

Local Area Planning – Challenges and Opportunities
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The title of today's conference is "Local Area Planning – Challenges and Opportunities" and the introductory text in the conference brochure, I think, gives us some important pointers to the challenges that we face in making Local Area Plans.

The brochure rightly suggests that local area plans are a key tool in securing quality of life for our citizens through the delivery of social and physical infrastructure at a time when the Country faces a much greater level of uncertainty than it has for a good many years.

Speakers during the day are going to look at many aspects of local area plans: administrative and legal issues, schools and community facilities, the roles of the citizen and their elected representatives.

I have to say that I am very pleased that these last two topics, the role of the citizen and the role of the elected representative are being given significant time at today's event. I say this because I firmly believe that these are two areas where there is significant and substantial scope to improve the operation and effectiveness of our system for local area planning.

On the broader front our system for local planning has been radically overhauled over the last decade or so. Local Area Plans, as they are now termed, sit within a modern planning legislative framework where the concept of "sustainability" has been included amongst the foundation stones. All our statutory plans now have to be produced against relatively short time-scales and have to be reviewed every six years. The result being that they are, almost always, up to date and, because of the review mechanisms built into our system, there are opportunities to adapt them to changing circumstances, such as those that we face nationally and internationally at the moment.

We also have successfully developed a wide ranging and sophisticated national framework of planning policy instruments and guidance. The NSS and the RPG's of course, but there are also, to my counting, no less than 21 Ministerial policy directions or guidance notes currently in force with more emerging in draft form. With this resource, both our citizens, their and our planning authorities should be reasonably clear about the approach that they should take in addressing the issues that we face in making local area plans.

So, with all that in the background, how can it be that the making of local area plans, and development plans for that matter, should so often be the cause of major controversy in the media and for communities themselves?

During my term of office as President of this Institute, the nation's media has devoted significant time and energy to the criticism of the role played by elected representatives in the plan making process. On a number of occasions, most notably involving a national current affairs TV programme the Institute has refused to join in, what has sometimes been presented as a clamour for legislation to exclude elected members from their present role in our plan making system. Let me be clear, I strongly support the role for elected members within our planning system.

In this country our planning system has to work within the constitutional principles protecting the citizen's rights to private property. In short, those rights can only be limited by the state, for example by our planning system, where such limitation is in the interest of the 'common good'.

Elected representatives, therefore, play a critical role in the planning system. They are the public's democratic representatives and where our constitution only allows the state to interfere with private property rights 'in the common good', our democratically elected representatives clearly have a big part to play.

All around the Country, critics of our planning system are pointing to inappropriate development in cities, towns, villages and rural areas that, cumulatively, are seriously calling into question our national commitment to the delivery of sustainable development solutions. In almost every corner of the land there are so called 'planning horror stories' of recent developments:

Badly integrated with existing towns and villages,

Lacking proper social and physical infrastructure such as schools, roads, footpaths and streetlights etc,

In locations that remote from any effective public transport forcing of its occupants to rely on the private car for even the shortest journey outside the cartilage of their home.

In many cases, recent advances in Government policy have been directed towards preventing the recurrence of the mistakes sometimes made in the past. Our citizens look for better local area plans as a key part of the solution.

We have lots of modern plan making infrastructure, and by that I mean the modern legislative framework and policy guidance that I referred to in opening, but it often seems that the democratic elements in our plan making system, the roles for elected representatives and, sometimes, that for the citizen, sometimes appear close to 'bankruptcy' as it were. In the language of the current economic crisis, we need a 'bailout' or 'rescue' package to bring vibrancy and life back to the democratic parts of our plan making systems.

An article by Vincent Browne in the Irish Times a couple of weeks ago struck a cord with me. Mr. Browne was eloquently complaining that the Dáil debate on the so-called 'Bailout Bill' to rescue our banks was a travesty of democracy because of, as he saw it, the failure of the legislature to engage in any effective debate on the proposals put foreword by the executive.

Mr. Browne complained:

"No debates of any consequence, no decision of any consequence, no input of any consequence. No accountability of any consequence. No scrutiny of a Bill that could destroy the Country."

He went on:

"For the reality is the legislative branch of Government is a failure. It is entirely a creature of the executive branch. Far from there being a separation of powers there is complete capitulation of the legislative branch to the executive. There, therefore can be no meaningful accountability, no independent exercise of authority."

Mr. Browne's description of this important Dáil debate reminded me of the debates on development and local area plans that we see in Council chambers up and down the land. All too often, an elected member or a group of elected members will champion the cause for a pet project a local land-owner or developer, often to the exclusion of all other interests, and we call that local democracy.

