

Irish Planning Institute Submission on Improvements to the Public Service

Introduction

The Irish Planning Institute, which represents over 70% of professional planners working in Ireland, is pleased to have the opportunity to respond to the public invitation in respect of the forthcoming review of the Irish Public Service. As such, it offers the following comments as an input to this Review, focusing on that section of the public service that deals with spatial & physical planning, infrastructure delivery, and sustainable development promotion.

Planning in the Public Service

The Institute has recently completed a detailed census of the planning service in Ireland, both in the public and private sectors (a copy of which is attached). This shows that, of the approximately 1,000 planners working in Ireland today, approximately 700 of these are currently working in the public sector, with 600 in local government.

The planning service within the public sector has often been described as the “gatekeeper” of the current construction boom, in that it is through the planning system that all of the new built environment that our citizens will live within, use and inhabit, and in which they will carry out all recreational, social and economic functions, is approved and planned, and that the infrastructure for the supporting of this built environment is promoted and brought into reality. It is also the case that planners are the lead actors in ensuring, through the local authority planning system, that our built and natural heritage is protected, conserved, and improved as a key element for the future, within the overall umbrella of sustainable development.

Hence it is essential that the planning service in the public sector is focused on the citizen, as well as on the providers of the infrastructure and the built environment, and is efficient and equitable in both ethos and operation. It must embody the principles of subsidiarity, fairness, and equality that are recognised internationally.

In this regard, the survey shows that most planners in the public sector currently are engaged in development control/development management work, and that the necessary concomitants of an efficient and equitable system, which are the forward planning function and the enforcement function, are underdeveloped and in many cases poorly resourced.

Accordingly, in order that one of the key criteria in the OECD terms of reference may be achieved – that of ensuring that government objectives are translated into outcomes - in this case of ensuring that government policies for the continuation of our built environment development, including housing provision and infrastructure provision are translated into reality in an equitable and efficient manner, it is essential that the local authority planning system, particularly in the forward planning area, is strengthened. As noted in the attached census document, this requires that additional professional planners should be employed in the local authority sector in particular.

It is noted that the qualification “within existing resource commitment” is referred to in the terms of reference of the Review. This is not defined, but it is the view of the Institute that it should not refer to the artificial “control on numbers” regime within the public sector, but to the actual resources made available. The regime is a rather “blunt instrument”, which is purely numerically focused, and does not take account of the realities of different public sector functions, and of how some functions, such as planning, can actually improve competitiveness, resource utilisation and equity, if properly resourced in terms of staff numbers and training.

The Institute would point out that, although the principal resources for forward planning at Regional and County level should be provided by the public purse, some of the resources for an enhanced forward planning service, provided by public servants employed by local government, can in part be financed through the existing Development Contributions Scheme, and examples already exist (e.g. Adamstown SDZ, South Dublin County Council and Kilkenny South Westerns Suburbs Local Area Plan) whereby the service deliverers – the developers and builders – are levied a small amount to pay for the forward planning for these areas.

Achieving Connectivity – An Efficient and Equitable Road to Coherent Planning

Another key area from the terms of reference for the Review is the following:-

“connectivity between different sectors, including between the central level and the wider sectoral areas”.

It is the view of the Institute that the overall national and regional planning system is crucial in ensuring that this connectivity can be achieved. At present, however, it is true to say that there is poor connectivity between different sectors, and particularly between the central level and the local level.

This relates partly to a political mindset, which sees the national level as somehow “alien” to the local, and sometimes there is almost a local pride in ignoring, or seeking to frustrate, national policy objectives. However, it is also a function of the existing structures.

The current structures for planning and delivery of infrastructure and settlement as between the national level (where such policies as the National Development Plan and the National spatial Strategy are adopted), and the local level (where mostly of the outcomes have to be translated into reality) are currently less than optimal, some would say dysfunctional. These problems stem, on the one hand, from over-emphasis at national level on micromanagement of infrastructure and public projects, even those of local significance, and on the other hand by an apparent lack of responsibility and accountability at local level for working towards national priorities and policies. For example, local social infrastructure, such as schools and social housing, are controlled at central level, and local infrastructure such as sewerage treatment goes through successive steps of approval at central level. At the same time, national settlement priorities, such as the Gateway designations set out in the NSS, are ignored in the zoning decisions by local county councillors, resulting in a mis-match between national policy and local delivery, the consequences of which are already apparent in the 2006 Census Results. Regional Planning Guidelines are merely advisory, and are often ignored at local level (as confirmed in a High Court case, *Smith & McEvoy - v - Meath County Council*), to the detriment of logical and evidence based planning.

The Institute believes that this lack of connectivity cannot be resolved by making the national tier more powerful, or directional, nor by further reducing the powers of local democracy (as has been seen over the last 10 years in such areas as waste management and housing), but rather by providing a strengthened Regional Tier, to which power and responsibility for non-national infrastructure and planning should be devolved from central level. Such a regional Tier should in turn set binding, rather than advisory, policy directions for the county/local level. Such a hierarchy of decision making and planning is a common feature of most developed European Countries, but is sadly lacking in the Irish context.

The Institute proposes a system as follows:-

National Level:-

- Preparation of national spatial planning, settlement and infrastructure policy (Government, and Government Departments), which would be binding at regional level. National strategic planning should be based on the considerations set out above.
- Approvals for national strategic infrastructure (An Bord Pleanála, under the 2006 Planning and Development (Strategic Infrastructure) Act).
- Funding of national infrastructure (Department of Finance and other Government Departments).

