



Regional development studies

# The EU compendium of spatial planning systems and policies Ireland

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Regional development studies

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**The EU compendium  
of spatial planning  
systems and policies  
Ireland**

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# Preface

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Each year, the Regional Policy Directorate-General of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that, by publicising research results, the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and, therefore, for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but, first and foremost, express the opinion of those responsible for carrying out the study.



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## Compendium's objectives

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The Compendium is made up of numerous documents. The main volume is the Comparative review of systems and policies (Regional development studies – Study 28) which provides a summary of the characteristics of each system and illustrates the principal similarities and differences in approach across the EU. This was prepared from information supplied by subcontractors in each Member State which is also published in individual country volumes (Regional development studies – Study 28A to Study 28P). There are also volumes which consider the operation of planning in practice through examination of case studies on topics of particular interest to the EU.

The Informal Council of Ministers for Regional Policy and Planning confirmed in 1992 the need for a Compendium of spatial planning systems and policies in the EU. The increasing need for cooperation between planners in different Member States at national, regional and local levels and the impact of EU policies within the changing economic, political and social context requires a better knowledge of the various mechanisms of spatial planning in other Member States.

The Compendium is intended to provide an authoritative and comparable source of information on planning systems and policies, but is not intended to evaluate the relative merits or shortcomings of different approaches. It is recognised that the very different economic, social and cultural conditions across the EU can have a determining effect on the operation of spatial planning. The overriding objective of the Compendium is to provide information in order to improve understanding of the variety of approaches.

### Form and content

The principles that have guided the preparation of the Compendium are that it should:

- provide an authoritative first source of information, but avoid unnecessary detail and should not reproduce material readily available in the Member State;
- enable comparison of the systems and policies across different countries and regions, enabling the reader to cross reference one section with similar material in other volumes;
- respond to the different needs of the the many potential audiences, especially with regard to the foreign reader who will require an uncomplicated and comprehensible explanation;
- be built up step by step and allow for regular updating and expansion;
- be produced in hard copy and computer formats.

## **Level of detail**

These considerations have given rise to inevitable compromises in the production of the material, especially in balancing the need for an authoritative account whilst not overloading the text with unnecessary detail. The panel of experts have been most helpful in determining where more or less (or clearer) explanation is required. The Compendium is designed to provide summary descriptions of the main features of the system and thus explain how the system works. Obviously there is some variation in the complexity of the systems, especially where the law concerning spatial planning is extensive and complex, and thus the depth of understanding provided by the Compendium for Member States will vary.

The Compendium is certainly not intended to be a manual for operating within a particular system and does not replicate or reproduce extensive extracts of law or procedural guidance that is available in the Member State. The accounts are necessarily general. The categories used for the main structure are also very general because they need to apply to 15 different countries and an even larger number of systems. They are unlikely to be ideal categories or headings for a particular country, but all contributors have had to make a best fit for their system within these headings. The great benefit is that this gives considerable scope for very worthwhile comparisons. Sources of further information are given for those who need to explore in more depth.

## **Regional variations**

The complexity of a 'planning system' will be great where federal or regionalised structures of government give rise to major variations within the Member State. In these cases to avoid unnecessary complexity and research, the approach agreed with the subcontractors and Commission was to provide a full explanation of one of the regions (where possible the most typical or widely applied system) and to note the major variations to this 'typical system' elsewhere. This approach is more easily adopted for some countries than others. Inevitably some important and interesting variations are not covered fully, and it is hoped that this can be addressed in future updating.

## **Structure**

The Compendium is published in two parts. The first comprises a country volume for each Member State on systems and policies. The second part comprises topic volumes where case studies of spatial planning in practice from different countries are grouped together.

The country volumes of the Compendium covering systems and policies include four main sections.

### ***A. Overview***

This is intended to give a brief explanation of the main features of the system, a description of the main factors that surround and shape it, current trends and a summary of the policy themes pursued at transnational, national, regional and local levels.

### ***B. Making and reviewing plans and policies***

This is an explanation of the instruments which are used to guide spatial planning at national, regional and local levels, and the procedures which are used in their formulation.

### ***C. Regulation and permits***

This section provides an explanation of the types of regulation and permit systems predominantly used to control land-use change, and the procedures by which they are sought, granted and enforced.

### ***D. Agencies and mechanisms for development and conservation***

There are many other ways in which governments engage in spatial planning outside the preparation of plans and regulation, and this section provides a summary of the many organisations and mechanisms which are employed both in implementing development and in protecting the natural and built heritage.

Each volume on systems and policies for the Member States follows the same format. Each Member State volume includes other subheadings which help to structure the content relevant to that particular country and these are in ordinary type.

### **Language and terminology**

One of the great difficulties of comparative work is the complications and ambiguity arising from translation from one language to another. The approach taken in the Compendium has been to ensure that all names of elements of the planning system which are specific to that country (or region) are given in the 'home language', and these are in italics in the text. When first used, these terms should be accompanied by a very brief explanation of the meaning of the term (if this isn't evident from the text). The explanation is repeated, if necessary, at the first mention in later main sections of the text. A glossary of home language terms is provided in each volume.

Literal translations of terms has been avoided because this gives rise to considerable ambiguity. For example, the Danish term *lokalplaner* can be literally translated into English as *local plan*, but the UK *local plan* is a very different type of instrument to its namesake in Denmark. Contributors and editors have been sensitive as far as possible to the needs of the foreign reader, who is unlikely to be familiar with the system or the language, so undue repetition of complicated home language terms is avoided as far as possible.

### **Scope and content**

The content of the Compendium is focused on discussion of the policies, agencies and mechanisms which are primarily designed to promote 'land use and development issues which have spatial implications'. In the words of the brief, the Compendium is concerned with:

'spatial planning and development in the widest sense (strategic, regional and physical land use planning). It will have to deal not only with physical planning acts (or their equivalents) but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government. Other closely related areas (such as sectoral policies for transport, environment and energy) must be looked at in terms of their relationship with the (land-use) planning system.'

Spatial planning does not mean any particular form of planning adopted by a Member State. It is a neutral term which describes the arrangements used by governments to influence the future distribution of activities in space. It is undertaken with the aim of producing a more rational organisation of activities and their linkages, and to balance competing demands on the environment. Spatial planning also incorporates those activities undertaken to achieve a more balanced distribution of economic development than would arise from market forces alone. Spatial planning is important to the Community's policies of social and economic cohesion and the need to maximise the potential of the single European market.

However, the definition of what constitutes spatial planning in each Member State is no easy task. There is considerable difference in what is considered as part of the 'spatial planning system', in different Member States. One benefit of the Compendium is that it helps us to understand these differences.

### **Benchmark date**

Because of the need for the Compendium to provide comparative information in a rapidly changing world, a benchmark date was set of 1 January 1994. This relatively early date (close to the start of the project) was chosen because information on the various elements of systems and policies would be available. The operation of the system would be clear, especially in relation to the impact and significance of particular elements. There would be no need to speculate as to the relevance of more recent change. However, change is a central feature of planning systems and policies, and some countries are undergoing significant restructuring in one or both areas.

For updated information please contact the responsible national authority using the following coordinates:

|                |  |
|----------------|--|
| Name           | Planning section, Department of the Environment and Local Government |
| Address        | Custom House, Dublin1, Ireland                                       |
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We would stress that this document has been prepared as part of a comparative exercise and follows a format that has been designed to be used to describe all the very different planning systems in the EU. It has also been written with the foreign reader in mind. Considerable care has been taken in the use of various terms especially in identifying those that should not be translated, whilst at the same time

seeking to prepare a document which is as accessible and user-friendly as possible. In short, the volume is very much a compromise solution. Therefore it may not be in the most convenient structure or style of explanation for all users.

We are also aware that this volume is very much an abstraction of the reality of the planning system in Ireland. The emphasis is on formal procedures and instruments and we recognise that it does not reflect the complex nature of regional and urban planning in practice. The brief for the Compendium was to describe the formal systems. The question of the operation of the systems is addressed to some extent by the case studies which are given in separate volumes.

The Compendium is a 'snapshot' comparison of planning systems in the EU at 1 January 1994. Obviously law and procedure are constantly changing and indeed Irish environmental policy is rapidly evolving. We have made an effort wherever possible to indicate where there has been significant change in the system since that date.

Despite all these caveats and indeed all of the input from other individuals, there is inevitably some interpretation of what is and is not significant in describing the Irish system. The text reflects the view of the authors and any omissions or errors remain our responsibility.

Michael J. Bannon  
Paula M. Russell

March 1996

## A. Overview of planning system

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### General summary

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A1. Physical planning in Ireland is primarily a local government activity. The Planning Acts 1963-93, while allocating certain responsibilities to the Minister for the Environment and *An Bord Pleanala* (the planning appeals board), delegate the most significant powers to the 88 local planning authorities in the country. The Department of the Environment is the national authority responsible for determining physical planning and land-use policy, while responsibility for such policy locally and for implementing physical planning and development control rests with local authorities. It is the local planning authorities which are responsible for making statutory development plans and for giving consent for development. There are no planning authorities, plan types or planning procedures of any significance above local authority level, although eight regional authorities offer a degree of coordination (see Table A.1). *An Bord Pleanala* is a national agency exclusively involved in development control and it does not issue planning policies. Ireland does not have a national land-use strategy, nor is there a physical planning strategy for the country as a whole. However, the National Development Plan 1994-99 and the EU's Community Support Framework 1994-99 are significant documents providing a framework for those investments eligible for EU funding. Furthermore, the government policy agreement, 'A Government of Renewal' sets out the direction of current government policy in all areas.

A2. The planning system in Ireland has been operational since 1 October 1964 after the enactment of the Local Government (Planning and Development) Act, 1963 (henceforth referred to as

the Principal Act or the 1963 Act). Prior to this legislation, there had been some attempts to establish a statutory planning system, through the Town and Regional Planning Acts 1934 and 1939. The application of these Acts was limited, as they needed to be specifically adopted by individual local authorities before coming into operation.

A3. In the 1960s a political commitment to a new role for planning developed. Planning was seen as an instrument through which the country could maximise natural resource utilisation and economic development. The 1963 Act, established a country-wide planning system, which remains intact today, save for a number of important additions, most notably the creation of *An Bord Pleanala* in 1976 and the radical changes to the compensation system introduced in 1990 (see section C: Regulations and permits).

A4. *An Bord Pleanala* determines appeals and references (whether a development is exempt from the requirement of obtaining planning permission or not). These were formerly decided by the Minister for the Environment. *An Bord Pleanala* is an independent body and makes its own decisions. It must state reasons for its decisions and must note the policies of public bodies the activities of which have a bearing on the proper planning and development of an area. One unique facet of the Irish appeals system is the legal right of third parties to appeal planning decisions. This ability, while often resented by developers, allows for a degree of transparency and participation. The introduction in 1991 of a statutory time limit for the decision of appeals has considerably improved the speed and efficiency of the appeals process.

**Table A1. Diagram of tiers of Government**

| Level       | Size of population 1991   | Who is principally responsible for decisions relating to planning   | Type of instrument produced   | Scale   | Description   |
|-------------|---|---|---|---|---|
| 1. National | 3.5 million   | Department of the Environment<br><br>Minister for the Environment   | Guidance notes, policy statements, policy directives, review of legislation                     | National territory  | No national plan save for the National Development Plan produced by Government for submission to EU                   |
| 2. Regional | From 1 025 304 in the Dublin region to 202 984 in the Midland region  | Eight regional authorities  | Regional reports  | The specific regional area, together with interlinked aspects of adjacent regions | Regional report relating to provision of public services in the region  |
| 3. Local    | From 478 384 (Dublin City) to 1 463 (Bundoran Urban District Council) | 88 planning authorities: county councils, county boroughs of cities, borough corporations of large towns and the urban district councils of small towns and town commissioners which are not planning authorities | Development plans<br><br>(in addition there may be 'action area plans' for specific localities) | Planning authority area   | Written statement and plans indicating development objectives and detailed planning policies for the area in question |

A5. The removal of the responsibility for determining appeals and references has limited the direct role of the Minister for the Environment in the planning process. The Minister has no direct input into either the development-plan-making process or the making of decisions on individual applications. These are functions which are the domain of the elected members of the local authority and the executive staff respectively (see Section B).

A6. Each of the 88 planning authorities has responsibility for the planning and development of its own administrative area. While the planning acts facilitate planning authorities acting proactively as developers, they tend for the most part to be reactive, responding to individual applications from developers. All applications for development are considered within the framework of the statutory development plan prepared by the local authority for its administrative area. The development plan is the most important planning policy instrument and indicates the planning authority's short and medium-term view of its city, town or county. The development plan may be supplemented by action-area plans which provide

more detailed objectives for specific localities within the planning authority's functional area.

A7. The planning authority is obliged, subject to the availability of finance, to pursue its short-term adopted objectives, to provide roads, sewerage schemes, parks, amenity schemes, etc. The development plan, while legally binding, offers a degree of flexibility. An application for a permission which contravenes the development plan may be granted by resolution of elected members (see Sections B and C, material contravention of the plan), if it is considered that it is not contrary to the proper planning and development of the area.

A8. The functional area of coastal planning authorities generally extends to the high water mark. Development control on the foreshore, for example seaward of the high water mark up to 12 nautical miles, is exercised by the Minister for the Marine under the Foreshore Acts, 1933 and 1992. The Harbours Act, 1946 also gives the Minister for the Marine certain regulatory functions in relation to development. The Dumping at Sea Act, 1981 also vests control over dumping at sea in the Minister for the Marine.

A9. Another distinguishing feature of the Irish planning system is the management system that exists in the local authority. The management system was first introduced by separate statute in the city of Cork in 1929. It was extended to all local authorities over the period 1929-42. Under the system all functions are separated into reserved and executive functions. The former are performed by resolution by the elected members, the latter are performed by the manager. The making of a development plan and any variation thereof is a reserved function. Making decisions on planning applications is an executive function. Decisions are made by the manager on the advice of technical and administrative staff. Consultations on planning applications usually take place between the applicant and technical staff. The elected members through the provision of the section 4 motion may in certain circumstances, however, direct the manager's decision (see Section B).

A10. Since 1991 new, more stringent rules must be adhered to in the passing of section 4 motions on planning decisions. These changes have diminished the use of such powers to direct the Manager.

A11. As a result of the curtailment of the use of section 4 motions, it is in the plan-making system that elected members now have the greatest input. On the occasion of a review of the development plan, councillors may utilise their position to lobby, in particular, for changes in zoning which may meet local needs or benefit their constituents.

A12. Above the local planning level, as has been stressed, there are no specific planning authorities. However, in January 1994, eight regional authorities were established with responsibility for, *inter alia*, the review of the development plans of the constituent local authorities and those of adjoining regions. Regional authorities are also required to produce a regional report by the end of 1995 which may go some way towards the establishment of a regional planning framework in the longer term.

A13. In the absence of a national planning framework, the National Development Plan 1994-99 and the Community support framework 1994-99 are important documents in the Irish planning system. These documents provide an indication of government priorities for major developments

and investments, which impact on the physical environment.

A14. Planning in Ireland, as in the rest of the EU, is continually facing new challenges. Thus, for example, how to deal with ever-growing environmental concerns, and how to interact with the myriad of new, locally based development groups and agencies are amongst the critical issues. The most recent changes in the system have led to a more open and participatory planning system with all bodies, including government agencies and virtually all public sector development, being brought within the ambit of the planning system since 1993.

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## Context and principles

### Constitution, legislation and judicial system

A15. The 1937 Constitution of Ireland lays down the ethos of the State in general terms and it sets out the basic rules for governing the State. Enshrined in the Constitution is the protection of the individual citizen and the rights of private property.

A16. Articles 40 and 43 of the Constitution address the rights of private property and protection of these rights against unjust attack. This is not an absolute right but is qualified by certain principles, most importantly that of the interests of the common good. In this respect, the control exercised over individual property rights through planning must not exceed what is necessary for the common good.

A17. The Irish government and the Irish judicial system are based on the doctrine of the separation of powers, whereby the powers of government are distributed among different organs of the State. The tripartite division is as follows:

Legislative power: power to make laws is reserved for the *Oireachtas* (National Parliament) which consists of the President, and two houses, *Dail Eireann* (the Parliament, house of representatives) and *Seanad Eireann* (the Senate).

Executive power: Carrying laws into effect is reserved for the Government.

Judicial power: Applying the law to disputes is vested in the courts.

A18. Legislation may be superior or subordinate. Superior legislation is that which is enacted by the legislative. These are known as Acts of the *Oireachtas*. Each of the constituents of the *Oireachtas*, the President, *Dail Eireann* and *Seanad Eireann* play a role in the process. The Local Government (Planning and Development) Acts, 1963-93 are all Acts of the *Oireachtas* (see Section B Policy instruments, Planning legislation, Acts), as is complementary legislation such as the Urban Renewal Acts, 1986 and 1987 and the Derelict Sites Act, 1990.

A19. Subordinate legislation is laid down by a body or person to whom superior legislation has delegated power. Such legislation has the same force of law as superior legislation. Under the Local Government (Planning and Development) Acts, the Minister for the Environment is empowered to make statutory instruments covering planning and development. Thus, the Local Government (Planning and Development), Regulations 1994, and policy directives issued by the Minister for the Environment have the force of law.

A20. The judicial system itself is made up of a hierarchy of courts. These range from the district courts, of which there are over 200 in the country overseen by 39 district justices, to the Supreme Court with its President and five judges.

A21. In Ireland, appeals on the decisions of planning authorities are dealt with by *An Bord Pleanala* (see Section B and Section C) which is an independent quasi-judicial body. Recourse to the courts on planning matters may be made in the following instances:

- The applicant or a third party can appeal a decision on a point of law to the High Court, the Supreme Court, or finally the European Court.
- An applicant may go to court to establish whether or not he/she has obtained a planning permission by default.
- The planning authority may instigate legal proceedings against unauthorised development (see Section C, Regulations and permits).
- Any 'legal personality' may begin legal proceedings against unauthorised development under the provisions of Section 27 of

the Local Government (Planning and Development) Act, 1976 as amended by the Local Government (Planning and Development) Act, 1992.

A22. The Foreshore Acts do not provide for appeals to the Courts against the Minister for the Marine's decisions but it is possible to seek judicial review of such decisions. Where development infringes a prohibitory notice or prohibitory order under the Foreshore Acts, a prosecution may be initiated by any legal person.

#### Source:

Doolan, Brian (1992), *Principles of Irish Law*, Gill and Macmillan Ltd., Dublin.

#### Development process and market circumstances

A23. Development in Ireland is overwhelmingly (over 80 %) privately financed. Those involved in the development process tend to be private developers, State or semi-State bodies. The implementation of EU Structural Fund programmes places particular emphasis on partnership arrangements (see Section D).

A24. Planning authorities are empowered under the provisions of section 77 of the 1963 Act to develop or secure the development of land and to enter into partnerships with any person or body, for the development of land or its management. Due to fiscal restrictions, very few planning authorities are directly involved in the development process as developers. There are, however, a number of examples of joint development, the most high profile being the joint development of an inner city shopping centre, the Ilac Centre, by Dublin Corporation and Irish Life Plc. (a large life assurance company).

A25. Planning authorities may guide and direct development, through the objectives of their development plan and action area plans, most specifically through the zoning process. They may also restrict development through:

- the development plan,
- refusal of individual applications,
- the imposition of conditions on grants of permission.

A26. Where market demand increases in an area for a particular type of land use, e.g. residential,

and the use is considered necessary by the planning authority, land can be:

- (a) zoned for this type of development during the development plan review,
- (b) re-zoned during the development plan review,
- (c) the development can be allowed through a material contravention of the development plan.

A27. However, if the demand is only perceived and the development proposed is speculative and contrary to proper planning and development, the planning authority will be likely to resist strongly requests for re-zoning.

A28. Where there is a lack of market demand and the absence of development and investment pressures, the State may respond through the introduction and delineation of designated areas for urban renewal, as begun in 1986 (see Section D, Agencies and mechanisms for development, Urban regeneration).

### **Economic development**

A29. The Irish economy has experienced considerable growth in recent years. The growth rate of Irish GNP between 1993 and 1994 was 7 %. The recent growth of the economy has centred on technologically based industries and the service sector. However, labour substitution, together with a rapid growth in the labour force, has resulted in high unemployment. High levels of foreign borrowing used to finance expansionist policies during the 1970s and early 1980s, have been replaced in the 1990s with a period of fiscal reform. Three successive national government programmes (the PNR, PESP and PCW) agreed between the political parties, trade unions and employers have achieved wage moderation and cuts in public expenditure. This strong economic position provides a background to current economic policy.

A30. The economic development priorities of the country have been set out in a series of national programmes since the mid-1980s including the National Development Plan, 1989-93 and the National Development Plan 1994-99 and the associate Community support framework document. These priorities are:

- ensuring the best long-term return for the economy by increasing output, economic potential and permanent jobs and

- re-integrating the long-term unemployed and those at high risk of becoming unemployed into the economic mainstream.

A31. These objectives are reiterated in the government policy agreement, A Government of Renewal, 1994-99, in which the Government commits itself to the development of an innovative enterprising economy and to tackling the employment needs of the population especially the long-term unemployed.

A32. The report of The Industrial Policy Review Group — A Time for Change: Industrial Policy for the 1990s, often referred to as the Culliton Report, was published in 1992 and set out a comprehensive analysis of Ireland's economic performance. It identified a wide range of policy measures for industrial development and employment creation. It laid particular emphasis on measures which would enhance the contribution of indigenous enterprise to economic growth in Ireland. Following its publication, the Government established a task force in 1993 to advise on how the recommendations of the report could be best implemented. The task force produced a report entitled 'Employment Through Enterprise: the response of the Government to the Moriarty Task force on the implementation of the Culliton Report, May 1993'. Thereafter, a ministerial group was established to take decisions on the implementation report. The ministerial group consisted of the Minister for Enterprise and Employment, Minister for Agriculture, Food and Forestry, Minister for Finance and the Minister for Tourism and Trade.

A33. The decisions taken by the group embraced almost all aspects of economic development throughout the State — national, regional and local. These impinge on the planning process primarily through the infrastructural projects proposed and the work of the regional authorities, county enterprise boards, and the National Roads Authority. (see Section B and C for a description of the functions of these bodies).

### **Environmental policy**

A34. In January 1990 the Government published The Environmental Action Programme (EAP). This report is broadly consistent with the EU's 5th Programme of Policy and Action on the Environment. The EAP incorporates a range of measures to protect and enhance the long-term quality of the Irish environment. Under the EAP, expenditure of some IEP 1 billion was committed by the Government

over a 10-year period (see Section D, Protection of environment/conservation).

A35. In 1991, the Green 2000 Advisory Group was established by the *Taoiseach* to carry out a fundamental review of the key issues facing the natural environment in Ireland. It was asked to identify policies and strategies which should be adopted to protect and enhance the natural environment. The report and recommendations of the group were submitted to the *Taoiseach* in February 1993. One of its main recommendations was that environmental protection considerations must be fully integrated in all policy areas and at all levels of partnership action by Government (Green 2000 Advisory Group Report, 1993). The Programme for Government, 1994-97 entitled 'A Government of Renewal' states that protection and enhancement of the environment will be a key component of government policy. The EU Community support framework 1994-99 involves the proposed spending of the Structural and Cohesion Funds on water, sanitary and environmental services in addition to other economic infrastructure, industry, local, rural and urban development, agriculture, forestry and human resources. Measures part-financed by Structural Funds and the Financial Instrument for Fisheries Guidance (FIFG) must abide by the principles and objectives of sustainable development as laid down in the 'Community programme of policy and action in relation to the environment and sustainable development' included in the Council Resolution of 1 February 1993. They must also comply with Community legislation on the environment.

A36. Sustainable development is an increasing priority throughout the country, at national, regional and local level as evidenced by the Department of the Environment's publication of Local authorities and sustainable development guidelines on Local Agenda 21. The Environmental Protection Agency (EPA) was established in 1993 with the task of managing the natural environment and regulating those incompatible activities which compete for the use of resources (see Section B, Government agencies).

A37. The EPA has a wide range of powers including the regulation and control of activities which pose a risk of serious pollution, monitoring the quality of the environment, the provision of support and advisory services to local authorities and other public authorities, and acting as a focal point for the European Environment Agency. An integrated licensing system operated by the EPA commenced on a phased basis from 16

May 1994 and it is hoped this will reduce delays in the overall development process and provide greater public access to information on the environment (see Section B, Government Agencies and also Section D, Resource planning).

A38. The EPA strives to ensure, insofar as is practicable, that a proper balance is achieved between the necessity to protect the environment and the need for infrastructural, economic and social progress and development. Subject to general policy directives from the Minister for the Environment, the EPA is independent of government, local authorities and vested interests in the performance of its statutory functions. It works through a regional organisation network.

### European Union

A39. The influence of the European Union has been felt in almost every section of Irish society. European funding, EU initiatives, and policy directives have all impacted on the spatial planning system.

The Irish National Development Plan 1994-99 and the EU Community support framework 1994-99 for Ireland.

A40. The National Development Plan set out Ireland's main development priorities for a six-year period from 1994 to 1999. Its overall objective is to ensure the best long-term return for the economy by increasing output, economic potential and long-term jobs and to re-integrate the long-term unemployed and those at risk of becoming so, into the economic mainstream (National Development Plan 1994-99).

A41. To achieve this objective and the European Union's parallel objective of greater economic and social cohesion, the National Development Plan proposed a strategy which sought to improve productive capacity, economic development and competitiveness and reduce unemployment through re-skilling, training and local economic development.

A42. In addition to outlining the Irish development agenda, the National Development Plan was also the document submitted by the Irish national government to the EU for the purposes of negotiating the new Community support framework (CSF).

A43. The CSF may be viewed largely as the EU's response to the needs outlined in the Irish National Development Plan. It constitutes a partnership agreement between the Commission and the Irish Government on the purposes and prior-

ities for the use of ECU 5.62 billion to be provided by the Structural Funds over the period 1994-1999. In addition, Ireland will receive funding from the Cohesion Fund. For the purposes of the CSF, the Republic of Ireland is considered both as a single Level II Region and the entire country has Objective 1 status, which is defined as promoting the development and structural adjustment of the regions whose development is lagging behind. The four key priorities identified which should be addressed over the period of the CSF are:

- development of the productive sector,
- improving the economic infrastructure,
- investment in rural development and human resources,
- local urban and rural development.

A44. These priorities will be tackled in the form of nine operational programmes utilising intervention from the Structural Funds.

A45. Many of these programmes and their respective sub-programmes will have an impact on the planning system due to their physical and land-use implications. For example local development, including urban renewal and conservation in urban and rural areas is prioritised in the CSF.

A46. The actions funded by the Operational Programme for local, urban and rural development will involve local authorities in their formulation and implementation. In particular, the urban and

| Programme   | EU funds participating  |
|---|---|
| <i>Priority 1: Productive sector</i><br>1. Industry (including food sub-programme)<br>2. Agriculture, rural development and forestry<br>3. Fisheries<br>4. Tourism  | ERDF, ESF, EAGGF<br>ERDF, ESF<br>FIFG, ERDF, ESF<br>ERDF, ESF |
| <i>Priority 2: Economic infrastructure</i><br>5. Transport (roads, seaports, airports, rail)<br>6. Economic infrastructure (telecommunications, postal services, energy) and Tallaght Hospital<br>7. Environmental services (water, sanitary and waste services, coastal erosion) | ERDF<br><br>ERDF<br>ERDF                                      |
| <i>Priority 3: Human resources</i><br>8. Human resources (strengthening of education, training & employment structures, initial education and training, employment aids including Youthstart, continuing training and training community employment programme)                    | ESF, ERDF   |
| <i>Priority 4: Local urban and rural development</i><br>9. Local/urban and rural development, county enterprise boards, area-based approach to disadvantaged areas, urban renewal.  | ERDF, ESF, EAGGF and (global grant)                           |
| <i>Source: Community support framework, 1994-99.</i>  |   |

village renewal sub-programme, which will involve substantial investment in the physical renewal and economic regeneration of urban and rural areas, impinges directly on the planning system. Planning authorities are involved in preparing integrated area renewal action plans/development strategies in partnership with other groups, with a view to receiving funding under this programme. (See Section B concerning area action plans).

A47. This and other programmes and sub-programmes have the potential to allow previously unrealised objectives of local authority development plans to be implemented.

A48. Major developments in physical infrastructure such as ports, roads and the Tallaght hospital, which are to be part-funded under the CSF, all have physical land-use implications (see Section D, Major infrastructure).

A49. The following diagram illustrates the procedures involved in the production of the National Development Plan and the Community support framework, (see Figure A1).

#### European Union initiatives

A50. Funding under European Union initiatives will facilitate projects with a knock-on effect on land-use planning. In Ireland the most important of these are the Interreg, Leader and URBAN

initiatives (see Section D, Regional economic development and Rural development).

### *European policy*

A51. The European Union also has had considerable indirect impact on spatial planning through its impact on environmental and agricultural policies. The establishment of the EPA and the introduction of the rural environment protection scheme (REPS), are examples of the wider influence of the European Union in environmental matters (see Section B, Government agencies and Section D, Environmental conservation, respectively). Indeed, the establishment of the eight new regional authorities has, in part, stemmed from the EU requirement for the monitoring and review of the spending of the Structural Funds. The regional authorities are also involved in coordinating and commenting on the development plans of local authorities, a more direct intervention into the planning system.

### **Flexibility**

A52. There is both a degree of flexibility and constraint involved in plans at each level of government and administration within Ireland. The National Development Plan, 1994-99, the Community support framework, 1994-99 and the government policy agreement, 'A Government of Renewal', all contain economic and social objectives for the country as a whole. The central aim of these is to ensure the best long-term return for the economy, and the creation of economic prosperity and social justice. These programmes generally have no specific spatial context. They provide national policies which are heavily dependent on funding from the EU and the exchequer for their implementation. These plans are the context within which location specific plans are formulated and enacted. It must be noted, however, that many existing county and city development plans were prepared prior to these national policies and programmes and, therefore, did not have these documents as a reference point.

A53. Development plans at local authority level are land-use plans which define uses and activities which may be allowed or considered in delineated localities. The Development Plan sets out land-use objectives for all areas of urban land in the local authority's functional area, i.e. zoning. As has been stated, flexibility in allowing land uses other than those stated in the

plan, can be achieved either through a material contravention of the plan which is site-specific or during the process of plan review. In some cases, zoning itself is flexible allowing for a number of different uses, with some uses open for consideration. (See Section B concerning development plans and the two detailed illustrations). Irish economic and physical planning since 1960 has been characterised by an emphasis on flexibility.

### **Government structure and powers**

A54. Ireland is characterised by a relatively strong, centralised system of government with a narrowly defined devolution of functions to local authorities. Planning is one of the functions carried out almost entirely at local level, running contrary to the largely centralised system of government.

A55. National government departments, particularly the Department of the Environment, influences the planning process through:

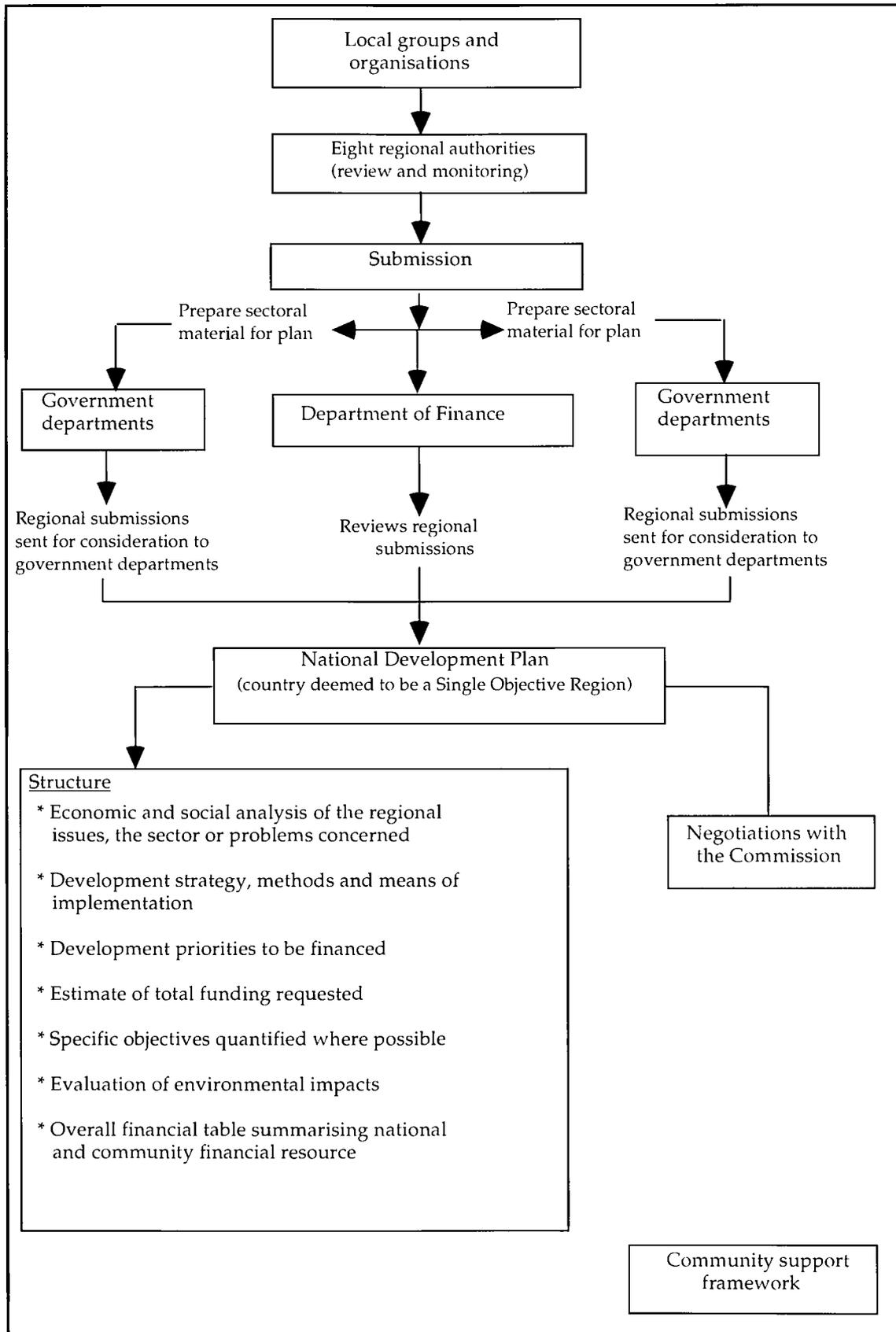
- the enactment of legislation,
- the issuing of policy directives and other guidance (quite limited),
- budget and grant allocation decisions (central government is largely responsible for fiscal control).

(See Section B for a more detailed description of the role of national Government departments).

A56. Unlike in most other Member States, regions in Ireland are weak. The new regional authorities established on 1 January 1994, under the Local Government Act, 1991, have an administrative and monitoring role and focus principally on the coordination of the activities of local and other public authorities. They have limited powers and few resources.

