

Submission re Draft Guidelines for Development Plans

July 2006

Feasta: The Foundation for the Economics of Sustainability

The following is the Feasta submission on Development Plans: Guidelines for planning authorities. You will see that while we have made many comments on the text which could be acted upon directly (such as the emphasis on treating urban and rural housing with similar objectives and standards and putting environmental limits at the heart of decision-making), some points require minor amendment to the 2000 Act (such as to allow for payment of development levies on a phased based annually on zoning or to extend Part V to all residential development without exception) and others require major policy changes and new legislation (such as reform of the CDBs and the repeal of the City and County Managers Act and its substitution by an elected executive major and cabinet). It is impossible not to stray into other department areas if one takes an integrated and holistic view of the challenge of local governance. And such joined up thinking is after all, one of the chief methodologies recommended for sustainable development as agreed in Agenda 21 at Rio and again in Action 21 at Jo'burg 2002.

To a certain extent, the length of this submission also shows our frustration in having so few arenas where our sector might make its voice heard. The environmental / sustainability sector is not a 'social partner' as we are reminded by our Minister for the Environment. We can nominate- not elect - only three representatives on one of seven pillars on Comhar. We have no real presence or input into the CDBs that are supposed to deliver Local Agenda 21 in this country- bodies with no environmental remit as we point out in the text. At the same time we make more environmental complaints to Brussels per head of population than any other member state.

We sincerely hope that the issues raised in this document will be seriously considered and that it may be the start of a dialogue between the environmental/ sustainability sector and the Department of the Environment reflecting the participation and consultation you recommend in your own document for development plans.

We suggest the next step is to invite those who have made submissions to a seminar to discuss the next draft of this document so we can better share our analysis and understanding of the issues.

The following is a detailed submission based on your own chapter headings and numbered sections.

Introduction

Re 1.3: Unfortunately, Development Plans are currently seen as a tool of the Local Authority administration and professional staff, not of the elected representatives. The clear role and responsibility of the elected members should be reinforced in the guidelines. Training should be provided to elected members on the principles of sustainable development. Comhar, the National Sustainable Development Partnership, is ideally suited to provide such training and has such a course under consideration. Consideration should be given to providing funding to elected representatives on SPCs to prepare independent discussion papers to improve their input into the writing of Development Plan.

Re 1.7: We note and approve that “no distinction is made between urban and rural areas in relation to the objectives that must be included in the plan”. Unfortunately, different objectives linked to different standards are often applied to urban as opposed to rural areas by local authorities and by your department. In particular, there are two approaches to Part V of the 2000 Act as amended. Rural areas have been effectively exempted from Part V as much of development is one-off or in non-zoned villages contrary to 10 (2) a of the Act and as a consequence is failing to deliver on 10 (2) (d) the integration of the planning and sustainable development of the area with the social, community and cultural requirements of the area and its population. Stronger directions to local authorities to address this failure are necessary in the guidelines.

Role of Development Plans

Re 2.4: We support direction to local authorities to have regard to Regional Planning Guidelines and that the Minister may determine that planning authorities must comply with the guidelines. Stronger language is appropriate in light of the failures of local authorities to do so in the past.

Re 2.6: We find that the requirement to prepare Local Area Plans is too weak to protect small settlements. The obligation to prepare a plan covers settlements of 2000 population and over only. Many small villages are well under this size and have no plan other than a presumption that development will be considered within the 50kph speed area. Other local Area Plans for villages refrain from zoning for residential but simply draw a development boundary. This could be construed as a deliberate attempt to avoid the obligations under Part V. County Offaly Sráid Plans is one such example “Rather than zoning land in these ‘sráid’ settlements, ‘development envelopes’ have been prepared.” See http://www.offaly.ie/yourcouncil/offalycountycouncil/services/planning/Co%20Dev%20Plan%202003-09/sraids/Sraids_General_Doc_Rev9_Adopted_Variation2_Jan06.pdf. The guidelines should clearly state that where residential use is permitted within a development envelope it is de facto zoned for residential and therefore Part V applies.

Local authorities should be obligated to prepare Area Plans for all settlement sizes prioritising according to development pressures and requests from the local community. The idea of competition for planning and infrastructure investment recommended for hub and gateway settlements should extend to very small settlements too. In that way progressive communities are not held back by a queue based solely on size.

Re 2.12: The National Sustainable Development Strategy should be the overarching document of reference for development plans. We strongly disagree that the National Spatial Strategy 2002 and especially the Guidelines on 'Sustainable' Rural Housing supersedes it. In Feasta's view, the Guidelines on 'Sustainable Rural Housing' is an oxymoron, produced to placate a noisy pressure group of rural land owners before the last local elections. In seeking 'to balance' environment, social and economic needs, it can be used to overrule strong environmental protection and resource depletion constraints to allow non-functional rural development remote from any settlement.

It is also very vulnerable to challenge on constitutional grounds as under the Guidelines, family provenance or bloodline can give rights to landowners and locals to build where there is a general prohibition on others. One successful challenge and the entire foundation for taking applicants social and genealogical circumstances into account in assessing the merits of a planning application would collapse; leaving a development plan that relied on it with large areas of legal limbo.

Unfortunately, the number of planning permissions for scattered single housing has increased significantly since it was published. But as fossil fuel scarcity and climate change measures really bite, Feasta believes many of the houses built under the Guidelines will be abandoned or suffer devaluation relative to those in settlements. The Rural Guidelines will come to be regarded as a regrettable lapse in judgement the authors. While it has to be taken into account as a current guidance document, it should not be given any more weight than a listing in the documents to be consulted.

In contrast, a new National Sustainable Development Strategy is currently under preparation without the same political pressures and with better data. This will be more up to date than either the 1997 version and the current NSS and will hopefully take into current account peak oil, gas supply uncertainty and Ireland's Kyoto obligations, and should be the overarching document of reference to development plans. The new Green Paper on Energy is due to be published soon and should be high on the list of reference documents for local authorities. Ditto the new National Climate Change Strategy

Re 2.13 -2.15 The 2001 *Towards Sustainable Local Communities: Guidelines on Local Agenda 21* clearly outlined the central role of CDBs to deliver sustainability.