You might think that the investigations into the motivation behind planning decisions that have been taking place at Dublin Castle would have at least softened the appetite amongst some County Councillors to force through into development and local area plans controversial proposals like these. "Not so" say many of the members of the Irish Planning Institute.

Why is this so? Surely, our constitution and the structure of our planning legislation suggests that elected members of local authorities should act as the guardians (or even the champions) of the 'common good'. The reality, all too often, is almost the opposite with elected members seemingly prepared to champion the interests of individual landowners or developers before all other considerations and very often the result is a poor decision in a development or local area plan that runs contrary to a wider strategy and results in inappropriate development of the types that we are sadly all too familiar with.

As a society, rather than demanding that the duty of our elected representatives is to vigorously challenge and debate the assumptions of the executive so as to secure the 'common good' for the communities they represent, we seem happy to call it 'democracy' when elected members champion the interest of individual land owners or developers seemingly before all other considerations.

Over the last year or more there have been repeated calls in the media to reform our planning system and seriously curtail or even exclude the role of elected members altogether. Indeed the Minister has indicated that he will include some additional provisions in the new Planning Bill that will limit some of the powers currently available to elected members with regard to development and local area plans.

Whilst the Ministers proposals may well be desirable the indications are that they will fall well short the kind of package of measure that might be needed to curb the worst excesses that our system currently produces.

Revising our legislation to exclude elected members from the planning system altogether so that all decisions both on policy or zoning and on planning applications were taken by the executive would be deeply anti-democratic and whilst some would hope that it might well eliminate some or even all of the 'horror-story' zoning decisions, in my view such a step would do little or nothing to restore or rebuild public confidence in the planning system.

Another option would be to make provision for An Bord Pleanála to review development and local area plans before they were finally adopted by local authorities. In the past, this Institute has suggested that very course of action as a means of restoring confidence in the system. But my concern would be that creating such a role for the Bord would lead to significant delays in the time scale for our statutory plans and remove true decision making from the communities that will be affected by the decision.

Long-winded and ponderous plan making procedures would not have helped this country respond to the demand for development that was in evidence over the last 10 years or so or adapt to the changing times in which we now find ourselves.

My own view is that the problems associated with the elected members' role in the planning system is no different to many other problems in that we can only start to resolve it once we all recognise that there is a problem to be solved and I think it naturally falls on our national political leaders to take the initiative here. We seem to lack any clear consensus about we expect from our locally elected politicians when it comes to their role in the planning system. What is their role in representing the broad views of the communities that they represent? Should they give priority to constituents from the electoral areas they represent? Is it appropriate for our locally elected representatives to act as advocates on behalf of so-called 'clients' on wider issues?

We have some formal Ministerial guidance for elected members prepared in 2004. The guidance goes a long way to explaining many things about how local authorities work and deals with a number of specific issues that elected members face, for example, there's a lot of material about the importance of the budgetary process, and so on. Regrettably, in my view, there's no section in the guidance dealing with planning. Surprising really, because I think many elected members

would agree with me that dealing with planning issues consumes more of their time and energy than any other topic.

There are Local Government elections next June and up and down the country, there will be newly elected representatives entering Council Chambers for the first time. As a step towards restoring public confidence in our planning system, after all the tribunals, in my view, it would be beneficial to all if the Minister were to issue formal guidance on the role of elected members in the planning process. Such guidance would doubtless assist all the stakeholders in the planning system (the public generally, national and local government officials, landowners or others engaged with the planning system as well the elected members themselves) in understanding their roles and could facilitate more effective and appropriate interaction between the key groups.

The Minister's guidance could set out proposals that would result in a more consistent approach in all areas of the country including:

Guidance on the general role of elected members in relation to the interests of their constituents

'Best-practice' advice on the structure and conduct of Council meetings during the preparation development and local area plans particularly so that proposals for inclusion in emerging plans were introduced sufficiently early in the process to allow their full exposure to public debate, proper consideration by council planners and other officials and to allow a full and considered debate in the public meetings of the authority.

Advice on model arrangements to allow elected members view to be taken into account in the determination of planning applications.

So in conclusion, I would go back to the point I borrowed from Vincent Browne, that if we don't have the right balance between the executive, elected representatives and citizens in our plan making system then we won't deliver the quality of local area plans, backed by the broad consensus necessary to underpin their implementation, that we need in today's circumstances. We have invested heavily over the last 10 years or so in what I call planning infrastructure, a modern legislative framework and comprehensive policy guidance but, we all need to "invest" in the role for elected representatives and citizen to build public confidence in our plans.