A57. At local level, there are 114 units of local government, consisting of county councils, county boroughs, borough corporations, urban district councils and boards of town commissioners. The members of these authorities are elected by a system of proportional representation approximately every five years. Local authorities are responsible for the following functions among others on roads, housing, water supply and sewerage, environmental protection and planning. Local authorities also have powers of general competence to act in the interest of their communities. The structure of the system is as under:

**Figure A1: Simplified flow diagram of preparation and approval of the National Development Plan**



|   |  |
|---|--|
| 29 county councils:                                       | Based on the 29 county areas.  |
| 5 county boroughs:  | Based on 5 cities, Dublin, Cork, Limerick, Galway and Waterford.   |
| 5 borough corporations and<br>49 urban district councils: | Within most counties there are towns classified as borough corporations or urban district councils (UDCs) which have similar powers and functions. |
| 26 boards of town commissioners:                          | Boards of town commissioners have a restricted range of functions and do not act as planning authorities.  |

## Land policy and land and building quality

A58. There is a range of policies and organisations which can influence the attractiveness of various areas of land for development:

- (a) Industrial Development Agencies: Under the Industrial Development Act, 1993, three agencies have been established to assist with industrial development.
- *Forfas* acts as an umbrella agency to provide policy advice and coordination.
  - The Industrial Development Agency (IDA Ireland) is responsible for the attraction and development of overseas industry in Ireland.
  - *Forbairt* promotes indigenous development and the necessary support systems (see Section D, Regional development).
- (b) Shannon Free Airport Development Company Ltd (SFADCO): This company, established in 1959, is the regional development agency for the Shannon Region — Limerick City, and for the counties of Limerick, Clare, Tipperary (North Riding), North Kerry and South Offaly. It has responsibility for the tax-free zone in Shannon, and, in conjunction with the Industrial Development Agencies, can give grant-aid to development in its region (see Section B, Policy institutions).
- (c) *Udaras na Gaeltachta*: Alongside the promotion of the Irish language, an objective of *Udaras* is to establish and develop job-creating industries and services in the *Gaeltacht* (Irish speaking) parts of the country. To encourage development, additional grant-aid is available for industry and enterprise development in the designated *Gaeltacht* areas (see Section B, Policy institutions).
- (d) Designated area scheme for urban renewal: This scheme, introduced in 1986, provides a series of tax incentives for development of commercial, retail, residential — primarily in defined designated areas in the major cities and towns throughout the country. The present urban renewal scheme begun in August 1994 applies to the designated parts of 35 cities and towns.
- (e) In two of Dublin's urban renewal areas, specific companies (the Custom House Docks Development Authority and Temple Bar Properties Ltd) have been established to secure and oversee the development of their respective areas (see Section D, Urban regeneration).
- (g) Zoning objectives of the local authority: Land use/zoning objectives in the development plan of a local authority can act to increase or decrease the attractiveness of land for development. The zoning of areas for specific land uses such as agriculture, open space/green belt, will decrease the potential of this land for uses other than those allowed by its zoning objective and in many cases may devalue the land. A more favourable land-use zoning, such as commercial or residential, will considerably increase the value of the land. Compensation is not payable to landowners for land devalued due to zoning decisions.
- (h) Local authority plans and proposals: Local authority proposals for road improvements and new road development are stated in the development plan. One of the primary consequences of this is that blight can set in along the proposed route. Many of these road proposals which were initiated over 15 to 20 years ago have not been undertaken despite their delineation in earlier plans. This type of proposal decreases the potential of this land for development, due to the uncertainty created. In other cases, proposed road projects

enhance land values and, when in place, encourage development, particularly at route-way intersections.

- (i) Planning permission: When a planning permission is granted, there is no obligation to pay a betterment increase in land value which the permission may bestow. However, the beneficiary may be liable for corporation tax on profits arising. In some cases, development charges may be levied on a developer by the planning authority. Such charges are incorporated in conditions attached to the grant of permission.

A59. Compensation may be payable where a planning permission is refused, or granted subject to conditions where it is shown that the value of any person's interest in land to which the decision relates has been reduced (see Section C, Regulations and permits: Compensation).

#### **Plan led/development led**

A60. The statutory development plan, when adopted by the elected members of the local authority, becomes legally binding on the planning authority. The planning authority must abide by the objectives of its own plan. Thus, when the authority proposes to grant permission for a development which is seen to contravene an objective of the development plan, recourse must be made to the provision for the making of a material contravention (see Figure C3, Section C, Departure from the plan).

A61. While the development plan guides and constrains development, each application is viewed on its merits and its impact on the proper planning and development of the area. This flexibility has the consequence of allowing the planning authority to incorporate new land-uses or developments into its area, as the need arises. A flexible plan has the disadvantage that it is difficult for a commercial developer or investor to predict with certainty if a proposed development will be permitted.

A62. In Ireland the actual planning permission or 'grant' is the legally binding document for the prospective developer.

#### **Political priorities**

A63. The priorities of the national government are detailed in consecutive policy documents. In most, the overriding priority is job creation. As a

result of this, successive governments have been committed to making the development control process as streamlined and efficient as possible, to encourage and facilitate developments with job-creation potential. The most recent government policy statement, a policy agreement for 'A Government of Renewal 1994', contains a greater commitment to the environment, environmental policy and land-use planning (see Trends, Policy, paragraphs A87 and A88).

#### **Political system, administrative system and public participation**

A64. Elected representatives are involved in the planning process at both national and local level, through the enactment of laws which relate to planning and at local level through a number of their reserved functions. The functions of the latter include:

- making (approving and adopting) the development plan and making a Special Amenity Area Order,
- passing a resolution to grant a permission which would contravene the development plan or any Special Amenity Area Order in the functional area.

(For further functions see Section B.)

A65. Elected representatives may also make representations on planning applications on behalf of their constituents or in the light of the 'common good' (non-statutory).

#### *The local authority*

A66. All functions which are not reserved functions are executive functions performed by the Manager. The management system is a distinguishing feature of the Irish local government administrative system. The Manager is, in effect, the chief executive of the local authority, with responsibility for both technical and administrative staff.

A67. The County Manager is manager for the county council and all borough corporations, urban district councils, and boards of town commissioners within the boundaries of that county. Thus, while a county council and urban district council may have different technical and administrative staff, they share the same County Manager. Dublin, Cork, Limerick, Galway and Waterford Cities each have county borough status with a City Manager. (see diagram B1).

A68. Among the Manager's executive functions are:

- the employment of staff,
- the allocation of housing loans and grants,
- the making of decisions on planning applications.

(The role of the Manager is discussed in more detail in Section B, Policy institutions).

A69. The planning system in the Republic of Ireland takes into account public participation during the process of making and reviewing the development plan and in examination of all planning applications, as outlined in Table A.2.

### Population and statistics

A70. A census of population is usually taken every five years. The most recent censuses available were those undertaken in 1986 and 1991. The total population in 1991 was 3 525 719 persons. This total represented a decrease of 14 924 persons (0.4 %) from the 1986 census, (see Table A.3). This was the first natural decline in population observed since 1961. This overall decrease is concentrated in the male population, while the total number of females increased during the same period by 1 348.

A71. Most counties have experienced a decrease in population between 1986 and 1991, save for growth in the three Dublin counties and the dormitory counties around Dublin, Kildare Wicklow and Meath, the county boroughs of Galway, Cork and Limerick and the County of Kilkenny. Growth of cities and decline of rural population has implications for planning authorities. Updates of population trends and labour force are available annually from the Labour Force Survey. Population and labour force statistics are augmented by the annual EU Labour Force Survey reports.

### Sectoral policy

A72. Policy in Ireland is formulated within the context of prevailing national policies and objectives. The National Development Plan and the Community support framework (as outlined above) contain the long-term objectives for future development in the country. It is within the parameters set down in these plans that the consecutive government programmes have been devised. Therefore, the National Development Plan, 1994-99 and, to an even greater extent, the Community support framework (CSF) have

broadly established the national development priorities and the agenda for major public investments up to 1999.

A73. Many of the elements of the CSF are of a physical nature or have land-use implications, for example, tourism proposals, forestry proposals and proposals for waste-disposal facilities, roads and harbours. Many of these major proposals are part of the local authorities' long-term development objectives and will have been stated in the development plan. However, it is up to individual local authorities to incorporate national policies into their own development plans.

A74. Irish sectoral policies traditionally focused on the agricultural and manufacturing sectors. In recent years, there has been a move towards giving due consideration to the services sector and the small-business sector. Two task forces set up by the government have issued reports and recommendations on these two important areas. In addition, following on from the recommendation in the Culliton Report, a detailed report concerning policy for the food industry has been prepared.

### Sources:

Government of Ireland, National Development Plan, 1994-1999, Stationery Office, Dublin, 1993.

European Commission, Ireland Community support framework, 1994-1999, Office for Official Publications of the European Communities, 1994.

Department of *An Taoiseach*, Report of the task force on jobs in services, Stationery Office, Dublin (1993).

Department of Enterprise and Employment, Task Force on small businesses, Stationery Office, Dublin (1994).

Department of Agriculture, Food and Forestry, Report of the expert group on the food industry, Stationery Office, Dublin (1993).

Industrial Policy Review Group, A time for change: Industrial policy for the 1990s, Report of the Industrial Policy Review Group, Stationery Office, Dublin 1992.

**Table A2. Public participation**

|                            |  |   |               |
|----------------------------|--|---|---------------|
| <b>Development plan</b>    | Drafting period  | Community may be involved or may make submissions at this stage   | Non-statutory |
|                            | Three month display period of draft plan   | Members of the public may make written representations or objections<br><br>Any ratepayer (*) in the functional area of the planning authority may request an oral hearing of objection or representation | Statutory     |
|                            | One month display period of revised draft  | Members of the public may make written representations/objections to proposed amendments  | Statutory     |
| <b>Planning permission</b> | Prior to submission of planning application  | Pre-planning enquiry discussions allowed  | Non-statutory |
|                            | Within two month period prior to decision  | Members of the public may make objections or observations on any application  | Statutory     |
|                            | Within two month period prior to decision  | Prescribed bodies are notified and may make a submission to the planning authority  | Statutory     |
| <b>Planning appeal</b>     | Within one month from the date the decision is made by the planning authority  | Both the applicant and any member of the public may appeal to <i>An Bord Pleanala</i>   | Statutory     |
|                            | Within one month of date of receipt of appeal by <i>An Bord Pleanala</i> or date of published notice of the receipt of an EIA submitted to the board | Any member of the public may make an observation on an existing appeal  | Statutory     |
| <b>Enforcement</b>         | Five years from date of the unauthorised development, or use commenced   | Any person may apply to Circuit or High Court for an injunction   | Statutory     |

(\*) Including persons who would be ratepayers but for the abolition of rates on residential and agricultural properties.

Table A3. Population of each province, county and county borough in 1986 and 1991

| Province, county or county borough | Population       |                  | Change in population 1986-91 |             |
|------------------------------------|------------------|------------------|------------------------------|-------------|
|                                    | Persons          |                  | Actual                       | Percentage  |
|                                    | 1986             | 1991             |                              |             |
| <b>Leinster</b>                    | <b>1 852 649</b> | <b>1 860 949</b> | <b>8,300</b>                 | <b>0.4</b>  |
| Carlow                             | 40 988           | 40 942           | -46                          | -0.1        |
| Dublin Co. and Co. Borough         | 1 021 449        | 1 025 304        | 3 855                        | 0.4         |
| <i>Dublin Co. Borough</i> (!)      | 502 749          | 478 389          | -24 360                      | -4.8        |
| <i>Dublin — Belgard</i> (!)        | 199 546          | 208 739          | 9 193                        | 4.6         |
| <i>Dublin — Fingal</i> (!)         | 138 479          | 152 766          | 14 287                       | 10.3        |
| <i>Dunlaoghaire-Rathdown</i> (!)   | 180 675          | 185 410          | 4 735                        | 2.6         |
| Kildare                            | 116 247          | 122 656          | 6 409                        | 5.5         |
| Kilkenny                           | 73 186           | 73 635           | 449                          | 0.6         |
| Laoighis                           | 53 284           | 52 314           | -970                         | -1.8        |
| Longford                           | 31 496           | 30 296           | -1 200                       | -3.8        |
| Louth                              | 91 810           | 90 724           | -1 086                       | -1.2        |
| Meath                              | 103 881          | 105 370          | 1 489                        | 1.4         |
| Offaly                             | 59 835           | 58 494           | -1 341                       | -2.2        |
| Westmeath                          | 63 379           | 61 880           | -1 499                       | -2.4        |
| Wexford                            | 102 552          | 102 069          | -483                         | -0.5        |
| Wicklow                            | 94 542           | 97 265           | 2 723                        | 2.9         |
| <b>Munster</b>                     | <b>1 020 577</b> | <b>1 009 533</b> | <b>-11 044</b>               | <b>-1.1</b> |
| Clare                              | 91 344           | 90 918           | -426                         | -0.5        |
| Cork Co. and Co. Borough           | 412 735          | 410 369          | -2 366                       | -0.6        |
| <i>Cork Co. Borough</i>            | 133 271          | 127 253          | -6 018                       | -4.5        |
| <i>Cork</i>                        | 279 464          | 283 116          | 3 652                        | 1.3         |
| Kerry                              | 124 159          | 121 894          | -2265                        | -1.8        |
| Limerick Co. and Co. Borough       | 164 569          | 161 956          | -2 613                       | -1.6        |
| <i>Limerick Co. Borough</i>        | 56 279           | 52 083           | -4 196                       | -7.4        |
| <i>Limerick</i>                    | 108 290          | 109 873          | 1 583                        | 1.5         |
| Tipperary, NR                      | 59 522           | 57 854           | -1 668                       | -2.8        |
| Tipperary, SR                      | 77 097           | 74 918           | -2 179                       | -2.8        |
| Waterford Co. and Co. Borough      | 91 151           | 91 624           | 473                          | 0.5         |
| <i>Waterford Co. Borough</i>       | 39 529           | 40 328           | 799                          | 2.0         |
| <i>Waterford</i>                   | 51 622           | 51 296           | -326                         | -0.6        |
| <b>Connacht</b>                    | <b>431 409</b>   | <b>423 031</b>   | <b>-8 378</b>                | <b>-1.9</b> |
| Galway Co. and Co. Borough         | 178 552          | 180 364          | 1 812                        | 1.0         |
| <i>Galway Co. Borough</i> (!)      | 47 104           | 50 853           | 3 749                        | 8.0         |
| <i>Galway</i> (!)                  | 131 448          | 129 511          | -1 937                       | -1.5        |
| Leitrim                            | 27 035           | 25 301           | -1 734                       | -6.4        |
| Mayo                               | 115 184          | 110 713          | -4 471                       | -3.9        |
| Roscommon                          | 54 592           | 51 897           | -2 695                       | -4.9        |
| Sligo                              | 56 046           | 54 756           | -1 290                       | -2.3        |
| <b>Ulster (part of)</b>            | <b>236 008</b>   | <b>232 206</b>   | <b>-3 802</b>                | <b>-1.6</b> |
| Cavan                              | 53 965           | 52 796           | -1 169                       | -2.2        |
| Donegal                            | 129 664          | 128 117          | -1 547                       | -1.2        |
| Monaghan                           | 52 379           | 51 293           | -1 086                       | -2.1        |
| <b>Total</b>                       | <b>3 540 643</b> | <b>3 525 719</b> | <b>14 924</b>                | <b>-0.4</b> |

(!) As defined in the Local Government (Reorganisation) Act, 1985.

Source: Census of Population of Ireland, 1986, 1991.

## Trends

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### Central-local power

A75. As detailed above (Powers section), a predominant characteristic of Ireland is its strong, centralised system of government and administration, with a relatively narrow range of functions performed by local government. Within local government, planning is often seen as a residual activity, with few resources devoted to it, either in terms of staff and money. However, the 1994 programme for a Government of Renewal contains a commitment to local government reform, including the establishment of a devolution commission.

A76. Local authorities perceive a further erosion of their powers due to the establishment of a number of new national, single purpose agencies with their own policy instruments. At national level, the two most important agencies in relation to planning are the Environmental Protection Agency (EPA) and the National Roads Authority (NRA).

A77. The Environmental Protection Agency Act, 1992 empowers the Minister for the Environment to transfer any of the functions of local authorities relating to environmental protection to the EPA. In relation to planning matters, planning authorities have had restrictions placed on them regarding planning applications, with the environmental overview taken away from planning authorities and given to the EPA. This may have the effect of limiting planning authorities to narrow considerations of land-use and visual impacts in making decisions on certain applications.

A78. A second body which will have an impact on the functions of local authorities is the National Roads Authority (NRA). The NRA has powers to take over local authority functions in relation to roads development and maintenance programmes, if it believes that it would be more effective and expedient to do so. Its overall function is to secure the provision of a safe and efficient network of national roads.

A79. In addition to these national agencies, there is a proliferation of locally-based organisations, including Leader companies, county enterprise boards, partnership companies and tourism co-operatives. Each of these organisations produces

its own form of plans, i.e. business plans, county enterprise plans, area action plans (not to be confused with action area plans produced by the local authorities) and tourism development plans. While each of these plans initiates development and introduces actions which impinge on the planning process, there is little integration between these plans and the development plan produced by the planning authority. While planners in local authorities are ideally placed to act as coordinators, this position has been utilised only in some cases and the function of planners and planning may be eroded by the work of those other agencies and organisations.

### Flexibility/certainty

A80. Flexibility is an intrinsic element in the present system of government and administration in Ireland. This is due largely to the need to adapt to changes in the prevailing economic climate and the availability of resources to pursue policies and objectives. Economic and social plans at national level, such as the National Development Plan (1994-99) and the programme 'A Government of Renewal', have a degree of flexibility as do the local authority development plans (see above).

A81. The creation of new authorities reflects the Government's commitment to responding to changing needs. Agencies such as the Environmental Protection Agency and the National Roads Authority have been established in recognition of the need to focus attention and resources on the protection of the environment and on the coordinated development of infrastructure. The creation of new regional authorities should provide a forum for greater integration of differing local demands and resources.

### Government structure

A82. The existing framework of local authorities in Ireland is based on the Local Government Act, 1898. In the case of Dublin, local government reorganisation has been initiated with the Local Government (Reorganisation) Act, 1985. Prior to 1985 Dublin was administered by three separate local authorities — Dublin Corporation, which has responsibility for the inner area of the city, Dun Laoghaire Borough Corporation, whose functional area was Dun Laoghaire Borough and Dublin County Council which had responsibility for County Dublin.

A83. The Local Government (Reorganisation) Act, 1985 established three new county councils replacing Dublin County Council and Dun Laoghaire Corporation, and amended the functional area of Dublin Corporation. The three new county councils which officially became operational on 1 January 1994 are (1) Fingal County Council, which consists of the County Dublin area north of the River Liffey, (2) Dun Laoghaire-Rathdown County Council which encompasses the functional area of Dun Laoghaire Corporation and a south-east wedge of Dublin County, (3) South Dublin County Council, which consists of the areas of Tallaght and Lucan-Clondalkin, and the southern part of Dublin County. These three counties, together with Dublin Corporation, come together to constitute the Dublin region.

A84. Regional authorities: Eight regional authorities were established under the 1991 Act. These authorities consist of the county and city local representatives of the local authorities in each region. The regional authorities cover the entire State, with a central objective to promote greater utilisation and coordination of public services at the regional level. They are required to monitor and advise on the implementation of the operational programmes in each region and to prepare a regional report every five years (see Section B, Policy institutions).

A85. In relation to local authorities, the functional area of each new regional authority coincides with that of the constituent local authorities. This should assist in the coordination of activities and services. It should, in time, ensure the formulation of a comprehensive regional strategy based on national policy and local needs.

A86. As many of the organisations mentioned above are only recently established, the full implications of their impact on the planning system have yet to be fully realised. Thus, none of the regional authorities have yet produced a regional report and few integrated pollution licences have been granted by the EPA. There is considerable apprehension among local authority planners with regard to the difficulties which the separation of the planning process and pollution control process (due to the establishment of the EPA)

entails. It is only over a period of time that their fears will be vindicated or allayed.

### Policy

A87. An important trend in policy which impacts on planning has been the rise in importance of the concept of sustainability and a commitment to environmental protection.

A88. In the Government policy agreement, 'A Government of Renewal', the Government pledged itself to the integration of environmental considerations into all aspects of development policy and action so that our natural and cultural heritage will continue to be available to future generations (*Fine Gael*, the labour party, democratic left, Ireland 1994-98). As part of this commitment, the Government is preparing a national sustainable development strategy. The strategy will encompass all areas of government policy which impact on the environment. Incorporation in the development of Irish environmental policy are three principles, the precautionary principle — emphasis on dealing with causes rather than results, the pollution pays principle and the principle of shared responsibility. With regard to the planning system, the Government has pledged itself to improved implementation of planning policy and legislation, including the drawing up of a national land-use policy plan.

### Sources:

Department of the Environment, Local Authorities and Sustainable Development, Guidelines on Local Agenda 21, Department of the Environment, 1995.

Department of the Environment, Moving Towards Sustainability: A Review of Recent Environmental Policy and Development, Department of the Environment, May, 1995.

*Fine Gael*, the Labour Party, Democratic Left, 'A Government of Renewal, A policy agreement between *Fine Gael*, the Labour Party and Democratic Left', December 1994.

## B. Making and reviewing plans and policies

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### Summary

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*B1.* The Irish physical planning system operates within the framework of national policy formulated by government departments and influenced by policy and funding emanating from the European Union.

*B2.* At national level the National Development Plan 1994-99 and the Community support framework, 1994-99 are the pre-eminent policy instruments and provide the basis for most major investments in terms of physical and human infrastructure over a six year period. The National Development Plan 1994-99 outlines, in programme form, proposed major developments in industry, natural resources, tourism, local development, human resources and infrastructure. The Community support framework 1994-99 indicates the extent and nature of EU support funding which will be provided within the framework of the National Development Plan.

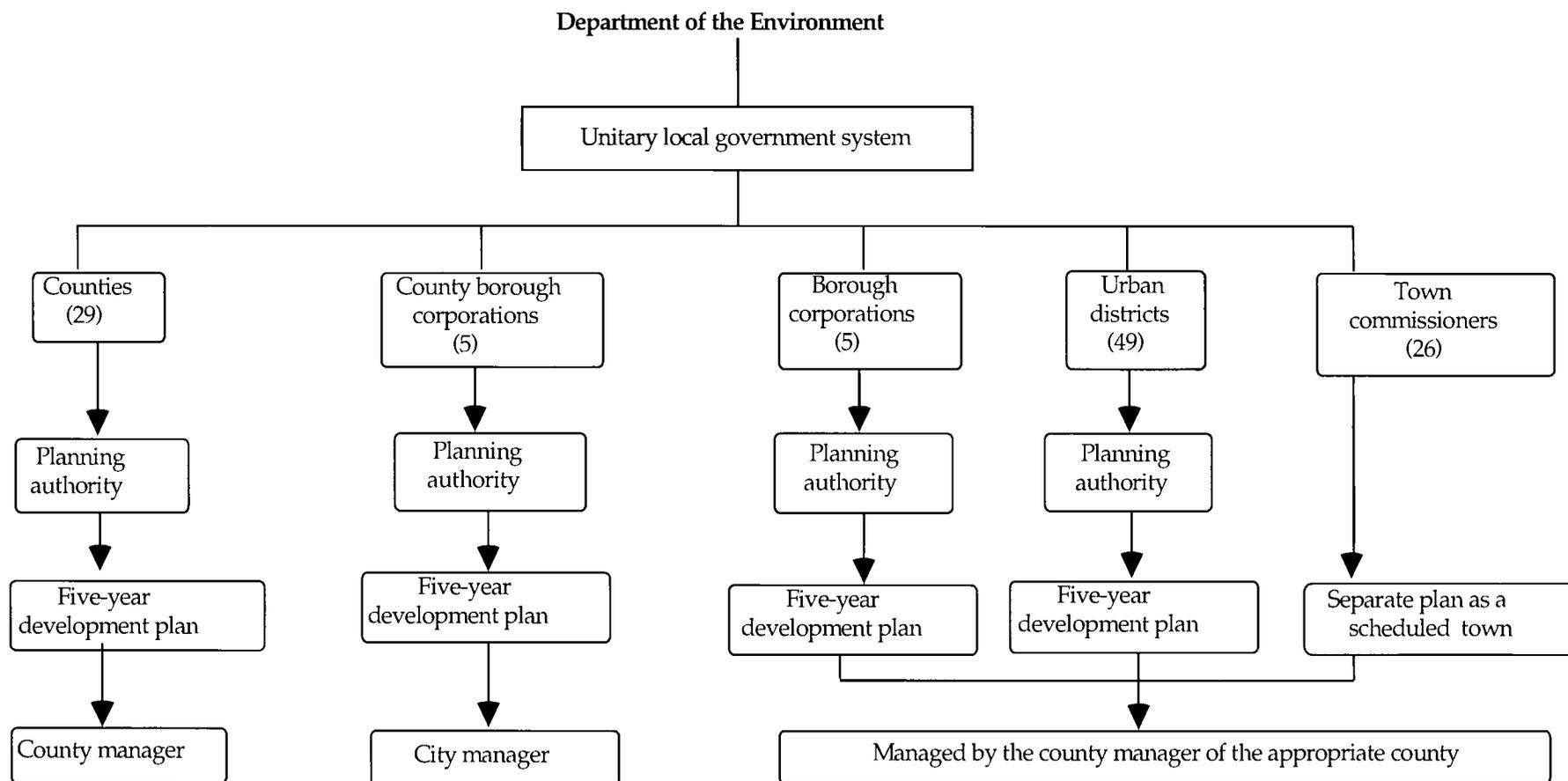
*B3.* In terms of the physical planning system, the most important national government department is the Department of the Environment. The Minister for the Environment and the department are responsible for local government in Ireland, the level of government at which the majority of physical planning activities take place. The Minister has an important role in relation to the formulation of planning policy, through the formulation of planning legislation, in terms of investment in infrastructure, and in the power to issue planning policy directives and policy guidelines. Other government departments may also have a role in specific areas of planning policy.

*B4.* It must be emphasised that it is at local level (county or county borough, predominantly), (see Figure B1 and Maps 1A and 1B), that the planning system is administered. While attempts have been made to develop a cogent regional planning system, these have been for the most part short lived. The regional body with the greatest longevity is Shannon Development. This body has responsibility for the regional development of the mid-west region, but it does not have the powers of a planning authority. The most recent development at regional level has been the establishment of eight regional authorities, which came into effect from the 1 January 1994, see Map 2. They have a coordinating role in their respective regions in relation to planning and development and they will also monitor and advise on the implementation at regional level of the various operational programmes under EU Structural and Cohesion Funds.

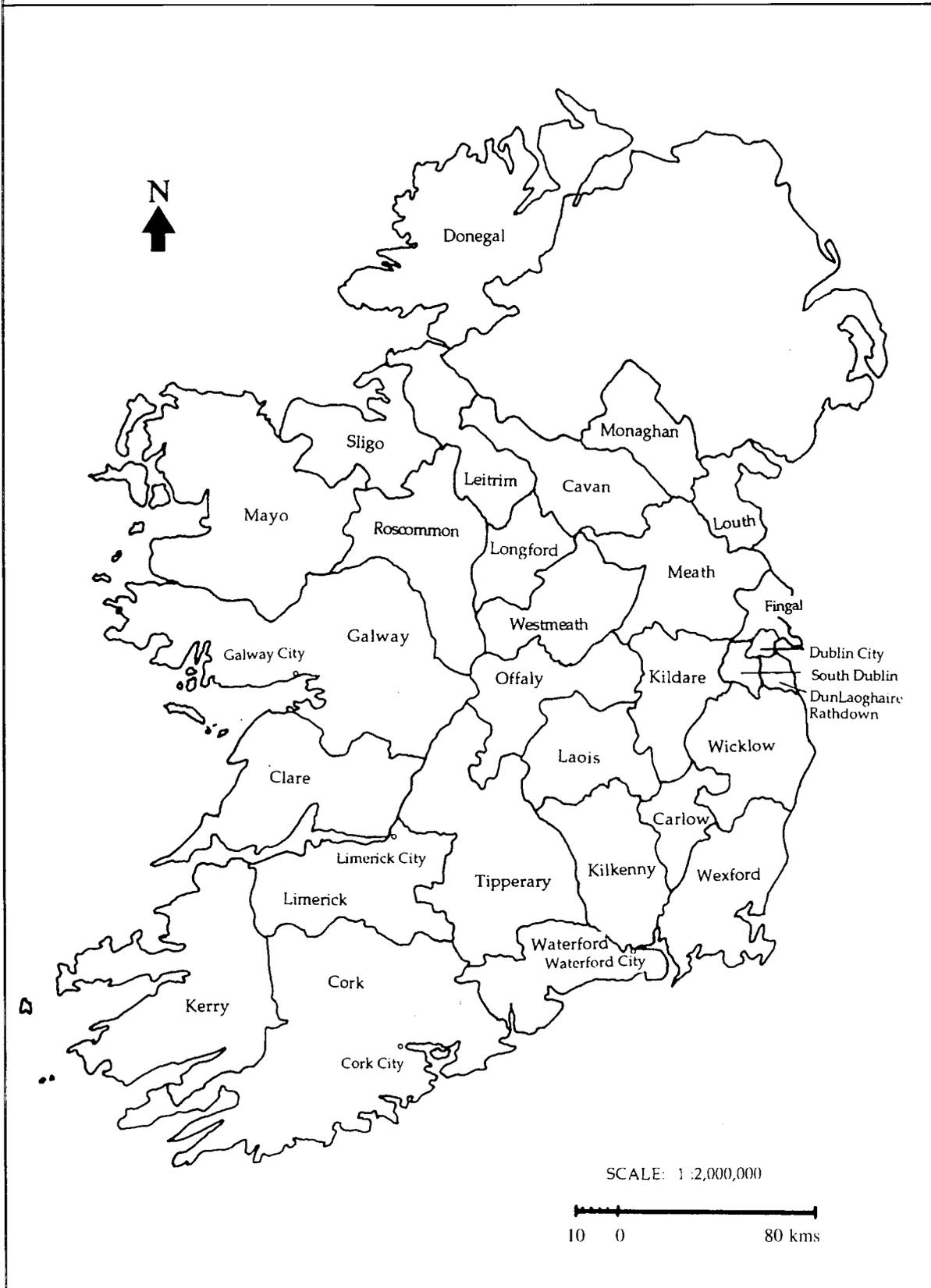
*B5.* The most important policy instrument at local level is the development plan. This instrument is produced by each of the 88 planning authorities for their entire functional area. This plan provides the framework for all development in the planning authority's area. In some cases a number of development plans are made by the planning authority. For example, a general development plan is made for a complete county and more detailed development plans are made for those individual towns therein which were declared scheduled towns. In addition to the development plan, the planning authority may produce action area plans for smaller areas. The latter plans are not statutory but provide guidance for investors.

*B6.* In addition to the plans prepared by the planning authorities, framework development plans

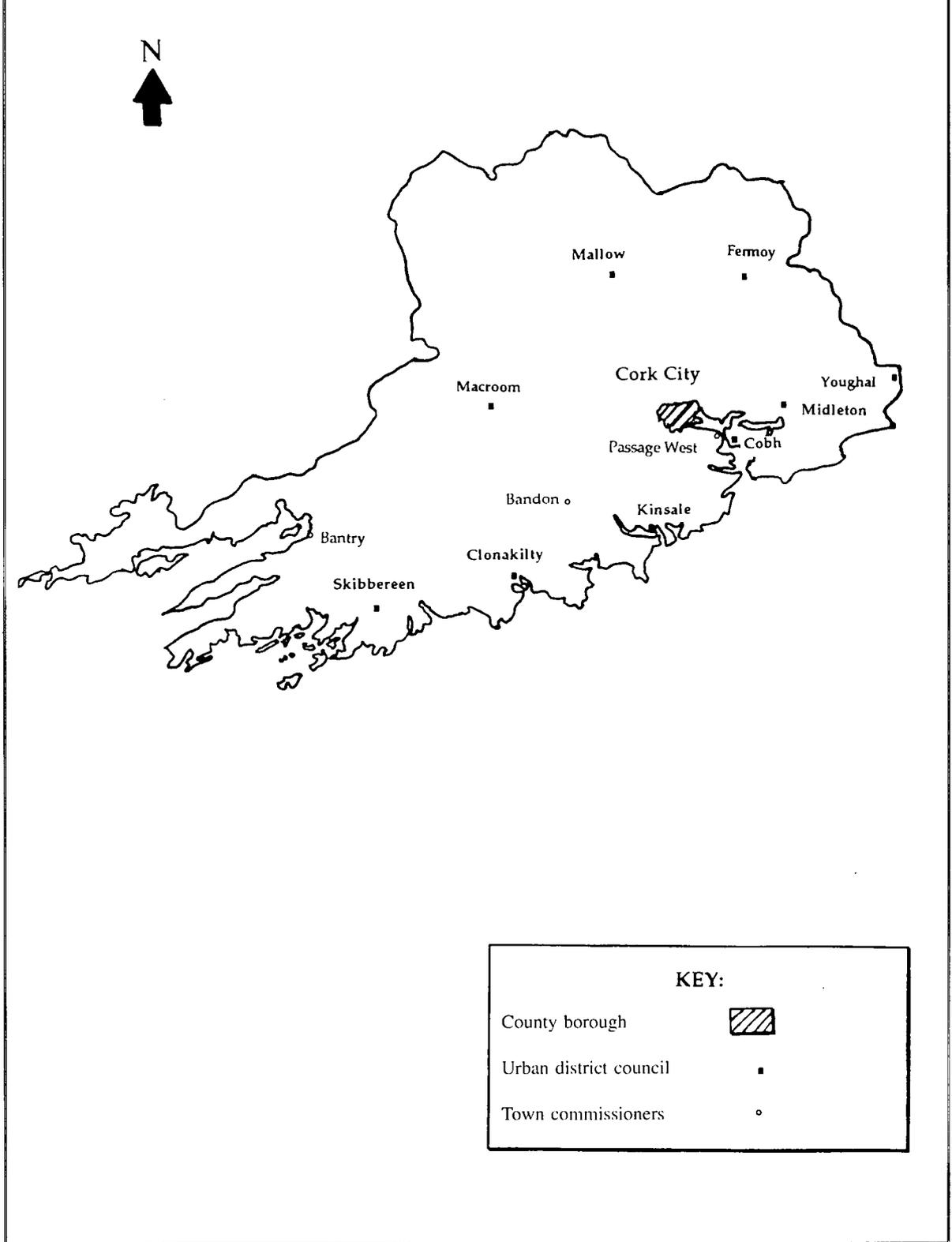
Figure B1: The Irish local government system



MAP 1A. BOUNDARIES OF ADMINISTRATIVE AREAS — COUNTY COUNCILS AND COUNTY BOROUGH CORPORATIONS



MAP 1B. ADMINISTRATIVE AREAS IN COUNTY CORK, COUNTY BOROUGH, URBAN DISTRICT COUNCILS AND TOWN COMMISSIONERS



have been produced by two development agencies, the Custom House Docks Development Authority (CHDDA) and Temple Bar Properties Ltd. These plans were prepared to guide development in the areas covered by their respective re-mits (while the CHDDA has quasi-planning functions, Temple Bar Properties is purely a development agency). (These are discussed in Section D, Agencies and mechanisms for development and conservation).

B7. These two agencies are among a number of large bodies which are termed State-sponsored bodies. These bodies are defined by Hogan and Morgan as: 'to denote an authority which discharges specialised central functions usually of a governmental nature yet which is set at a distance from the Government and Ministers' (Hogan and Morgan 1991:104). In the planning arena the most important State-sponsored body is *An Bord Pleanala*, the planning appeals board. Other State-sponsored bodies with an input into the planning system include *Bord Fáilte Éireann* (the Irish Tourist Board), *An Chomhairle Ealaíon* (the Arts Council), the Environmental Protection Agency (EPA) and the National Roads Authority.

B8. Figure B2 illustrates the large number of departments of State and other agencies which impinge on the planning system in various ways. The more important of these are discussed below. (For information on the Irish Public Service see the Administration Year Book and Diary, I.P.A., Dublin, 1994.)

## Policy institutions

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### National government departments

#### Department of the Environment

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B9. The Department of the Environment (DOE) is responsible for a range of services, most of which are provided through the local government system, particularly the county councils and county borough corporations. The DOE's responsibilities include environmental protection, physical planning, road development and traffic, vehicle and driver licensing, water and sanitary services, fire protection, development of the building industry, building control, housing and miscellaneous amenities and other services. The

Department of the Environment is headed by the Minister for the Environment who is assisted by two Ministers of State, one with responsibility for housing and urban renewal, the second with responsibility for local government reform. Above all, the DOE is the Ministry responsible for the formulation of planning policy and the overall administration of the planning system.