[http://www.environ.ie/DOEI/DOEIPol.nsf/0/df3808ebd09299e480256f0f003bc82a/\\$FILE/Towards%20Sustainable%20Local%20CommunitiesCOPY.pdf](http://www.environ.ie/DOEI/DOEIPol.nsf/0/df3808ebd09299e480256f0f003bc82a/$FILE/Towards%20Sustainable%20Local%20CommunitiesCOPY.pdf)

"The County/City Development Board process should be considered, given its strategic intent, as the Agenda 21 process for each county/city." (P.16 of pdf numbering.

‘Making Ireland’s Development Sustainable,’ 2002 reiterates the role of CDBs and SPCs as part of Ireland’s delivery of Local Agenda 21 required under the Rio Earth Summit (P.58) It states that “*Ireland’s local government reform process, which developed from Better Local Government (1996) is based on the principles of inclusion, participation, thematic/area based approaches, integration and value for money, which derive largely from sustainable development.*”

In reality the CDBs do not include an environmental dimension – only social, economic and cultural dimensions. Most CDBs have little if any participation by independent environmental NGOs as the environment is not on the agenda. The CDBs only allow participation of the ‘social partners’ but as the environmental/sustainability sector is not a recognised ‘social partner’ it has not been invited to participate. The guidelines for delivery of Local Agenda 21 require integrated consideration of, social, economic *and environmental* issues. By these criteria, the CDBs by the own definition, do not qualify as Local Agenda 21 delivery agents.

Neither do the Strategic Policy Committees (SPCs) conform to ICLEI guidelines for Local Agenda 21. The SPCs reflect departmental divisions within the local authorities. Environmental representation on SPCS where they exist at all, are only included in obviously environmental SPCs, so for instance, they are never included in Economic Development SPCs. This leads one to question how seriously local authorities are taking the sustainable part of sustainable development objective. Furthermore, SPCs mostly take their community and voluntary representatives from the Community Pillar/Forum of the CDBs, which, as we have explained largely ignore or exclude environmental and sustainability NGOs. As a result, participation by the sector is patchy and limited.

Another factor is the national remit of active and experienced environmental NGOs that does not fit well into the local structure based on local residential areas. Where local environmental NGOs exist, they were often formed in response to local threats such as a illegal quarries, proposed dump or incinerator etc. often promoted or used by the local authority. Representatives of such groups are rarely invited onto SPCs.

Yet despite the evidence of failure to include environmental objectives or environmental / sustainability NGOs as a social partner, it is undeniable that current policy gives the CDBs have the main responsibility for delivery of local sustainable development.

It is very confusing then that these Guidelines quote instead, the “Guidelines on the CDB Strategies for Economic Social and Cultural Development 2000” stating inter alia “*that the CDB strategy should in future provide the socio-economic context for the statutory local authority development plan*” “*while the focus of the development plan is on physical development and land use and how this can serve the wider social, economic and environmental objectives*”. While it does not explicitly state that the development plan provides the missing environmental dimension and is therefore the main agent for delivery of Local Agenda 21, it is certainly the inference.

If so this represents a major shift in public policy that we do not support.

The contradictions in public policy should be addressed by reform of the problematic

omission the environmental dimension in the CDBs rather than by somewhat Jesuitical reframing or spin doctoring we see here by the Department to give the *appearance* of conforming to Agenda 21 and other criteria for sustainable development by conflating the different objectives of two quite separate authorities.

As reform of the CDBs and the SPCs will take some time during which local authorities will not be getting the sustainability input it needs from the CDBs and SPCs it should give absolute *top priority* to the Strategic Environment Assessment process as failsafe to ensure that the environment is fully considered at *all* stages and in *all* sectors of development.

Re 3.2 The big picture should include the global context as its frame - listing fossil fuel scarcity and increasing threat of climate change, other growing resource scarcities particularly water and increasing and devastating loss of biodiversity. Only then should it proceed to examine the national and regional strategies in the context of those constraints.

Re 3.3 The mandatory objectives should also include consideration of the land use implications of non-Seveso type emergencies such as an energy blackouts due to gas supply interruption or the prolonged closure of ports due to an infectious disease outbreak. Both these scenarios are entirely possible within the next ten years.

Re 3.3 The Strategic Context should be amended to include

Current Trends and Issues

- Global environmental issues should be top of the list

Development Plan Strategy

- “Sustainability; ensuring a secure future for our families in a nurturing environment’ should be top of the list

General Location and pattern of Development

- Proofing for emergencies; Seveso, energy and food supply interruption, etc should be included here

Housing

- Housing objectives should be similar for both urban and rural areas as per the 2000 Act

Economic Development

- Objectives to support *sustainable* enterprises (including environmental and social)

Infrastructure

- Energy should have a higher priority

Strategic Vision

Re 3.5 Consideration of action to address climate change should be included in the Strategic vision for the Development Plan. More priority to the Strategic Environmental Assessment in the Strategic Vision of the development plan is required here.

Re 3.6 The objective requiring a specific percentage of residential land be made available for social and affordable housing should *not* discriminate between rural and urban areas. This issue could be easily resolved by including *all* house development (including one-offs) under Part V. Until that necessary reform is enacted, local authorities will need to be vigilant that certain rural areas that are dominated by one-off houses do not become the preserve of the wealthy while certain towns are forced by default to accept more than their proportionate share of social housing.

Another alarming development is the tendency of local authorities to ask for direct payment instead of direct provision of social housing from developers. Their pretext is often that there is no demand for social housing in that particular area. Local authorities should be far more proactive in welcoming new social housing residents particularly in areas suffering population decline. It is unacceptable that a non-statutory and pro-scattered housing organization, Rural Resettlement Ireland is the only organization that can take families from non-local social housing lists. Local authorities should have the same flexibility as matter of urgency.

A single list of housing applications covering the entire country should be prepared from the multiple, existing lists. Applicants should indicate first choice of location but should be able to choose other locations at any time if a particular development attracts them. Allocation policy should prioritise locals but if there are not enough to fill that particular development outsiders should be welcomed. Developers and landowners and local authorities should *not* be allowed to continue to avoid their responsibility to provide mixed tenure and income settlements.

Indicators of social ghettoisation should be prepared showing the percentage of social housing in every settlement. As a guide, no area *including rural* should show a variation from the average for the county for social housing of more than 10%. Payment instead of provision should only be acceptable for developments that already have a high percentage of social housing already and of course, (with reform) for small developments including single one-offs.

