of national roads, most recently in the DOEHLG Rural Housing Guidelines. Notwithstanding this, both the Department of the Environment and, since 1994, the NRA systematically failed to take action to prevent irresponsible local authorities from permitting development outside speed limits on national roads, prime examples being the N22 between Tralee and Killarney; the N69 between Limerick and Foynes; the N59 in County Mayo; sections of the N6, particularly traversing Co Roscommon; and the N 15 between Derry and Letterkenny.

Despite taking its first appeal in Co Kerry in 2004 and a small number of other cases, subsequently, the NRA is still failing to take consistent action to prevent hazardous decisions from being made on national roads, by local authorities. The NRA has also failed to take action against development plan amendments introduced by mayo County Council in 2003, downgrading control of national roads. A new problem is occurring whereby along large areas of existing national road where to date there has been some degree of planning control, this is being abandoned where new dual carriageways are either under construction or being proposed without realising that the abandonment of such control on the old national road would render the new dual carriageway ineligible for upgrading to motorway designation.

The attitude of both local authorities and the NRA has been consistently evasive in addressing this issue. There is analysis of accident data in Ireland has failed to establish the level of accidents and fatalities which have occurred as a result of collision between cyclists or pedestrians entering or existing a house or other development on a national road outside a speed limit area and passing traffic on that road. A documented case of such an accident was won on the N59 outside the 100kph speed limit at Ballyhean, Co Mayo, where a vehicle driven by four members of a local family exiting from the house crashed into a vehicle on the south moving lane, resulting in four fatalities.

**Regional Roads**

Policies with regard to the protection of safety and operational integrity of regional roads are less well defined and there is no national agency such as the NRA with the relevant remit. However, repeated policy guidance, most recently in DOEHLG Rural Housing Guidelines, is emphatic in the need to maintain the safety and operational integrity of regional as well as national roads. It should also be noted that the maintenance and enhancement of national as well as regional roads, is an objective of both National Spatial Strategy Ireland, 2000. Section 3.7.1 on "Regional Roads" identifies the "*key role of regional roads".* Section 6.1.4 emphasises the "*key to its implementation"* lying in the action of local and regional authorities.

A prime case where planning policy is failing to protect the safety and operational integrity of a regional road is that relating to the R414 between Rathangan and Monasterevin to the south in Co Kildare. This has been exacerbated by the increased traffic and development pressures resulting from the M7 motorway dual carriageway which has extended the pressure for car-based commuter development on locations feeding into the M/N7 corridor, including Rathangan. The knock-on effect of this, along with the provision of major sewerage expansion in Rathangan, is to increase the pressure on the regional road connecting it with the regional road and the N7 Because Rathangan is not in a rail corridor, and is not served by any significant public transport, it will generate disproportionately high levels of car movement and mobility, particularly on the regional road to Monasterevin.

Yet, instead of taking enhanced measure to ensure the protection of safety and operational integrity of this regional road, the opposite is happening. The wider effect of the road construction programme is exacerbating the demand for one-off houses in unserviced rural areas for wider arc car-borne commuter development as development in towns and villages. Instead of restricting such pressure on the R313, Kildare County Council is actually accommodating it. In cases where a professional road engineering and planning advice is that the accommodation of a further road application would exacerbate a traffic hazard on a road where the speed limit applies, the standard policy of Kildare County Council Management, in a large number of cases, is to ignore such advice and grant permission, as occurred in a recent case on the R414, reference number 04/1700 at Tullylost, Rathangan, as well as other cases on regional roads in the Co Kildare area such as the regional road R417, north of Athy where planning permission reference number 04/325 at Grangemellon, Athy, was granted in breach of road safety advice. Particularly noticeable in the case of Co Kildare is that the Managerial overturns are done in the name of Tommy Skeehan, who holds the title of 'Director of Services for Planning and Public Safety.'

This local authority negligence is compounded by that of the Regional Authority as a Prescribed Body under Article 29(1)(g) to be a consultee on planning applications affecting the development of the region. The issue of development affecting the safety and operational integrity of regional roads is clearly one which should come under the function of the Regional Authorities.

However, notwithstanding this, local authorities have been failing to refer relevant planning applications to the regional authorities, and even if such referrals were made, the local authorities have not been provided with the staff and resources to deal with them. However, this does not excuse cases where specific issues have been brought to the attention of the Regional Authority and that authority then fails to take action. In the case of the development affecting the safety and operational integrity of the R313, the intervention of John Byrne, Director of the Mid East Regional Authority was specifically sought. Notwithstanding this, Mr Byrne refused to intervene, citing previous letters without any legal basis or justification, that neither he nor the Regional Authority had any function on the matter, a clear misstatement of both the law and the facts.

**Local Roads**

The majority estimated as in excess of 20 000 new houses and other developments with new road front entry outside speed limits is on local roads of varying width and standard. Planning policy is that new development is permissible on any local road subject to traffic safety conditions and safe sightlines being achieved which can vary in local authority applications from 70 – 120 metres. The standard practice of both local authorities and An Bord Pleanala of attaching conditions with regard to the maintenance of hedgerows, directly conflict with regard to the achievement of sightlines. In any case, the development of a dwelling usually results in the destruction of the entire road front hedgerow from both drainage and sightline conditions. Each dwelling is granted under the assumption that it is

part of an eventual linear development, which also occupies adjoining sites. The long term implications with regard to traffic management and road safety of allowing significant frontages of local roads to effectively become suburban strip-type developments have not been addressed. They are car dependent not just for access to services, but for visiting their neighbours as the roads become progressively unsafe for walking and cycling as traffic levels mount through further development.

## 6. OVERALL CONCLUSIONS

Current Irish road investment is divorced from any linkage to land use and transport planning measures which would ensure the suitable location for new housing, employment places and other development, and create efficient transport linkages which achieve time saving and reduce greenhouse gases and long term congestion,

The benefit in road safety being achieved through the grade separation on the NDP funded national routes, is being undermined by the lack of planning and safety control on Regional Roads and roads feeding into national roads.

The new inter city/inter regional roads designed to reduce travel times and cater for strategic inter regional travel, are being increasingly clogged by commuters travelling from longer distance to places of work with resulting adverse economic as well as social and quality of life impacts, as well as generating additional congestion and greenhouse gases with a long term unquantified cumulative environmental and economic cost.

Outside of a small number of areas adjacent to Cork City and parts of Co. Dublin including the Adamstown SDZ, the fastest development rate of any EU State is occurring without any linked public transport provision and accessibility as recommended in the National Spatial Strategy.

There is no integrated implementation of UN Conventions. EU Policy and Directives and National and Regional legal and policy implementation of obligations between all agencies and authorities concerned with land use and transport, infrastructure provision and transport management.