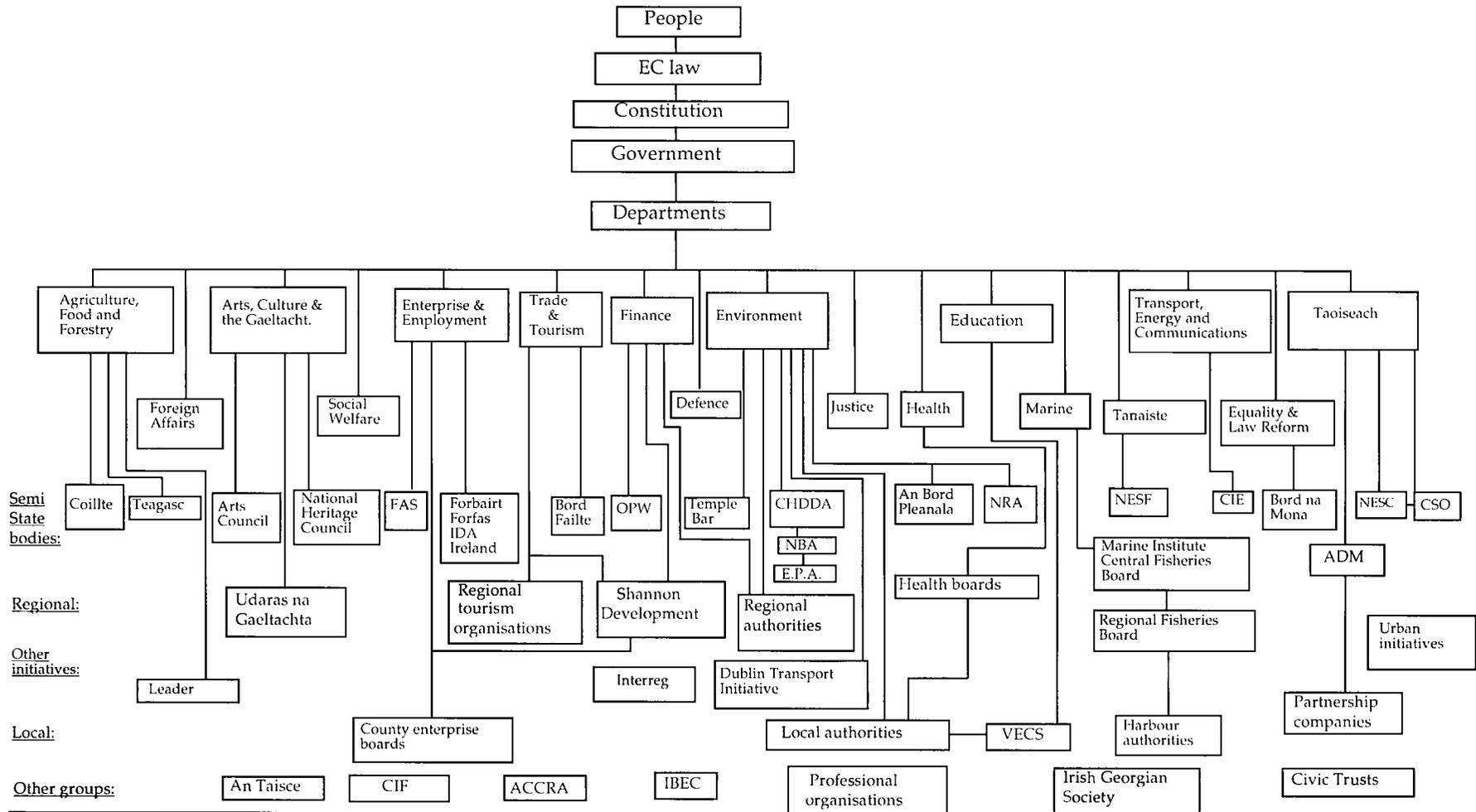
B10. The Department is responsible for the payment of a wide range of grants to local authorities including The Rate Support Grant (a grant paid in lieu of local taxation) and grants for road works, water and sanitary services. It also provides funds to the State-sponsored bodies which come under its ambit. Those which have an impact on the planning system are *An Bord Pleanala*, The National Roads Authority, the Environmental Protection Agency, the National Building Agency, the Custom House Docks Development Authority, Temple Bar Renewal Ltd., Temple Bar Properties, as well as part funding of the regional authorities (see Figure B2).

B11. The Department and the Minister for the Environment have a number of roles to play in the planning system (Table B1.). Firstly, the Department is responsible for drafting planning legislation and regulations. Secondly, the Local Government (Planning and Development) Act, 1963, allocates a number of roles to the Minister for the Environment in relation to planning. These are:

- minister may request a planning authority to prepare a development plan (see section B: Local policy instruments);
- minister may request that the development plans of two or more authorities be coordinated and may request the planning authority to vary its plan;
- minister may direct a planning authority to make a Special Amenity Area Order (see Section D) and request that specified objectives be contained therein;
- minister may confirm or refuse to confirm Special Amenity Areas Orders and may modify the Order.

B12. In addition to those powers conferred on the Minister by the Principal Act, a number of important additional powers have been conferred by more recent legislation. The Minister for the Environment is permitted under Section 7 of the Local Government (Planning and Development) Act 1982, to issue such general directives as to

Figure B2: Overview of principal spatial policy-making institutions in the Republic of Ireland



**Table B1. Role of the Department of the Environment (DOE), with special reference to spatial planning**

| Government department | Main areas of responsibility  | Particular involvement in planning   | Operational programmes, subprogrammes and EU Initiatives with which the DOE is involved  | Estimated expenditure 1994, excluding operational programme finance |
|-----------------------|---|--|--|---|
| Environment (DOE)     | Environmental protection, physical planning, road development and traffic, vehicle and driver licensing, water and sanitary services, fire protection, development of the building industry, building control and housing, coordination of regional and local development | <p>Formulation of planning policy and overall administration of the planning system.</p> <p>Minister for the Environment may, among other powers, request a planning authority to prepare a development plan or to make a Special Amenity Area Order and may issue statutory policy directives in relation to planning and development.</p> <p>The Department issues circulars and guidance notes to planning authorities.</p> <p>The Minister is also responsible for the designation of areas for urban renewal.</p> | <p>Operational programme for local urban and rural development.</p> <p>Operational programme for transport.</p> <p>Operational programme for environmental services.</p> | IEP 786 million   |

policy in relation to planning and development as he considers necessary.

*B13.* Under this provision only two statutory policy directives have been issued:

- Local Government (Planning and Development) General Policy Directive 1982 (SI No 264 of 1982), relating to the establishment of retail shopping developments which would represent a large-scale addition to existing retail shopping capacity.
- Local Government (Planning and Development) General Policy Directive, 1988 (SI No 317 of 1988), relating to the control of smog.

*B14.* In addition to these directives, a number of non-statutory guidelines have been issued by the Department of the Environment. These include:

- Development Control Advice and Guidelines, Department of the Environment, 1982, contains general advice and guidelines to assist planning authorities in reviewing their approach to development control and planning applications.

- Urban Development Plans for the 1980s, Guidelines for the Preparation of Statutory Department Plans, Department of the Environment, 1983, outlines the manner in which development plans should be prepared and an indication of the material they should contain.

*B15.* The Department of the Environment issues other circulars and guidance notes to all local authorities on issues relating to planning and development, explaining the provisions of new legislation or containing advice relating to the use of certain powers bestowed by legislation. Other circulars and guidance notes relate to development control, as well as day-to-day administrative issues.

*B16.* The Minister for the Environment is the competent authority to which an Environmental Impact Statement (EIS) is submitted when the development to which the EIS relates is being carried out by a local authority in its own functional area. The Minister may, after due consideration of the EIS, and any additional information submitted and of all submissions made by organisations or individuals, certify that the proposed development will not in his opinion have

significant effects on the environment or in certifying the development may direct that it be varied or modified.

B17. In addition to these functions, the Department of the Environment is one of the main implementing bodies of the National Development Plan, 1994-99 and the Community Support Framework 1994-99. The Department is involved in administering a number of operational programmes including the Operational Programme for Environmental Services and the Transport Operational Programme, particularly with regard to roads.

B18. The Department is also involved in the Operational Programme for Local Urban and Rural Development, particularly the sub-programme on urban renewal. The monies available through this programme enable local authorities to achieve some of their urban renewal objectives (this will be dealt with in Section D: Local economic development).

#### Other government departments

B19. A number of other government departments play significant roles in relation to development planning. They also have a role in administering operational programmes and sub-programmes under the EU Community support framework, which in turn impact on the planning system. The government departments are also responsible for the many State sponsored bodies. For details on the main government departments see Table B2.

#### Department of Agriculture, Food and Forestry

B20. The Department of Agriculture, Food and Forestry promotes the development of the agricultural, food and forestry sectors. The Department is headed by the Minister for Agriculture, Food and Forestry who is aided by two Ministers of State.

B21. The principal functions of the Department of Agriculture, Food and Forestry relate to the operation of measures to improve the quality of livestock and horticultural production. The Department's forest service is responsible for the development and implementation of a national forest policy, including forestry grants, research, forest protection and felling licences.

The management of public forests has been the responsibility of the State company *Coillte Teoranta* since 1989. Forestry is generally an exempted development under the planning process, that is, planning permission is not required except for initial afforestation over 200 ha and for the replacement of more than 10 ha of broadleaf high forest with conifers, which is the threshold for EIA procedures (currently under review by the Minister for Agriculture, Food and Forestry). The Department has responsibility for the implementation of the Operational Programme for Agriculture, Rural Development and Forestry, 1994-99 and for the food sub-programme under the Operational Programme for Industrial Development. It has a role in administering the EU Leader programme and has an input to the EU Interreg programme. Many aspects of the Department's work interact with the planning system at local level and the Minister for Agriculture, Food and Forestry is a prescribed authority for the purposes of Article 5 of the Local Government (Planning and Development) Regulations, 1994.

#### Department of Arts, Culture and the Gaeltacht

B22. The Department of Arts, Culture and the Gaeltacht was established in 1993, with responsibility for formulating a national policy in relation to arts and culture and the Irish-speaking areas of the country — the *Gaeltacht*.

B23. At present, the Department is responsible for a range of national agencies including the following, the Arts Council, the National Museum, the National Library, the National Gallery and the Heritage Council.

B24. In relation to the physical planning system, the Department is responsible for national policy in relation to heritage in general. Under the National Monuments Acts (1930-94) and other heritage legislation and under section 24 of the Heritage Act, the Minister for Arts, Culture and the Gaeltacht is responsible for the Commissioners of Public Works in the exercising of their functions under these acts and legislation. Under the National Heritage Act, 1995, it is proposed to establish *An Chomhairle Oidhreachta* — the Heritage Council which will also be the responsibility of the Department (see Government agencies).

Table B2. Summary of the role of other Government departments with major implications for spatial policy

| Government department           | Main area of responsibility   | Operational programmes, sub-programmes and EU Initiatives with which the department is involved   | Particular involvement in the planning system   | Estimated expenditure 1994 (excluding operational programme finance) |
|---------------------------------|---|---|---|--|
| Agriculture, Food and Forestry  | Promotes the development of agriculture food and forestry <ul style="list-style-type: none"> <li>— improving the quality of livestock and horticulture</li> <li>— rural land policy and rural development</li> </ul>                        | Operational Programme for Agriculture, Forestry and Rural Development<br><br>Operational Programme for Industrial Development 1994-99 (Food Sub-Programme)<br><br>EU Leader programme<br><br>Interreg<br><br>Running EU related programmes in:<br>Set aside<br>Headage<br>R.E.P.S<br>Forestry | Rural development policy<br><br>Forestry development policy<br><br>Production of standards for farm developments utilised by planning authorities | IEP 258 million  |
| Arts, Culture and the Gaeltacht | Formulation of national policy in relation to arts, culture, heritage and the Irish language  | Operational Programme for Tourism<br><br>OP for Industry (sub-programme for industrial development in the Gaeltacht)<br><br>OP for Fisheries (development of fisheries industry in the Gaeltacht)   | Is a prescribed authority for the purposes of Section 21(1) of the Local Government Planning and Development Act, 1963                            | IEP 47 million   |
| Enterprise and Employment       | Responsibility for industrial development policy, science and technology, legislation in relation to companies' patents and distributive trade, industrial relations and manpower policy, including training and work experience programmes | Operational Programme for Industry<br><br>Operational Programme for Human Resources<br><br>Operational Programme for Local Urban and Rural Development (sub-programme for local enterprise)   | Subsidiary agencies of the Department are prescribed authority under the Planning Acts<br><br>Local development                                   | IEP 314 million  |
| Finance                         | Budget issues and the coordination of economic development  | Overall policy and coordination of Ireland's Community support framework at national and regional level<br><br>Interreg   | Responsible for tax incentives and financial aspects of development policy  | IEP 22 million   |

(Table B2. Continued)

| Government department                | Main area of responsibility  | Operational programmes, sub-programmes and EU Initiatives with which the department is involved  | Particular involvement in the planning system  | Estimated expenditure 1994 (excluding operational programme finance) |
|--------------------------------------|--|--|--|--|
| Marine                               | <p>Promotes the development of and undertakes the planning and coordination of sea and inland fisheries, aquaculture and fish processing</p> <p>Responsible for harbour developments, development control on foreshore dumping at sea and coast protection</p> | <p>Operational Programme for Fisheries</p> <p>Operational Programme for Environmental Services (Coastal Protection)</p> <p>Operational Programme for Tourism (Tourism Angling Measure)</p> <p>Operational Programme for Transport (Commercial seaports measure)</p> <p>Ecopro Project (Environmentally Friendly Coastal Protection)</p> <p>PESCA initiative</p> <p>Interreg</p> <p>Special support programme for peace and reconciliation in Northern Ireland and the border counties of Ireland 1995-99</p> <p>Fisheries surveillance package</p> | <p>Prescribed authority for the purpose of certain sections of planning and roads Acts</p> <p>Responsible for harbour development</p> <p>Issues leases and licences for development on the State foreshore which is not subject to planning control (subject to EIA regulations)</p> | IEP 40 million   |
| Tourism and Trade                    | <p>Formulation of policy in respect of tourism development and trade</p> <p>Regional and local tourism development</p>   | Operational Programme for Tourism  | Responsible for Bord Failte which is prescribed authority for the purposes of the planning acts  | IEP 74 million   |
| Transport, Energy and Communications | Formulation of national policy relating to transportation, the supply and use of energy, all aspects of radio and telecommunications and the meteorological service  | <p>Transport Operational Programme</p> <p>Operational Programme for Economic Infrastructure</p>  | Issues licences for mineral and petroleum prospecting which is exempted development for the purposes of the Planning Acts subject to the limits of EIA planning regulations  | IEP 110 million  |
| Taoiseach                            | Responsible for the carrying out of the functions assigned to the Taoiseach under the Constitution and under statute   | <p>Administers the Global Grant for local development through ADM</p> <p>Urban Initiative</p>  | <p>Implementation of local development</p> <p>Provision of statistics for forward planning through central statistics office</p>   | IEP 68 million   |

B25. The Department of Arts, Culture and the *Gaeltacht* is also responsible for the promotion of the cultural, social and economic welfare of the cultural, social and economic welfare of the *Gaeltacht* (designated Irish speaking areas of the country), including the operations of *Udaras na Gaeltachta*, the State Development Agency for *Gaeltacht* areas, (see Figure B2 and section on Regional Organisations, below).

B26. For the purposes of the planning acts, the Minister for Arts, Culture and the *Gaeltacht* is deemed a prescribed authority, in Article 5 of the 1994 Local Government (Planning and Development) Regulations as is the National Monuments Advisory Council. A planning authority must, on preparing a draft development plan or variations of a development plan which comprises all or part of any area which is included in a *Gaeltacht* area, send to the Minister for Arts, Culture and the *Gaeltacht* a copy of the written statement of the development plan and a copy of the notice which is published notifying that the draft plan has been prepared.

B27. The Department of Arts, Culture and the *Gaeltacht* plays a prominent role in the Operational Programme for Tourism and it will be responsible for a programme of investment in the areas of culture and heritage. It is also involved in administering the Operational Programme for Industry, which contains a sub-programme devoted to industrial development in the *Gaeltacht* areas. It also has a role in the Operational Programme for Fisheries in relation to development of the fisheries industry in the *Gaeltacht* area.

#### Department of Enterprise and Employment

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B28. The Department of Enterprise and Employment has responsibility for industrial development policy, science and technology, company and patents law, regulation of insurance companies and friendly societies, control of mergers, distributive trade legislation, consumer protection, legal metrology, manpower policy, industrial relations and various matters affecting the conditions of employment of workers, including training, occupational safety, health and welfare. The Department is also responsible for certain State-sponsored bodies entrusted with the implementation of policy in regard to a number of these functions.

B29. Amongst the agencies of most relevance to planning and development are:

- *Forfas*,
- The Industrial Development Agency,
- *Forbairt*,
- FAS — The National Employment and Training Agency, and
- Shannon Development (SFADCo).

B30. The Department of Enterprise and Employment is also responsible for funding and overseeing the operations of the various county enterprise boards, concerned with local enterprise initiatives (see Section D).

B31. As the government department responsible for both industrial development and training policies, the Department of Enterprise and Employment will be responsible for the operational programmes in respect of Industry and Human Resources. These two headings account for almost half of the EU expenditures as set out in the Community support framework, 1994-99. The department is also responsible for the sub-programme for local enterprise of the Operational Programme for Local Urban and Rural Development. Much of the Department's industrial expenditure relates to development projects and to schemes which have direct implications for the planning system.

#### Department of Finance

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B32. The Department of Finance is primarily concerned with budgetary issues and with the coordination of economic development.

B33. In relation to physical planning, the Minister for Finance is also responsible for the property-related portfolio of the Office of Public Works including architectural services and the government supplies agency (outlined under national government agencies), and for the overall policy and coordination of Ireland's Community support framework within the context of the National Development Plan, 1994-99 and the Community support Framework, 1994-99.

#### Department of the Marine

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B34. The Department of the Marine promotes the development of and undertakes the planning and

coordinating of sea and inland fisheries, aquaculture and fish processing. The Department also deals with shipping policy, maritime search and rescue, marine research and development, aquatic leisure and recreation, dumping at sea, coastal protection and the provision of navigational aids and communications networks.

*B35.* The Department of the Marine is involved in the implementation of aspects of several of the operational programmes and sub-programmes under the EU Community support framework, 1994-99.

*B36.* In relation to planning matters, developments on the foreshore are not subject to planning control as their location lies outside the remit of the physical planning process (which operates within the planning authorities' functional areas). However, a lease or a licence authorised by the Minister for the Marine must be obtained for developments on the State foreshore under the Foreshore Acts 1933 to 1989. The Minister for the Marine is empowered to refuse authorisation for a lease or licence where the proposal would be likely to have significant effects on the environment.

#### Department of Tourism and Trade

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*B37.* The Department of Tourism and Trade is responsible for the formulation of national policy in respect of tourism development and trade policy, including product development, marketing and training. The main interactions between this Department and the physical planning system lie principally in the area of tourism, particularly in regard to the operations of *Bord Failte Eireann* (the Irish Tourist Board) which is responsible for tourism promotion and development, (Figure B2). The Department also contributes to the funding of Shannon Development in respect of tourist activities in its region. The Department is responsible for the implementation of the Operational Programme for Tourism which has widespread implications for the planning system.

#### Department of Transport, Energy and Communications

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*B38.* The Department of Transport, Energy and Communications is responsible for the formulation of national policies connected with aviation, rail and road transport, the supply and use of en-

ergy in all its forms, the exploration and development of minerals and petroleum, and postal and telecommunications matters.

*B39.* The State-sponsored bodies and executive offices under the aegis of the Department are charged with the implementation of the policies listed in the foregoing paragraph. The Department is also responsible for the construction of airports and it operates meteorological, telecommunications and air traffic control services providing essential aids to air navigation. In discharging these functions, the Department of Transport, Energy and Communications has a number of roles which relate closely to the planning process.

*B40.* Under the Local Government (Planning and Development) Regulations, 1994, minerals and petroleum prospecting and the construction of structures connected with such prospecting are considered exempted development, where such prospecting is carried out in accordance with licences granted by the Minister for Transport, Energy and Communications and does not contravene any of the restrictions listed in Article 10 of the same regulations.

*B41.* Likewise, Classes 23 to 25 of the second Schedule Part 2 of the 1994 Regulations allow State bodies — *An Bord Gais* (Gas Company) and the Electricity Supply Board (ESB) to lay pipelines, mains or cables underground and in the case of the ESB, distribution lines above ground, provided they do not contravene any of the restrictions listed in Article 10 of the same regulations.

*B42.* Under EU (Environmental Impact Assessment) Regulations, 1989, much of the development carried out by the extractive and energy industries is subject to the preparation of an Environmental Impact Statement. Under Article 20 of the regulations, an EIS is required for the construction of certain classes of a gas pipeline. Under Article 32(4)(e) of the Local Government (Planning and Development) Regulations, 1994, a copy of the Environmental Impact Statement received by the local authority must be forwarded to the Minister for Transport, Energy and Communications when the EIS relates to the extraction of minerals.

*B43.* Additionally, the Department of Transport, Energy and Communications has an involvement in the implementation of a number of EU operational programmes, sub-programmes and initiatives.

B44. The Department of the *Taoiseach* is responsible for the carrying out of the functions assigned to the *Taoiseach* under the Constitution and under statute. Inter alia, it has responsibility for a number of State bodies including the National Economic and Social Council (NESCC), the Government Information Service and the Central Statistics Office (CSO).

B45. In the National Development Plan 1994-99, and under the EU Community support framework, the Department is responsible for administration of the Global Grant (see Section D) for local development, which is part of the funding emanating from the European Union. The Global Grant is managed by an intermediary company, Area Development Management Ltd (ADM). It is also responsible for administering the Community employment Scheme in disadvantaged areas. (For a more detailed discussion of ADM, the Community employment scheme and the disadvantaged areas, see Section D, Local Economic Development). The Department of the *Taoiseach* has overall responsibility for the implementation of the Operational Programme for Local Urban and Rural Development and for the URBAN Initiative.

#### Other government departments

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B46. All government departments are shown in Figure B2. In one way or another investments by and developments on behalf of all departments relate to the planning system to a varying degree.

### Regional government organisations

#### Overview

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B47. The various Irish attempts at regionalisation have illustrated the difficulties of defining what constitutes a region. For the purposes of the European Regional Development Fund, the entire Republic of Ireland is considered both a single level II region and all of the State has Objective One status for the purposes of the Community support framework (CSF). For other administrative purposes, a wide range of different regions exists within the country, involving the grouping of

a number of counties or parts thereof. A region may contain, on occasion, as many as seven counties, or as few as one or two. What has effectively resulted is considerable confusion about regional boundaries which mitigates against joint action and the establishment of strong regional identities. The establishment of eight new regional authorities in the country in 1994 to coordinate public services in each region should act as a template for more concerted action and ameliorate some of the difficulties which exist at present. There are at present no regional planning authorities and no regional plans, per se.

B48. Regional structures of relevance to spatial planning include the new regional authorities, the regional tourism organisations, regional fisheries boards and an array of administrative regions in respect of areas such as energy, health, transport, the courts, industrial development and various other public sector functions.

B49. In addition there are two State-sponsored agencies which have a remit for development of certain geographic areas of the country — *Udaras na Gaeltachta* and Shannon Development. *Udaras na Gaeltachta* is responsible for developmental and cultural activities in those areas of the country which are designated as Irish-speaking. Shannon Development is responsible for various development activities in the mid-west region (see Section D).

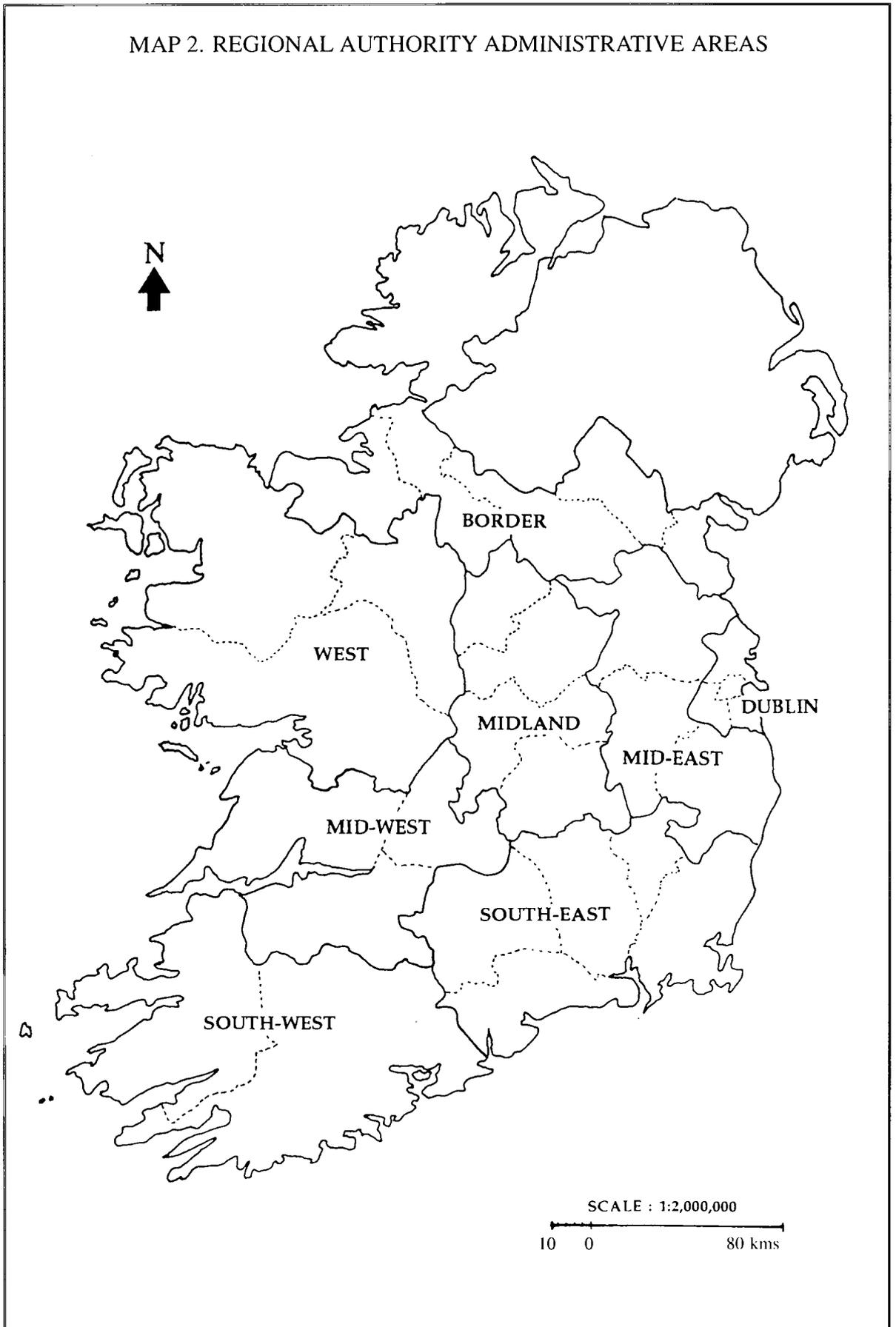
#### Regional authorities

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B50. A tier of regional authorities came into effect on 1 of January 1994. Their function is to perform in the region such functions in relation to the coordination of the provision of public services in the region as are conferred on it by or under this section (Local Government Act, 1991, S.43(2)). Eight new authorities have been designated and Table B3 below outlines the component counties, the population of the respective regions and the membership of each regional authority (see Map 2 for details).

B51. Each of the authorities comprises city and county councillors appointed by the relevant local authorities in each region. The members will serve a term of office which coincides with that of their local authority term. The regional authority shall elect one of its members as *Cathaoirleach* (chairperson).

MAP 2. REGIONAL AUTHORITY ADMINISTRATIVE AREAS



**Table B3. Regional authorities**

| Region       | Counties and county boroughs   | Population 1991  | Membership |
|--------------|--|------------------|------------|
| Border       | Donegal, Leitrim, Louth, Cavan, Monaghan and Sligo                           | 402 987          | 37         |
| West         | Galway City and County, Mayo and Roscommon                                   | 342 974          | 26         |
| Mid West     | Clare, Limerick City and County, Tipperary North Riding                      | 310 728          | 26         |
| South West   | Cork City and Counties Cork and Kerry  | 532 263          | 23         |
| South East   | Carlow, Kilkenny, Waterford City and County, Tipperary South Riding, Wexford | 383 188          | 35         |
| Midland      | Laois, Longford, Offaly, Westmeath   | 202 984          | 23         |
| Mid East     | Kildare, Meath, Wicklow  | 325 291          | 21         |
| Dublin       | Fingal, South Dublin, Dun Laoghaire/Rathdown and Dublin City                 | 1 025 304        | 29         |
| <b>Total</b> | <b>Republic of Ireland</b>   | <b>3 525 719</b> | <b>220</b> |

B52. The role of the regional authorities is outlined in the Local Government Act, 1991, (Regional Authorities' Establishment) Order 1993, S1 No 394 of 1993. The regional authorities' functions are among others:

- to promote the coordination of public services in each region
- to develop cooperation and joint action among local authorities and the other public authorities in the region or between such authorities and other persons
- to promote coordination, consistency and compatibility with the programmes, plans, policies, proposals or objectives of the government or any Minister of the government
- to promote 'regional thinking' among public authorities, and consideration of the implications for or the effects of their decisions, activities or services on the region as a whole
- to review at appropriate stages the overall needs and development requirements of the region and to make statements in relation to this
- to review, as appropriate, the development plans of local authorities within its own region and, where relevant, to comment on the development plans of authorities in adjoining regions. The aim is to ensure consistency of such plans both with one another and with the overall needs and development requirements of the region. Where necessary, a statement may be made on these reviews
- to keep under review the provision of public services in the region and the possibility or need for greater coordination
- to produce a regional report within two years of its establishment and thereafter at least once every five years. The report should be produced in consultation with public authorities and other persons the authority considers appropriate
- to provide information as necessary on proposals, recommendations and advice in connection with the preparation of plans or programmes being submitted to the EU
- to review the implementation of measures funded by the European Union. (In this respect the regional authorities assume the role of the seven sub-regional review committees which performed this role in monitoring EU funding from 1989 to 1993.)

B53. Each regional authority has an operational committee to assist it with two varying (but partly overlapping) broad functions, one for the purposes of EU functions — a broadly-based Committee comprising the managers of the constituent counties and cities as well as representatives of the Irish Business and Employers Confederation (IBEC), the Irish Congress of Trade Unions, a number of rural voluntary organisations, government departments and county enterprise boards — and the other, for all purposes, comprising the chief executives of public agencies in the region.

B54. Regional authorities are funded by the constituent local authorities, each contributing a fraction of the regional authority's expenses, which is proportionate to the population of their functional area. The costs incurred by the regional authorities in carrying out their tasks in relation to the monitoring of EU funding is cofinanced by the Minister for Finance and the EU.

#### Shannon development

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B55. Shannon development is a regional development agency responsible for the economic development of the midwest region and adjoining areas (Map 3). The company was established by the Shannon Development Limited Act, 1959. The activities of Shannon Development are discussed in Section D.

#### Udaras Na Gaeltachta

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B56. *Udaras na Gaeltachta* (henceforth *Udaras*) is a development agency which carries out developmental and cultural activities in the designated *Gaeltacht* (Irish-speaking) parts of several counties, Map 4. Its broad aim is to develop the economy of Irish speaking areas so as to support the preservation and expansion of the use of the Irish language within these areas. In this respect its functional area is not a contiguous region. The *Gaeltacht* covers extensive parts of counties Donegal, Mayo, Galway and Kerry and parts of Cork, Meath and Waterford. The 1991 Census indicated a population of 83 268 living in these areas.

B57. The agency was established under the *Udaras na Gaeltachta* Act of 1979. In the performance of its task, the *Udaras* interacts with local authorities, government departments and various national agencies. The agency also plays an important role in the administration of various EU sub-programmes and initiatives, including Leader, NOW, EuroForm and Media. *Udaras* is not a planning authority but it is designated as a public authority under Article 164 of the Local Government (Planning and Development) Regulations 1994. *An Bord Pleanála* must keep itself informed of the policy of the listed public authorities. Operational aspects of *Udaras* are detailed in Section D.

#### Regional tourism organisations

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B58. Seven regional tourism organisations (RTOs) were established by *Bord Failte* (the Irish Tourist Board) in 1964, in an attempt to decentralise tourism promotion and development activities. Each regional tourism organisation is a company limited by guarantee, membership of which is open to all persons within the region (especially those involved in tourism), local authorities and other relevant groups and associations.

B59. Administratively the RTO have a two-tier administrative structure comprising a regional council and a management committee. Their constituent areas are shown in Table B4 below.

B60. The main functions of the RTO are:

- marketing and promotion (with particular reference to points of entry within their region);
- servicing visitors within a countrywide network of tourist offices and reservation centres (87 tourist information offices were in operation during 1991);
- encouraging environmental awareness and monitoring of physical planning and environmental standards;
- promoting and monitoring tourism development and investment in visitor products and services, visitor attractions and general tourist facilities;
- coordinating the projects submitted in the region for structural funding.

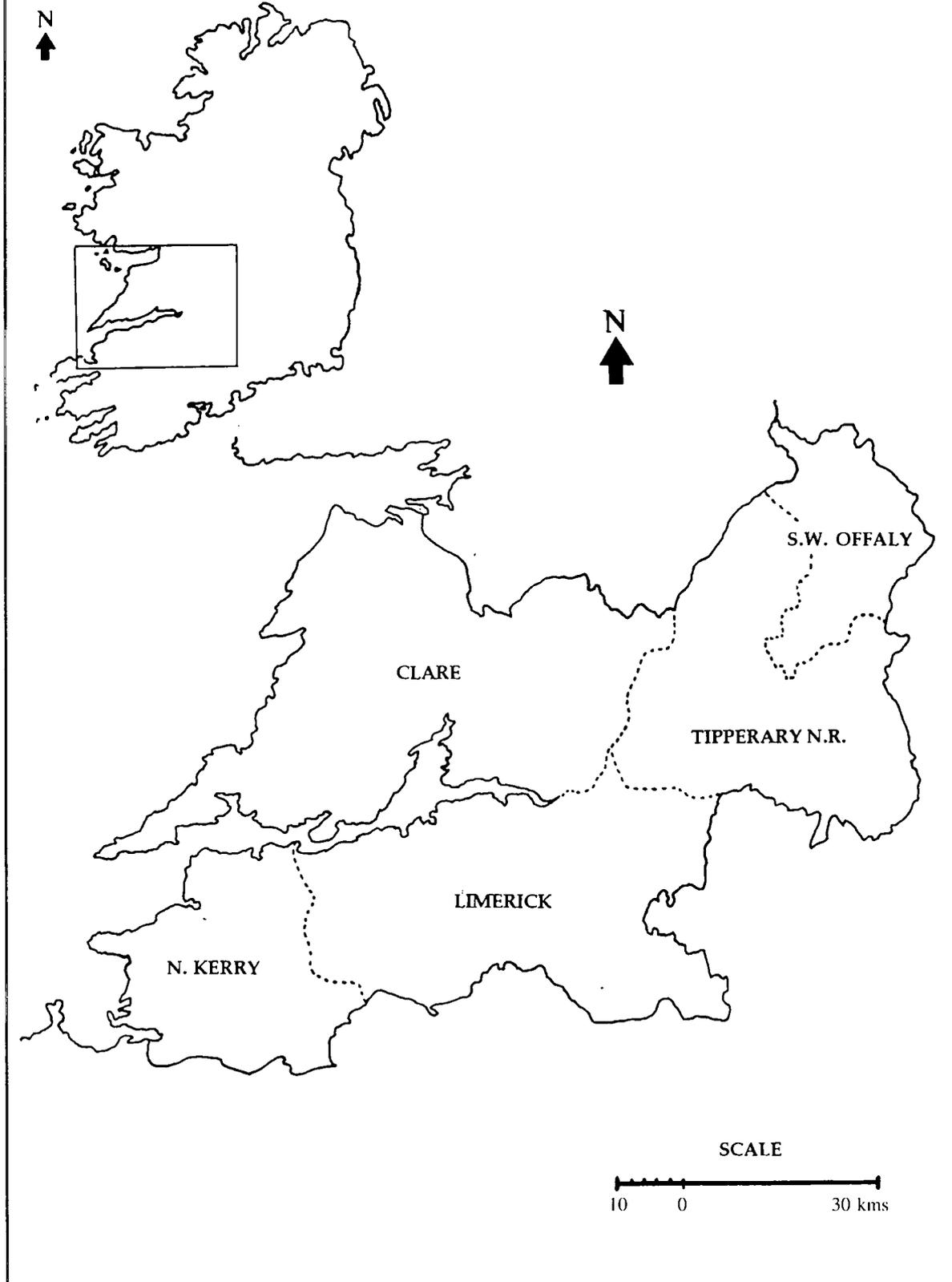
B61. The RTO maintain close links with the local planning authorities in their regions. While they have no direct statutory responsibilities within the planning system, they perform functions on behalf of *Bord Failte*, which has a statutory role. Table B5 sets out the details on the RTO and a range of other State bodies discussed below.