Translating the Strategy

Re 3.6-8 The guidance overestimates the power of the local authority to exactly determine the size and number of settlements. Studies have repeatedly shown that settlement size and their number are related under a 'power law' that is characteristic of complex systems. A power law relationship between two scalar quantities x and y is one where the relationship can be written as $y = ax$ to the power of k where a (the constant of proportionality) and k (the exponent of the power law) are constants. Power laws hold true for settlements in countries with strong planning control and with none. What this means that there is no optimal size for settlements as demonstrated by a normal 'bell curve'. Instead there are very few large settlements, a medium number of medium sized settlements and a very large number of small settlements and a line plotted on a logarithmic scale axis of size versus number is always straight. In Ireland the line is quite steep as we have only one very large city, a small sprinkling of medium sized cities and only a few more big towns, ditto villages. Large numbers of our houses are situated remote from settlements and

are scattered randomly in the countryside. This is why our minor cities and towns have not developed. The NSS was developed to address that very imbalance and attempts to grow more of our big towns into cities. However, what it does not acknowledge is that to get more cities, we need to have much, much more villages. Dispersed single housing acts as random noise or a useless 'long tail' within the system that is thoroughly counter productive to the NSS.

An exercise to plot the size of settlements against their number will give the local authority the power law line angle for their county. It is not difficult to assign population increases to the existing settlements according to the angle of line to see what 'business as usual' would produce. If the objective is to develop the middle-sized settlements, it must also take in more housing from the 'random' area and include them in villages. Where the NSS studies show areas with weak village structure, priority must be giving to strengthening it by *adding more new villages*.

Land use and transport must be considered in tandem; a better title might be Spatial Access. If spatial access can be provided without an energy-using transport technology, that should be the preferred solution i.e. instead of school bus – every child walks to school because they live nearby. No road project for instance, should be considered without an Area Plan of the surrounding area impacted by the road.

Strict segregation of uses has led to dependence on private transport to get from one to the other. Segregation of uses should only be considered for very dirty, noisy or heavy traffic inducing activities. Care has to be taken that such activities are not agglomerated so that they cast long negative land values shadows over a large area. There, useful not-in-my-back-yard monitoring activities of neighbours are lost and standards often drop leading to serious environmental consequences. It may be better to isolate the difficult use within a well-planted landscaped buffer zone, with berms, fencing and other mitigation measures within the mixed-use area. Needless to say, the eventual object should be to have all activities/ industrial processes reengineered so that they are inherently clean and waste free.

Energy must be considered at this early point, as it is a major determinant of settlement. Sprawl, that is extended suburbia and scattered rural housing, has only been possible because of the unprecedented cheapness and availability of energy in the form of oil. As oil production peaks, sprawl will dissolve into dereliction and to countryside again, but parts may condense and reconfigure into more compact walkable settlement nodes more like the pre-oil towns and villages. There is no other substitute for oil's cheapness and usefulness; not biofuels, not ethenol, certainly not fuel cells etc. All these substitutes are needed and will be used but they will be used far more sparingly in a transformed post-oil world. Nuclear is not a get-out-of-jail-free card as some pundits who should know better propose, for economic reasons. The test is whether the private sector is willing to develop nuclear *without* government guarantees and subsidies. So far their self-interest led them to refuse. See http://www.feasta.org/documents/energy/nuclear_power.htm for fuller argument.

Secondly, electricity has typically been generated using fossil fuels in remote large installations and pumped to towns and cities and everybody along the way. As electricity is generated heat is too, in the order of a 50/50 ratio. We use heat energy to warm our homes, to wash, to cook and in many manufacturing processes. But the

heat energy of current electricity generation is wasted as potential users are too far away to be connected. A further 15% of total energy is lost on the high voltage transmission lines to the cities. Wind energy feeding this kind of system has to be large scale too and this brings serious problems of intermittency and mismatch of supply and demand.

This wasteful system can no longer be afforded, and as counterproductive subsidies and regulations are removed, a freed up energy market will give a very different outcome: distributed generation. This evolving model is led by the US; it uses the low-voltage distributed side of the grid and is out-competing all other models. It is very suitable for Ireland. Smaller cleaner generators can be placed in or near settlements so that houses and schools etc can use their waste heat. This is standard practice in the Nordic countries, the Netherlands and many other EU countries. Renewable energy, biomass, biogas facilities can augment and eventually replace the fossil fuel base load. The settlement also consumes the electricity generated locally on a local loop with a 'top up' and 'spill' connection to the main grid. Small-scale wind feeds into these local grids linked to smart meters in peoples home so that they can use the abundant and cheaper energy when the wind blows. All this has land use implications; more compact settlements especially in rural areas where renewable energy feedstock is available, more planning flexibility for biomass and biogas installations in settlements; more mixing of uses generally. None of this can be achieved with scattered settlement and sprawl.

The development plan should also positively encourage and facilitate Area Plans that have higher energy conservation and local energy generation standards than are required under national regulations. Fingal County Council has led the field in this area, others councils are following suit. These Guidelines should endorse and support this experimentation and ambition.

Re 3.9 Feasta has a reservation about the efficacy of the local authority housing strategy. Quantifying future housing trends will be very difficult in a rapidly changing energy-scarce world. Extrapolation from the past may give misleading results. We have difficulty anyway with the notion of centralised 'predict and provide' preferring flexible systems and individual choice.

A single social housing list should suffice for the entire country and each local authority need only have to know the total population size and the percentage of existing social housing, the projected total population growth rate of their county, the region and the country as a whole. The expectation and goal should be for a convergence of the percentage of social housing available across counties so that choice is equally spatially available.

There should be *no* distinction between rural and urban housing provision, only between the larger and smaller settlements as they have differing requirements. No social housing should be provided outside of settlements except for functional reasons i.e. linked to farming, renewable energy generation or tourism activities. No contracting out of Part V should be allowed by local authorities through only permitting 4 and less than houses at a time or through 'development boundaries' without zoning as we have stated before.