Regional Level:-

The reconstruction of the existing Regional Authorities into Regional Planning and Infrastructural Authorities. These could be composed of directly-elected Regional Senators, and headed by a directly elected Regional Mayor, both with five-year terms or the existing arrangements whereby elected representatives from existing local authorities are co-opted to regional authorities could continue. A corps of administrative and professional staff would be provided, on a full-time basis, to staff such authorities. Staff and elected members would work directly for, and govern, the regional authorities, and not be seconded from the county councils in the region, so that they would work for the region, and would not be swayed by their county council employers/memberships, as currently is the case.

The functions of the regional authorities would include:-

- Adoption of strategic regional economic, infrastructure and settlement plans, which would be binding on the local authorities at county and sub-county level subject to periodic review/updating. These plans would define the regional economic strategy and its spatial and development implications, location and scale of all settlement expansion/new settlements, county by county. Short and medium term forecasts and allocations would be provided, to cover non-national roads, rail transport at sub-national level (e.g. suburban rail and bus services), and all water and sewerage infrastructure.
- Funding of all non-national infrastructure. This means a general devolution of funding allocation from central government by means of a general (non-itemised) block grant, to be spent at the discretion of the regional authority based on its regional plan, subject to overall compliance with national policy set out in NSS/NDP.

The boundaries of the Regional Authorities should be those of the present planning regions, with boundary alterations to reflect the hinterlands of Gateways (e.g. Drogheda to the DGDA, Athlone to the Midlands etc.)

It is considered that all regional settlement and infrastructural plans should be vetted so as to ensure compliance with national plans and policies.

County Level:-

County Councils would continue to carry out development control/development management of planning applications, with appeal in the normal way to An Bord Pleanála (first and third party), except for those classes of strategic national or regional infrastructure development that are reserved for the national and regional levels. Decisions on applications would be executive functions only, without any provision for elected member predominance. The current S.140 provision allowing elected members to direct the County Manager should be removed, but there should be a statutory right for an elected member to appeal a decision of the Manager to An Bord Pleanála.

County Development Plans would be prepared by county councils, but would have to conform to the settlement locations and allocations of scale that are defined at regional level. Decisions on Plans would remain the function of the elected members, as at present but should be vetted so as to ensure compliance with both national and regional plans and policies, so that coherence with the planning hierarchy could be maintained.

Social infrastructure and physical infrastructure of a local level would be approved, and funded, by county councils. Consideration should be given to the replacement, if necessary on a phased basis, of the current stamp duty and rating systems by a land value tax (LVT), with the valuations and rates assessed nationally, and collected centrally, but with all of the revenue collected going to the county to which the tax was ascribed.

Local Area Plans would be prepared by County Councils, as at present. However, the option should be given to the Council's preparing them in the form of Strategic Development Zones, without the current necessity for Central Government designation. If so prepared as SDZ's, and confirmed by An Bord Pleanála, then the current rules in terms of development within the area concerned, as per the SDZ, with no appeal on

individual projects to the Board, would apply. If they were prepared as conventional LAP's, then the normal planning arrangements, would continue to apply. It is considered that giving this option would assist local development.

Adequate staffing consisting of professional planners, with appropriate architectural, landscape architectural and engineering input, would be necessary for all county councils, in order for them to perform these new responsibilities. Hence the "blunt instrument" of the public service recruitment ban / controls on numbers regime should not apply to professional staffing in developing local authorities.

Local Level:-

Councils should continue to carry out development control/development management of planning applications, with appeal in the normal way to An Bord Pleanala (first and third party), except for those classes of strategic national or regional infrastructure development that are reserved for the national and regional levels. Decisions on applications should be an executive function only.

County Development Plans should also continue to be prepared by county councils, but should now have to conform to the settlement locations and allocations of scale to be defined at regional level. Adoption of Plans should remain the function of the elected members, as at present, but plans should be vetted to ensure compliance with national and regional plans and policies so as to maintain coherence with national planning hierarchy.

Citizen Empowerment

Another key aspect of the terms of reference for the review refers to the "delivery of world class services to the citizen". In this regard, the Institute considers that there is a pressing need for a change of direction, away from looking at the public services, and particularly the front-line public services, as items for consumption, and back towards a view that sees them as part of the normal rights of the citizen. Hence, the Institute feels that the ethos of the public service should shift from being "customer focused" to being "citizen-focused". This change can be seen in such areas as Freedom of Information and Planning.

Over the past ten years, many of the rights that citizens had, such as the right to make representations on planning applications, to lodge appeals to An Bord Pleanala, the right to obtain information from service providers in the public sector, and to seek redress for wrongs, have been curtailed by legislation or statutory instruments, or have been altered into commodities, which one can only enjoy upon payment of fees.

The Institute strongly feels that the requirement to pay fees, such as fees for making submissions on planning applications and appeals, or for information held by public bodies, is inappropriate and is a curtailment of the right of citizens in a democratic state. The institute therefore suggests that where the citizens' rights have been so curtailed, the restrictions should be removed, and the fees abolished. Hence the fees for making submissions on a planning application or on an appeal should be removed. In addition, the right to take an appeal, even if one had not first made a submission at Planning Authority stage, in respect of a proposed development, should be re-instated, and the provisions of the 2000 Planning and Development Act should be altered accordingly. Similarly, the provisions whereby fees are charged for freedom of information requests, and for appeals against refusal to provide information, or full information, should be removed. All such services should be provided, as of right, to all citizens, and the necessary administrative costs of these systems should come from the general public purse and not the citizen (or, in the case of planning applications, from a modest increase in the application fees, given the huge benefits conferred on landowners by a planning permission).

Conclusion

The Institute considers that these ideas and suggestions should be considered by the OECD Team preparing this review, and would welcome an opportunity to meet with the team to explain and further develop these ideas as part of the Review Process.