#### Regional fisheries boards

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B62. The country is also covered by seven regional fisheries boards which have important responsibilities in relation to the inland fisheries sector. They are responsible for planning and implementing the development of the freshwater fishery resource in their regions and also have consultative status in the planning process with

MAP 3. SHANNON DEVELOPMENT ADMINISTRATIVE AREA



**Table B4. Regional tourism organisations**

|                                |   |
|--------------------------------|---|
| Dublin tourism                 | Dublin City and the counties of Dunlaoghaire-Rathdown, Dublin South and Fingal        |
| Midlands East                  | Kildare, Laois, Longford, Louth, Meath, north Offaly, Westmeath, Wicklow              |
| North West                     | Cavan, Donegal, Leitrim, Monaghan, Sligo  |
| South Eastern                  | Carlow, Kilkenny, Tipperary SR, Wexford and Waterford City and County                 |
| South West                     | Cork City and County, south Kerry   |
| Western                        | Galway City and County, Mayo, Roscommon   |
| Mid-West (Shannon Development) | Clare, Limerick City and County, Tipperary NR, north Kerry, west and southwest Offaly |

particular regard to freshwater environmental matters and pollution.

#### Harbour authorities

*B63.* There are 32 harbour authorities in the country — 25 of which are the responsibility of the Department of the Marine under the Harbour Acts, 1946-76. Fishery harbours which are not scheduled in the Harbour Acts are also the responsibility of the Department of the Marine. Dun Laoghaire Harbour is the responsibility of the Minister for the Marine under the Dun Laoghaire Harbour Act, 1990.

*B64.* Under the Local Government (Planning and Development) Regulations, 1994, works authorised by Ministerial Harbour Works Orders which consist of construction, reconstruction, extension or removal of docks, graving docks, quays, wharves, piers, jetties, embankments, breakwaters, viaducts, tramways, railways, aerodromes, are considered exempted development. The construction of sheds, storage areas and sites or the reconstruction or alteration of the aforementioned structures so as to materially affect the design or external appearance thereof are not exempted development.

*B65.* In addition, cleaning, scouring, deepening, improving or dredging of the harbour or its approaches by the harbour authority, the removal of any obstruction in the harbour and the disposal of dredged material on land, is also considered exempted development. The disposal of dredged material on land must be in accordance with an objective in the development plan. Class 19 of the second schedule Part 1 of the 1994 Regulations also exempts certain industrial processes on docks, harbours

or quays. Sea disposal of dredged material is controlled by licensing under the Dumping at Sea Act, 1981, which is administered by the Department of the Marine.

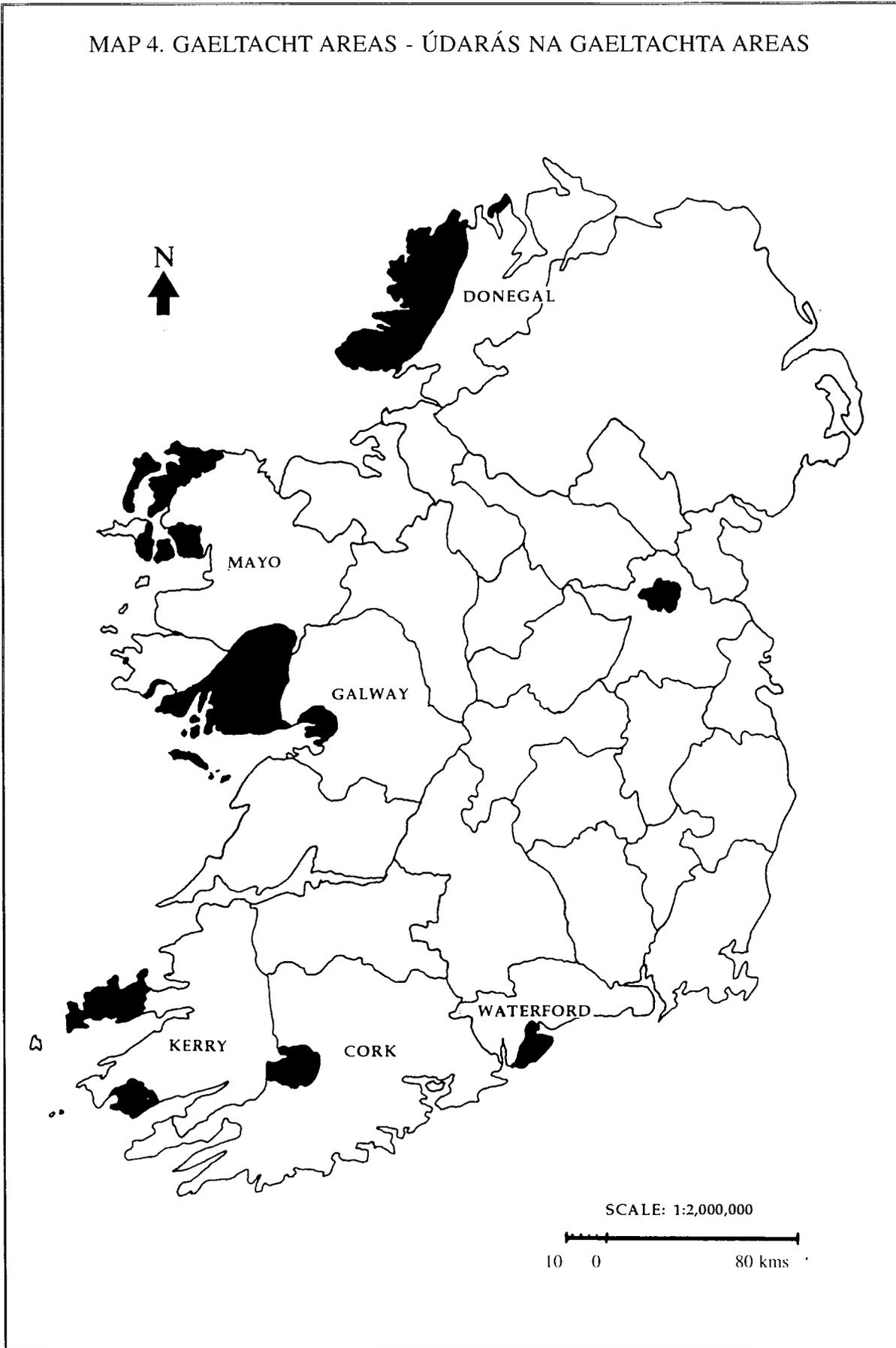
*B66.* As with many other developments, harbour developments are subjected to Environmental Impact Assessment (EIA), as appropriate, within the parameters of the Harbours Acts (as amended by the 1989 EIA regulations). EIA requirements do not affect the exempted development status of harbour works for planning purposes.

#### Government agencies

##### *An Bord Pleanala* (The planning appeals board)

*B67.* *An Bord Pleanala* (the planning appeals board), henceforth referred to as the Board, was established under Section 3 of the Local Government (Planning and Development) Act, 1976. The Board is an independent body with a quasi-judicial role. There are no specific restrictions on the Board in making its decisions. Its function is to deal with appeals, relating to planning applications, references, purchase notices, revocation and modification notices, tree preservation orders, and licences for erection of roadside appliances under the Planning and Development Acts. Under the Local Government (Planning and Development) Act, 1983, Section 19 as amended by Section 15 of the Local Government (Planning and Development) Act, 1992, the Board may deal with appeals relating to conditions attached to a planning decision by a planning authority. It also deals with appeals arising from the Building Control Act, 1990. New legislation regarding

MAP 4. GAELTACHT AREAS - ÚDARÁS NA GAELTACHTA AREAS



the workings of the Board and procedures relating to the appeals process was introduced in 1992, leading to a significant improvement in the processing of appeals.

*B68.* Under Irish law any person may appeal to *An Bord Pleanála* against a planning decision of a planning authority. This includes provision for appeals by third party appellants. In addition, any person as an *observer* may make submissions or observations in relation to an appeal which is before the Board.

*B69.* The Board is composed of six full-time members, a chairman and five other members, appointed in accordance with the provisions of the Local Government (Planning and Development) Act, 1983, as detailed in the Local Government (Planning and Development) Regulations, 1994, Part XI.

*B70.* The duty of the Board is to ensure that appeals and other matters with which it is concerned are disposed of as expeditiously as may be and, for that purpose, to take all such steps as are open to it to ensure that, insofar as practicable, there are no avoidable delays at any stage in the determination of appeals and other matters, Local Government (Planning and Development), Act, 1992, 2(1).

*B71.* In order to fulfil this duty, the Board has the objective of ensuring that every appeal or other matter is determined within a period of four months beginning on the date the Board receives the appeal. The statutory objective of four months applies to all appeals under the planning acts, apart from purchase notices to which an absolute time limit of six months applies, (however, there is a provision for extension of decision period). This time limit of four months also applies to appeals under the Building Control Act, 1990 and to appeals under the Local Government (Water Pollution) Acts (see Section C, Regulations and permits).

*B72.* In order to ensure the consistency of its decisions in relation to the plans and policies of other State bodies, the Board is statutorily required to keep itself informed on the policies and objectives of all government departments, including the Department of the Environment, the planning authorities and other public authorities as speci-

fied in Article 164 of the Local Government (Planning and Development) Regulations, 1994.

The Office of Public Works  
(OPW)/Commissioners of Public Works

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*B73.* The *Office of Public Works*, established by the Public Works Act of 1831, is responsible for the implementation of policy in respect of national monuments and historic properties and for the administration of the national parks and wildlife services.

*B74.* It is in these areas of operation and through its responsibility for the design and supervision of the construction of new State buildings, that the OPW is most closely related to the planning policy framework. Its other functions include providing and maintaining property used by government departments, arterial drainage and the running of the government supplies agency.

*B75.* The functions of the national monuments and historic properties section of the OPW are broadly:

- The recording, surveying and protection of all monuments in the country. The national monuments and historic properties section has a database for all known archaeological monuments (out of which the Sites and Monuments Records (SMRs) for each county are produced) and a database for archaeological excavations.
- The management of the most important monuments and historic properties in the country which are in State ownership and guardianship. The OPW protects almost 500 sites in their ownership and nearly 200 sites in their guardianship. The OPW also protects all of those sites and monuments for which the Minister for the Environment has made preservation orders, amounting to nearly 400 sites in total.

*B76.* In order to achieve its recording function, the Commissioners of Public Works are responsible for establishing and maintaining the Record of Monuments and Places under Section 12 of the National Monuments (Amendment) Act, 1994. The Commissioners are also responsible for carrying out an urban archaeological survey, the aim of which is to produce reports on medieval and other historical towns and cities in the State. The Office of Public Works is also charged with responsibility for the compilation of the Reg-

Table B5. Role and function of selected State and local bodies

| Policy Institution                                  | Founding legislation/document                             | Regulating instruments  | Other Policy Instruments to which it must adhere  |
|---|---|---|---|
| <i>An Bord Pleanála</i>                             | Local Government (Planning and Development) Act, 1976     | Local Government (Planning and Development) Act, 1983<br>Local Government (Planning and Development) Act, 1992<br>Local Government (Planning and Development) Regulations, 1994 | Ministerial Directives<br>Policy of all listed public authorities   |
| <i>Bord Fáilte Éireann</i>                          | Tourist Traffic Act, 1958                                 |   |   |
| Environmental Protection Agency                     | Environmental Protection Agency Act, 1992                 | Made under the series of Environmental Protection Agency Act, 1992 Regulations  |   |
| Office of Public Works                              | Public Works Act 1931                                     | National Monuments Acts, 1930-87<br>Wildlife Act, 1976  | National Parks Management Plans   |
| National Roads Authority                            | Roads Act 1993  |   | Roads Development Plan  |
| The Arts Council                                    | Arts Act, 1951  | Arts Acts, 1951 and 1973  | National Lottery  |
| The central and regional fisheries boards           | Fisheries Consolidation Act, 1959 and Fisheries Act, 1980 |   |   |
| Regional tourism organisations                      | Established 1964  |   |   |
| Local authority                                     | Local Government Act, 1898                                | County Management Act, 1940, City and County Management (Amendment) Act, 1955   |   |
| Planning authority                                  | Local Government (Planning and Development) Act, 1963     | Local Government (Planning and Development) Acts, 1963, 1976, 1982, 1983, 1992, 1993<br>Local Government (Planning and Development) Regulations 1977-94                         | Development Plan<br>Action Area Plan<br>Ministerial Directives  |
| Harbour authority                                   | Harbour Acts, 1946-76                                     |   |   |
| County enterprise boards                            | Programme for Partnership Government                      |   | National Development Plan<br>OP for Local Urban and Rural Development<br>Individual County Enterprise Plans |
| Temple Bar Properties Ltd<br>Temple Bar Renewal Ltd | Temple Bar Renewal and Development Act, 1991              | Finance Acts, 1986-94   | National Development Plan, Local Development Operational Programme, Temple Bar Framework Plan               |
| Custom House Docks Development Authority Ltd        | Urban Renewal Act, 1986                                   | Urban Renewal Act, 1986, Urban Renewal (Amendment) Acts, 1987, 1988, Finance Acts 1986, 1987, 1990, 1991  | Planning Framework Development Scheme   |

ister of Historic Monuments, which was established under the National Monuments (Amendment), Act, 1987, Section 5.

*B77.* The Commissioners of Public Works are deemed a prescribed authority under Article 5 of the 1994 Local Government (Planning and Development) Regulations and also under Section 51(3)(b) of the 1993 Roads Act.

*B78.* It is estimated that over the period of the National Development Plan and CSF, 1994-99, the OPW will carry out over IEP100 million worth of capital works relating to culture and heritage tourism with joint funding from the EU.

#### The National Heritage Council

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*B79.* This corporate body with perpetual succession has, as its main function, the pursuance of national policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological and heritage objects, works of architecture, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways. The Heritage Council absorbed the functions of two organisations previously under the aegis of the Office of Public Works (see later) — the National Monuments Advisory Council, and the Wildlife Advisory Council.

*B80.* The Heritage Council, has a role to play in advising public authorities on the conservation of heritage buildings in their ownership. It advises the Minister for Arts, Culture and the *Gaeltacht* on the designation of heritage buildings and on the requirements for public authorities to consult the Council in relation to proposed demolition, alteration or sale of such buildings and adjoining buildings and amenities. Where the Heritage Council, having been consulted in accordance with the requirements of the Act, has advised against such proposals, public authorities cannot proceed without Ministerial or Governmental approval.

*B81.* It is a prescribed authority for the purposes of Articles 32, 122 and 132 of the 1994 Local Government (Planning and Development) Regulations.

#### Environmental Protection Agency (EPA)

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*B82.* The Environmental Protection Agency was established on 26 July 1993 under provisions contained in the Environmental Protection Agency Act, 1992. The agency is managed by a director-general and four other directors who form the board of the agency and are appointed by the government on the recommendations of an independent statutory committee.

*B83.* The EPA Act, 1992 is drafted in a framework format and requires ministerial regulations and orders to give full effect to its functions. These functions are:

- the licensing, regulation and control of scheduled activities for the purposes of environmental protection (see Section C);
- the monitoring of the quality of the environment including the establishment of data bases on information related to the environment. The EPA is responsible for the dissemination of such information and for ensuring public access to the information;
- the provision of support and advisory services to local authorities and other public authorities for the purposes of environmental protection;
- the promotion, coordination and carrying out of environmental research;
- liaison with the European Environmental Agency; and
- such other functions relating to environmental protection which may be assigned to the agency.

*B84.* Under the EPA Act, 1992, the EPA issues an integrated pollution control licence, relating to air pollution, water pollution, noise and waste control in relation to specified activities. In essence there has been a separation in the functions formerly performed by the planning authority and a dual system is now established in relation to these specified activities:

- the planning system on one hand, with the planning authority being responsible for dealing with applications for planning permission;
- the pollution control licensing system, with the EPA being responsible for dealing with applications for integrated pollution control licences.

B85. As a result, the planning authority and *An Bord Pleanála*, in the event of an appeal, may not consider the environmental pollution aspects where the application relates to an IPC licensable activity.

B86. With the introduction of the provisions contained in the EPA Act, local authorities have increased responsibilities in relation to certain areas of environmental protection. Local authorities are required to undertake a much greater amount of monitoring relating to discharges from water treatment and waste water treatment plants, and monitoring the operation and management of land fill sites.

B87. Funding of the Environmental Protection Agency is through:

- grants in aid from the *Oireachtas*;
- fees for integrated pollution control licences;
- charges for enforcement and compliance monitoring on foot of licence conditions;
- charges for the provision of its services;
- borrowings — The EPA may borrow money with the consent of the Minister for the Environment and the Minister for Finance.

#### *Bord Failte Eireann* (Irish Tourist Board)

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B88. *Bord Failte Eireann* (henceforth *Bord Failte*) was established under the Tourist Traffic Act, 1955 with a remit to develop and market the Irish tourist industry.

B89. *Bord Failte* is responsible for administering part of the Operational Programme for Tourism under the 1994-99 Community support framework. It is estimated that, over the period of the Plan, IEP 583 million will be invested in the development of tourism industry.

B90. For the purposes of the planning acts, *Bord Failte* is deemed a prescribed authority for a number of purposes under Article 5 of the Local Government (Planning and Development) Regulations, 1994. It receives copies of draft development plans and variations thereof.

B91. Under Article 32(1) of the 1994 Local Government (Planning and Development) Regulations, *Bord Failte* must be notified of certain ap-

plications and the date of receipt of said applications in cases where:

- the proposed development is in an area of special amenity (even if no Special Amenity Area Order exists) or where the development or retention of a structure would obstruct any view or prospect of special amenity or interest;
- the development would obstruct or detract from any tourist amenity works;
- the development would be close to any cave, site or feature or other object of archaeological, geological or historical interest;
- the development would detract from the appearance of a building of artistic, architectural or historic interest or would obstruct any future scheme aimed at improving the surroundings or access to the structure.

B92. *Bord Failte* is advised as to the decision of the planning authority on any application of which they have been notified within seven days of such a decision. *Bord Failte* is also listed as a prescribed authority in Article 163 of the Planning Regulations, 1994, in relation to the making of conservation orders and such other matters arising from Section 46 of the Principal Act. It is also listed as a prescribed authority under Articles, 122 and 132 of the Planning Regulations.

#### *An Chomhairle Ealaíon*/the Arts Council

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B93. *An Chomhairle Ealaíon*/the Arts Council is an independent body set up in 1951 to promote and assist the arts. The Arts Council's policies are directed towards providing widespread access to the arts throughout the country and it partially funds city and county arts offices.

B94. The Arts Council has a statutory right to be consulted by planning authorities in a number of instances. Firstly, as one of the prescribed authorities listed in Article 5 of the Local Government (Planning and Development) Regulations, 1994, it receives a copy of all draft development plans or variations to a development plan and the notice relating to the respective plans. Secondly, it is notified regarding certain planning applications and, thirdly, it is also designated as a public authority under Article 164 of the Local Government (Planning and Development) Regulations, 1994.

B95. Funding for the Arts Council is provided by a grant-in-aid from the Department of Arts, Cul-

ture and the *Gaeltacht*, together with substantial funding from the National Lottery.

#### National Roads Authority

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*B96.* The National Roads Authority (NRA) became operational on 1 January 1994. The NRA's overall function is to secure the provision of a safe and efficient network of national roads. The Members of the authority are appointed by the Minister for the Environment. The NRA is a prescribed authority under Section 21 of the Principal Act as specified in Article 5 of the Local Government (Planning and Development) Regulations, 1994. It is also declared to be a public authority under Article 164 of the above regulations.

*B97.* Where there is disagreement between the NRA and the local road authority regarding alignment of a national road, the local road authority may make further representations to the NRA. Where no agreement is reached, the local road authority may make representations to the Minister for the Environment (a copy of which must be sent to the NRA). The NRA may in turn make representations to the Minister within one month of receiving the local authority's representation. The final decision will rest with the Minister. However, normally the selection of alignment will rest with the local road authority.

*B98.* The other powers and functions conferred on the NRA by the Roads Act, 1993 are outlined in Section D below.

#### Temple Bar Properties Ltd and Temple Bar Renewal Ltd

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*B99.* Temple Bar Renewal Ltd and Temple Bar Properties Ltd were established under the Temple Bar Area Renewal and Development Act, 1991, as the body responsible for the approval of developments for tax incentives and as the development company respectively for the Temple Bar area in the centre of Dublin (Map 8, Section D).

*B100.* The objectives of Temple Bar Properties include securing the urban renewal of the Temple Bar area and the consolidation and development of cultural activity within the Temple Bar area. Developments within the Temple Bar area are subject to normal planning procedures. The ac-

tivities of the Temple Bar companies are detailed in Section D.

#### Custom House Docks Development Authority

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*B101.* The Custom House Docks Development Authority (CHDDA) was established under the provision of the Urban Renewal Act, 1986 and later was extended through the provisions of the 1987 Urban Renewal (Amendment) Act.

*B102.* The CHDDA is charged with the general duty to secure the redevelopment of the Custom House Docks Area including the revitalisation of this part of central Dublin and to stimulate the redevelopment and regeneration of the adjacent obsolete quayside areas. The CHDDA is also charged with the creation of a wide range of new investment and job opportunities.

*B103.* The CHDDA is unique in the Irish situation, as development within its designated area is not subject to normal planning control. Under the provision of the 1986 Urban Renewal Act, Section 12, the CHDDA was statutorily obliged to prepare a planning scheme for the area, having regard to the development plan of Dublin Corporation and in consultation with Dublin Corporation. It was also required to allow submissions to be made by interested persons and to take account of any submissions. The scheme had to be approved by the Minister for the Environment, which considered the objections of Dublin Corporation and was able to modify the scheme as she/he thought fit. The work of the CHDDA is discussed in Section D.

#### The Central Fisheries Board

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*B104.* The Central Fisheries Board has primary responsibility for the overall coordination and direction, where necessary, of the activities of the regional fisheries boards in the areas of protection, conservation, management and development of the inland fisheries resource and the promotion and development of sea angling. The Board also provides specialist scientific, technical, financial personnel and engineering services to the regional boards, ensures that policy directions are carried into effect and advises the Minister for the Marine on matters relating to the most effective conservation, management and development of the resource. The Board has the lead role in im-

plementing the tourism angling measure under the Operational Programme for Tourism.

## Local government organisations

### Local authorities

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*B105.* There are 114 directly elected bodies which comprise the Irish local government system. The elected bodies comprise of:

- 29 county councils
- 5 county boroughs (based on the 5 cities of Dublin, Cork, Limerick, Galway and Waterford)
- 5 borough corporations
- 49 urban district councils (UDCs)
- 26 boards of town commissioners.

*B106.* Figure B1 shows the details of the local government structure, which is principally based on the counties and the county boroughs.

*B107.* The system of local government owes much to the Local Government Act, 1898 which consolidated the large number of authorities and which created a democratically elected system. From 1922 the new Irish government consolidated the various types of local authorities into a single system. As a result, local authorities are responsible to the electorates in their own areas, subject to national policies and programmes under the supervision of the Minister for the Environment. The single most important innovation in Irish local government has been the introduction of the managerial system from 1929 onwards. The county manager, as well as being the manager for the county council, is manager for every borough corporation, urban district council, board of town commissioner and every joint body whose functional areas are wholly within the county. Each of the five cities has its own city manager.

*B108.* The functions of local authorities are grouped into eight programmes as follows:

1. Housing and building
2. Road transportation
3. Water supply and sewerage
4. Development incentives and controls
5. Environmental protection
6. Recreation and amenity
7. Agriculture, education, health and welfare.
8. Miscellaneous.

*B109.* Local authorities also have powers of general competence to act in the community interest.

*B110.* The largest spending occurs on the first three programmes, with funding coming principally from the rate support grant (grant in lieu of local taxation), the financing of capital projects and from State transfers, commercial rates and service charges.

*B111.* The local authorities are run under a management system, whereby all functions are divided into executive and reserved functions. The overall control of the local authority is vested in an elected Council, while day-to-day administration is in the hands of a manager and staff.

*B112.* The reserved functions must be discharged by the elected members. These include the adoption of estimates and the borrowing of money. In relation to planning, the elected members, except in the case of town commissioners, are responsible for the following, among others:

- making and varying a development plan;
- making, amending or revoking of bye-laws;
- requiring the granting of a permission which would contravene materially the development plan or the provision of any Special Amenity Area Order;
- revoking or modifying a permission to develop land;
- assisting a body or person in the preservation or development of amenities (including the preservation of buildings, sites of architectural, historical interest).

*B113.* Every function which is not a reserved function is an executive function performable directly by the manager. These include:

- the employment of staff,
- acceptance of tenders,
- management of local authority property,
- collection of rates and rents,
- making decisions on planning applications.

*B114.* Decisions on planning applications are made by the manager, based on the recommendations of planning and other technical advisers and, where deemed necessary, after consultation with the planning committee composed of elected representatives.

*B115.* Other duties of the manager:

- to advise and assist elected members of a local authority in the exercise of their reserved functions,
- must inform the elected members of any new works being undertaken other than those of maintenance or repair. The manager may be required in this respect to submit plans, specifications and cost of particular works to the elected members.

*B116.* The manager may:

- be required by the elected members to inform them of an intention to perform any specified executive function,
- be required by members to undertake a particular act, matter or thing under the provision of a Section 4 resolution under the City and County Management (Amendment) Act 1955.

*B117.* Under Section 44 of the Local Government Act, 1991, all section 4 resolutions relating to planning functions must adhere to the following procedure:

- If all the land in question is located in a single local electoral area, the notice of intention to propose the resolution must be signed by three-quarters of the members of the local authority from the area concerned in the application.
- If the land is situated in more than one electoral area, the notice of intention must be signed by three-quarters of the members from each of the areas concerned.
- In order to pass the Section 4 resolution, the number voting in favour must be not less than three-quarters of the members of the local authority.

#### Planning authorities

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*B118.* Under the Local Government (Planning and Development) Act, 1963, all local authorities except town commissioners became the planning authorities for their functional areas. Under the 1963 Act under S. 2(2) county councils, county or other boroughs and urban district councils were defined as planning authorities. There are, therefore, 88 separate planning authorities as of 1994 (Figure B1).

*B119.* The functions which are given to the planning authority include:

- to prepare and to revise development plans;
- to make recommendations on and to enforce decisions on individual applications for planning permission (see Section C, Enforcement procedures);
- planning authorities have extensive powers relating to conservation and amenities;
- planning authorities also have powers to make orders controlling vandalism, litter and advertisements, S. 52, 53 and 54 of the Local Government (Planning and Development) Act, 1963.

*B120.* A planning authority may act as a developer in its own right, Local Government (Planning and Development) Act, 1963, section 77. This power includes provision for road widening, renewal of obsolete areas and the preservation of views and trees and the provision of sites or buildings for a number of different purposes. This provision has become increasingly important, especially in the field of urban renewal. Development may be carried out by the planning authority on its own or in a joint venture with other organisations. Certain powers with respect to amenity and conservation are discussed in Section D.

*B121.* The planning legislation confers extensive powers of land appropriation and access upon planning authorities to enable them to perform their functions under the Acts. Finally the First Schedule of the Local Government (Planning and Development) Act 1963 lists some 88 towns, known as scheduled towns usually small in size, for which the planning authority, normally the county council, is required to prepare separate development plans.

#### Other organisations

*B122.* The following non-governmental organisations play an important role in advising on planning matters and in the implementation of development plans:

*B123.* (a) *An Taisce* or The National Trust for Ireland — a prescribed authority under Article 5 of the Local Government (Planning and Development) Regulations, 1994. *An Taisce* is a watchdog organisation in relation to all facets of environmental policy and it is represented on numerous national and international bodies. *An Taisce* is also listed as one of the bodies to receive

copies of certain applications and environmental impact statements and notification of local authority development under Articles 32, 122 and 132 of the Local Government (Planning and Development) Regulations, 1994. In addition, *An Taisce* has played an important role in terms of research into planning issues.

*B124.* (b) The Construction Industry Federation (CIF) represents the construction industry, the second largest industry in the country. As well as a significant lobby organisation in the development area, the CIF is listed as a prescribed organisation in Article 147 of the 1994 Regulations for the purposes of Section 7(2)d of the 1983 Act relating to the appointment of members of *An Bord Pleanála*.

*B125.* Other organisations with important advisory roles include:

- (c) The Irish Business and Employers' Confederation (IBEC).
- (d) The Irish Planning Institute.
- (e) The Royal Town Planning Institute (Irish branch — southern section).
- (f) The Society of Chartered Surveyors (planning and development division).
- (g) The Institution of Engineers of Ireland.
- (h) The Royal Institute of the Architects of Ireland
- (i) The Irish Georgian Society
- (j) ACRA — The Association of Combined Residents' Associations.

## Policy instruments

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### National level

#### National spatial policy

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*B126.* The Republic of Ireland does not operate a national physical planning strategy per se. However, each government department and most State bodies undertake investments which have a spatial dimension and have definite planning implications at local level.

*B127.* For the most part, the National Development Plan, 1994-99, which is inter alia Ireland's submission for structural funding, details the major investment programmes likely to be considered for action up to the year 1999. Even more

precisely, the Community support framework 1994-99 for Ireland details the programmes which are to receive EU support funding and, therefore, likely to proceed as a priority. In a number of respects, these two complementary documents lay down the broad bones for a national strategy. Frequently, they indicate the projects scheduled to proceed. For the most part they provide details as to the physical nature of their proposals and all such physical projects will be subject to normal planning processes as they come on-stream. In a very real sense these two documents lay down much of the investment agenda for local planning up to 1999 at least.

*B128.* While the Department of the Environment has the power to issue national planning policies, planning directives and guidelines, physical planning has remained largely a local activity in the hands of the individual planning authorities. The principal instruments of national/local policy in Ireland are set out in Table B6.

#### Planning legislation

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*B129.* All legislation is enacted by the *Oireachtas* (Parliament). All planning legislation is mandatory and, as a rule, it is national in scope and of unlimited duration. The following sections and Table B7 make reference to crucial features of the following legislation:

The Local Government (Planning and Development) Act, 1963  
 The Local Government (Planning and Development) Act, 1976  
 The Local Government (Planning and Development) Act, 1982  
 The Local Government (Planning and Development) Act, 1983  
 The Local Government (Planning and Development) Act, 1990  
 The Local Government (Planning and Development) Act, 1992  
 The Local Government (Planning and Development) Act, 1993  
 The Local Government (Planning and Development) Regulations, 1994  
 The Urban Renewal Act, 1986  
 The Urban Renewal (Amendment) Act, 1987  
 The Derelict Sites Act, 1990  
 The Building Control Act, 1990,  
 The Environmental Protection Agency Act, 1992 and related Regulations  
 The Roads Act, 1993.

*B130.* The main provisions of each Act are set out in Table B.7. The Local Government (Planning and Development) Act, 1963 is the basic and principal Act in the Irish planning system. This principal Act established Irish planning on a mandatory basis. Details of the Principal Act are outlined in Table B7.

*B131.* The 1963 Act has been amended and augmented by subsequent legislation. The main provisions of each of the planning acts are set out in Table B7.

*B132.* The Local Government (Planning and Development) Regulations, 1994 contain details of procedures, definitions and other extraneous information not contained in, but essential to the operation of the respective planning acts.

*B133.* This comprehensive set of consolidated regulations details procedural arrangements with respect to:

- the making of development plans,
- the nature and extent of exempted development,
- planning permission regulations,
- planning appeals and other matters relating to *An Bord Pleanala*,
- the extension and duration of planning permission,
- planning fees,
- compensation,
- requirements in respect of specified development by or on behalf of local authorities,
- appointments to *An Bord Pleanala*,
- the granting of licences under the planning acts,
- provisions in respect of developments by or on behalf of State authorities.

*B134.* There are also a number of miscellaneous provisions, as well as seven schedules detailing exempted development, fees and other specific matters.

*B135.* There are five further strands of legislation which, though they are not strictly planning legislation, are of considerable importance to planning policy and the achievement of planning objectives. These are urban renewal legislation, derelict sites act, the building control act, the roads act and environmental legislation.

## Urban renewal legislation

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*B136.* The Urban Renewal Act, 1986, was introduced to provide for a programme of urban renewal in Ireland's cities and towns. The 1986 Act enables the Minister for the Environment, with the consent of the Minister for Finance, to designate certain areas where she/he is satisfied that there is a special need to promote urban renewal. The Act provided for the designation of the Custom House Docks Area in Dublin and for the establishment of a development authority with its own planning powers, to undertake the renewal of that area (see Section D). The Act also empowered the Minister for the Environment to declare any area where there is a special need to promote urban renewal as a designated area. The effects of this legislation are discussed in Section D.

*B137.* The 1986 Act was amended by the Urban Renewal (Amendment) Act, 1987 which empowered the Minister for the Environment to extend the Custom House Docks Area within certain specified boundaries. Specific legislation relating to the Temple Bar area within Dublin is dealt with in Section D.

## Derelict Sites Act, 1990

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*B138.* The Derelict Sites Act, 1990, provides local authorities with more effective powers for responding to and preventing dereliction. The Act is applicable nation-wide and is mandatory. The Act:

- requires every local authority to establish and maintain a derelict sites register, and,
- empowers a local authority to take effective measures in relation to derelict sites and to impose an annual derelict site levy in urban areas, payable by the owner of the land to the local authority.

*B139.* The Minister for the Environment may direct local authorities to take specified action in relation to the derelict sites and may also direct statutory bodies to dispose of any derelict land which is not necessary for the performance of their functions.