Feasta has difficulties with the concept of 'affordable housing' as it holds that all housing should and can be affordable. Housing is largely 'affordable' in (non holiday coast) rural areas because property prices are generally lower because demand is less; the problem is mainly experienced in and around the cities and towns. A site value tax would immediately reduce the price of housing for everyone and would be certainly be administratively simpler and less intrusive than the current 'affordable housing' system. For a more complete description of Land Value Tax in the Irish context see O'Siochru, Emer, (2004), "Land Value Tax: Unfinished Business", Healy,S and Reynolds,B (eds.) *A Fairer Tax system for a Fairer Ireland*, CORI Justice, pp.23-57. For a general overview see http://en.wikipedia.org/wiki/Land_Value_Tax. The government should let ideological hang-ups prevent it use the most efficient and simple means to achieve an end for the common good .

Social rental housing is a more useful concept as there is a large cohort people who cannot or do not want to buy. We have taken social housing in that sense everywhere in this document. But we are not in favour of special housing for poor people as it further alienates and excludes them from mainstream society, however well designed and integrated. The plethora of confusing housing subsidy systems should be abolished and a single housing benefit voucher should be given *directly* people who need it, to be spent as they wish; on non-subsidised local authority rental housing, non-subsidised housing association rental housing, or private sector rental housing *or indeed, to buy a house in a low-cost rural area if that is their choice*. There should of course, be further subsidy for housing those with special needs. This system would bring more transparency and competition between housing sectors.

Feasta believes that the local authority should continue to build housing for three reasons; a) for competition; each sector has its own special competences and weaknesses and competition keeps each sector sharp; b) to ensure local authorities have the broad base of professional skills for PPP negotiation and for informed regulation and enforcement within the sector; c) to provide choice to the consumer; their housing is the best designed and built yet cannot be bought by the middle class, why not? Local authority housing should be built for everyone and sold or rented at market prices, so that their association with deprivation will be broken. Annual site value taxes will ensure that market prices are kept within the realms of reason and affordability. Other mechanisms such as Community Land Trusts could bring even further choice and flexibility for people.

Settlement Strategy

Re 3.10 This should also include consideration of the creation of new villages especially where there is population decline. NSS research found a strong correlation between areas of population decline and weak village structuration. There are many benefits in building one's own house and if dispersed housing is to be proscribed an alternative for both local and outsiders wishing to move to the countryside must be provided. To continue to expand an existing village to town status should be one option, but it must be accepted that the settlement then become something else, not necessarily worse but different from what attracted many residents to it in the first place. Some villages may desire to limit their size to no more than 250 homes to

protect their rural quality of life. It will then be necessary to build more new villages to absorb the demand of those who want to live in their own self built house in the countryside. Feasta believes that many new villages are needed in every county set at intervals of 3-4 miles apart in suitable terrain. But because of the huge upswing in land values in designating agricultural land for development, new villages should only be developed by not-for-profit partnerships led by the local authority itself, local Leader Company or housing association so that the community not landowner benefits. This constraint would prevent a precedent that would lead landowners to pester councillors as they would make little personal gain from a designation as new village site.

Re 3.11 Stronger language is needed to prevent local authorities from creating so many exceptions to the general prescription on building along major transport corridors to suit landowners, that the roads are compromised. The NRA has a role to play here; but while it makes observations to local authorities it has yet to take an appeal to an Bord Pleanála about a case. An Taisce, courageous organisation that it is, has had to take on the thankless task.

The guidelines should explicitly direct local authorities to include a prescription on building on or near any of the disused railway lines in their area. These must be kept in agricultural and / or recreational use for future contingency planning reasons. It is astonishing that parts of the proposed Western Rail corridor have houses and driveways built on them. Similarly, houses have been built on the old line between Mullingar and Cavan and we are sure there are other examples of which we are not aware. Of course, the land under railway lines and routes should not have been sold in the first place.

Ditto above re tow paths along canals and navigable rivers. Existing houses along tow paths should only be allowed modest extensions – nothing that might increase traffic movements that would compromise pedestrian and cyclists safety and enjoyment.

3.12 We support the clear direction in the Guidelines re National Roads but it requires teeth. Feasta suggests that a development given permission against the general policy on a major transport corridor should not come under the 1919 Act for compensation if a CPO is necessary at a later date. In other words, a condition should be attached to the permission that it is at the owner's own risk if the property has to be acquired for the common good i.e. for road widening to upgrade the road to a motorway.

A strict prohibition should be placed on development of any new road without an Area Plan for the affected area.

Retail Planning Strategy

Re 3.3.13 The Guidelines omit the fastest growing retail sector in the country at this moment – farmers markets. In fact local authorities have been trying to eliminate existing market rights in towns and villages all over the country. This is unacceptable and runs against the goal of promoting a local secure food supply. Clear direction

should be given to local authorities to preserve and enhance existing markets and establish new where there is a demand. City development plans should make provision for market places both indoor and outdoor. They add to the atmosphere, provide fresh often organic food and provide a better return for local farmers and food processors than the supermarkets.

Socio-economic Development

Re 3.18 The importance of facilitating distributed generation of energy along with co generation or CHP should be stressed and prioritised in the Guidance. Secure and competitively priced energy will be the key factor in attracting and keeping employment creating activities within a local authority's area.

Development management

3.18 Consistency is required between development objectives and road and engineering requirements in development plans. Development plans require non-suburban layouts but their road engineering standards for paths, setbacks sightlines and road widths and parking will not permit anything else. New road and parking standards for housing developments are needed urgently. These need to be broken down into standards appropriate for larger city/town developments with separate ones for small villages.

Strategic Environmental Assessment

Re 3.20 -22 Guidance on incorporating SEA into the development plan process should be included in the Guidance document.

Guidance should be given on the better use of GIS Geographical Information Systems and other spatial IT to carry out SEAs, as a general decision tool for development plans and for general control, regulation and monitoring. Local authorities have already moved to GIS for planning control but much further work should be done to incorporate census and other data sets held by various government departments for their county. These might include data re development programmes under the NDP i.e. proposed roadworks, harbours forestry roads, fish farms, cultural buildings etc; local development programmes data; EPA monitoring data such as water quality, air emissions etc. Up-to-date satellite imagery should be overlaid on the GIS maps and GPS data to show for instance the origin and destination of waste trucks, quarry trucks etc. This guidance is consistent with the INSPIRE programme shortly to be enacted as a directive to all members of the EU.

