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Response to 'Sustainable Rural Housing; Consultation Draft of Guidelines for Planning Authorities'

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The current Rural Housing Guidelines have been prepared without sufficient consultation, information and research. The Guidelines as they currently stand should be for discussion purposes only. Instead, a **Rural Housing Commission** should be set up and charged with the vital task of evolving guidelines for rural settlement that would have the weight of information, breadth of research and confidence of stakeholders that this document demonstrably lacks. Its Board should be representative of broad range of interests and expertise which this topic requires and should be given all the necessary resources which this challenge demands. The Rural Housing Commission should undertake this work under the SEA (Strategic Environmental Assessment) Directive which officially comes into force in July of this year and which would require it to review alternatives to current models and systematically examine all the consequences of selected policies. **On no account should the present guidelines inform Development Plans currently under preparation which have not had the discipline of the SEA process.**

1. Lack of proper participation and consultation:

- 1.1. The report was undertaken by the Spatial Strategy Unit of the DoHELG without a proper participatory framework guaranteeing all stakeholders an equivalent voice in the process and outcome. The report illustrates an overwhelming dominance of the voice of rural landowning vested interests, represented directly through the IRDA and indirectly through local councilors. We understand the IRDA had a number of face to face meetings with the Department officials and with both Ministers

concerned. The voice of rural partnerships companies, objective science based organisations and non-governmental organisations – recognised as essential to our governance system and required by Agenda 21 – have been effectively sidelined.

- 1.2. It should have been recognised that the timing of the report's preparation and publication, on the run up to local elections, would create political pressures necessitating an inclusive and impartial structure for their formulation.
- 1.3. The foreword by Minister, Martin Cullen which exhorts local authorities to include the recommendations of the Report (P. 2) even in *Draft form before feedback* from stakeholders and civil society can be incorporated reinforces the impression that political expedience trumped objective consideration of all the issues and complexities of the problem.
- 1.4. Given the above examples of ignoring participatory approaches to decision-making, the Department then goes on brazenly to exhort local authorities to do exactly what it did not (in Points 1-5 P. 9) especially Point 3 ' *Act as facilitator in bringing together, within existing local structures, the main interests concerned with rural settlement such as elected members, farming and community organisations, organisations representing rural dwellers, county development boards, environmental organisations and any other relevant organisations*' . There is no evidence that local authorities have paid any attention to these exhortations so far. Certainly, Feasta has not so far been invited to contribute to any Development Plan under review.

2. Lack of and/or insufficient information for policy

- 2.1. The guidelines list a number of research actions which local authorities must undertake before deciding policies including proper information on the type and number of rural houses begin built in their area. (3.2 P.17). Presumably, this is so that local authority decisions would be 'evidence based', a laudable objective which Feasta fully supports. However, a contradiction exists between this direction to local authorities and the Department's own blatant action in developing strong guidelines for a rural housing policy without the benefit of any of this vital information.
- 2.2. The basic information on groundwater vulnerability was and is not available to the DEHLG or to local authorities in order to assess planning applications for houses using septic tanks (3.3.2 Natural

Resources, P. 24).. The Groundwater Protection Scheme, which seeks to establish the vulnerability of an area to pollution of its aquifer, was suspended in 2002 in order to meet the commitments of the Water Framework Directive [WFD]. 11 counties are uncompleted and 5 must be resurveyed in order that the data is compatible with current software.

2.3. The procedures outlined understate the problems and costs of treating groundwater contamination particularly in vulnerable areas. Vulnerable areas coincide with much of the area described as Structurally Weak in the NSS where key development plan objectives should refer to “ *the need to accommodate any demand for permanent residential development as it arises*” (Appendix 3: Box 3, P. 43). In particular it fails to state that septic tanks require to be de-sludged on a regular basis- at least annually- and fails to place the responsibility on local authorities to ensure that the sewage sludge is removed and properly treated off-site (4.4 P. 31). The following are the EPA requirements for the monitoring and treatment of septic tank material for a five-person workplace. Note that the provision for secondary treatment (constructed reedbed or ‘Biocycle’ system) does not obviate this requirement. Sample EPA condition for emissions of sewage from a small number of workers at an IPC licensed facility:

- ⌘ *Sanitary effluent shall be treated in a suitable sealed septic tank, secondary treatment system and percolation area.*
- ⌘ *No effluent other than sanitary wastewater shall be permitted to discharge to the septic tank, secondary treatment system or percolation area.*
- ⌘ *The septic tank shall be inspected every six months and desludged at least annually and the licensee shall maintain records of these inspections.*

This omission leads to concern about how seriously EPA expertise re environmental constraints to dispersed housing with septic tanks was considered by the authors.