**Table B6. Summary of national and local policy instruments in Ireland**

| Instrument  | Status, area and coverage  | Objectives and use  | Origin  |
|---|--|---|---|
| <p><i>Acts:</i></p> <p>Main example: Local Government (Planning and Development) Act, 1963, as added to and amended by local Government (Planning and Development) Acts, 1976, 1982, 1983, 1990, 1992 and 1993</p>  | <p>Law for the 26 counties of Ireland</p>  | <p>Sets the legal framework for all spatial planning including development plans and regulations</p>  | <p>Enacted by the <i>Oireachtas</i> after debate. Acts are sometimes preceded by Green Papers which are consultative documents and White Papers which set out the Government's proposals for change before a Bill is put before the <i>Oireachtas</i></p>   |
| <p><i>Regulations:</i></p> <p>Example: The Local Government (Planning and Development), Regulations, 1994</p>   | <p>Secondary legislation has the force of law. The 1994 Regulations consolidate and augment all previous planning regulations</p>  | <p>Provides more detailed procedural arrangements than exists in the Acts</p>   | <p>The various planning and associated Acts confer power on the Minister for the Environment to make Regulations compiled by Department of the Environment</p>  |
| <p><i>Statutory Policy Directives: (2 issued):</i></p> <p>Local Government (Planning and Development) General Policy Directive, 1982. (SI No 264 of 1982)</p> <p>Local Government (Planning and Development) General Policy Directive, 1988 (SI No 317 of 1988)</p> | <p>Legal instrument</p> <p>Must be considered by planning authority in coming to a decision and by <i>An Bord Pleanala</i> in making a decision on an appeal</p>                             | <p>Related to particular areas of Planning Policy. SI No 264 relates to the impact of large scale retail development. SI No 317 relates to air quality</p>  | <p>Under Section 7 of Local Government (Planning and Development) Act, 1982, power conferred on the Minister for the Environment to issue directives</p>  |
| <p><i>Non-statutory guidelines:</i></p> <p>Development control advice and guidelines, Department of the Environment 1982</p> <p>Urban development plans for the 1980s. Guidelines for the preparation of statutory development plans</p>                            | <p>Directed towards local authorities applicable throughout the country, but not legally binding</p> <p>The two examples given consolidate material issued in other circulars</p>            | <p>Provides guidance for planning authorities and gives an indication of the Minister for the Environment's policy on various issues</p>  | <p>Produced by the Department of the Environment</p>  |
| <p>Circulars and guidance notes</p>   | <p>Advice and guidance on policy and procedure. Numerous circulars covering many topics are issued each year</p>   | <p>Covers many topics including explanation of the provisions of new legislation, and advice relating to the use of certain powers bestowed by legislation. Relays Minister's position on various issues to planning authorities</p>                    | <p>Published by the Department of the Environment</p>   |
| <p>Development plan</p>   | <p>Statutory plan. Obligatory to prepare and keep under review by the planning authority. Covers the whole functional area of the planning authority and has a time frame of five years.</p> | <p>Composed of maps and written statements. Two sections broadly:</p> <ol style="list-style-type: none"> <li>1. Strategy section — long-term view</li> <li>2. Detail section — detailed policies and objectives set out for five year period</li> </ol> | <p>Prepared by planning authority (by own technical staff or consultants).</p> <ul style="list-style-type: none"> <li>- Public consultation through display period.</li> <li>- Observations or objections submitted in writing or orally to a person appointed.</li> <li>- Plan adopted 'made' by the elected members of the local authority</li> </ul> |

**Table B7. Main provisions of Irish planning legislation**

| Act   | Main provisions  |
|---|--|
| Local Government (Planning and Development) Act, 1963 | <p>Established the Irish planning system.<br/>           Defined planning authorities and their powers.<br/>           Defined what constitutes development and exempted development.<br/>           Outlined the planning authorities' duty to make and review development plans.<br/>           Introduced the obligation to obtain planning permission.</p> <p>Empowered the planning authority to:</p> <ul style="list-style-type: none"> <li>- enforce planning control,</li> <li>- compensate in certain circumstances,</li> <li>- appropriate and dispose of land,</li> <li>- enter into agreements to regulate the development of land,</li> <li>- act as developers,</li> <li>- grant licences,</li> <li>- make Special Amenity Area Orders.</li> </ul> <p>Made provision for payment of compensation.</p>            |
| Local Government (Planning and Development) Act, 1976 | <p>Established <i>An Bord Pleanala</i>, the planning appeals board.<br/>           Introduced a number of enforcement procedures including:<br/>           Section 26 - Warning Notices (see Section C: Regulations and permits).<br/>           Section 27 - Means for seeking an injunction in the High Court against unauthorised development or use.</p> <p>Amended Section 42 of 1963 Act, relating to Special Amenity Area Orders.</p>   |
| Local Government (Planning and Development) Act, 1982 | <p>Empowered the planning authority to;</p> <ul style="list-style-type: none"> <li>- limit the duration of planning permission,</li> <li>- vary the time period and in some cases extend the life of a planning permission.</li> </ul> <p>Conferred powers on <i>An Bord Pleanala</i> to declare appeals, references, etc. withdrawn.<br/>           Empowered the Minister for the Environment to:</p> <ul style="list-style-type: none"> <li>- issue policy directives relating to planning,</li> <li>- alter penalties, including fines and imprisonment for offences committed under the planning acts,</li> <li>- make regulations with regard to fees.</li> </ul>  |
| Local Government (Planning and Development) Act, 1983 | <p>Provided for a number of changes to <i>An Bord Pleanala</i>, including defining composition of the board, and other procedural arrangements.</p> <p>Provided <i>An Bord Pleanala</i> with a number of new powers including the power to dismiss appeals as vexatious and enabling appeals to be brought against conditions.</p>   |
| Local Government (Planning and Development) Act, 1990 | <p>Amended and consolidated the law on compensation, widened grounds for non-payment of compensation and introduced new valuation rules for assessment.</p> <p>Regulated rights of connections to public sewers and water supply.</p>  |
| Local Government (Planning and Development) Act, 1992 | <p>Amended the law in relation to planning appeals and other matters decided by <i>An Bord Pleanala</i> to enable the Board to decide cases in a shorter period of time.</p> <ul style="list-style-type: none"> <li>- introduced four-months decision period,</li> <li>- new requirements for making an appeal including new time limits.</li> </ul> <p>Changed enforcement procedures:</p> <ul style="list-style-type: none"> <li>- widened grounds for serving warning notice,</li> <li>- broadened scope of planning injunction,</li> <li>- increased fines for offences under the planning acts.</li> </ul> <p>Made provision for application for judicial review to challenge the validity of the decision of a planning authority or appeals board to be made by motion on notice within two months of the decision.</p> |
| Local Government (Planning and Development) Act, 1993 | <p>Regulated development by or on behalf of the State and local authorities.</p> <ul style="list-style-type: none"> <li>- regularised all development by State and local authority prior to June 1993,</li> <li>- provided for the exclusion of certain categories of development from normal planning and control and introducing a system of public notice and consultation for such development and for development by planning authorities,</li> <li>- allowed certain development to be excluded from planning controls by ministerial order in the event of an accident or emergency.</li> </ul>   |

## Building Control Act, 1990

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*B140.* The Building Control Act, 1990, provides a modern legal basis for making and administering building regulations. The purpose of the building regulations is to promote good practice in the design and construction of buildings in the interest of health, safety and welfare of the people in and about such buildings. The building regulations set out the basic requirements to be observed in design and construction, which apply to new buildings and to extensions and alterations.

*B141.* Building regulations take the form of 12 technical guidance documents which address the following:

- structure
- fire
- site preparation and resistance to moisture
- workmanship
- sound
- ventilation
- hygiene
- drainage and waste disposal
- heat-producing appliances
- stairways, ramps and guards
- conservation of fuel and energy
- access for disabled people.

*B142.* The Building Control Act, 1990, is implemented by the building control authorities (effectively the larger local authorities).

*B143.* The Roads Act, 1993, also has considerable planning implications, given its role in establishing the national roads.

## Environmental legislation and regulations

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*B144.* There is an increasing range of environmental legislation in Ireland deriving from EU directives, the enactment of domestic legislation, and the formulation of environmental regulations under both the environmental and planning legislation. The most important environmental legislation relating to the planning system is that relating to pollution control, the Air Pollution Act, 1987, Water Pollution Acts, 1977 and 1990 and the Environmental Protection Agency Act, 1992 and that relating to Environmental Impact Assessment.

*B145.* The European Communities (Environmental Impact Assessment) Regulations, 1989 are

concerned with the amending of domestic legislation to allow, where necessary, for the undertaking of an Environmental Impact Assessment. These were amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994.

*B146.* The Local Government (Planning and Development) Regulations, 1994, delineate the procedures which relate the EIA regulations to the planning process. The section of the 1994 Planning Regulations relating to EIAs specifies a range of procedural arrangements with respect to the making of an EIS on behalf of any developer, including a local authority (see Section C).

*B147.* The Environmental Protection Agency Act, 1992, provided for the establishment of the Environmental Protection Agency (EPA), and set out its functions including the licensing of certain scheduled activities (see Section B: Government agencies, and Section D: Resource planning).

*B148.* The Environmental Protection Agency (Licensing) Regulations, 1994, provide for procedural matters related to applications to the Agency for licensing, reviews of licences or revised licences and consideration of objections including the holding of oral hearings.

## Regional level

*B149.* Inter-regional policy was of diminishing importance during the 1980s. While sub-regional reports were prepared as an input to the National Development Plan, 1994-99, these documents had no independent role, nor do they influence local planning. Up to 1994 the regional authority with greatest powers was Shannon Development which provided a degree of regional coordination within the mid-west region of the county. While many government departments and agencies have regionalised some of their activities, there was little by way of horizontal coordination at regional level. The eight regional authorities established on 1 January 1994, and discussed above, are required to prepare regional reports by the end of 1995. Such reports may represent the beginnings of a coordinated regional spatial analysis of the activities of the various development agencies within the country.

## Local level

### The development plan

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*B150.* Section 19 of the Local Government (Planning and Development) Act, 1963, required each of the country's planning authorities to make a development plan for their functional area within three years of the Act coming into force. Section 20 requires the planning authorities to review their development plans at least once every five years. In practice, it has been difficult for many planning authorities to adhere to this tight schedule. In addition, the county level planning authorities are required to make (and to review) separate development plans for any scheduled towns within their area. Each of the 88 planning authorities may produce a single plan covering the whole of their functional area or they may produce two or more plans as specified in section 19 (5)(a) and (b) of the 1963 Act. The making and/or the review of a development plan is a mandatory task. It is also a reserved function of the elected members of the local authority.

*B151.* The development plan is the most important policy instrument at the disposal of the planning authority. Its aim is to promote and encourage development, to conserve, protect and improve the environment and to make the best possible use of resources. The development plan consists of maps and written statements and must include certain objectives. In the case of urban areas the objectives are for:

- land-use zoning, that is, the use solely or primarily of particular areas for particular purposes, whether residential, commercial, industrial, agricultural or otherwise;
- convenience and safety of road users and pedestrians by the provision of car parking, road improvements or otherwise; and
- the development and renewal of obsolete areas and preserving and improving and extending amenities, (Section 19(2) Local Government (Planning and Development) Act, 1963).

*B152.* For rural areas, objectives must be included for:

- the development and renewal of obsolete areas and the preservation and improvement of amenities, and
- the provision of new water supplies and sewerage services, together with the extension of such existing supplies and services.

*B153.* The plan may also contain objectives relating to:

- roads and traffic;
- structures;
- community planning;
- amenities including open spaces;
- land-use zoning outside the towns mentioned above.

*B154.* The written statement of the development plan should fall into two sections: strategy and detail. The strategy section of the development plan should relate to development over the coming 20 years. In looking ahead 20 years, it should identify the type of place the town or county is to become physically, economically and socially (Urban Development Plans for the 1980s, Department of the Environment, 1986).

*B155.* The objectives contained in the strategy section provide the foundation for the detailed section of the Plan. They usually fall under three headings:

- land use
- engineering services — roads, water, sewers, waste
- specific objectives — works, protection, etc.

*B156.* The detail section of the plan contains policies and objectives and the methods for implementation over the five year plan period. In addition, it usually includes:

- the standards which will apply to development, i.e. residential densities, public and private open space needs, car parking standards, plot ratio and site coverage;
- lists of buildings, structures, or areas of scientific, historical, archaeological or architectural interest, which the planning authority intends to preserve or to protect;
- use zoning which can take the form of a matrix with five or six zones and an indication of the type of uses and activities permissible in each zone. It is usual to have matrices relating to uses that are permitted, open for consideration and not permitted.

*B157.* The form and content of development plans is broadly similar, regardless of the size of the planning authority, although larger authorities may have a more complex range of policies.

*B158.* The making or varying of a development plan is a reserved function of the local authority. Thus, only the elected representatives (council-

lors) may make, or make amendments to, the plan. The procedures for making or for varying a development plan are the same. They involve a number of steps outlined in flow diagram C2 contained in Section C, Regulations and permits.

*B159.* The local authority's technical planning staff or planning consultants prepare background reports and surveys on various planning issues prior to the drafting of the plan. The local authority's staff, or planning consultants, then prepare and present a draft plan for consideration by the elected representatives who will comment on it and may make alterations before approving it. Once the draft plan is approved by the elected representatives, the planning authority is required to:

- publish a notice in *Iris Oifigiuil* (Official Journal) and a newspaper circulating in the area;
- send a copy of the draft plan (written statement, maps and diagrams, etc.) and the aforementioned notice to a number of prescribed authorities which are listed in Article 5 of the Local Government (Planning and Development) Regulations, 1994;
- notify the owner and occupier of any building structure which has been listed for preservation in the plan;
- notify the owners and occupiers of any land on which the local authority is preserving a public right of way. The planning authority must provide the owners and occupiers with particulars of the provision and a map indicating the right of way. (There is a right to appeal within 21 days of the display period to the Circuit Court regarding inclusion of public rights of way);
- place a copy of the draft plan on public display for a period of not less than three months. During this time, any person may make an objection or representation relating to the draft;
- allow any ratepayer to request that their objection be heard orally by a person appointed for this purpose by the planning authority;
- report all written and oral objections and representations to the elected representatives, who are obliged to consider them but are not obliged to include them;
- ensure that, where variations are made to the plan, they must be the subject of a public display for a period of one month;
- accept only written objections and representations relating to the variation;
- consider the representations and objections before the development plan is finally made (adopted) by the elected representatives.

*B160.* Once the development plan is made, it is used by planning authorities to control and direct development over the plan period. The planning authority must, under the provision of Section 22(1) of the Local Government (Planning and Development), Act, 1963, pursue the objectives contained in the development plan. Likewise, in deciding to grant permission, the planning authority must take into account the provisions of the development plan. Where the planning authority wishes to grant permission which would contravene the material provisions of the development plan, it must follow the procedure laid out in Section 39(d) of the Local Government (Planning and Development) Act 1976, (see Section C, Regulations and permits regarding departure from the plan and the preceding Figure B3).

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#### Illustration 1: Westmeath County Development Plan

*B161.* This county development plan is an example of a development plan produced for one of Ireland's midland, largely rural, counties by the planning authority for the area, Westmeath County Council. The plan covers the whole of the functional area of the county of Westmeath save for the town of Athlone for which a separate plan has been prepared. This example is indicative of the length of time taken to prepare a development plan, as Westmeath County Council began preparing the county development plan in 1991 and the plan was finally adopted on 28 February 1994. The plan contains detailed policies and objectives for a number of sectors, a comprehensive set of development control standards and a number of detailed town and village plans. Table B8 illustrates the content of the Westmeath development plan.

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#### Illustration 2: The Cork City Development Plan

*B162.* In contrast to the Westmeath County Development Plan which has a rural emphasis, the Cork City Development Plan is an urban development plan covering the functional area of Cork corporation and encompassing all of Cork county borough. As the plan is for a major city with high population densities and concomitant development pressures, the plan contains detailed policies, objectives and development controls. The plan was adopted in

1992 and is the fourth plan adopted by the corporation.

*B163.* The present plan draws on the review of the Cork Land Use Transportation Study (LUTS), which began in 1990, as a framework for the plan. Two additional studies provided further input; the Northside study on a relatively disadvantaged area of the city and the Waterfront study on the city's quayside areas.

*B164.* Table B9 outlines the content of the Cork City Development Plan.

#### Action area plans produced by planning authorities

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*B165.* In cases where a planning authority wishes to expand part of its development plan to provide greater detail in an area where it anticipates significant development, the authority may prepare an action area plan. This will indicate in more detail how the area may be developed.

*B166.* The action area plan is usually prepared by the planning staff of the local authority. It may, or may not, be adopted by the planning authority, using the same procedure as used for the adoption of the development plan or a variation thereof.

*B167.* If an action area plan is adopted, it has the force of the development plan and the planning authority will be bound to implement its objectives. Many action area plans are not adopted but provide guidance in a detailed manner for prospective developers.

*B168.* The following two plans are examples of action area plans for parts of Limerick and Waterford respectively. The plans were prepared for the local authorities of Limerick and Waterford corporations by teams of consultants. Each of the plans focuses on a limited area of the city with particular emphasis on urban renewal and may avail of EU funding for implementation.

*B169.* These action plans facilitate the identification of specific projects and buildings which have development potential, allowing a more detailed land-use planning approach to be developed, than is possible in the city development plan proper.

#### Integrated Action Plan — King's Island, Limerick

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*B170.* King's Island is located adjacent to Limerick city centre. It is defined by the Shannon and Abbey rivers and access to the island is provided via four road bridges and a pedestrian bridge. King's Island at present incorporates a diverse range of land uses, housing estates, open space, sports' ground, commercial buildings and an array of civic, educational, historical and cultural buildings including St Mary's Cathedral, St John's Castle and the College of Art.

*B171.* Each of the detailed action plans, encompassed by the overall integrated action plan, contains a list of physical interventions proposed and delineates possible opportunities, accompanied by a plan and drawings. These details propose amenity schemes, environmental improvements and tree planting schemes and include artist's impressions of the proposed development (see Figure B4).

#### Area Action Plan — The Stony Steps, Waterford

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*B172.* The Stony Steps and South Quays Local Area Regeneration Plan was prepared by consultants on behalf of Waterford corporation to be submitted for funding under the urban renewal element of the Operational Programme for Local Urban and Rural Development.

*B173.* The plan focuses on part of the quays area and its environs and identifies other areas of potential for renewal and possible links between these areas. Preparation of the plan involved consultation with the Chamber of Commerce, Waterford Civic Trust, Caé Community Arts Organisation and other local organisations (Fig. B5).

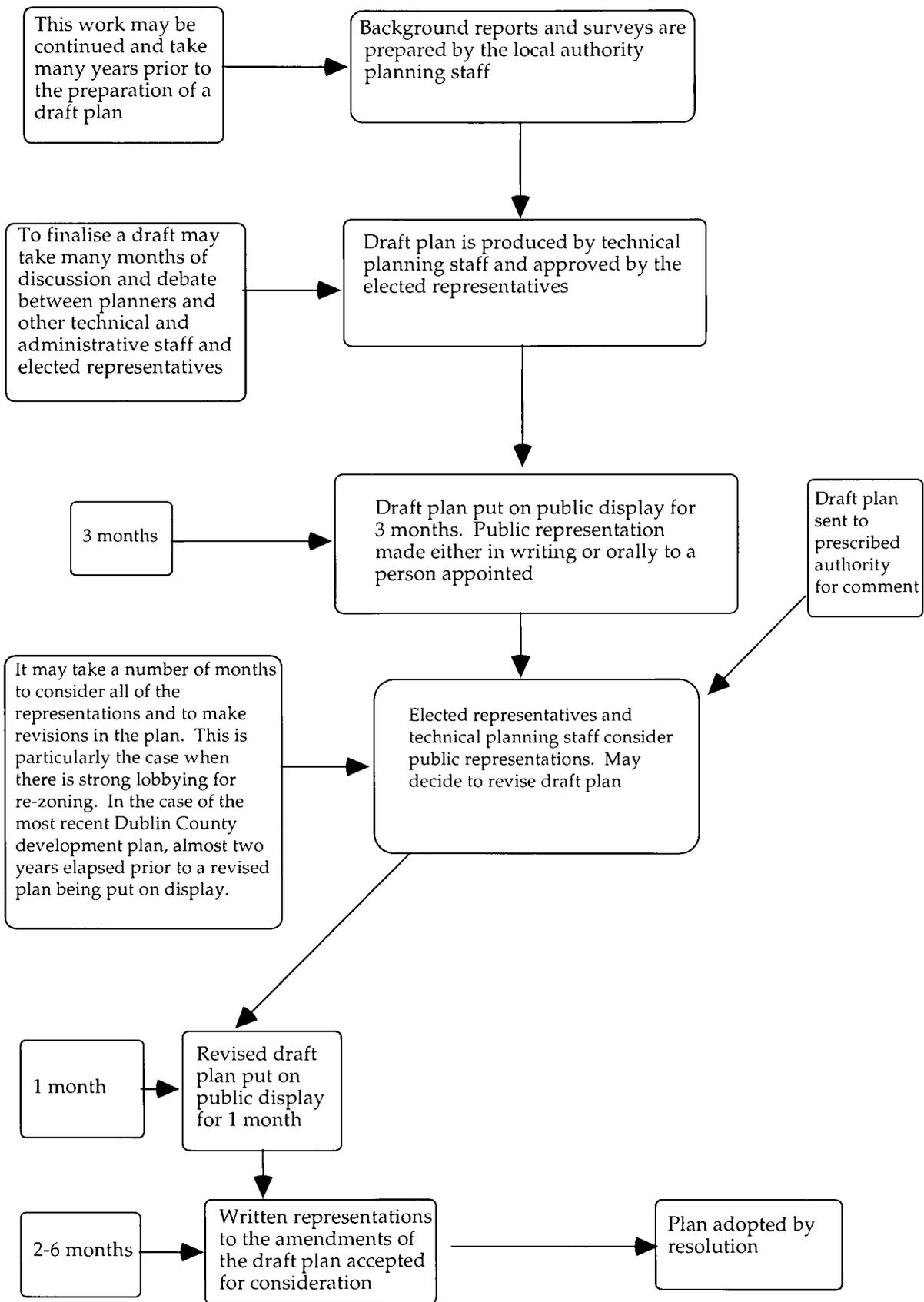
#### Financial incentives, urban renewal or tax incentives

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*B174.* Most incentives to encourage development take the form of tax incentives, principally under the Urban Renewal Act, 1986 and the Finance Acts.

*B175.* The new urban renewal programme entitled 'New life for your town' extends the urban renewal scheme to a total of 35 towns or cities but with

**Figure B3: Making or reviewing the development plan**



**Table B8. Westmeath County Development Plan, 1994**

| Section | General Heading  | Specific Content  |
|---------|--|---|
| Part 1  | Population and employment  | Population and employment trends are evaluated and the land-use indications associated with these are identified  |
| Part 2  | Development policies and objectives<br><br>1. Development strategy<br><br>2. Housing<br><br>3. Sanitary services<br><br>4. Roads<br><br>5. Employment and industry<br><br>6. Tourism<br><br>7. Conservation<br><br><br><br>8. Recreation and amenity   | <p>Contains a general overview of the planning issues in the county and corresponding policies and objectives to tackle these issues</p> <ul style="list-style-type: none"> <li>— identification of priority towns and villages to which appropriate development is to be directed</li> <li>— sets out the council's policy with regard to housing and outlines the council's house construction programme 1993-97</li> <li>— council's policy with regard to sanitary services programme</li> <li>— the council's policy with regard to roads, improved parking facilities and a number of specific roads proposals</li> <li>— 10 specific objectives on the promotion of employment and development of industry</li> <li>— council's objectives with regard to the development of tourism in the county</li> <li>— includes lists of buildings of artistic, architectural and historic interest, the preservation of which are council objectives. The lists include country houses, churches, mills, schoolhouses, shopfronts and other important town buildings (these are represented on an accompanying map)</li> </ul> <p>In addition, views and prospects, which it is an objective of the council to preserve or to enhance through certain works, are listed. As there are a number of major lakes in the county, a number of the preserved views relate to these. (All views and prospects are indicated on an accompanying map)</p> <p>The county's areas of scientific interest are included on a further list as are trees and woodlands to be protected (maps accompanying the plan illustrate the extent of the areas of scientific interest and the location of protected trees and woodlands)</p> <p>Outlines specific amenity schemes which the council seeks to implement and outlines objectives with regard to the provision of open space in the country</p> |
| Part 3  | <p>Contains detailed town and village plans. Separate development plans are included for Mullingar, Moate and Athlone environs (not Athlone town proper which is the responsibility of the Athlone Urban District Council)</p> <p>Plans for nine villages in the county</p> <p>Designated areas of high amenity as designated by the local authority</p> <p>Special heritage area - Fore Village</p> | <p>The development plans for these towns are accompanied by detailed zoning maps outlining the land use objectives for specific areas in each of the towns (!)</p> <p>Each plan contains development objectives for the villages and is accompanied by a simple map. The map outlines certain development proposals and policies, for example, potential development sites, trees to be protected, areas to be renewed and heritage buildings</p> <p>There are six designated areas of high amenity. These areas encompass the surroundings of the six major lakes in County Westmeath. These are accompanied by maps delineating the areas concerned</p> <p>The council has also designated Fore Village as a special heritage area so as to protect its historical and archaeological importance</p>  |
| Part 4  | Development standards and controls required for new development  | As the county's land is predominantly rural, many of the controls relate to the regulation of residential development in rural areas and agricultural development. Detailed policy and objectives are also outlined with regard to urban residential development, industrial and commercial development. Forestry, bogland development, mining and quarrying along the standards outlined are those relating to car parking, advertising and shopfronts.  |

(!) The type zoning classification used is the principle of sole and primary uses.  
 Primary use: A designated primary use will be the principal land use within a delineated area. Applications for development which would not inhibit the primary use will be considered on their merits and permissions granted where the planning authority considers the proposed use or development would not be detrimental to the primary use objective for the area.  
 Sole use: Land use strictly controlled and other uses prohibited.

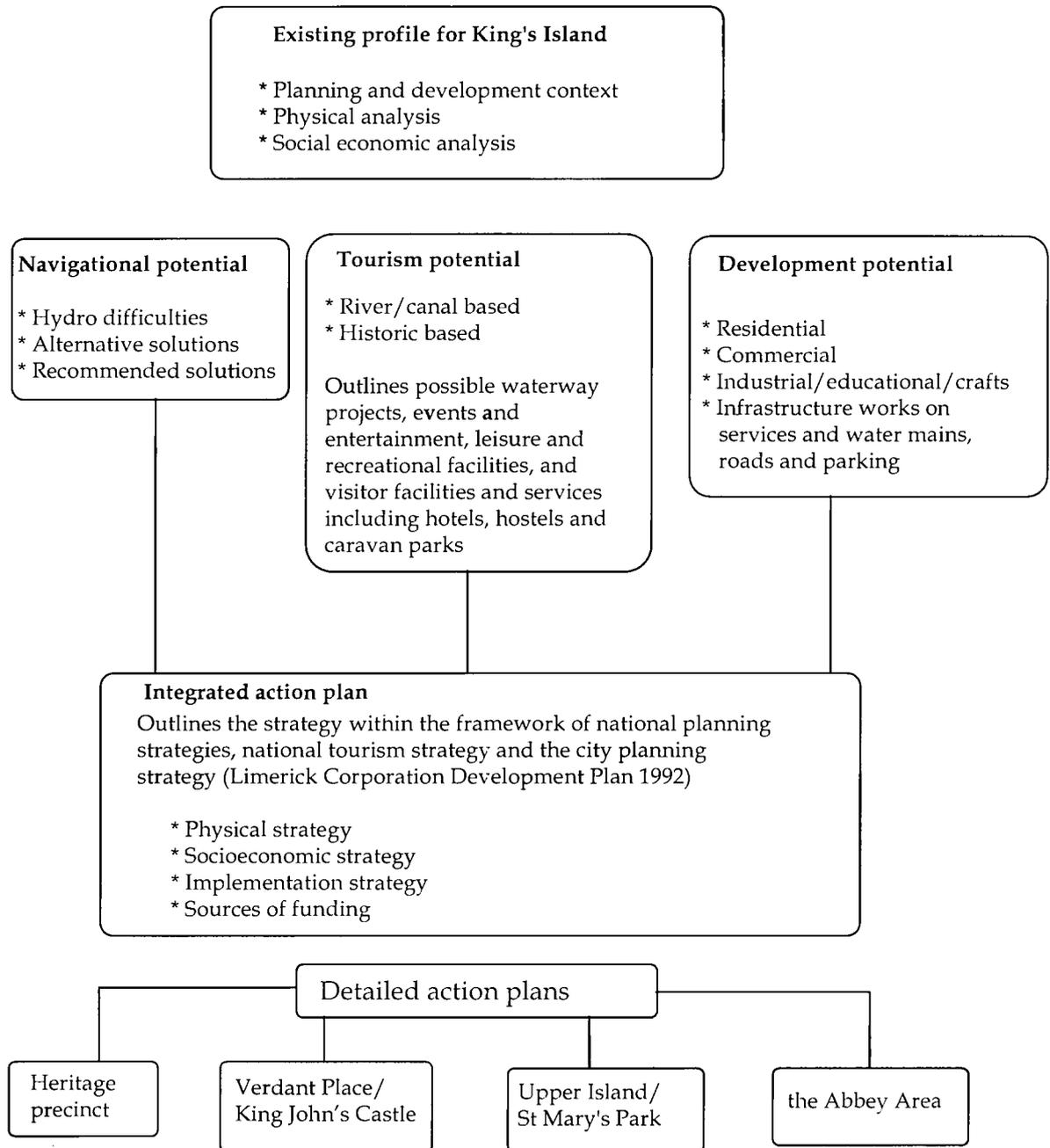
**Table B9. Cork City Development Plan, 1992**

| Section   | Strategy  | Specific Content  |
|-----------|---|---|
| Chapter 2 | Establishes a sub-regional planning framework, dealing with population and labour force trends, the implications thereof and draws up measures to deal with future trends | Analysis of population and employment trends.<br>Implications for the Cork land-use transportation strategy   |
| Chapter 3 | Puts forward a socio-economic strategy within the sub-regional planning framework   | Main components of the proposed strategy:<br>Sectoral policies :<br>- improving various economic sectors.<br>Locational policies:<br>- to improve the prospects for employment growth in areas of high unemployment.<br>Structural policies<br>- to reduce structural unemployment  |
| Chapter 4 | Outlines an integrated environmental strategy for the Cork area   | Sets out the corporation's policies and proposals with respect to water supply, waste disposal, the protection of nature and preservation of the architectural and historic building heritage   |
| Chapter 5 | Sets out specific development policies for the city centre area   | - Land-use projections for city centre<br>- Zoning system: (see Note).<br>i) Commercial core area.<br>ii) Ring of general employment areas and residential area. Includes land areas where mixed development proposals are allowed.<br>iii) Housing protection areas<br>- Policies for reuse of vacant upper floors<br>- Tourism in the city centre<br>- Development of medieval core<br>- Arts and heritage development  |
| Chapter 6 | Sets out specific development policies for suburban areas   | This chapter outlines the corporation's general policies with regard to the most significant development categories such as industrial development and shopping and contains more specific policies for five suburban sectors.<br><br>Each sector has their respective development objectives outlined on a map, i.e. showing land for industry, housing renewal, public open space, roads on which traffic should be minimised, areas for possible relaxation of office restrictions |
| Chapter 7 | Outlines the corporation's transport policies utilising the results of the review of the land-use transportation study  | Policy for: roads, traffic management, public transport, cycling, pedestrianisation and coordination of transport.  |
| Chapter 8 | Details the corporation's housing policy  | Housing programme: new building, refurbishment, housing grants, housing purchase, joint approaches  |
| Chapter 9 | Provides a summary of the corporation's policies in relation to development control   | Requirements relating to the following area listed:<br>- new housing development,<br>- alterations to dwellings,<br>- industrial, commercial and community development,<br>- requirements and contributions for parking and sanitary services.  |

Note: Zoning:

- (i) Commercial core - unzoned (uses other than shopping and offices permitted, but market forces ensure these are the predominant uses).  
(ii) General employment and residential area - allows for uses other than offices or significant shopping development, therefore allows lower value uses such as manufacturing, other manual employment and housing. Mixed development proposals: In these areas a percentage of office space will be allowed as part of mixed development proposals. The amount of office space allowed depends on the gain of premises for lower value use or new uses, entitled special category uses, which the city centre would not otherwise attract. One such special category use is 'the conversion of a listed building to a tourist-related use in cases where, in the opinion of the corporation, the converted building is capable of functioning as an important additional tourist attraction or facility.' If a development involves the net gain of one of the special category uses, office content equivalent to or less than that gain would be allowed as part of the development.

**Figure B4: King's Island Action Plan**



Integrated Action Plan - King's Island, Limerick

a more defined spatial focus and a greater emphasis on rehabilitation and on residential uses for family accommodation. There are three elements to the proposed renewal incentives:

- (i) Significant tax relief on building and capital costs for developers in the designated areas with, in addition, tax reliefs for residential occupation and a double rent allowance for the leasing of refurbished property.
- (ii) Pilot scheme in the five larger cities to encourage a 'living-over-the-business' initiative.
- (iii) An enterprise initiative in designated areas of Dublin, Cork and Galway to stimulate greater industrial investment.

*B176.* This urban renewal scheme runs until mid-1997.

#### Section 23/27 tax relief

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*B177.* This scheme was introduced in Section 23 of the Finance Act, 1981 for investment in private rented accommodation. The main aim of the scheme was to encourage the provision of rented residential accommodation throughout Ireland.

*B178.* The Section 23 tax relief allowed 100 % of the expenditure incurred on the construction of houses or flats for renting, to be offset against the rental income obtained. The initial scheme was extended in Sections 27-29 of the Finance Act, 1988. In the Finance Act, 1991, the provisions of the scheme were broadened to allow the relief to be offset against rental income from both the new residential unit and from any rental property in the State, until the relief is exhausted. The relief was extended for a further period in the Finance Act, 1992, but was confined to designated urban renewal areas.

*B179.* Following the Finance Act, 1994, such relief is now available in new designated areas until 31 July 1997. In the Temple Bar Area the extension is until April 1996, and, in the Custom House Docks area, it will exist until January, 1997.

*B180.* In all cases, the tax relief will exist for a period of 10 years provided that the dwelling is rented from the beginning as rented accommodation. If, within the 10 years, the ownership of the property changes hands, the allowance obtained is

clawed back so as to cancel the benefit of the relief. The tax relief passes on to the new owner (if the property is to be rented) as if the new owner has incurred the cost of construction in the first place.

*B181.* In addition, this form of tax relief may also be availed of for refurbishment. Section 21 of the Finance Act, 1985, extended the scope of Section 23 relief to allow for relief on the cost of refurbishment of a property consisting of two or more residential units. Provision is also made under the Finance Act, 1991, for the conversion of non-residential units in the designated areas into multiple unit residential use to qualify for full Section 23 relief.

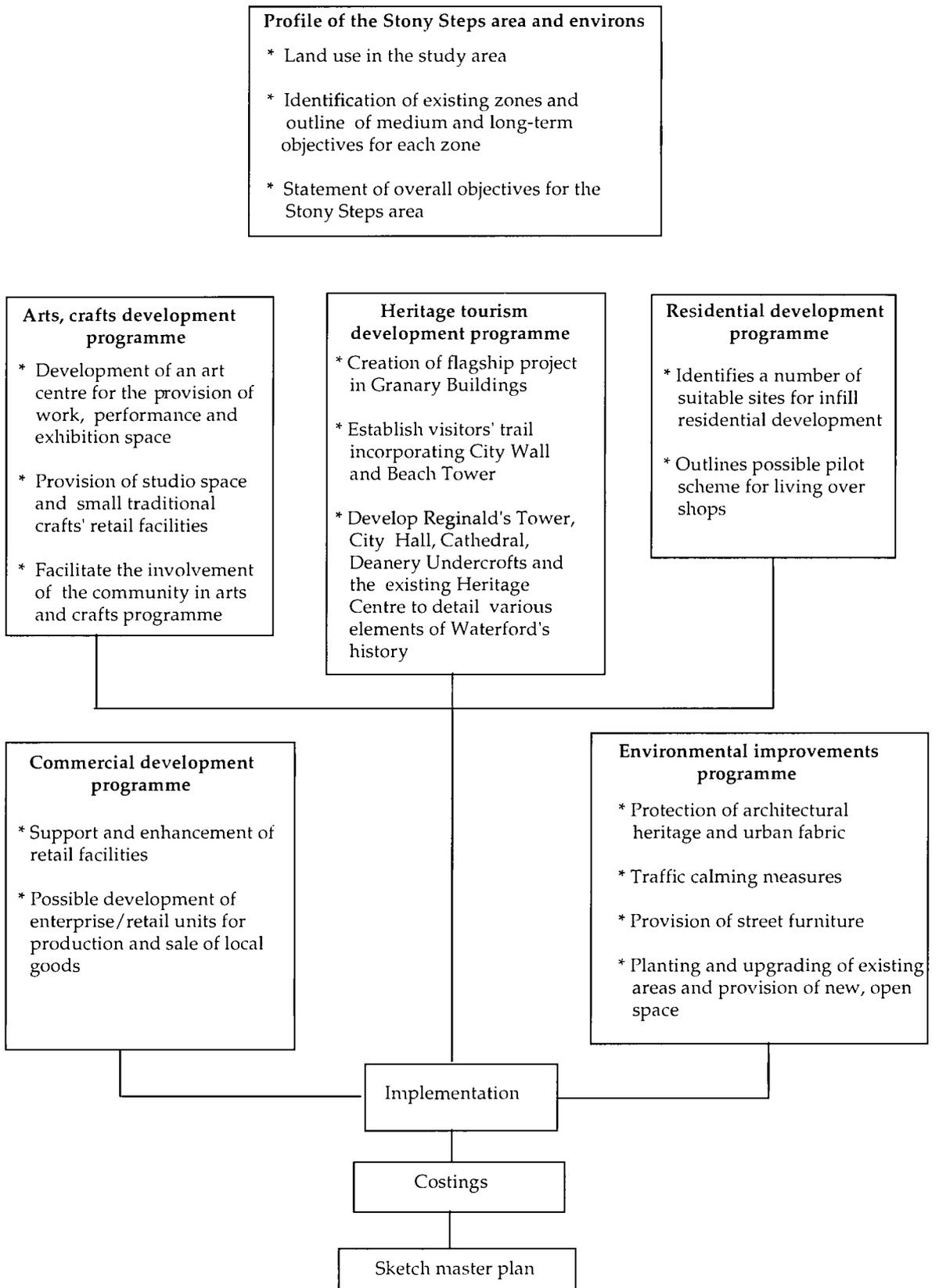
*B182.* The result of these incentives has been to greatly increase the provision of private, rented accommodation and to stimulate the construction industry in the process. The incentives have been availed of both by individuals and companies, as a form of investment. The restriction of the incentive to the designated areas from 1992 has, in part, contributed to the rise in residential development in these areas.

#### Development rights

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*B183.* In Ireland the development plan produced by the planning authority does not carry with it the express granting of development rights. The development plan provides, through zoning provisions, a framework of the type of development permissible in various areas. The right to develop is contingent on planning permission being obtained from the relevant planning authority. For certain activities, an Integrated Pollution Control Licence (IPC) must be obtained from the Environmental Protection Agency. In addition, projects must conform to the building regulations and, where appropriate, licences must be obtained in relation to water pollution, air pollution and waste management. The details and procedures relating to the granting of planning permission and pollution licences is contained in Section C: Regulations and permits.

Figure B5: The Stony Steps and South Quays Local Area Regeneration Plan



## C. Regulations and permits

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### Summary

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C1. In the Irish planning system, the development plan prepared by the planning authority provides the basis for determining development rights. Every planning authority has a duty to prepare a development plan and to review it at least once every five years. The plan covers the functional area of the planning authority and all land within this functional area.