Europeans are shocked to discover that Irish local authorities have no idea who owns the land and property in their functional area. This is because, unique amongst developed nations, Ireland has no cadastre or register of ownership of interest in property and land. This great omission is being addressed in an indirect way through computerisation of the land register and the register of deeds. But when this work is done, it still may not be possible for a local authority to look up a map in the land registry and determine the structure of ownership of land around a town or village. Each parcel has to be searched separately to find who owns it. It is not possible to find out one owner and then call up everything else he owns. This is in stark contrast

to the CRO where all companies and directors have to be registered and their information kept up to date under pain of penalty and the entire database is cross searchable by the public. Land is more vital to sustainability than virtual companies and the same onus should be on the government to keep information up to date and open to public scrutiny. Direction in the Guidelines should be given to compile landownership information at least covering development plan areas and make it available to the public. This information is absolutely essential to the local authority in making zoning decisions as it is vital to know not only whether sufficient land is zoned but also whether sufficient land is zoned *by a sufficient number of different owners*. This subject will be addressed again later.

Even without a full cadastre in place, local authorities should create a 'land value map' based on publicly available market place information as part of its GIS monitoring system. This is simply adding land values expressed as contours to the GIS base map. It is an extraordinarily useful tool to measure the value added by infrastructure investment, roads, schools and public transport etc. It can highlight black spots of economic depression, social alienation or pollution.

All the above information should be openly and affordably accessible to the CDBs, SPCs, to the community and voluntary sector and especially to environmental and sustainability NGOs. Measures to equip the third sector with the training, software and hardware to not only view but also manipulate the material are essential for effective monitoring of development plans and to locate later EIAs.

Development Plan Objectives

Re 4.4 Feasta finds the sentence “ *Development plans perform an important task in setting out the framework within which the development needs of the economy and society in general can be responded to while maintaining, and where possible improving the environment*” completely unacceptable in terms of the objectives of sustainable development. It is illustrative of a commonly held misconception that should be unceremoniously ended in these Guidance notes to local authorities.

To begin, the environment is paramount and all encompassing both in reality and functionally. We cannot have society or an economy without a nurturing secure environment and the water, food, shelter and energy it gives us. Secondly, the economy is not possible without a healthy stable society managing the norms, rules of behaviour and standards of everyday life. Finally, the economy is simply a tool society has invented to maximise the benefits of the environment for society – it is not an end in itself.

The sentence should be replaced as follows. “Development Plans perform an important task in setting out the local thresholds and limits for the health and vigour of our environmental systems within which use can be made of it by society to pursue its development goals using the economic mechanisms of money systems, pricing and market exchange.”

Mandatory objective 1: Zoning

Re 4.5 -4.9 Feasta is delighted to see so much attention to the questions of directing and accommodating new development and specifically the relatively quantity of areas to be zoned for development within a plan. But these guidance notes underestimate the problem facing local authorities in limiting their zoned areas. This is because local authorities in Ireland have only one tool to manage development demand – the development plan. Other jurisdictions have a second tool – taxes. The US manages development demand with only the taxation tool as most States have ideological problems with centralised planning. The States that have used their taxation powers well to foster ‘smart growth’ have been remarkable successful despite their lack of plan blueprints. Feasta believes that both tools are necessary to successfully manage development in a sustainable way.

Again, we find these guidance notes slipping into making distinctions between urban and rural areas. Rural areas suffer from incremental and dispersed housing development which although small taken as each application, adds up to major impact over a period of years. This kind of development is never subject to an EIA and yet the result cumulatively can be more damaging than a major factory. The development management process has failed so far to see the impact of the swarm as it focuses on each bee, and is likely fail in the future. It can be solved simply - no incremental housing should be allowed in rural areas except within a settlement covered by a plan – as for urban areas.

Rural areas have unique and different settlements to urban areas, they are called villages and they should have plans. A village in an urban area is an advertisers invention or is an old rural settlement that got engulfed by the growing city. There is nothing rural about a single remote house not functionally related to the surrounding countryside – it forms part of a suburban typology; an outlier of the city. As suburban forms are generally cautioned against in these Guidelines and most development plans, consistency requires that the insidious version of suburbia, exurbia - the accretion of one-off houses - should also be discouraged.

Again, we emphasise that rural areas must deliver on general housing objectives even when development occurs outside zoned areas. Part V must apply to all housing or until that reform is enacted, all rural villages must be zoned so that Part V applies.

We concur with the advice to keep zoning broad in development plans leaving detailed and specific zoning to Area Plans. But we differ in that we think that Area Plans should be described three dimensionally and zoned three dimensionally at the level of the individual block. Single use site zoning is too coarse for Area Plans. At this level of consideration, design frameworks might be a better description of the mechanism required. This begs the question whether single use zoning has any functionality for the future.

Re 4.10 To support transparency, a cadastre of landownership of all lands being considered for zoning should be made available to the public (see Re 3.20-22). Elected representatives, officials and relevant local development agencies and NGOs should declare all interests including those of family members in the lands.

Re 4.12.13 Energy potential should be listed as a top priority in considering lands suitable for zoning (see Re 3.8 on distributed energy)

Re 4.14 Most development plans have over-zoned their towns and villages between a factor of 3 and 5 times what is needed over the 6-year plan period. That is the measure of the problem facing local authorities. They do it to 'create a market' and there is reason and logic to it. Local authority elected representatives know that if too few owners are zoned in a town, they have, if not monopoly, at least cartel powers in the market place. Landowners all want to be the last to develop or sell their land in an area so that as much value is added by the investments of others as is possible. The wealthier the landowner, the greater is his strength in playing this game. But all landowners benefit if land is withheld as scarcity causes the price to rise as long as long as the demand for houses remains strong. This is why you see leapfrogging, development occurring in less favoured locations before the best ones, as the owners of more disfavoured land are usually less wealthy and can wait least.

It follows that the threat of being de-zoned in the next plan under Section 10 (8) is empty if the affected land is well located and serviced. The local authority itself has selected the land as most suitable for development so it would be shooting itself in the foot in most cases to withdraw zoning.

The smaller the settlement the greater the danger of this kind of standoff between landowners and local authority. The difficulties are compounded for local authorities as their investment in servicing the land can only be recouped when development commences. Zoning for 9 years or 150% of the 6-year need does not give many useful bargaining cards to the local authority.