3. No investigation of alternative typologies and development systems for rural housing

3.1. The Guidelines were based on the NSS, which in turn drew from extensive research in the field and specially commissioned reports. The benefits of clustering and agglomeration were well described and arguments convincingly set out. The NSS came out in favour of balancing the Dublin urban growth region with the active fostering of new growth centres and clusters of centres which Feasta broadly supports. The Rural Guidelines appear to accept the NSS at the macro

level of cities and towns but then completely contradicts it at the micro level of villages. In other words, the report abandons the policy of agglomeration and clustering in favour of a presumption for atomised housing at the smaller scale. The assumption is that the new development will be sustainable '*where additional development delivers strong social and economic benefits to rural areas despite modest increases in private transport and energy use*' (1.2 P.7). No new evidence is presented in the Guidelines to underpin this policy change or expected outcome. Feasta would be interested in knowing how this conclusion was reached given that current system theory suggests that the benefits of agglomeration is true at every scale and more importantly, shows a 'power law' distribution. What this means in practical terms, is that if the aim at national level is to develop more strong cities and a second tier of substantial towns (in contrast to the existing dominance of Dublin and provincial undevelopment), then the numbers and size of villages will have to increase proportionately. This is not an arcane academic point but is fundamental to the success or otherwise of the Spatial Strategy.

3.2. No research was undertaken into the impediments to the development of existing village or factors contributing to the growth of dispersed single housing. Feasta suggests that the forces driving both these outcomes are primarily economic and remedies do not only lie within the planning remit of local authorities. The demand for an even more liberal planning policy in favour of single dispersed housing also rises from an economic and not cultural imperative- contrary to its normative acceptance by the authors' of the Guidelines. The typology of dispersed housing in its present form is relatively recent; the result of social planning policies under the Congested District boards and the Land Commission.

3.3. No exploration was made of the proactive development of new small rural settlements, even in areas of population decline. Villages and towns were planned and built deliberately a number of times during in our history- usually to positive and lasting effect. Government policy has fostered many new participative development agencies, particularly Partnership and Leader companies which now have years of experience and understanding of local needs and potential which might spearhead such an initiative. This lack again illustrates the limited nature of consultation and lack of creative input.

4. No sensitivity analysis of suggested policies re environmental damage and / or external environmental shocks and threats.

- 4.1. The definition of sustainable development used in the document does not accept the necessity to respect environmental limits. To '*strike a balance*' (1.2 P.7) does not mean that social or economic pressures can override environmental constraints where these are already over-stretched. The cumulative effects of many small scale changes does not appear to be recognized especially in relation to policy for Areas under strong Urban influence (Appendix 3, Box 1, P. 42. Environmental constraints should predominate in these areas rather than '*facilitating the housing requirements of the rural community*' as identified by the planning authority as a '*key objective*'. A SEA would have highlighted these problematic areas and would have provided a clear structure for trade-offs that would minimize detrimental effects on long-term sustainability.

- 4.2. The higher demands for private transport and energy use of dispersed housing was hardly touched upon in the Guidelines. In particular, the impacts of increased levels of dispersed housing on our Kyoto commitments was not quantified under various likely scenarios for carbon cost to the taxpayer through permits and to the consumer oil for transport and heating through taxes. Setting aside our contribution to global warming and its dire environmental and social consequences, projections of the likely costs of dispersed housing *to the resident* over the life of the house should at least have been made and publicised to inform debate.

- 4.3. While Global Warming is at least recognised as a problem, a range of environmental resource constraints should have been explored in exercises to measure the *robustness* of policy options to external perturbations. We draw particular attention to 'Oil Peak' which sources from the oil industry believe will manifest in 2014 if not before. This scenario has enormous implications for economic and spatial policy for Ireland so, even if given a low likelihood by the authors, should have been considered nonetheless. Ireland is in a very different position to other EU countries as our rate of household formation and building is so high over the medium term - 50% of our current housing stock will be built again over the next 10 years. This is a huge opportunity lost if oil prices triple and 50% of that stock is located so that public transport is uneconomic or the benefits of Combined Heat and Power renewable energy generation can not be realised.

- 4.4. Agriculture is also in a state of rapid change due to established globalisation forces and nascent resource limitations. Oil peak will influence current intensive farming methods and wide distribution systems in ways that are difficult to predict. The very uncertainty of the food and farming future should have called the Precautionary Principle into play. The accelerating loss of good agricultural land to housing sprawl near urban centres can not be justified in these times. Nor should out-dated human waste treatment systems be encouraged by planning policies which offer no potential for composting and return of nutrients to the land.