C2. All development requires planning permission, either express or implied, with the exception of development which, in the opinion of the Minister for the Environment, is required for the purposes of public safety, the administration of justice or national security. Express permission is sought by means of a planning application made to the planning authority. Implied permission arises when the development complies with the statutory requirements for exempted development. Development control is an executive function of the planning authority and is not a function of the elected representatives. The manager is responsible for all executive decisions made by the local authority.

C3. The principal Act concerned with development regulation is the Local Government (Planning and Development) Act, 1963, and as amended in the subsequent Local Government (Planning and Development) Acts (see Section B). Development must also comply with the provisions of the Building Control Act, 1990, the Building Regulations, 1991, and the Building Control Regulations, 1991. The Building Control Act and 1991 Building Control Regulations ensure that modern buildings are constructed to acceptable standards, particularly with regard to

structural strength, fire safety, hygiene and drainage, general amenity and access for disabled people.

C4. Certain types of activities may be subject to further regulation and require licensing of emissions to the environment. If the proposed development is a potential polluter, a licence is required before commencement. Operations that result in discharges into water and emissions into the atmosphere are regulated under appropriate legislation. The disposal of waste is regulated by EU waste regulations. A developer may require up to three types of permit before commencing development and/or operations. Three control systems are implemented in Ireland that regulate development. The three systems are those concerned with:

- (i) planning control
- (ii) pollution control
- (iii) building control

C5. The main permission required is planning permission. Figure C1 illustrates both the planning permission process and the procedure to be followed in seeking an integrated pollution control licence.

### Main permit

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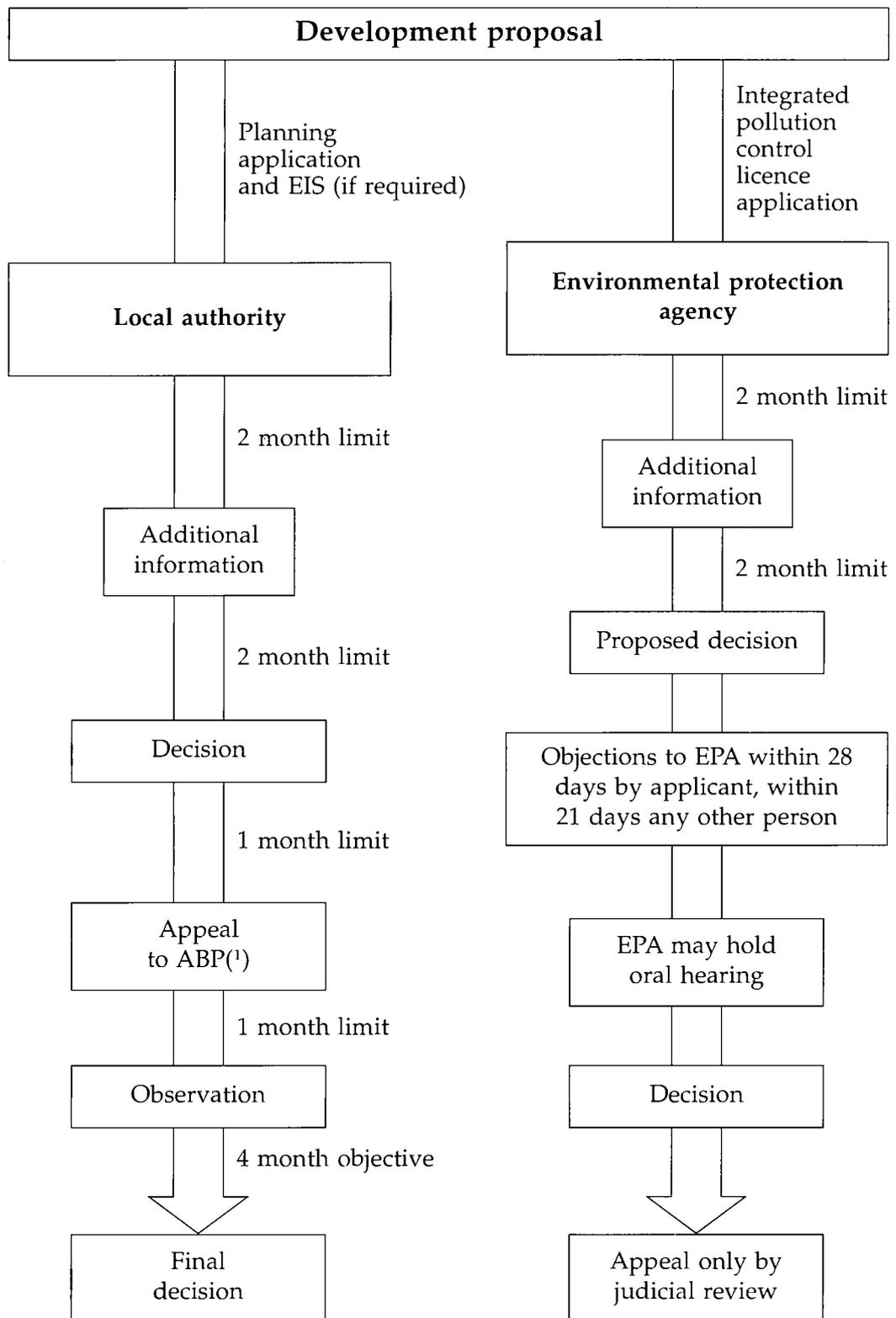
#### Planning permission <sup>(1)</sup>

C6. When it has been established that planning permission is required for a development, an ap-

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<sup>(1)</sup> The general obligation to obtain permission for development is prescribed in Part IV Section 24(1) of the Principal Act and Part 4 of the 1994 regulations.

Figure C.1: Applications for permits



(1) ABP denotes *An Bord Pleanála* (the Planning Appeals Board).

plication for permission to develop must be submitted to the planning authority in whose functional area the land or structure is located. Normally, the planning authority is the county council or corporation (city council). The planning authority processes the application and must make a decision to (a) grant permission, (b) refuse permission or (c) grant permission subject to conditions. Where a question arises as to what, in any particular case, is, or is not, development or exempted development, the question shall be referred to and decided by *An Bord Pleanála* (the planning appeals board). A decision made in this case may be appealed to the High Court on a point of law.

C7. The duration of a planning permission is the period during which the development for which permission is granted must take place. This period is usually five years as provided for in Section 2 of the Local Government (Planning and Development) Act, 1982. It may be longer for exceptional cases, such as very large developments. For a planning authority to extend the life of a planning permission, it is a prerequisite that substantial works have already been carried out. A further extension on a planning permission may be obtained if the failure to carry out the works was due to circumstances beyond the control of the developer.

C8. A planning permission grants development rights to the applicant, who is obliged to carry out the development strictly in keeping with the terms of the permission. While more than one permission may co-exist, only one may be operated on. Any works carried out must also comply with any building regulations issued by the Minister for the Environment.

C9. Although betterment does not exist in Irish planning legislation, in certain instances payment may be required from developers. A planning authority may decide to grant permission subject to conditions requiring a financial contribution towards any expenditure that is incurred by the planning authority in respect of works facilitating the proposed development <sup>(2)</sup>.

C10. No compensation is payable to landowners for development rights granted to an adjacent landowner.

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<sup>(2)</sup> The power of the planning authority to attach such conditions is restricted by the stipulations in Section 26 of the Principal Act.

## Definition of development

C11. Development is defined in Section 1 of the Principal Act as: The carrying out of works on, in, or under land or the making of any material change in the use of any structures or other land. Development encompasses two components: works and changes of use. Works are physical operations of construction, demolition or alteration.

C12. A change of use constitutes development where it is material in planning terms, e.g. a change of use of a building from a residence to a restaurant. However, it is not essential that a change in the use occurs for development to take place. An intensification of an existing use may constitute development if the intensification results in a material change of use. In addition, a change of use also occurs where an abandoned use is recommenced.

## Application for the permit

C13. There are three types of planning applications that may be made to the planning authority. They are:

- An application for full permission
- An application for outline permission (and subsequent application for approval)
- An application for the retention of a structure or for a change of use.

C14. The different application procedures and requirements are discussed in the following three sub-sections.

## Application for permission

C15. An application for full planning permission when submitted to the planning authority must be accompanied by such plans and particulars — including site layout plan(s), drawings of floor plans, elevations and sections — necessary to describe the development.

C16. An application must include particulars of the following:

- name, address and telephone number of the applicant;
- interest held in the land/structure by the applicant;
- whether the application is for a permission, an outline permission or an approval;

- particulars of the land or structure concerned;
- two copies of the newspaper notice and the text of the site notice erected to comply with Article 14 of the Local Government (Planning and Development) Regulations, 1994;
- the area of the land to which the application relates;
- numbers of dwellings or the gross floor space of the building or buildings.

C17. Certain types of development may require the submission of additional documents with the planning application. The most significant of these is the requirement to submit an Environmental Impact Statement. The planning authority may also require the applicant to prepare other studies if they consider them relevant to the application, e.g. retail impact studies, traffic studies.

C18. A planning application must be made to the planning authority in the first instance. In order to make a planning application, an applicant must be a legal personality with a legal interest or estate in the site. (An estate is defined as a degree of ownership of the site, i.e. absolute ownership, leasehold, etc. An intention to purchase may be considered as an interest). A planning application must be made before the subject development has been commenced.

C19. An applicant must advertise his intention to seek planning permission by placing a notice in a newspaper circulating in the area and by erecting a site notice. The newspaper notice must name the applicant and describe the development proposal. If an EIS is being submitted, this information must also be advertised. An applicant should submit an application within 14 days of the publication of a newspaper notice and the planning authority may require further notice if this requirement is not satisfied.

C20. Site notices must be erected on or before the day on which the application is made. The information to be contained in the notice is the same as that in the newspaper notice but must also indicate that the planning application may be inspected at the offices of the planning authority.

C21. The site notice must be fixed on a durable material and placed in a conspicuous position, so that it is visible and legible from the public road, or from outside the land or structure. It must be kept in place, in a legible condition, for a least one month after the submission of the application.

### Application for outline permission

C22. An application for outline permission does not have to be as detailed as an application for full permission. The Local Government (Planning and Development) Regulations, 1994, state that such an application should be accompanied only by such plans and particulars as are necessary to identify the land to which the application relates and to enable the planning authority to determine the siting, layout or other proposals for development in respect of which a decision is sought <sup>(1)</sup>.

C23. The purpose of the outline planning procedure is to enable the developer to discover whether a particular development is, in principle, acceptable to the planning authority. By applying for outline permission, the developer may be saved the expense of preparing detailed plans only to find that the planning authority would not allow the type of development proposed on the site in question. An outline permission sets the limits of the development and is the main permission. In order to get full planning permission, an application for approval must be made to the planning authority.

C24. Approval relates only to the details of a proposed development, e.g. design finishes, exact siting and landscaping. An application for approval consequent on an outline permission should be accompanied by such plans and particulars as are necessary to describe the development to the same degree of detail as is required in an application for permission.

C25. An application for outline permission may not be made where an Environmental Impact Assessment (EIA) is required (or where an IPC licence is required) or where an application is being made for the retention or continuance of use of any structure or other land.

### Application for the retention of a structure or a continuance of use

C26. Under Section 28 of the Principal Act, the planning authority may grant planning permission for the retention of a structure that was erected without permission or for a continuance of use that is unauthorised.

<sup>(1)</sup> Article 20(1) of 1994 Regulations.

C27. An application for the retention of a structure must be accompanied by plans and particulars necessary to identify the structure to which the application relates, as well as satisfying the other requirements of an application for permission. An outline application cannot be made for retention.

C28. An application for a continuance of use is made in a similar manner to an application for a change of use, stating the use that is proposed to be continued. Retention application fees are 50 % more than normal planning application fees.

### The Environmental Impact Statement

C29. A planning application in respect of a development specified under Article 24 of the European Communities (environmental impact assessment) regulations, 1989 (S.I. No. 349 of 1989) must be accompanied by an environmental impact statement (EIS) which describes the likely significant environmental impacts of the development. The planning authority (or *An Bord Pleanála* in the case of a planning appeal) may require an applicant to submit an Environmental Impact Statement in respect of certain developments which are below the threshold of that specified in the 1989 EIA regulations where they consider that the development is likely to have a significant environmental impact.

C30. It is in the interest of a developer to consult with the planning authority prior to the submission of a planning application to ascertain whether or not an EIS is required. There is no provision for an appeal against a planning authority's decision to require an EIS. However, a decision not to require an EIS may be challenged in a regular appeal to the planning appeals board against the planning authority's decision on the proposed development.

C31. Any person may make a submission to a planning authority in relation to the effects on the environment of any development for which an EIS has been submitted to the authority.

C32. Development by a local authority in its own functional area, must be subjected to environmental impact assessment (under Article 116 of the 1994 Local Government (Planning and Development) Regulations), if it is of a class listed under Article 24 of the 1989 EIA Regulations, for example a waste disposal installation for the incineration or chemical treatment of hazardous waste, or the filling land with such waste. When

the local authority is the applicant, the EIS must be certified by the Minister for the Environment. Where the development does not exceed the threshold levels listed in Article 24, the Minister for the Environment may require that the development be subjected to EIA if and when he/she considers that the development is likely to have significant effects on the environment.

### Processing a permit

C33. When a planning authority receives a planning application, it must ensure that the application is valid. The application is entered into a weekly planning list which is available for public inspection at the local authority's offices and at public libraries in the authority's functional area.

C34. The planning authority may seek further information from the applicant in relation to the application. The planning authority may determine an application in the absence of any additional information sought, where the information is not provided within a specified period stated by the planning authority.

C35. All submissions by the applicant and objectors may be inspected by the public from the date of their receipt for a specified period. If permission is granted, this period extends to the end of the life of the planning permission, normally five years. If permission is refused, the documentation must only be displayed further if the decision is appealed and then only until the end of the appeal period.

C36. A planning authority is limited in determining a planning application to considering:

- the proper planning and development of the area,
- the provisions of their development plan,
- the provisions of any Special Area Amenity Order relating to the area in which development is proposed,
- any relevant ministerial policy directives,
- the contents of any Environmental Impact Statement submitted in the application,
- all written representations and objections made by the public within the specified period.

C37. The planning authority cannot make a decision on a planning application until 14 days have elapsed after the receipt of the application. This minimum time period is one month in applications where an EIS is submitted.

C38. The planning authority is guided in its decision-making by the Department of the Environment's guidelines which provide guidance on the manner in which the legislation should be implemented. These guidelines emphasise that permission should only be refused where there are serious objections on planning grounds. The planning authority may decide to:

- grant permission/approval,
- refuse permission/approval,
- grant permission/approval subject to specified conditions.

C39. Where permission or approval is granted, the applicant must be notified of the decision and of the period during which the relevant permission is to have effect. If an application is refused, the reasons for refusal must be stated. The reasons given are of importance to the applicant in respect of his/her eligibility for compensation. If one of the reasons given for refusal is listed in the Third Schedule of the Local Government (Planning and Development) Act, 1990, compensation will not normally be payable.

C40. A decision on any planning application must be made within two months from the receipt of the application by the planning authority. There are three circumstances in which the two-month period may be extended:

- the planning authority may request additional information from the applicant. If such a request is made, the authority is granted an additional two months from the receipt of the required information to reach a decision;
- where the applicant gives consent by written agreement to extend the maximum period;
- if an EIS is required and has not been submitted (or is inadequate), the application will not be considered any further until the receipt of the statement required.

C41. Under Section 32 of the Local Government (Planning and Development) Regulations, 1994, the planning authority is obliged to give notice to certain authorities if applications for specified development are received. The notice must describe the nature of the application and the date of its receipt. Notification must be sent to bodies such as *An Chomhairle Ealaíon* (the Arts Council), the Commissioners of Public Works, *Bord Fáilte Éireann* (the Tourist Board), *An Taisce* (the

National Trust), the National Roads Authority and the Environmental Protection Agency.

C42. Where the planning authority does not reach a decision within the appropriate period, the applicant may be granted a default permission, i.e. the planning authority is regarded as having granted permission, without conditions, at the end of the appropriate period. The process involved in the determination of a planning application is outlined in Figure C2.

### Conditions relating to the permit

C43. The planning authority may attach any conditions to a permission or an approval which serve a reasonable planning purpose in relation to the development permitted. Conditions may be attached for a variety of purposes listed in Section 26(2) of the Principal Act. These include conditions for the carrying out of works considered by the planning authority to be required, including the development and provision of open space. Non-compliance may result in prosecution.

### Compensation

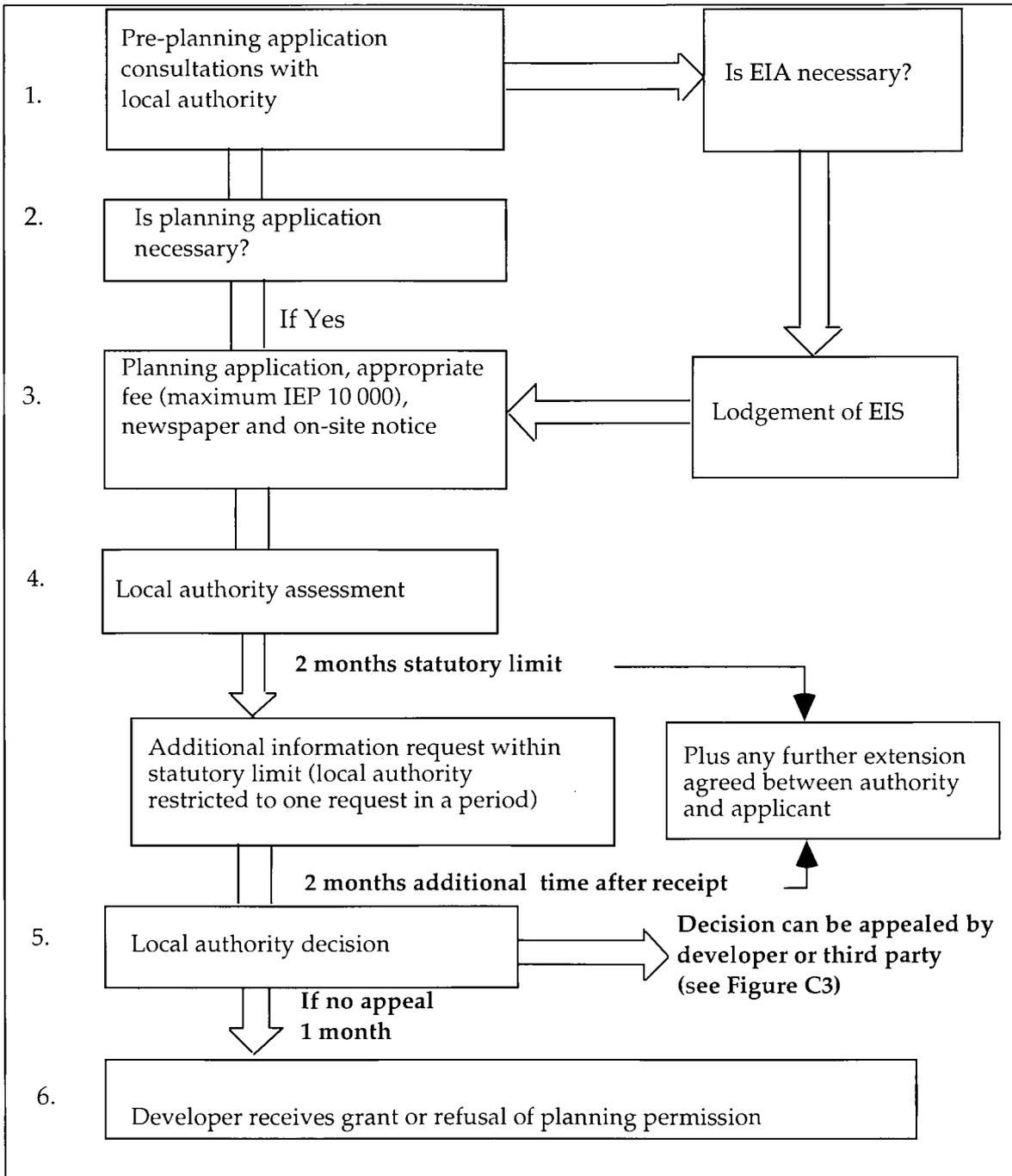
C44. Where it is shown that, as a result of a planning decision, (a refusal or a grant subject to conditions) the value of any person's interest in land to which the decision relates has been reduced, compensation may be payable.

C45. The Local Government (Planning & Development) Act, 1990 establishes the compensation mechanism. The Act contains four schedules which set out the rules for determining whether a decision will attract compensation and the compensation payable.

C46. Compensation is not payable in the following instances:

- if the development is listed in the second schedule of the 1990 Local Government (Planning and Development) Act. These include any development involving a material change of use, a development involving the demolition of a habitable house and development on land where permission is available for an alternative development;
- if the reason for a refusal is listed in the third schedule of the 1990 Local Government (Planning and Development) Act. These include premature developments, any develop-

**Figure C2: Processing a planning application**



ment which would endanger public safety and any development likely to create a traffic hazard;

- if a condition attached to the permission is listed in the fourth schedule of the 1990 Planning Act, for example, conditions requiring a contribution to be paid to the planning authority for works completed and conditions relating to the removal of an advertising structure;
- in respect of any decision made concerning an emission licence application or waste disposal permit application, including any conditions attached to the licence or permit.

C47. Compensation must be sought within six months from the date of the decision. A planning authority may, within three months of the receipt of a compensation claim, serve notice that the land in question is capable of other development for which permission ought to be granted. Where such a notice is served, compensation is not payable. However, the Minister for the Environment may make an order to ensure that compensation is paid when such a payment is deemed justifiable.

C48. Where permission has been refused or is granted subject to conditions, the owner of the land may claim that the land has become incapable of reasonable beneficial use in its existing state. The owner may serve a purchase notice under Section 27 of the Principal Act on the planning authority, requiring the authority to purchase his interest in the land. A purchase notice must be served within six months of the decision being made. The planning authority must within three months either comply with the notice or appeal to the planning appeals board. The value of land is assessed by procedures provided in the Acquisition of Land (Assessment of Compensation) Act 1919.

### Planning appeals

C49. Appeals are heard by *An Bord Pleanála*, the planning appeals board, on the planning merits of a local authority decision. In the case of the legality of the decision, appeals are heard by the High Court.

C50. An appeal may be made to the planning appeals board (henceforth referred to as the Board) against a decision made by the planning authority to grant permission with (or without) conditions, or to refuse permission. An appeal

may be a first party appeal made by the applicant or a third party appeal made by any other person. An appeal must be made within one month of the date of the decision, in writing in a single submission. The process and requirements of the appeal procedure are outlined in Figure C3.

C51. When appeals are made to the Board, the entire application is reconsidered as though it had been made in the first instance (*de nova*).

C52. Any person may make a submission or observation on the appeal within a one month period from the time that the appeal is received by the Board. Any party to the appeal may request an oral hearing. It is entirely at the Board's discretion to grant this request.

C53. Under Section 15 of the Local Government (Planning and Development) Act, 1992, an appellant may appeal against individual conditions. It is at the discretion of the Board whether it will restrict itself to considering the conditions appealed against only.

C54. The Board has a statutory objective to determine an appeal within four months from the date of its receipt. It is not, however, bound by this time restriction.

C55. The Board may decide to uphold the decision of the planning authority, to reverse it, or to alter, delete or add to the conditions attached to it. The Board's decision contains a first schedule indicating why it has reached its decision and a second schedule setting out any conditions attached to it.

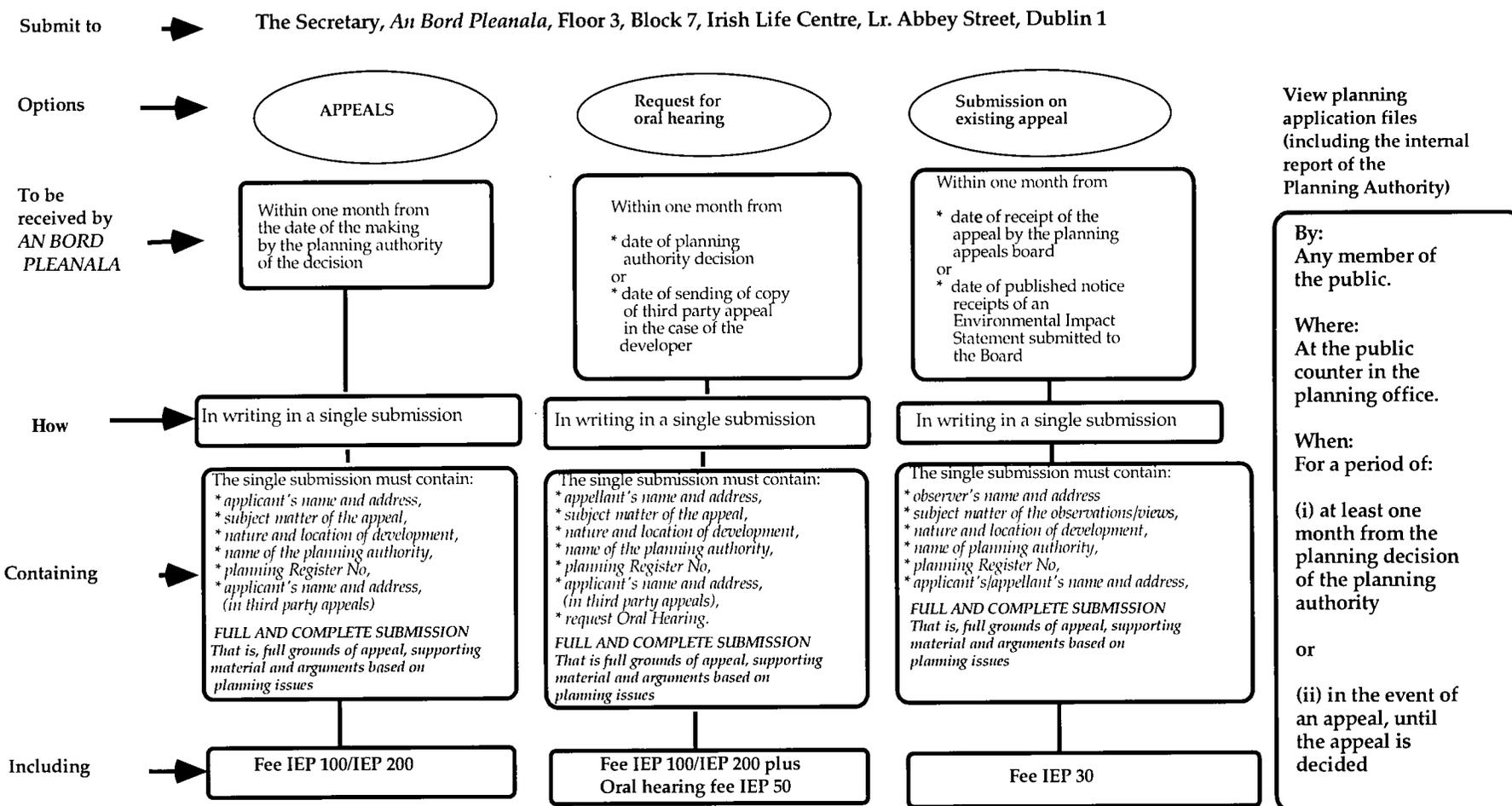
C56. The decision of the Board may be appealed to the High Court, but only on legal or procedural grounds and within two months of the Board's decision.

### Appeals to the Court

C57. An appeal may be made to the Court where the legality of a planning decision made by the planning authority or the planning appeals board is being contested.

C58. The Court will intervene with a decision of an authority on the basis of unreasonableness or irrationality, where it acts *ultra vires* (outside its powers), where the rules of natural justice have been broken, or where a planning authority fails to do what it is legally required to do. To question the

**Figure C3: Appeals to *An Bord Pleanala***



validity of a decision of a planning authority on a planning application, it is necessary to apply for judicial review under Order 84 of the Rules of the Superior Court (S.I.15/1986). This application must be made within two months, commencing on the date on which the decision was made.

C59. The court may only require the planning authority or the planning appeals board to reconsider the issue and it may not substitute its own decision for that of the planning authority or the planning appeals board. The procedure involved in making an appeal to the courts is outlined in Figure C4.

## Other permits

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### Pollution licences

C60. A developer may require additional permits if the development proposed will result in environmental pollution. There are four types of pollution licence:

- (a) Air emission licence (industrial plant licence): required for certain industrial activities listed in the Licensing of Industrial Plant Regulations 1988, issued under the Air Pollution Act, 1987. An application for an air emission licence is made to the local authority (in whose area the activity will occur) prior to the commencement of operations. The application must describe fully the activity proposed, the emissions expected, and the proposed ameliorative measures.

Industrial plants commencing operations after 1 February 1989 are required to be licensed under Section 30 of the Air Pollution Act 1987. Plants existing before this date do not require a licence, except those involved in specific types of activity (listed in the first schedule of the 1987 Act). The application process for an industrial plant licence is broadly the same as an application for development rights.

- (b) A licence to discharge effluents to waters/sewers (water pollution licence) (issued under the Water Pollution Acts, 1977 and 1990): required for discharges into all inland water courses, most ground water deposits, tidal waters and the sea. The application must fully describe the proposed activity and resulting discharge. The application

process is similar to an application for an air emission licence.

- (c) A waste disposal permit: required for the storage, treatment or deposit of waste specified as toxic or dangerous in the European Communities (toxic and dangerous) waste regulations, 1982. As there are no toxic waste containment sites in Ireland, the application will usually relate to the storage of hazardous waste for the purpose of export.

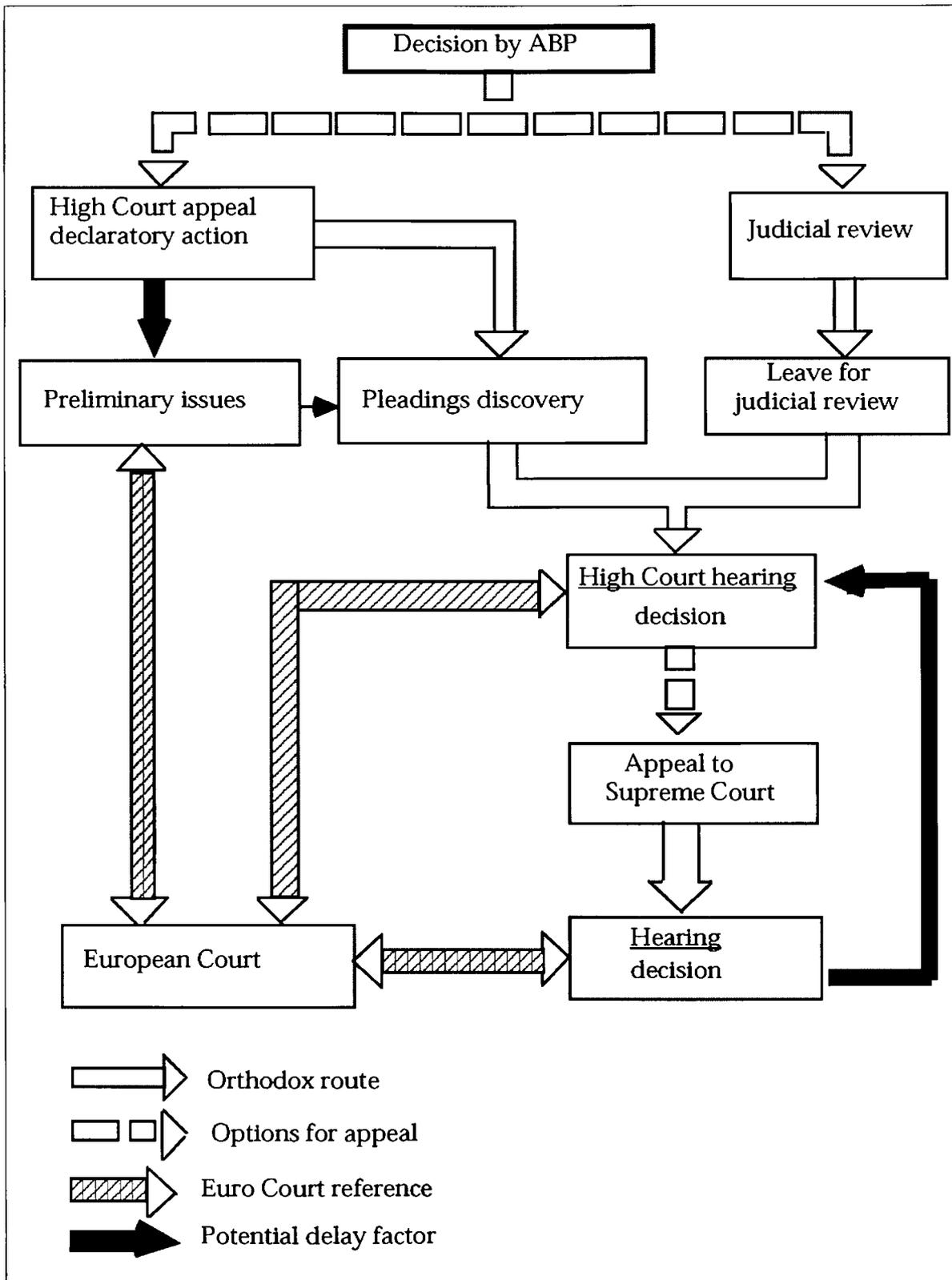
- (d) Integrated pollution control licence: The existing system of pollution control is being replaced by a new integrated system, implemented by the Environmental Protection Agency, which is being introduced on a phased basis for certain activities having the potential to cause significant pollution. Under the Environmental Protection Agency Act 1992, the Environmental Protection Agency (EPA) is responsible for issuing Integrated Pollution Control Licences for specified activities. A single licence will replace the existing licences (air emission, water pollution, etc.) for the activity concerned. For other activities, the system as outlined above will remain the same. This new system will be phased in and will result in two systems of control, i.e. planning and pollution. Planning control will remain the responsibility of the planning authority and pollution control will become the responsibility of the EPA. The planning authority will be excluded from considering the environmental polluting impact of a development requiring an IPC licence when considering a planning application for such development. It is confined to considering only the planning grounds for the proposal. In addition, the authority may not include conditions in a grant of permission that relate to environmental pollution.

### Processing of pollution permits

C61. Applications to discharge effluents, make air emissions or for industrial waste licences are processed by the local authority, usually within a two-month period from the receipt of the application. Additional information may be sought if the application is not complete. The authority may attach conditions to these licences for the purpose of protecting the environment.

C62. A licence to discharge effluents may be reviewed by the authority at three-year intervals or

Figure C4: Appeals to the Courts



any time where a significant change occurs in either the nature of the emissions or the standards permitted under the legislation, or where the licensee seeks a review.

C63. There are no specific conditions that a local authority must consider in the determination of a waste disposal permit. In addition, there is no time limit within which the local authority must consider the application.

### **Processing of IPC licence**

C64. For procedure involved in processing an IPC licence see Figure C5.

### **Foreshore licences**

C65. Development on State foreshore requires consent by lease or by licence under the Foreshore Acts and may require the presentation of an Environmental Impact Statement (EIS) to the Minister for the Marine under Section 13A of the Foreshore Act, 1993 (inserted by Article 13 of the 1989 environmental impact assessment (EIA) regulations). Where the development does not exceed the threshold levels listed in Article 24 of those regulations, the Minister for the Marine may require an EIA if he considers that it is likely to have a significant effect on the environment.

### **Fish farming licences**

C66. Applications for licences to engage in fish farming are subject to comprehensive evaluation by the Aquaculture Vetting Committee (a multidisciplinary advisory body of the Department of the Marine). Applications are assessed from all technical, scientific and other relevant perspectives to determine the suitability of proposals. In all cases, this evaluation process is further informed by public consultative procedures, including consultation with appropriate statutory bodies. Decisions on individual applications are then taken by the Minister for the Marine on the basis of the wide-ranging advice and analysis. In the interest of sustainable development of the aquaculture sector, an intensive review of the existing planning/regulatory framework for aquaculture is at an advanced stage.

### **Building control permits**

C67. Two applications may be made to the build-

ing control authority in relation to a proposed development:

- (i) an application for a fire safety certificate;
- (ii) an application for a dispensation from/relaxation of building regulations.

Under the 1990 Building Control Act, regulations may be made requiring a certificate of compliance or a certificate of approval to ensure a building or works complies fully with the building regulations.

C68. In addition, a commencement notice must be supplied in respect of any development subject to building regulations.