This problem simply cannot be solved by development plans and planning control alone and is unreasonable and illogical to for these Guidelines to exhort local authorities to perform an impossible task. But this situation can be easily address if local authorities had the power to exact planning levies as soon as the land is zoned, one sixth of the total estimated levies every year, to go towards the final figure. This is not an extra levy merely a readjustment of the payment terms. That would give sufficient leverage to local authorities to cut back their total zoned areas to the target of nine years demand. Indeed, councillors may even be lobbied by landowners to be de-zoned unless they were seriously ready to develop.

Re 4.16 Given continuing strong housing demand, there would be no problem covering the costs of servicing lands if the local authority could collect levies on rezoning as described above. Indeed, it would place an onus on the local authority to deliver quickly once they were in funds. The upswing of value of agricultural land on being serviced and zoned is generally a multiple of the cost of the infrastructure. The community would get a better deal if the levy were based on value-added by, rather than the often difficult to estimate cost estimate of relevant works. It would also be more transparent for the developers and landowners. This is the basis of a land or site value tax as described before. A universal land tax set at circa 1% of capital value however would not substitute for the levy system on newly developed land as it simply would not capture enough of the upswing in value, both are required for the foreseeable future.

Re 4.17 The Guidance document should point out that most of the services and amenities listed can be paid for under special levies under Section 49 of the 2000 Act and should *strongly* advise that local authorities indicate in the development plan that it will avail of these powers. Lack of funds is not a valid excuse not to make provision for needed services in the Development Plan and subsequent Area Plans given the provision in the 2000 Act. The exception is for schools that for some unfathomable reason are excluded from the categories of services required by a community that can be levied under Section 49. This should be addressed by the DoEHLG and Department of Education.

Re 4.18 Local renewable energy resources should be a factor taken into consideration also.

Re 4.19 An exception should be made for new not-for-profit villages in rural areas.

Mandatory objective 2: Infrastructure

Re 4.22 Feasta supports the general advice on integrated land use and transport planning, sustainable travel patterns and walk-ability of settlements.

- Energy and communication.

Add support for the development of distributed energy, local electricity minigrids and district heating. Development standards should include the addition of underground ducting as part of any major new housing or commercial development to facilitate future provision of private or community owned electricity grids and hot water distribution.

Development standards might also require provision of local energy generation and CHP using fossil fuels and renewables and the installation of smart metering to manage electricity demand.

Mandatory objective 3: Environment

Feasta concurs broadly with this section but we feel that more specific advice should be offered along with examples of good practice. The need to protect bio diversity is not listed here but under natural heritage. The distinction between categories is unclear and they would be more conveniently and logically treated together.

Archaeological heritage

Re 4.25-29 Feasta supports the general thrust of this section and endorses the requirement to put all Recorded Monuments and Places in the development plan but we accept no practical reason not to do so given the potential of modern GIS technology.

Natural Heritage

Re 4.31 This paragraph is completely unacceptable to Feasta. There is nothing in the principles for sustainable development, which states that ‘flexibility’ must be applied. Sustainable development is about discovering the environmental and social limits and thresholds of our interlinked systems. Some of those limits and thresholds are simply *not* flexible to accommodate economic pressures. There is no such objective as economic development in its own right – it is merely a tool of society. It is as foolish to use a speedometer instead of a map to get to a goal, it one desires to arrive at a particular destination. Creeping incremental damage is a particular danger if a ‘flexible’ policy is adopted in sensitive areas. So it is reasonable under sustainable development principles to inflexibly ban all development in an area if that is what that area requires to protect it and this option should be available to local authorities in the development plans.

This is not to say that landowners should not be compensated for their potential economic loss if their land is designated under an SAC or SPA. A land value tax can be used to accomplish this. The objections of most landowners can be won over in this way and it is perfectly ethical to do so as the community is gaining at their personal expense. Again a planning tool is being suggested here where a fiscal tool is a better fit.

Re 4.38 The Guidance should direct local authorities to be consistent in the policies. Their road engineers insist on the removal of mature trees and hedgerows for sightlines for housing in rural areas. This typically involves the removal of 180 metres of mature trees and shrubs, more if there are bends etc., on an 80kph back road. It is disingenuous to include objectives for their preservation without addressing road safety. As there is precious little forest cover except for the hedgerows in Ireland, the issue can no longer be fudged. Either the house should not be given permission in the first place – always the best solution - or, if permission is given, the hedgerows should be retained and the speed limit for the road should be reduced to 30 kph which would allow passing cars to stop safely when a car exits the house site unexpectedly. This policy would also make rural roads safer for walkers and cyclists.

Mandatory objective 5: Integration of Social, Community and Cultural

Re 4.49 See Feasta response Re 2.13 -2.15. There is no land use decision that does not have social, community and cultural dimensions. In effect this requires that the CDBs be fully engaged in the writing of the development plan.

Mandatory objective 5: Preservation of Landscape Character

Re 4.41 – 45 As landscape character as designated in development plan is one of the acceptable reasons to refuse permission to locals who want to build in a rural area in the lamentable Rural Housing guidelines, it is not surprising that controversy and difficulty has been thrown up in their way. We commend the local authorities that have carried out landscape assessments but we contend a better strategy is simply to have a strong policy on scattered rural housing. The sustainability reasons to

proscribe non-functional building in the landscape are far stronger than the aesthetic, even accepting that tourism is a large employer in rural areas with little other income generating activities. Using landscape quality mapping to filter out house construction in vulnerable areas leads to public misunderstanding of exactly why the environmental/sustainability sector is overwhelmingly against non-functional scattered housing in the countryside. Such thinking has led to guides on 'how to build sensitively in the countryside' as if better design could eliminate the many negatives of such unnecessary and irresponsible rural housing. Certain aesthetically patronising journalists and some self-serving members of the architectural profession are largely responsible for this perception and the poisonous debate it has sparked.

To reprise, the reasons that the environmental / sustainability sector oppose non functional one-off rural houses are;- that it increases social segregation and exclusion, creates high servicing cost burdens on the community, makes distributed energy generation uneconomic, damages local services, retards the local economy, causes traffic hazards, increases private transport and thus greenhouses gases, undermines local public and shared transport, damages water quality and increases biodiversity loss and finally, contributes to landscape destruction - way down the list.

Aesthetic issues will arise for functional development in the countryside such as new crops and buildings including energy crops, new food processing, energy generation etc. Landscape assessment will be a useful filter to decide on measures to mitigate these legitimate development pressures.