5. No poverty or exclusion proofing of policies for rural housing.

- 5.1. An unsubstantiated assumption underlies the facilitating of one-off dispersed housing for rural dwellers: that all sections of rural society will benefit equally. Again, no evidence is offered to support this assumption. By definition, applicants for one-off houses in the countryside have sufficient income to build or borrow to build and the means to sustain private transport from their sites to their place of work or daily business. These facts exclude many rural dwellers with no jobs, or limited incomes because of family circumstances or disability. They have no choice but to take what is on offer in the villages and towns. As more and more of the economically favoured take the option of buying or building in the open countryside, less economically active people will remain in the villages. This effect can already be seen in many villages in the midlands and west outside of tourist areas. Areas under strong urban influence have villages of new estates full of non-locals who are not favoured by the current planning system for single houses. These consequences are intrinsic to policies that favour meeting demand for single one-off housing.
- 5.2. Older citizens, however independent in earlier life in isolated rural locations, are being moved into sheltered housing in villages nearer services and neighbours for their own safety and comfort in increasing numbers. Many western villages have had no new housing built except that for older citizens. This trend along with the continued percentage growth of social housing and of outsiders will reinforce the negative perception of villages for local people. It may even lead to villages descending into ghettos of underprivileged repeating the mistakes of urban planning of the 70s in the country.
- 5.3. All rural one-off dispersed houses are exempt under Part V of the 2000 Act because they are built on un-zoned land. This means that local

authorities in counties with large numbers of un-zoned housing can expect less contributions towards social and affordable housing. These rural local authorities may experience a shortfall of resources for social and affordable housing exacerbating their existing locational disadvantage.

- 5.4. All evidence in the field points to the fact that once a car journey is necessary to get to the nearest shop or service, the driver will continue to the nearest big town where there is better choice rather than stop to shop in the local village. As more of the economically active move out to their car-dependant houses, fewer will be left to support the local shop or post office or school on which the poor depend. In short, the policy of facilitating single houses may lead to the destruction of the local economy and the further exclusion of the already disadvantaged. This can hardly be the intention of the authors of these guidelines; evidence again of the lack of participation of experienced organisations and NGOs in the formulation of policy.

6. Introduces a discriminatory planning system based on the provenance and circumstances of the applicant.

- 6.1. Planning policy has heretofore focussed solely on the physical facts of the application on the land, the direct consequence of the change proposed and its indirect consequences on the physical, social and economic environment. It strove to hold the 'common good' - as recognised in the Constitution- as its prime determinant in deciding the application and to set aside as much as possible, the circumstances and provenance of the applicant. There are good reasons for this approach. Fundamental to it is the knowledge that the sum of favourable outcomes for individual applications does not equate with the most favourable outcome for the 'common good'. Indeed the apparent best outcome for individual applications, taken all together, will not even deliver as expected for the individuals as illustrated by the universal truth of the Prisoners Dilemma. For the first time, in this document, a Government is attempting to change this fundamental policy by instructing planners in local authorities to have regard to the requirements and provenance of *the applicant* and even more alarming, to do so *before* normal requirements relating to proper planning are considered. As human nature has not changed in the meantime, Feasta expects that the outcome will be the least best for the environment, for communities *and individual applicants* over time.

- 6.2. A second consideration is the invidious nature of this instruction and the message that it sends. These guidelines effectively say that some applicants are to be treated differently to others, all things being equal, particularly in Areas under Strong Urban Influence – the most desirable areas. The applicant will be favoured because of ‘links to the rural community’ but the same advantage will not be offered to an applicant from an urban local community in his/her area of origin. How can this square with the Constitutional guarantee to treat all citizens equally? Community groups in the Inner City of Dublin will not be long in making this point and demanding a similar planning advantage. What does such a policy say to new Irish citizens who were born or whose families were born or have links in other countries? Are they to be excluded from the countryside except perhaps, for areas of population decline? What does it say about the equal treatment of EU citizens under the Irish Planning System? Might a retaliation response of favouring locals in EU rural regions not be expected?
- 6.3. There are many problems in interpreting who has links to the community and how deep they must be. How rural must his/her links be? Is a small town rural for instance, how big can it be before it becomes urban? How long must he/she have lived there before they can expect to be facilitated to build in the countryside? Questions also arise about whether individuals or couples will be the basis of decisions for favourable treatment - can both individuals of a couple expect to be able to build on their respective family lands?
- 6.4. Astonishingly, the Guidelines do not appear to stipulate that the local applicant, who is to be favoured, must establish his/her *need* for a house. The unstated but implicit impulse for this review of planning policy was that the need of local rural families to live in their local area was being routinely denied because of overly restrictive planning policies. Apart from the fact that no evidence has been proffered for this assumption beyond the high level of refusals at Bord Pleanála following objections from An Taisce (which could be interpreted equally well as evidence of the selectivity and good judgement of An Taisce), nothing in these Guidelines requires that evidence of actual housing *need* of that particular applicant is required (Appendix 1: Indicative Occupancy Conditions P.36). Establishing community need is not the same as the applicant establishing need. In other words, locals can expect favourable consideration even if they already own a perfectly good house in the area and certainly, even if they already own a perfectly good house somewhere else. This anomaly has huge implications for Areas Under Urban Influence as every existing local dweller would have strong incentives to sell their existing house to an outsider and build a new one in the local area.