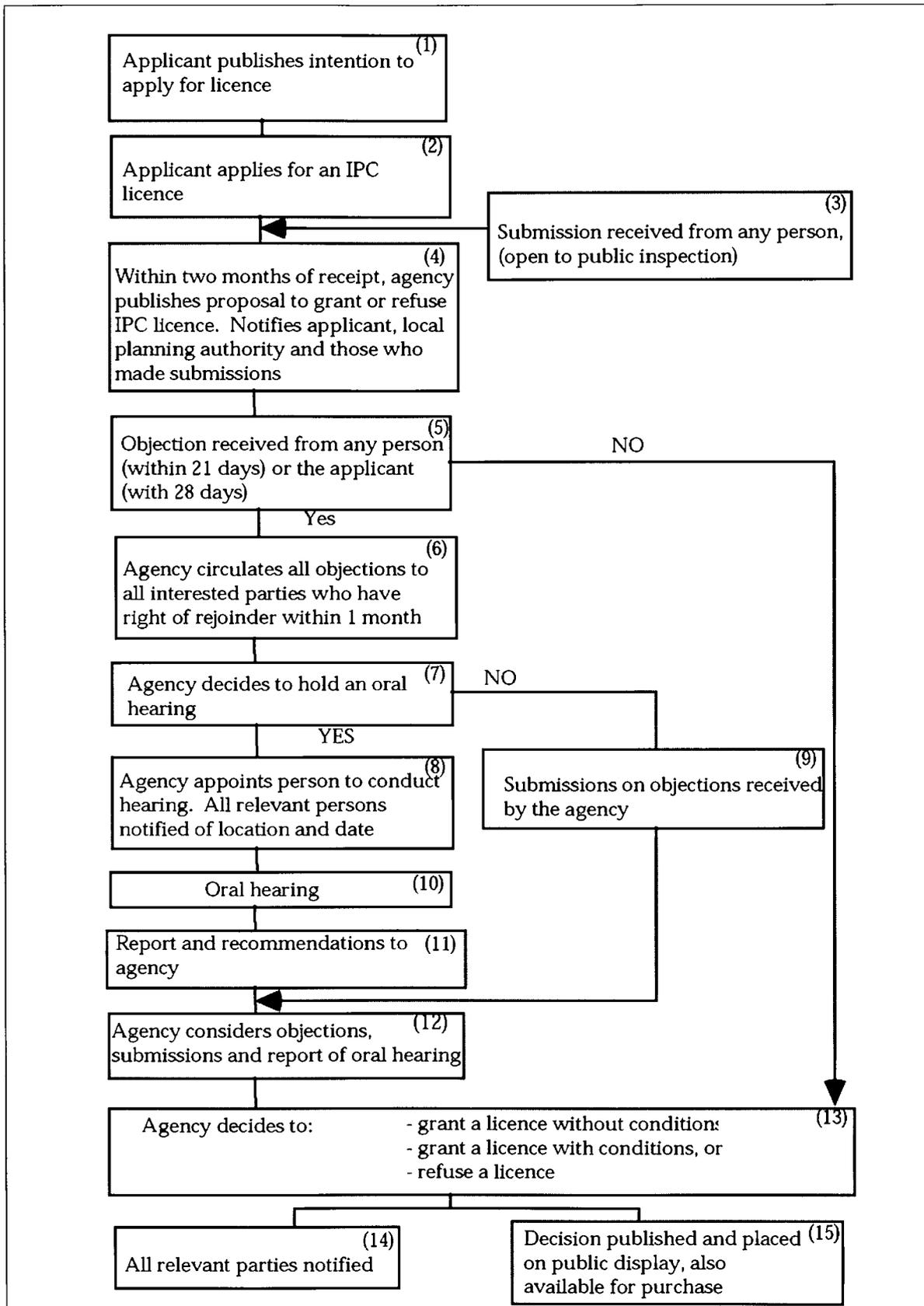
### **Application for a fire safety certificate**

C69. In addition to development rights granted by the planning authority, a developer must also satisfy the building control authority that the proposed development is in accordance with fire protection provisions of Building Regulations, 1991. An application for a fire safety certificate must be made to the building control authority before the commencement of works (to which building regulations apply). This requirement does not relate to works carried out on houses or farm buildings. A fire safety certificate is a statement on behalf of the building control authority that a development, if constructed in accordance with the plans and particulars submitted, will comply with the fire protection provisions of the Building Regulations 1991.

### **The processing of a Fire Safety Certificate application**

C70. In determining applications for a fire safety certificate, the building control authority is restricted to considering only the extent to which the design of a building or works complies with the requirements of Part B of the Building Regulations, 1991, and any dispensation from or relaxation of building regulations granted in respect of the building or works. The application is processed in a similar manner to an application for planning permission. The application is stamped on arrival and must be determined by the local authority within a two-month period. This period may, however, be extended under provisions in the 1990 Building Control Act.

Figure C5: Environmental Protection Agency IPC licensing procedures



Source: Adapted from: Integrated Pollution Control Licensing Guide to Implementation & Enforcement in Ireland. Environmental Protection Agency, 1994.

### **Conditions attached to other permits**

C71. The local authority may attach conditions to industrial plant licences, water pollution licences, fire safety certificates and to dispensations from building regulations. Under the new environmental legislation, the Environmental Protection Agency may attach conditions to an integrated pollution control licence under Part IV of the Environmental Protection Agency Act, 1992.

### **Dispensation from/relaxation of building regulations**

C72. A developer may apply to the building control authority for dispensation from or relaxation of any requirement of building regulations. The application should be accompanied by such plans as are necessary to support the application. The building control authority must consider the application within a two-month period, and decide to grant permission, refuse permission or grant permission with conditions attached. The application for a dispensation or relaxation is provided for in Article 13 of the 2nd Schedule of the Building Regulations, 1991 (see also Exemptions).

### **Commencement notice**

C73. A commencement notice is designed to inform the building control authority when a proposed development is to be commenced. The notice must contain specific information, including the location of the building and the use proposed. The commencement notice must be submitted to the local authority by the developer in respect of a development that is subject to the building regulations, not less than seven and not more than 21 days prior to the commencement of works. The local authority is not required to make any determination with regard to the notice which is, in effect, a notification of intention to commence works.

### **Appeals against other licences**

C74. In addition to appealing a planning application decision, it is also possible to appeal to the planning appeals board against a decision made in relation to a pollution licence and under the Building Control Act, 1990. The appeal process is very similar to the planning appeals process.

C75. A decision made by the local authority in relation to an application for an industrial plant li-

cence or an effluent discharge licence may be appealed within one month of the decision date. However, under the new pollution control system, there is no provision for appeals against decisions made in relation to applications for integrated pollution licences, issued under the Environmental Protection Agency Act, 1992, nor against conditions attached to an IPC licence, except to the courts.

C76. There is a provision for objecting to a proposed Environmental Protection Agency (EPA) decision on an integrated pollution control licence to the Environmental Protection Agency (EPA) itself. The EPA may hold an oral hearing at its discretion (see Figure C5).

C77. Appeals against decisions made by the building control authority on applications for fire safety certificates, or dispensation from/relaxation of building regulations, must be made within one month of the decision. Appeals are, however, restricted to the applicant, with third parties having no right of appeal.

### **Exceptions**

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C78. Certain types of development are exempt from requiring planning permission (see Local Government (Planning and Development) Regulations 1994, Part 3). Most minor exterior works and all interior works are exempt, unless the building is listed for preservation in the development plan or is located in an area to which a Special Amenity Area Order (SAAO) applies.

C79. A Special Amenity Order may be made under Section 42 of the Principal Act, as amended by Section 40 of the Local Government (Planning and Development) Act, 1976, where an area is deemed to be of special amenity value by reason of its outstanding natural beauty, its special recreational value or a need for nature conservation. Development in an area designated as an SAAO is more strictly controlled than in other areas. The order may specify that certain types of development are not permitted or are only permitted subject to specific restrictions on form and intensity, where they occur within the area to which the order relates. In practice, the making of such an order is a slow process and only two such orders (for the Liffey Valley and the Bull Island in Dublin) have been confirmed by the Minister for

the Environment to date. Within a special amenity area most classes of normally exempted development are not exempted, regardless of the scale of the development.

C80. Repair and maintenance works carried out by statutory undertakers, including repairs to sewers or underground cables or development carried out by a local authority within its own functional area, constitute exempted development. Some classes of development are only exempt where they satisfy attached conditions specified in the Local Government (Planning and Development) Regulations, 1994 (Schedules 1 to 3). For example, the erection of an aerial on a roof of a dwelling-house is exempted development, subject to a maximum height specification.

C81. The regulations also identify exempted rural development, advertisements, and changes of use. A development consisting only of a change of use within specified use classes is exempted development. For example, Class 15 contains the use of a building as a theatre, a cinema, a music hall or a concert hall. A change of use from a music hall to a theatre is, therefore, exempted development.

C82. All types of development listed as exempted must also satisfy qualifying conditions detailed in the Local Government (Planning and Development) Regulations, 1994, Article 10. These conditions specify that a development shall not be exempted in certain cases, for example, where it would:

- obstruct the view of road users, creating a traffic hazard;
- interfere with a view or prospect of special amenity value or special interest which is listed for preservation in the relevant development plan (or draft plan);
- obstruct a public right of way.

C83. Exempted development is also de-exempted if the development is of a class which:

- (i) requires an environmental impact assessment
- (ii) is of a class which requires an EIA but is below the thresholds specified for EIA but which requires a licence under the Environmental Protection Agency Act, 1992, and finally
- (iii) consists of or comprises of hazardous industrial activities (as defined under certain EU regulations).

C84. Dispensation or relaxation may be granted by the local authority in relation to any require-

ment of the Building Regulations, 1991 under Section 4 of the Building Control Act, 1990. The local authority may grant such dispensation or relaxation at its discretion, for example where it may not be desirable to attach a fire escape to an architecturally important building. The Minister for the Environment may also grant a dispensation or relaxation in relation to any class of development where he considers the compliance with any requirement of building regulations would be unreasonable.

## Departure from plan/changes to plan

C85. Departing from a development plan and/or the making of changes to the plan are reserved functions of the planning authority, i.e. they can only be carried out by the elected representatives of the local authority. Departures from the plan, or material contraventions of the plan as they are referred to, may be carried out by the planning authority in two ways:

- (i) By initiating procedures to materially contravene the development plan to facilitate a grant of permission for a proposal.
- (ii) By passing a Section 4 resolution to order the manager to make the decision required by the council majority (for further information, see Section B above).

C86. It is not necessary in the Irish planning system for the applicant to make any proposals for departure from the plan. A departure from the plan will only occur where the planning authority decides to grant permission for a development applied for in the standard way which materially contravenes the provisions of the development plan.

C87. The planning authority must advertise its intention to grant permission for a development that will materially contravene the development plan (or Special Amenity Area Order). It must also fully consider public representations made in respect of the proposed contravention.

C88. In a situation where a resolution under Section 4 (see Section B, Making and reviewing plans and policies: Local authorities) is proposed by elected members, to require the granting of a permission and the manager believes that this

would materially contravene the development plan or any Special Amenity Area Order, the following procedure must be followed. Within seven days of receiving the notice of the intention to propose a Section 4 resolution, the manager must make an order requesting that the requirements relating to the making of a material contravention be complied with. The process is described in Figure C6.

C89. Where permission is granted for a development which materially contravenes the development plan, the land-use zoning of the plan is not altered. Subsequent non-conforming applications for developments on the site that materially contravene the zoning are required to follow the same procedure as required in the original material contravention.

#### Variations in/changes to the plan

C90. The planning authority may vary the development plan at any time. It is required, however, under Section 21 of the Principal Act to follow the same procedure as is required in the preparation of a development plan. (see Section B, Local development plan). The process is described in Figure C7.

#### Enforcement procedures

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C91. Where no permission exists or a development has been granted planning permission but is in non-compliance with the terms of the permission or any attached conditions, there are five principal methods to enforce compliance. These are:

- (a) enforcement notices
- (b) warning notices
- (c) section 27 injunctions (also applies in the case of unauthorised development)
- (d) prosecution (under Section 24 of the Principal Act)
- (e) enforcement of open spaces.

#### (a) Enforcement notices

C92. A planning authority may serve an enforcement notice, under Sections 31, 32 and 35 of the Principal Act, on the owner and occupier of land to inform the offender of a development carried out without permission or in non-compliance with an attached condition.

C93. A Section 31 enforcement notice may require the removal or alteration of any works carried out or the discontinuance of any illegal use. If the offender fails to comply with the terms of the notice, within a specified period of not less than one month, the planning authority may carry out the action required by the notice. The cost of such action may be recovered from the owner of the land.

C94. An enforcement notice must be issued within five years from the date on which development was carried out without planning permission, five years from date specified in a condition, or in case of breach of condition for retention of structure five years from the granting of permission.

#### (b) Warning notices

C95. Under Section 26 of the 1976 Act, the local authority may issue a warning notice to the owner of land where unauthorised development is taking place or is likely to take place, including any unauthorised use. The notice, which must be served within five years of the unauthorised use commencing, is used to instruct the developer to discontinue any unauthorised development or to refrain from commencing a development.

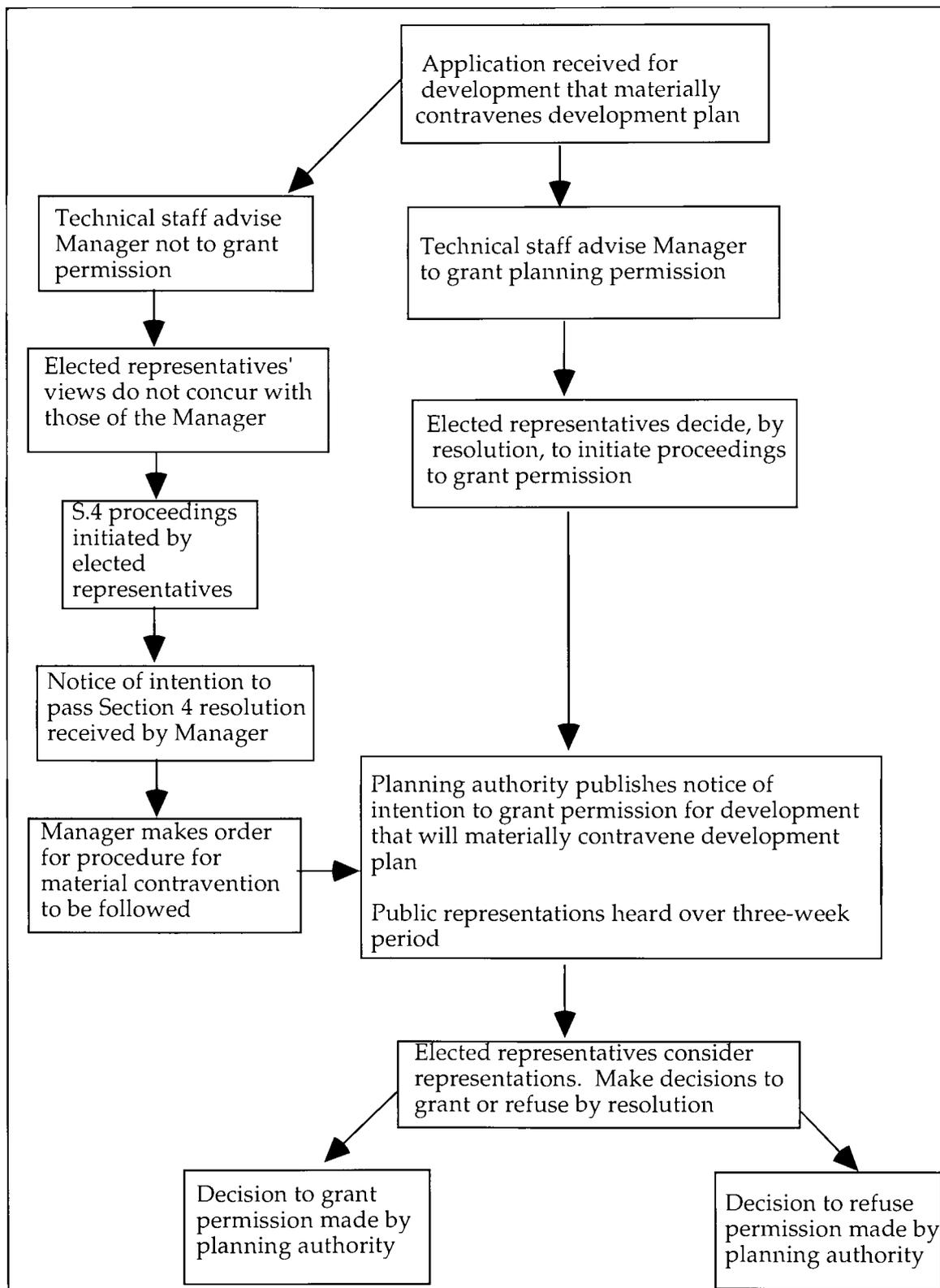
C96. Any non-compliance with the requirements of an enforcement notice or a warning notice may result in prosecution. The Local Government (Planning and Development) Act, 1992 allows penalties of up to IEP 1 000 000 and/or imprisonment for up to two years, with a potential IEP 10 000 a day or imprisonment for a continuing offence.

#### (c) Section 27 injunctions

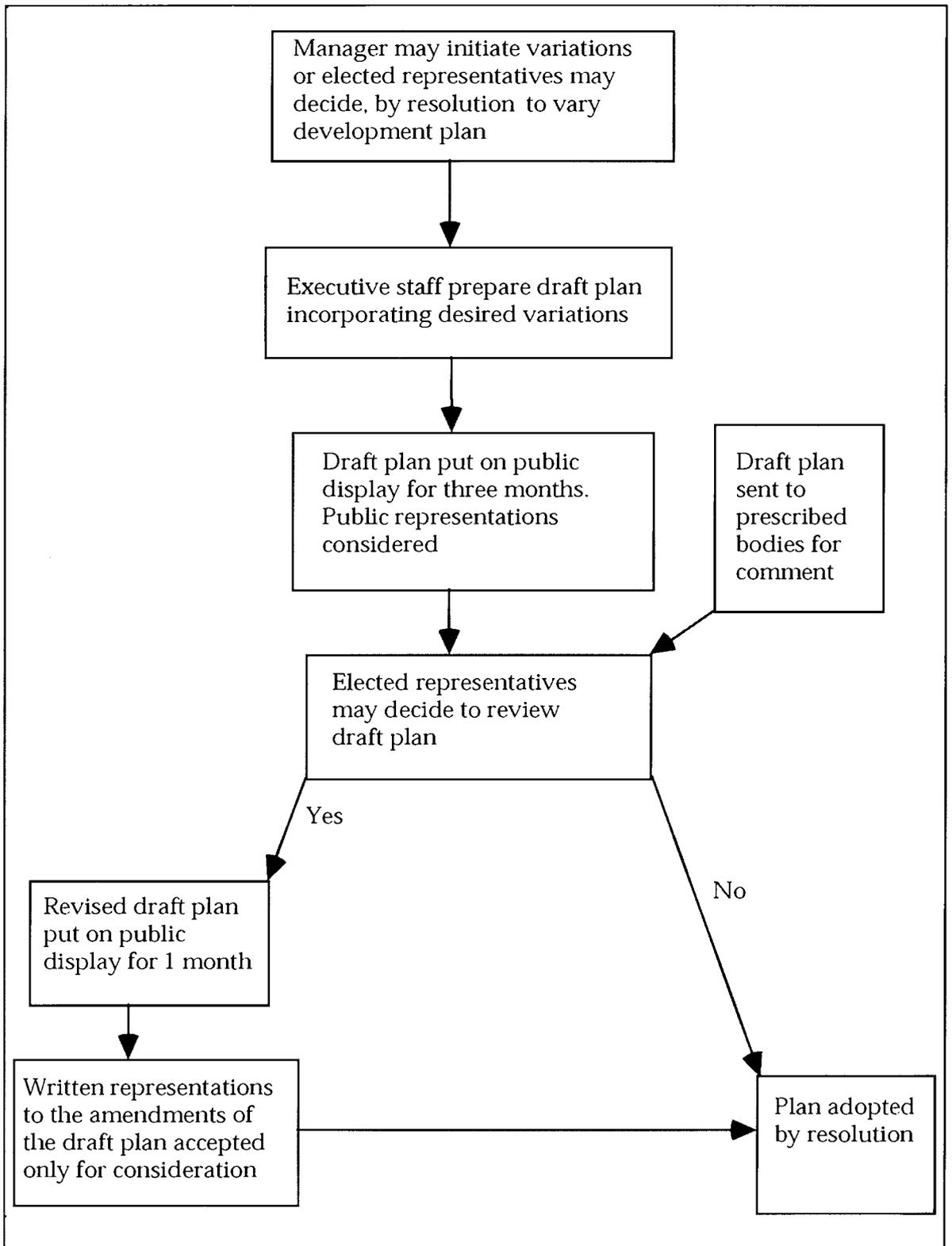
C97. Under Section 27 of the 1976 Local Government (Planning and Development) Act, a planning authority, or any other person, may apply to the High Court to prohibit the continuance of an illegal development or use. The High Court may order conformity with permission, where permission has been granted, or prohibit the continuance of a development or unauthorised use, including the demolition and restoration of the site to its former condition.

C98. The time limit for serving the injunction is five years from the date which the development was substantially completed or use commenced, or, in the case of non-compliance with condi-

**Figure C6: Departure from the plan**



**Figure C7: Varying the plan**



tions, five years from the date the permission expired. The Local Government (Planning and Development) Act, 1992 also allows Section 27 injunctions to be heard in the Circuit Court.

(d) Prosecution under Section 24 of the Principal Act

C99. Any person who carries out development which requires permission without obtaining such permission is guilty of an offence and is liable to prosecution under Section 24(3) of the Principal Act. In such a case, proceedings must commence within five years from the date on which unauthorised development occurred.

(e) Enforcement of open spaces

C100. Section 25 of the Local Government (Planning and Development) Act, 1976 contains a procedure whereby the planning authority can acquire land for the provision of open space where the open space requirement has not been complied with. The planning authority can serve a notice requiring compliance. Failure to comply within the specified period, of not less than two months, allows the planning authority to serve an acquisition notice, indicating its intention to acquire the land for public open space. The developer may appeal to the planning appeals board.

C101. Compensation is not payable in respect of the acquisition unless the owner can show that the entire development will result in a financial loss being incurred.

## Areas of regulation

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C102. Every area in Ireland is covered by the development regulation system. Development occurring anywhere within a planning authority's functional area is regulated by that planning department. Under the Local Government (Planning and Development) Act, 1993, all development by or on behalf of State authorities requires planning permission, save for the following instances:

- (a) the development is exempted, and
- (b) the development is excluded from planning control under Section 2(1)(a) of the 1993 Act, for example, police stations, prisons, court-

houses, barracks, offices used in connection with certain government offices, etc.

C103. In cases where development is excluded from the need to obtain permission, a State authority is obliged to notify the relevant planning authority of its intention to develop and to instigate public notification procedures (see Section B above).

## Examples/illustrations of regulation and development

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### Commercial development proposal

C104. This application was for full permission for a large-scale commercial development on a 177 acre site (known as Quarryvale) located on the junction of two major roads (the Western Parkway Motorway (M50) and the Galway Road (N4)) on the outskirts of Dublin city. The development proposal was for an hotel, licensed premises, drive-through restaurant, car sales showroom, petrol station, computer centre, civic buildings, ten-screen multiplex cinema, shopping centre, high tech industrial warehousing and offices.

C105. The development site has been the subject of considerable debate, discussion and controversy. In July 1990 the British-based development company, Barkhill, first proposed to build a GBP 750 million shopping, industrial, leisure and housing complex on the site. At this time the land was zoned E to provide for industrial and related uses and F to preserve and provide for open space and recreational amenities. In May 1991 Dublin County Council, (i.e. the county councillors-members of the county council) during the period of the preparation of the draft county development plan, voted to rezone the 184 acre Quarryvale site for major town centre use, Zoning D.

C106. The council's planners opposed this move, as in the existing development plan alternative land had been zoned for the provision of town centre facilities for the new town of Lucan/Clondalkin. In response the Council members agreed to cap the retail element of the proposal to allow no more than 500 000 square feet of retail floor space. In December 1992 the retail element was further capped at 250 000 square feet. In July 1993 when the 1993 amendments to the 1991

draft county development plan were published, the land in question had been zoned C and E, to provide for district level facilities for mixed commercial/retail industrial use and to provide for industrial and related uses, retail shopping on the land to be restricted to 23 500 square metres.

*C107.* There was considerable opposition both to the rezoning and the proposed development, the most vehement being from developers, such as MS Ltd and PHI Investments and the Green Property Co., who proposed rival retail developments, residents of areas surrounding sites which had been zoned for retail provision and who now envisaged that these developments would never take place and the owners of existing retail facilities who were concerned about the increased levels of competition that such a development would bring.

*C108.* The application for the development was submitted in August 1993. However, it was not accompanied by the requisite EIS. This led to a time delay as the planning authority was not required to deal further with the application until such a time as an EIS was submitted. A notice to this effect was issued to the applicant. In November 1993 the EIS was submitted. The planning authority then had two months from this date in which to make a decision or request further information which was duly requested on 21 December, 1993. The additional information request, which was submitted in February 1994, required among others, a reduction in retail floorspace and details regarding roads proposals, services design, development phasing and land ownership (Figure C8).

*C109.* Due to the size and nature of the proposed development, a number of the departments of the local authority were consulted, including the roads department, due to the need for the provision of a number of alterations and additions to major roads to facilitate the development, and the parks department with regard to the provision of public open space and landscaping. The Eastern Health Board was contacted with regard to the environmental health aspects of the development and the OPW became involved due the existence on site of a historic monument. Both Dublin County Council and Dublin Corporation also became involved in their capacity as landowners, as the developers needed to acquire land in the ownership of both local authorities.

*C110.* The development was discussed at two sub-committee meetings of the local authority

with a number of county councillors lobbying in favour of the development, due to the substantial job-creation potential. A number of objections and observations were also received during the application period.

*C111.* A decision to grant permission was issued by the Manager on 13 April 1994 subject to 45 conditions which included a payment of over IEP 3 800 000 in contributions towards the provision of services, roads infrastructure and open space. The decision was appealed by three parties and a number of the conditions imposed were appealed by the applicant. In the final instance *An Bord Pleanála* (the planning appeals board) upheld the planning authority's decision but reduced the number of conditions to 20. The development is under construction and due to open in Autumn 1998.

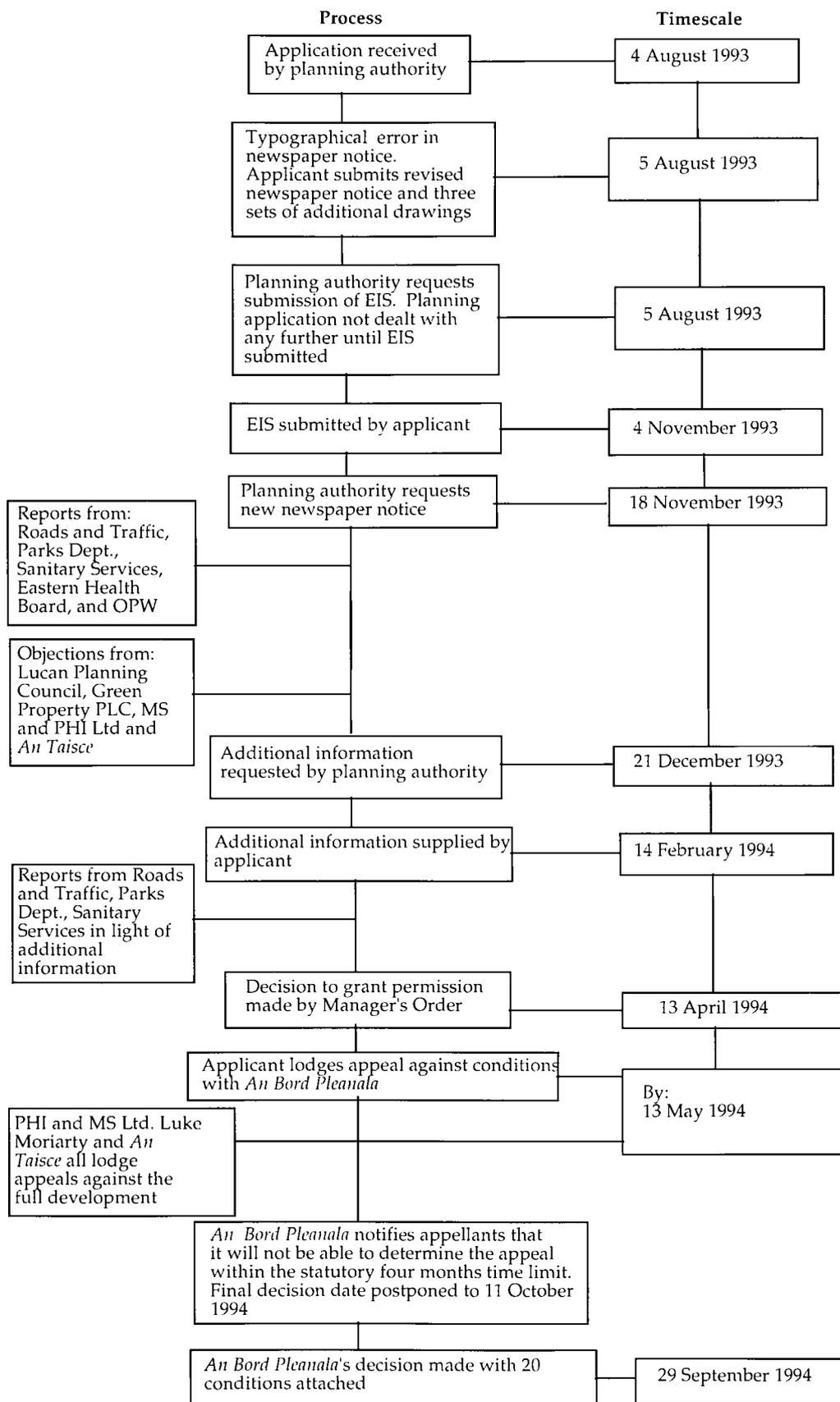
### **Housing development proposal**

*C112.* This example illustrates an application for full permission for 150 houses in Lucan, county Dublin. The site was zoned A1 to provide for new residential areas in accordance with an approved action area plan. An action area plan had been produced for the area and this development had to comply with both the county development plan and the action area plan.

*C113.* The application was submitted on 10 April, 1992, with further unsolicited additional information submitted one month later on 13 May, 1992. Based on the initial application, a number of concerns were raised in respect of residential density, visitor parking provision, and the quality of the designated public open spaces provided. A number of sites did not comply with development plan standards in respect of garden size, and a number of the proposed houses had gable entrances and gable windows at first floor level which were deemed to result in unsatisfactory overlooking. Consequently, additional information was requested regarding density, layout details and matters of vehicular access (Figure C9).

*C114.* In response, additional information was submitted on 31 July 1992, incorporating a revised layout, in which the number of houses had been reduced and 1.2 acres of public open space provided. The planning officer considered the layout to be a considerable improvement but open space provision was still regarded as

Figure C8: Commercial development — Quarryvale



inadequate. Consequently the shortfall in provision was subject to a financial contribution.

C115. Planning permission was granted on 30 September 1992 subject to 27 conditions including financial contributions of over IEP 318 000.

### **Industrial development**

C116. This example relates to the development of a general industrial unit and two offices, with gross floor area of 5308 m<sup>2</sup>. In addition, the development involved the provision of an ESB sub-station and the extension of an estate service road.

C117. This development is part of a larger industrial and business park on the Naas Road in County Dublin known as the City West Business Campus. The original permission was granted on appeal for a business park comprising 26 industrial units and site development works. At the time that this application was lodged, site development works had commenced on foot of *An Bord Pleanála's* decision. The original permission was controversial as it had required the rezoning of a substantial amount of land (Figure C10).

C118. Due to the rezoning and the grant of permission for the business campus, this application was relatively straightforward. The site was zoned to provide for industrial and related uses and the design and external finishes were accepted in principle by the planning authority. The only concerns of the planning authority in relation to the development were the provision of adequate parking spaces and that the access road be built by the developer in accordance with the council's specifications and standards. A grant of permission was issued within the two-month time limit subject to 13 conditions.

### **Office development proposal**

C119. This is an example of a planning application for a three-storey office development with an additional penthouse office suite and associated car parking and vehicular entrances and exits.

C120. The application site is located in Tallaght, one of the new western towns on the outskirts of Dublin city. The town centre area of Tallaght (in which the development is located) was designated for urban renewal in 1989 under the urban

renewal acts and is an area in which developers could benefit from significant tax incentives.

C121. The initial designation of the Tallaght town centre resulted from the need to actively encourage development in the area, primarily retail and other commercial activities, given the lack of these facilities in this new town. After the area became designated in 1988, a large shopping centre known as the Square was developed. Since this initial development, a considerable number of commercial and retail developments have taken place in the Tallaght town centre. It is within this overall context which the office development dealt with in this illustration was submitted for planning permission.

C122. There were no problems with this application. The proposed development was compatible with the zoning of the area which was 'to provide for major town centre facilities' and the design was of high quality. In this instance the planning authority refrained from requesting further information as speed was essential to this development proposal, as foundations had to be laid prior to a prescribed deadline, to benefit from the tax incentives under the urban renewal legislation. The additional information which was required was to be submitted in accordance with the compliance, with various conditions attached to the grant of permission.

C123. Permission was granted subject to 10 conditions, including the payment of IEP 70 000 in contributions towards services and roads provision. Figure C11 illustrates the process.