Protection of Structures and Architectural Conservation Areas

Re 4.5 Feasta has noted that many attempts to preserve fine examples of Irish buildings in rural areas leads to their inappropriate renovation. The wholesale replacement of up and down sash windows with their irreplaceable wavy plate glass by top hung garish plastic frames with lifeless glass panels is very evident all over the country. There appears to be a 'tidy town' attitude with respect to historic buildings; to paint them and replace anything that looks tatty and old. The tax relief available for historic buildings has accelerated this process.

Far more guidance must be given to historic building owners and owners of buildings in Architectural Conservation Areas in the development plan about how to look after their heritage so that it is not devalued both in architectural and in economic terms by so called renovation. Free advice clinics where the conservation or heritage officer can give advice to owners should also be considered.

It is worth putting a strong proscription on the removal and replacement of existing windows and doors in the development plan itself to highlight the importance of this matter. The Energy Performance in Buildings Directive that will eventually require every house to be rated for energy efficiency may well matters worse for what is left of our wonderful ordinary but highly characteristic building heritage.

Regeneration

Re 4.53 We welcome a proactive approach to regeneration by the local authority as it is sorely needed for the sustainable high quality regeneration of our settlements large and small.

The Guidance should alert the local authority to emerging barriers to later coherent development. It should clearly state in the development plan that it will not allow development which would makes access to backlands sites difficult or poorly positioned buildings on site that does not allow for later infill or ransom strips and cul de sac layouts that do not clearly indicate to new residents that their road will become a through road at a later date.

It should indicate the best site for sewage treatment in a settlement and insist that once it is provided all existing buildings must be connected and that percolation areas for septic tanks on third party land must be released and wayleaves must be made available for the main drainage pipes at a fair rate. This is to stoop the practice of property owners demanding excessive compensation to release their septic tank percolation area rights or to allow drainage pipes across their lands.

Ditto for district heating, new electricity grids, methane/nitrogen gas pipework and communication infrastructure as appropriate.

Site assembly is an emotive word and invariably conjures up images of small property owners being coerced to sell to make way for a large development by a well-connected developer. Site assembly can lead to long years of dereliction and the unnecessary loss of perfectly good buildings and there are very few cases where it should be facilitated by the local authority. However, clearing title using the provisions of The Derelict Sites Act might be all that is really needed for a positive development by cooperating adjacent owners to go ahead.

Very occasionally a CPO may be needed to take out a landowner who is using their monopoly position (all landowners have a natural monopoly of their particular land area) to extract more than their fair share of the up side of a development project or to simply resist any change and development. Where the development is part of an agreed Area Plan and is supported by the local community, the local authority should make it clear in its development plan it will not hesitate to use its powers for the common good. Many good local development schemes do not proceed because people fear that they will not get the necessary support from their local authority in the face of opposition from powerful vested interests.

We support a multi-sector partnership approach to regeneration schemes but insist that the community/third sector/not-for profit sector always comprises one of the partners.

The best way in which the local authority, either directly or in partnership with another agency, can assist the regeneration of rural villages and small towns is to develop new access roads and other infrastructure for landowners and recoup the costs in development levies (Section 48 and 49 of the 2000 Act) as the serviced sites are sold or under an annualised payment system as described before. This would

provide substitute sites for locals and outsiders to build their own homes and must accompany measures to prescribe non functional rural housing.

Mandatory objective 9: Amenities

4.58 Local authorities have been negligent in protecting rights of ways, sea and lake foreshores, disused railway routes, mass paths, green roads, side access lanes and back lanes and market places, cow plots and other commons and amenities for local residents. We do not accept that only undisputed rights of way be included in the development plan. In fact we contend that there is a general public right to roam arising out of the transfer of the Crown rights in all the nation's land to the new Irish State that has never been repealed and from Irish tradition from time immemorial. The concept of exclusive freehold ownership derived from Norman Roman practice brought by the English settlers and is alien to the Brehon co-ownership land tenure system of the native Irish. The local authority should assert and augment those rights in an active manner by walking and recording their access over all safe routes in community memory and actively take on the legal challenges on behalf of their constituents. The development plan should have a access rights programme and a dedicated officer to walk and keep open, removing barriers etc of all kinds of rights of way and public access in its area.

Mandatory objective 10: Major Accident *and other Emergencies*

Re 4.68 As well as the measures outlined relating to major accidents, local authorities should consider other possible emergencies that might have a very negative impact on their communities such as a) prolonged closure of ports due to an infectious disease outbreak and b) a prolonged electrical blackouts due to problems in natural gas supplies. Even simple disruptions in our highly complex and interdependent economic system can have far reaching consequences. The vulnerability of communities' dependant on large supermarkets for their basic supplies was demonstrated during the British lorry driver strike over fuel tax. Hurricane Katrina showed how people without private cars got left behind because public transport was neglected. More and more of our water and drainage are dependent on pumps and reliable energy supplies. A local food strategy is part of development plans for Canadian cities – an example we might follow. A good development plan should have considered all reasonably probable scenarios that would have a devastating impact on their community.

The SEA process is really nothing else but contingency planning for the long emergency that is sustainable development within environmental limits and carrying capacities. It is a good start and exercise to test an SEA against the more immediate shorter-term emergencies described above. If it can pass those, it is likely to be robust in the longer term.

Mandatory objective 11: Community Services

Re 4.68 Local authorities should indicate that it would use its powers under Section 49 to levy landowners for contributions for community services. The

exemption of schools by the Act should be amended so that levies can be collected to help pay for school construction and improvement. This is an anomaly that has no basis in social justice or utility.

Objective 12: Gaeltacht areas

Feasta supports measures to protect the Irish language in the areas where it is spoken as a living language. We ask that the guidelines allow for the application of these standards to new Gaeltacht areas specifically new Irish speaking villages promoted by not-for-profits

Process and Presentation

Re 5.1 As we have explained earlier, the environmental/sustainability sector is not properly included in the CDBs or the SPCS and this fact makes consideration of sustainable development almost impossible to achieve in development plans. The result is and evidence shows that development plans are *not* major drivers for of sustainable development. This omission must be addressed as a matter of urgency. The remit of the CDBs must be changed to include environmental issues along with social, economic and cultural.

The environmental/sustainability sector has recently made a formal application for social partnership status, which hopefully should be granted. The sector should be represented by national organizations that are part of the EENGO network to sit alongside the other social partners – farmers, trades unions etc. Local environmental/sustainability groups should also be invited to join the community and voluntary sector pillar. It might be argued that that this arrangement gives the sector double representation - but the community and voluntary sector also has double representation at the local development level in Partnerships, Leader Companies and ADM funded groups.

The SPCs should take invite nominations from both the EENGO network representing national groups and the newly set up Environmental Forum that represents local environmental groups.

The CDB structure needs further reform to protect the independence of the civil society/third sector. The detailed oversight and funding control of the community and voluntary sector by officials employed by the local authority is not acceptable and does not conform to Aarhus principles. It is certainly not acceptable to the environmental / sustainability sector that values its independence above all. The CDB should have a separate budget for community development and separate independent staffing to the local authority.

The best arrangement might be an elected major for the city or county with a cabinet to run the CDB and lead the SPCs. The elected mayor and cabinet must have executive powers, be full time and have a term of office of the five year lifetime of the council. This requires reform of the 1957 City and County Managers Act - well over due.

The option should be given to the SPCs to have their own ideas researched and worked up in Issues and Option papers (perhaps funded by the CDB) for consideration in the development plan, by outside consultants if they want a fresh approach.

In this way, the development plan would form part of a manifesto of the councillors and mayor looking for election and the public would take a keen interest in the process from voting in 'the vision' of the major, participation in the CDB and SPCs and in consultation on the ground.

Again, it can not be too strongly emphasised that elected representatives will have to be provided with extensive training on the principles and applications for sustainable development and on the relevant UN, EU and National policy documents that govern it. Their job will become much harder and they will need all the help and assistance that the Department can give them.

Process management

Re 5.1 -3 If the development plan is not agreed within the required date, the Manager should *not* have the power to make the plan: instead the Council should be dissolved, the Mayor fired and a new election called. On no account can we have a repeat of the farce in Dublin City where there was no council for a number of years, but neither can the default setting be to hand back powers to an unelected manager. The managerial system has had fifty years to prove itself and during that time local government has become more and more irrelevant and ineffectual. It is time for change.

The cabinet of SPC leaders should write the first draft of the development plan. This would keep councillors and officials keenly open to the ideas and suggestions of the electorate – if they had ambitions to be re-elected. At present submissions appear to have no effect on the final plan, the draft invariably passing through all stages with little change.

If the government is serious about making the development plan relevant, it would devolve more powers to the local authorities. It is impossible to plan effectively for transport and access when the power to act the public transport elements of the plan lies with another agency. The way to tackle lack of coordination of public services is not to demand elaborate schemes for greater consultation but to restructure centralised departments and agencies to devolve functions to the lowest level of government capable of handling them - the local authority in the case of public transport, schools, some health services and even policing.

Re 5.9 A senior cabinet member should oversee and project manage the development plan process; it should not be an official or professional of the local authority. In this way the elected members will realise that it is their duty and responsibility to pay attention and input as the making of a development plan is their most important function.

Re 5.12-19 The information should be primarily map-based not text-based. The opportunity should be taken to input as much data sets as possible onto the GIS system on time progression overlays and analysed for patterns, black spots and hotspots of social economic and environmental change. When patterns are identified the maps should be printed and used as tool to demonstrate these changes to elected representatives in the SPCs and other participants in the CDB. Photographs should be used liberally along with diagrams and short infomercials to make important points. All this material should be published on the Internet and responses invited.

The main point we make here is to emphasise that people hardly ever read the development plan document anyway- they only look at the maps. This natural inclination should be built upon. The development plan should be published on CD and on the Internet with the main text hardly more than chapter headings and short paragraphs leading to the deeper discussion of the issues and to appendixes. (See also Re 3.20 – 22)

Re 5.21 - 27 Feasta fully supports accelerated use of GIS and the integration of databases from other departments and agencies. But the system must be peer to peer (P2P) with civil society having the same access to information and power to manipulate the data. This requires that funding is provided for hardware, software and training for the social partners and the community and voluntary sector for the new spatial information systems.

Monitoring and Evaluation

Re 6. 2 - 5 Monitoring, evaluation and revue should be a constant. The measures outlined above to involve the CDB partners with new technology will help make this easy. The SEA process will have fostered an evidenced-based critical approach and a set of indicators to show whether things are getting better or worse and whether important environmental thresholds are being approached or breached. All of the social partners and the community and voluntary sector should have been fully engaged through the CDB and the SPC processes. These indicators should be well chosen and relatively few in number and widely publicised in the community. The community itself then becomes the local authority's greatest resource in monitoring the success or otherwise of the plan. It is important that the indicators are calibrated sensitively so that some will indicate a loss of direction or failure to succeed. Acknowledging failure is positive- it is worse to deny and hide the extent of the problems facing us by setting indicators and targets than are unambitious .

Comhar can be a useful resource for local authorities by coordinating work by all CDBs and local authorities to devise sustainability indicators across social, economic and environmental dimensions. Although it is useful to have shared indicators for comparison purposes some indicators should be very particular to the county involved and selected to catch the public's imagination – for instance as an indicator of social inclusion might be the success of teams from problem estates in junior GAA games or the Tidy Town score of communities in the county; for health, the average time it takes for 6th class kids to run 100metres; for environment, the number of different varieties of vegetables grown locally.

Appendixes

Capital works programme

It is vital to explain to citizens how the funding was raised for the local authorities functioning particularly its capital funding programmes. Most people do not know that Irish local authorities are financed from a hypothecated central fund from motor vehicle tax receipts. The percentage of funds raised locally is very low by EU terms and thus the discretion of the local authority to spend is somewhat circumscribed. The basis of how the business rates and development levies are calculated and how Part V works and how the money raised is spent should be explained in accessible language. A brief outline of the budget for the 6 years should be included showing in very broad terms where the money comes from and where it goes. This is all about treating the citizen as a rational adult and partner in the business of local governance.

It is worth noting at this point that the Chambers of Commerce of Ireland, the Council of Religious in Ireland Justice Section and many environmental / sustainability groups and many professionals in the property sector including the current president of the Royal Institute of Architects in Ireland and the Chair of the Private Residential Tenancies Board of Ireland all support a land /site value tax system for the funding of local authorities in Ireland; this despite an almost total embargo on discussion of the taxation of land in the media.

-End-