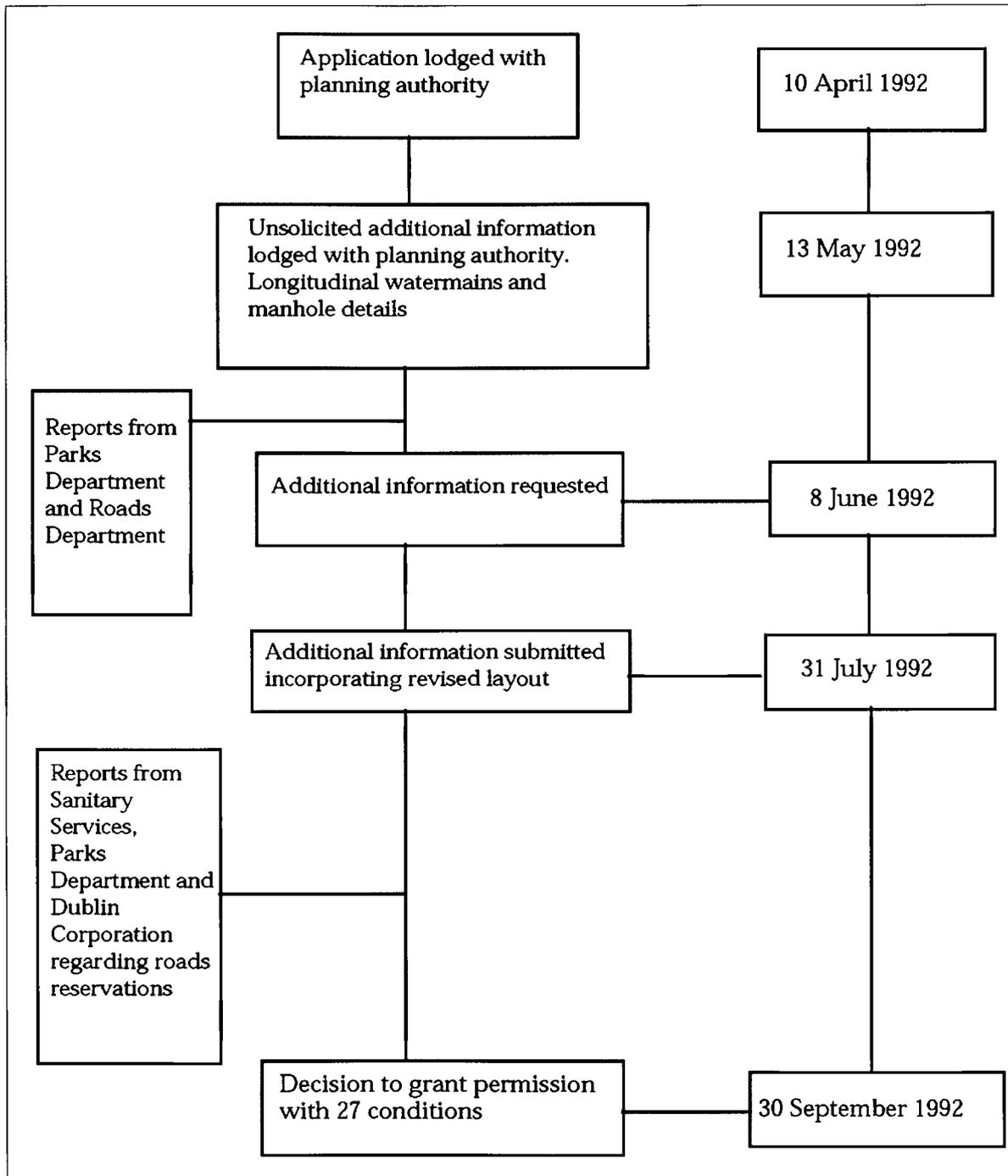
### **Sources and further information**

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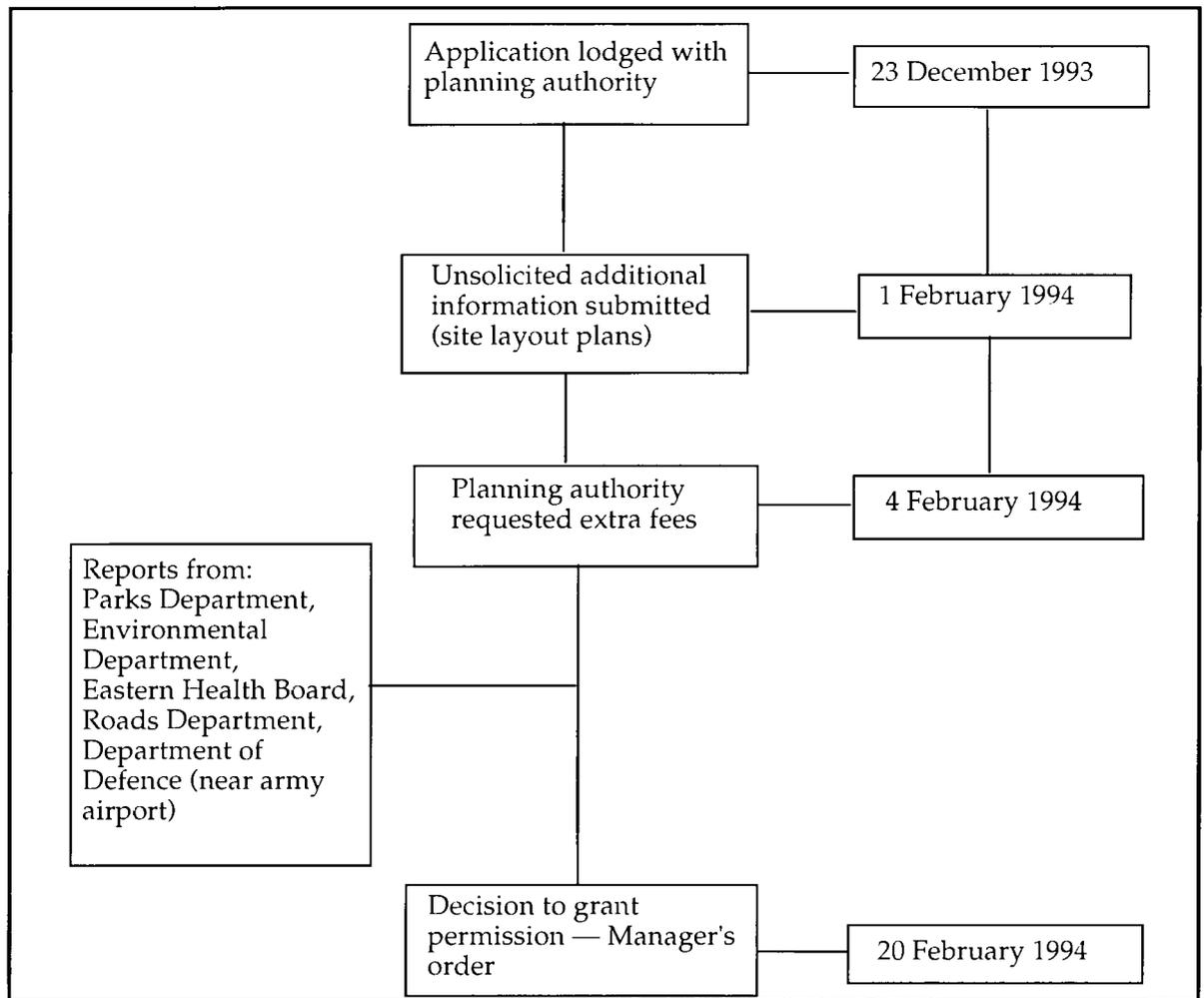
All statutes, Local Government (Planning and Development) Acts, 1963 to 1993, and the Local Government (Planning and Development) Regulations, 1994, and other related legislation may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2.

The Department of the Environment have produced 11 leaflets, which are practical guides to various aspects of the planning system. These leaflets are available directly from the Department of the Environment or from local authority Planning Offices.

Figure C9: Housing development at Esker Lane, Lucan



**Figure C10: Industrial development at City-West Business Campus**



A useful up-to-date source on Irish planning and environmental law and procedure is the *Irish Planning and Environmental Law Journal*, published by Brehon Publishing, Brehon House, 4 Upper Ormond Quay, Dublin 7.

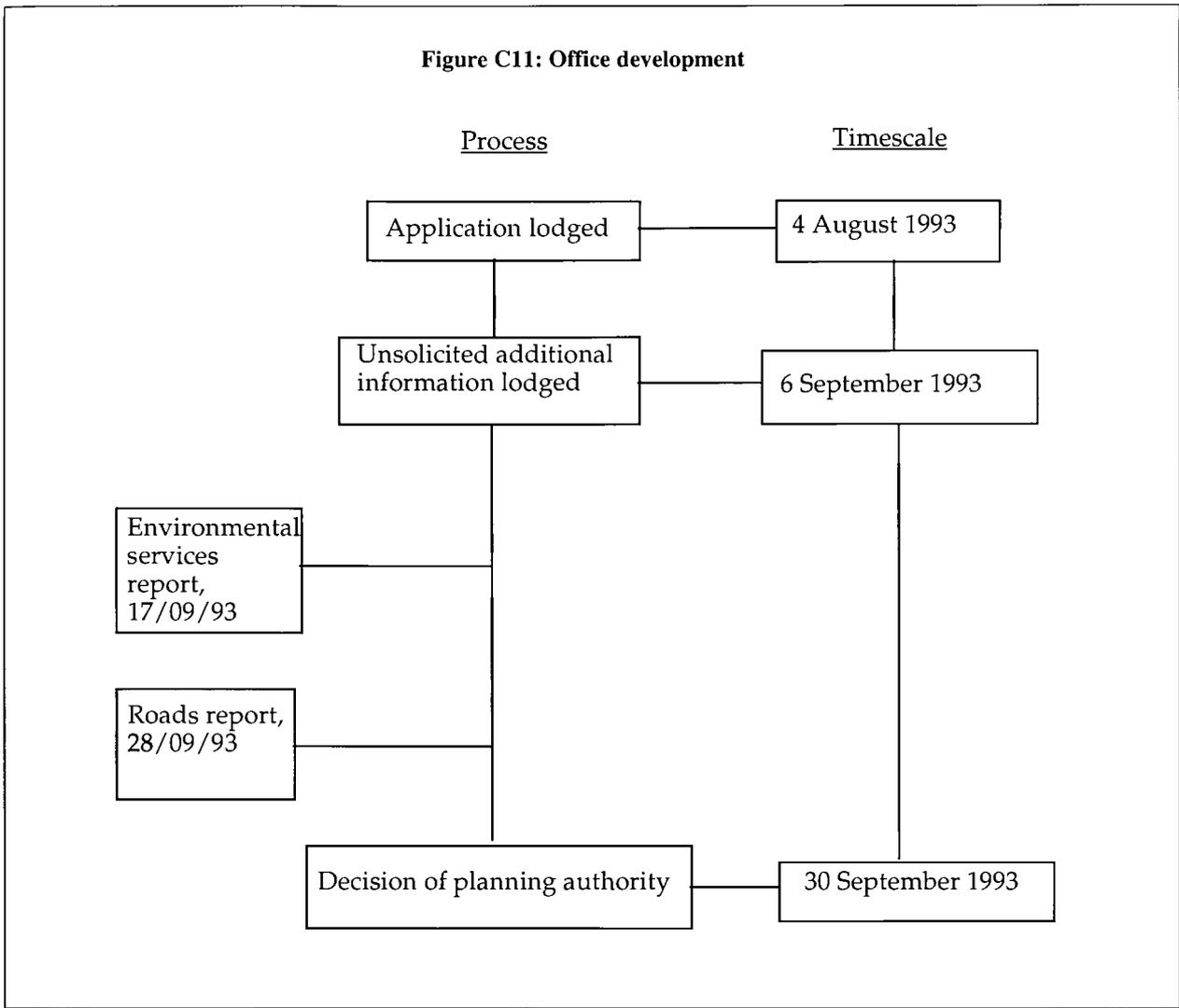
Grist B. (1994), 'Exempted development under the 1994 planning regulations', *Irish Planning and Environmental Law Journal*, Vol. 1, No 2, 1994.

Meehan, B. (1995), 'Planning decisions and integrated pollution control', *Irish Planning and Environmental Law Journal*, Vol. 2, No 1, 1995.

Nowlan K. I. (1988), *A guide to planning legislation in the Republic of Ireland*, The Incorporated Law Society of Ireland, Dublin.

O'Sullivan P. and M. Shepherd K. (1994), *Irish planning law and practice*, Butterworths Ireland, Ltd, Dublin.

Figure C11: Office development





## D. Agencies and mechanism for development and conservation

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### Summary

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*D1.* The National Development Plan, 1994-99, and the Community support framework, 1994-99 provide the framework for most major investments in physical and human infrastructure over a six-year period. The National Development Plan, 1994-99, was seen as the Government's mechanism to implement the provisions of the Programme for a Partnership Government.

*D2.* The programmes outlined in the National Development Plan, 1994-99, contain a number of subprogrammes and work in tandem with a range of EU initiatives which were designed to target specific issues and problems and have direct relevance for the physical planning system.

*D3.* The Community support framework, 1994-99, indicates the extent and nature of EU support funding which will be provided over the six-year period. This is implemented through a number of operational programmes, with at least one government department or agency responsible for a programme's implementation (see Section B). Many of the programmes and measures are discussed in this section, particularly those which have spatial planning implications. Other national initiatives are also discussed, as well as the relevant implementing agencies.

### Development

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#### Regional economic development

##### Interreg

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*D4.* Interreg II is an EU initiative which is designed to develop cross-border cooperation and to help areas on the Union's internal and external frontiers to: overcome the specific problems arising from their comparatively isolated position within national economies and the Union as a whole, to complete EU energy networks and promote the creation of networks. The joint Ireland/Northern Ireland programme in Ireland is divided into five subprogrammes covering infrastructure, environmental protection, natural resources, human resources and economic development.

*D5.* Under the Interreg I programme, 1991-93, all of Northern Ireland (except Belfast) and the border counties of Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth qualified for assistance. However, under the Interreg II programme, assistance is extended to cover certain areas on sea borders. Under the joint Ireland/Wales programme, the regions of Dublin, the Mid-East and South-East are now included (see Map 5). The importance of the cross-border element of development is recognised by both governments, north and south, and cross-border cooperation is continually being fostered.

MAP 5. AREAS COVERED BY THE INTERREG II PROGRAMME



D6. Regional authorities have been established, in accordance with the provisions of the Local Government Act, 1991. There are eight regional authorities, covering the entire country (see Map 2). As outlined in the 1991 Act, the general function of the regional authorities is to promote coordination in the provision of public services and to monitor the implementation of the Community Support Framework at regional level (see Section B).

### Shannon Development

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D7. Shannon Development is a regional development agency responsible for the integrated economic development of the Shannon region on the western coast of Ireland, (see Map 3 in Section B). The company was established under the Shannon Free Airport Development Company Limited Act, 1959.

D8. The company is responsible for industrial and tourism development in the Shannon region, for rural development and for the promotion of the growth of Shannon airport. However, it should be noted that its statutory powers in relation to regional development are narrowly defined and do not include responsibility for the provision of services or infrastructure or any autonomous planning function.

D9. To achieve its objectives, Shannon Development has to liaise and cooperate with a wide range of interests, including local authorities, State and private interests and, in addition, it administers a wide range of national and EU grant programmes. Its main operating funding comes from its own commercial activities and from the Oireachtas.

#### **Sources and further information:**

Shannon Development, *Shannon Development Annual Report, 1992* SFADCO, Shannon, 1993.

Share, B., *Shannon Departures: A Study in Regional Initiatives*, Gill and Mac Millan, Dublin 1992.

D10. Under the *Udarás na Gaeltachta* Act, 1979, the government agency *Udarás na Gaeltachta* was established to encourage the preservation and extension of the Irish language as the everyday language of the *Gaeltacht* communities and to establish and develop job-creating industries and services in the *Gaeltacht* areas of the country. The extent of the areas can be seen in Map 4 in Section B.

D11. To achieve its objective, *Udarás* is involved in the:

- promotion of development through the use of both local indigenous resources and through the attraction of foreign industry,
- promotion of community development, and
- promotion of a range of language and cultural activities.

D12. In its capacity as a development agency, *Udarás* liaises with a wide range of bodies including local authorities, FAS (the national training and employment authority), RTE and the county enterprise boards (see below). *Udarás* supports the creation of industry and employment through a range of financial incentives and supports, ranging from the provision of non-financial backup services, to capital grants and rent subsidies.

#### **Sources and further information:**

*Udarás na Gaeltachta, An Gaeltacht: A Natural Place for Enterprise, Udarás na Gaeltachta, Galway.*

*Udarás na Gaeltachta, Tuarascail agus Cuntaise Report and Accounts 1992, Galway, 1993.*

### State agencies

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D13. A number of other State agencies have a regional structure which enables them to develop mechanisms for regional economic development. Such agencies have a remit for tourism, forestry, fisheries, training and employment creation. These will be dealt with later in the relevant sections. However the industrial development agencies are discussed here because of their importance for development and regional focus.

*D14.* Primary responsibility for industrial development is vested principally in three agencies; *Forfas* (coordination of industrial policy), *Forbairt* (assisting indigenous development) and IDA Ireland (attracting overseas development). These agencies have a regional dimension, with a network of regional offices aligned to those of the regional authorities, enabling them to promote development of overseas and domestic enterprise/industry; assist the private sector in the provision of industrial infrastructure such as industrial sites and buildings, and help provide support services; and decentralise executive responsibility for small business development in the regions.

*D15.* The support services provided by the industrial development agencies also include advice on issues such as taxation, training, monetary, fiscal and government budgetary policies.

### Local economic development

#### Local development programme

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*D16.* Local urban and rural development is one of the four priorities of the Community support framework, 1994-99. There are three principal mechanisms for the implementation of the government's local development initiatives, as outlined in the Operational Programme for Local Urban and Rural Development.

*D17.* There are three sub-programmes. The first is a subprogramme for local enterprise focusing around the work of the county enterprise boards. The second is a subprogramme for integrated development of designated, disadvantaged and other areas and the third focuses on urban and village renewal.

#### County enterprise boards

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*D18.* The 35 county enterprise boards were established by the Programme for partnership government to develop and support local enterprise initiatives, particularly small businesses not already covered by the State development agencies. The board members include four elected representatives and representatives from the main public sector agencies, business, farm, trade union and community

interests. The boards tap into local employment opportunities through:

- developing enterprise action plans for the relevant county area (three-year duration), creating local enterprise awareness and developing an enterprise culture to ensure community-based enterprise activity; and
- providing grant support to individuals and community groups to assist commercially viable small enterprise projects and influencing the allocation of resources for small enterprises from EU and public funding sources.

*D19.* A county enterprise fund assists eligible enterprise projects within the county. The Boards do not consider proposals involving grant support in excess of IEP 50 000 or projects with investment costs of IEP 100 000. Within these parameters a number of other limits apply. Each board is assisted in its decisions on project applications by an evaluation committee. At national level the county enterprise boards are coordinated by the Department of Enterprise and Employment.

#### Area-based initiatives

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*D20.* Under Section VII of the Programme for economic and social progress, 1991, an area-based initiative to combat long-term unemployment was piloted in 12 areas in 1991. Under subprogramme 2 the Operational programme for local, urban and rural development of the new CSF, 33 disadvantaged areas, (19 urban areas and 14 rural areas) are covered (see Map 6). In each of these areas a partnership company has been established.

*D21.* The objectives of this subprogramme are to provide an integrated approach to combat high concentrations of long-term unemployed, social exclusion and environmental deprivation by developing community-based organisations, enabling local groups to set up their own businesses, improving educational participation and attainment, developing initial contact programmes for the unemployed, pre-training and training and coordinating mainstream programmes and policies at the local level.

*D22.* Initiatives relating to sectoral issues of particular disadvantage, such as travellers or the homeless, also qualify under this programme. To

achieve these objectives, each partnership company prepares an integrated area action plan which identifies: objectives and specific targets for development in accordance with the sub-programme, an implementation strategy and mechanisms for coordination.

D23. The partnership companies are supported at national level by the intermediary company ADM Ltd (see next section), with financial assistance from the global grant for local development, from the Department of the *Taoiseach* and the Enterprise Trust (a body facilitating the involvement of employers in the enterprise element of the area action plans).

#### Global grant for local development

D24. There is an EU global grant for local development, managed through an intermediary company, Area Development Management Ltd, (ADM), whose objective is to promote integrated local development. ADM is the main source of funding for the partnership companies operating the area-based initiatives subprogramme and also provides technical assistance, assessment and evaluation of local strategies.

#### **Local development: Other mechanisms and agencies**

#### The community employment scheme

D25. While the principal objective of the community employment scheme (CES) is to provide temporary work experience, together with some training, for long-term unemployed people and other special categories, the programme can and does support local development initiatives through projects undertaken by public sector and voluntary bodies aimed at area improvement and eradicating local dilapidation.

#### Combat Poverty Agency

D26. This agency was established in 1986 by order of the Minister for Social Welfare, made under the Combat Poverty Agency Act, 1986.

D27. There are three main elements to its community development work. It supports several pilot projects, operates a small grant programme to enhance the effectiveness of local community development projects and seeks to foster a greater voice in the policy-making process for groups representing those affected by poverty and disadvantage. The agency jointly funds projects with the EU and is involved in national programmes and initiatives such as the area-based initiatives (see above).

#### Community Development Programme

D28. The Community Development Programme was established in 1990 by the Department of Social Welfare. This programme aims to support community development resource centres in disadvantaged communities. These centres provide basic services to local voluntary and community initiatives, to enhance community leadership skills, improve cooperation between community groups and statutory, voluntary and private interests and contribute to the policy-making process.

#### **Sources and further information:**

Craig, S., and McKeown K., *Final report to the Central Review Committee on the evaluation of 12 pilot area-based partnerships in Ireland, 1991-94*, Combat Poverty Agency, Dublin, 1993.

Department of Enterprise and Employment, *Interim operating guidelines for county enterprise boards*, October 1993.

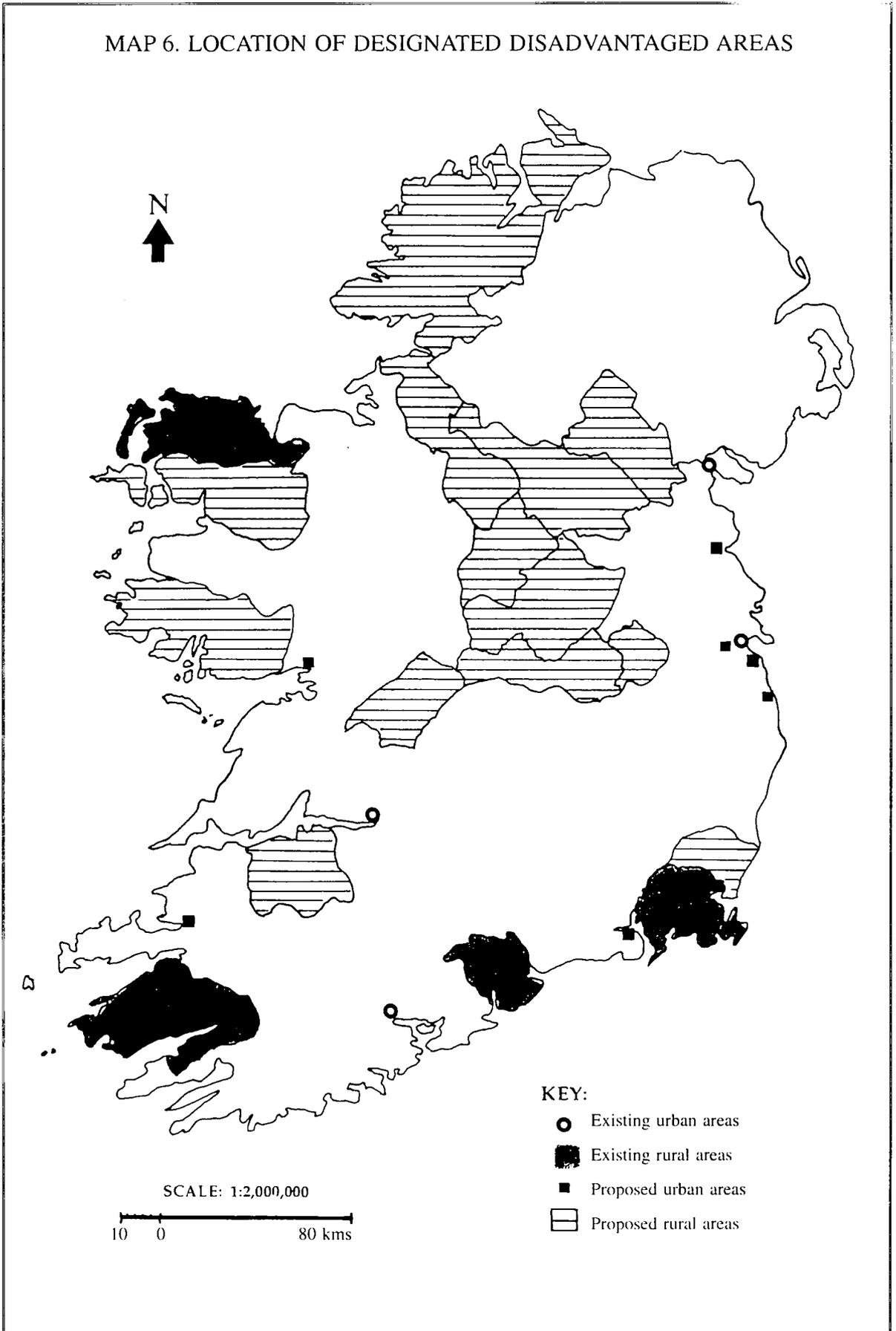
#### **Urban regeneration**

D29. The powers granted to local authorities under Section 77 of the Local Government (Planning and Development) Act, 1963, can be used extensively for the renewal and development of urban areas, in coordination with the stated policy objectives of their development plans (this is discussed in the section on Partnerships). Under the Urban Renewal Acts, 1986 and 1987, specific provisions are made for renewal of urban areas.

#### Urban Renewal Acts

D30. Under Section 6 of the Urban Renewal Act, 1986 the Minister for the Environment, may, with

MAP 6. LOCATION OF DESIGNATED DISADVANTAGED AREAS



the consent of the Minister for Finance, by order, declare an area to be a designated area where he is satisfied that there is a special need to promote urban renewal therein. The first urban renewal scheme ran from 1989 to 1994. The present urban renewal scheme commenced on 1 August 1994 and will operate for a three-year period. At present there are 35 urban designated areas (see Map 7).

*D31.* In conjunction with the Urban Renewal Acts, 1986 and 1987, the Finance Acts, 1986 to 1995, set out a range of tax incentives for development in designated areas. Development which qualifies includes residential, commercial, office and industrial uses. Under the Finance Act, 1995, the tax incentives for office development are excluded from the designated areas in the five county boroughs, effective from 1 August 1994. The incentives provided are confined to limited areas in order to maximise their impact in prominent strategic locations.

*D32.* The tax incentives offered under the present urban renewal scheme which commenced on 1 August 1994 include:

- A capital taxation allowance for owner occupiers in respect of expenditure on construction of a dwelling, available at 5 % per annum over a 10-year period or 10 % per annum for refurbishment works.

#### Commercial

- A double rent allowance against trading income for traders leasing buildings, available for 10 years.
- 50 % capital allowance for commercial developments (does not apply to office development unless it is ancillary to other commercial development).
- Rates remissions for 10 years, on a sliding scale.

#### The Local Urban and Rural Development Operational Programme

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*D33.* Under the local Urban and Rural Development Operational Programme of the Community support framework 1994-99 support is provided via three subprogrammes to bring about social and economic development at local level, to en-

able local communities to be involved in that development in a formal way and to achieve physical improvements to the local environment. Subprogramme 3, the urban and village renewal subprogramme operates in tandem with the tax-incentive-based scheme and is designed to complement it. This subprogramme contains a range of measures to rejuvenate the social and economic life of towns and villages, rehabilitate the built environment and restore and conserve important elements of Irish architecture and heritage.

Measure 1 — The five major initiatives (one major flagship project for each of the five country boroughs).

Measure 2 — urban improvements.

Measure 3 — village renewal.

Measure 4 — urban conservation.

Measure 5 — Temple Bar Cultural Quarter, Dublin.

*D34.* Apart from the Temple Bar development and some urban conservation projects, most of the measures will be implemented through the local authorities which receive allocations each year and provide the matching funding. Measures include the use of demonstration and pilot projects, the establishment of revolving funds for public and private bodies and support for bodies such as civic trusts. There is also consultation with and input from county enterprise boards and area-based partnership companies, including the use of labour from the Community Employment Scheme (see Section D: Local economic development).

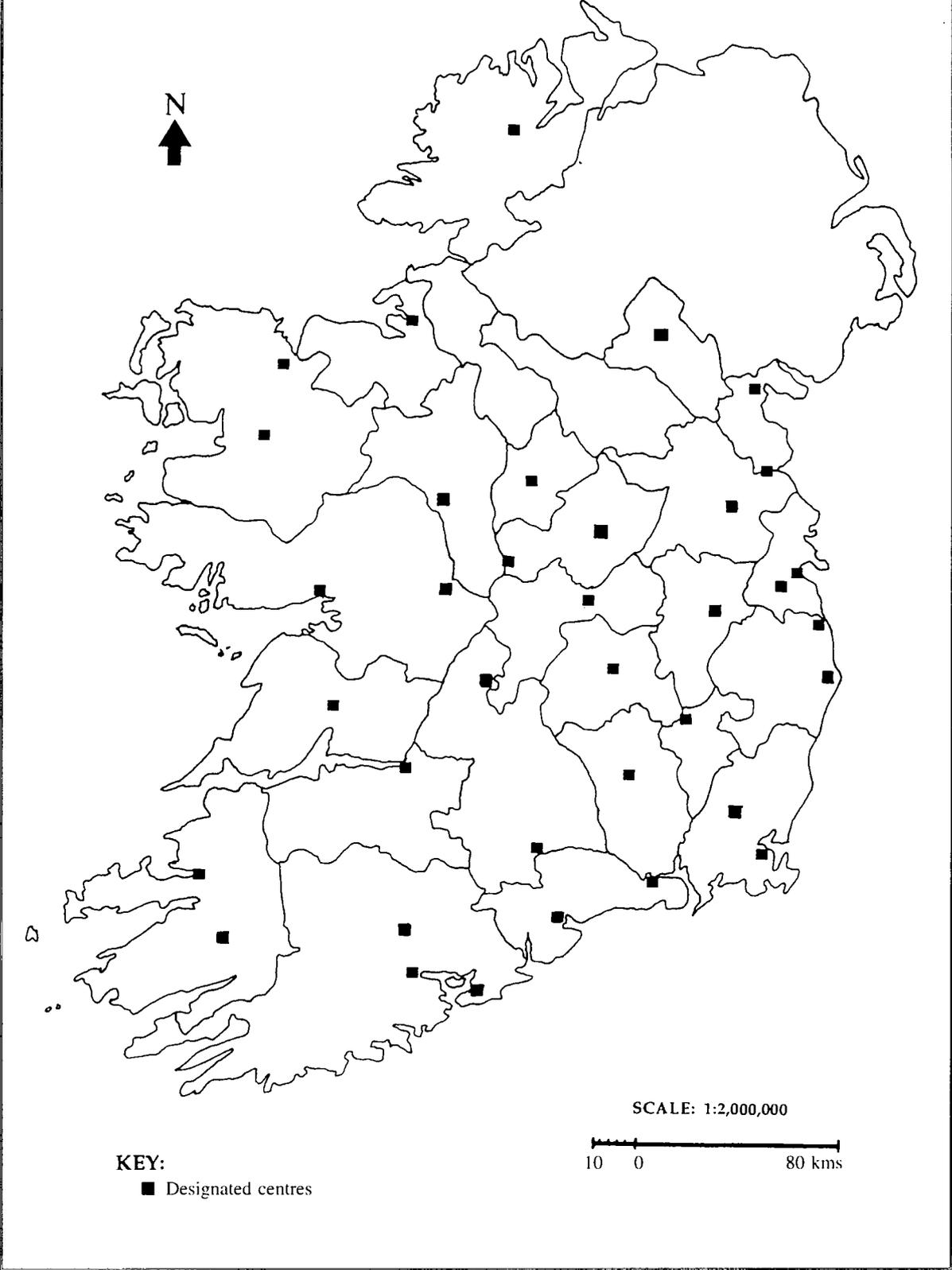
Custom House Docks Development Authority,  
Dublin

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*D35.* The Custom House Docks Development Authority (CHDDA) was established under the Urban Renewal Act, 1986. The Custom House Docks area is located on the northern side of the River Liffey in Dublin, immediately east of the Custom House. The site is close to the commercial centre of the city and was formerly a major facility for Dublin port.

*D36.* The general duty of the CHDDA is to secure the redevelopment of the Custom House Docks Area. Under the 1986 Urban Renewal Act, it has powers to acquire, hold and manage land in the area for redevelopment by itself or by others, to dispose of land so as to secure its development, redevelopment, or renewal and to provide any

MAP 7. URBAN RENEWAL DESIGNATED AREAS



necessary infrastructure to encourage people to work, shop or reside in the area. The Minister for the Environment may add to the functions of the CHDDA and make general directives to it.

D37. In 1987 the CHDDA produced a planning scheme for the redevelopment of the area. Any development carried out in the area by the CHDDA or by any other person, which is consistent with the scheme, is exempted development for the purposes of the Local Government (Planning and Development) Acts, 1963 to 1993. A package of rates reduction and tax incentives operate within the area.

#### Temple Bar Properties, Dublin

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D38. Special arrangements were established for the redevelopment of the Temple Bar area of Dublin, under the Temple Bar Area Renewal and Development Act, 1991 and the Finance Act, 1991. The former Act established Temple Bar Properties Ltd as a development company for the area and a sister company Temple Bar Renewal Ltd, responsible for approving proposals for the purposes of the taxation incentives available under the Finance Act, 1991. The Temple Bar area is located on the south bank of the River Liffey (see Map 8).

D39. The Temple Bar project, which has a five-year implementation period, aims to:

- build on the spontaneous activity which has already taken place in the area over the last number of years, and
- develop a cultural, residential and small business district in the heart of the capital city.

D40. To do this, Temple Bar Properties has power under the 1991 Act, 'to acquire compulsorily any land, or any interest in or right over any land in the area, for the purpose of ensuring the implementation in a coherent, comprehensive and integrated manner'. While Temple Bar Properties is the development authority, it must seek to secure planning permission from the local authority before any development may be initiated.

D41. The urban and village renewal subprogramme of the operational programme for local urban and rural development contains a measure to assist the provision of a range of cultural facilities in the Temple Bar area. The objective of this measure is to create a focal point for culture and tourism in Dublin, helping the regeneration of the city centre.

#### Urban regeneration: Other mechanisms and agencies

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D42. The remedial works scheme was initiated in 1985, as part of the Government's economic plan, to tackle the structural defects in certain classes of local authority housing. Under the scheme, capital is made available by the Minister for the Environment from the annual capital allocation for local authority housing to cover the cost of essential works to groups of older local authority rented housing. A system of designation of individual schemes by the Minister operates and allocations are made in respect of these designated schemes.

D43. In 1982 the Government established the revolving fund mechanism, under the Finance Act, 1982. The objective of the fund is to enable local authorities to acquire, rehabilitate and sell residential properties, to bring vitality back into inner urban areas, stabilise the population through owner-occupation and to act as a pump-priming device to encourage private sector investment. The proceeds of the sale of houses are available for the purpose of further acquisition and renovations. At present this mechanism is used on a localised basis only.

D44. The National Building Agency Limited was incorporated, with the approval of the government, as a private limited company under the Companies Act in 1960. The agency provides a wide range of consultancy services and undertakes specific tasks in support of various policies of the government in housing, urban renewal and other construction related activities. It undertakes projects, predominately in urban renewal, on an entirely commercial basis, either on its own responsibility or on a joint venture basis with local authorities and/or the private sector.

#### Sources and further information:

Blackwell, J., and F. Convery F., *Replace or Retain?* Resource and Environmental Policy Centre, UCD, Dublin (1988).

Custom House Docks Development Authority, *Annual Report and Accounts, 1992*, CHDDA, Dublin, 1993.

Temple Bar Properties Ltd, *Development Plan for Temple Bar*, Temple Bar Properties Ltd, Dublin, 1992.



## Public sector development policies

### Compulsory purchase order

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*D45.* The general power to acquire land, either by agreement or compulsorily, is contained in Section 10 of the Local Government (Ireland) Act, 1898, as amended by Section 11 of the Local Government (No 2) Act, 1960. Local authorities may acquire land by agreement or compulsorily whether situated within or outside their functional area to fulfil any of their powers, duties or functions.

*D46.* A local authority acquiring land compulsorily may be authorised to do so by means of a compulsory purchase order made by the local authority. This order is then submitted to and confirmed by the Minister for the Environment.

*D47.* Under the Constitution, the Republic of Ireland does not allow expropriation of an asset without payment of compensation, with the measure of compensation payable being dependent on the provisions of the empowering act.

*D48.* A number of statutory bodies, other than local authorities, also have power of compulsory acquisition, both of land and of limited rights over land and include Temple Bar Properties and the CHDDA, and numerous public bodies, such as the transportation authorities.

## Major infrastructure

### Transport

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*D49.* The primary objective of transportation investment, as outlined in the National Development Plan, 1994-99, is to sustain economic development by improving internal and access transport infrastructure and facilities on an integrated basis. Additional objectives include the reduction of transport costs and improvement of the reliability of the transport system by removing bottlenecks and reducing journey times and journey time variance. Many of the proposals discussed in the national development plan are to be funded under the CSF.

*D50.* These objectives will be achieved through an integrated transport investment programme. The development strategy for the national primary road network will focus on four key corridors, which form part of the trans-European road network. Improvements will also be made on national, secondary and non-national roads which make a significant contribution to the functioning of the economy. The National Roads Authority (see below and Section B) will be responsible for the implementation of measures relating to national primary and secondary roads.

*D51.* The mainline rail network will be upgraded with investment focused on the railway lines, for inclusion in the trans-European networks of high speed rail, combined transport and combined rail. This will involve the upgrading of the Belfast-Dublin-Cork line, which is the central axis of Ireland's rail network. The accessibility of access transport facilities (ports and airports) will also be improved. There will be substantial investment in the implementation of the Dublin transport initiative, development of Dublin, Shannon and Cork airports (*Aer Rianta*, the State airports' authority will finance the development programme of IEP 143 million with an estimated IEP 50 million cofinanced by the EU) and a selective investment programme in ports.

### The Dublin Transportation Initiative (DTI)

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*D52.* The DTI is a transportation initiative for the city and county of Dublin and parts of Kildare, Meath and Wicklow (see Map 9). It seeks to integrate the transportation planning process with land-use policy and economic, environmental and policy matters.

*D53.* The final strategy adopted by the DTI study team was the culmination of a major process of discussion and consultation. The study team was guided throughout by a number of steering committees representing transport agencies, local authorities, elected members and transport users and providers. In addition, a major public consultation process took place within the study area. The strategy involves a package of measures to improve the transport system in Dublin, including:

- a light rail system,
- ten quality bus corridors,
- new public transport interchange facilities in central Dublin,

- integrated public transport ticketing
- completion of the Dublin ring road (including new access to Dublin port), and
- improved traffic management enforcement.

*D54.* Under the Community support framework, 1994-99, finance is made available for the implementation of some of the DTI recommendations, cofinancing will be provided for the public transport elements, including the provision of two light rail lines and for traffic management measures. The various road measures are to be funded as part of the overall roads investment programme.

#### National Roads Authority

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*D55.* The National Roads Authority (NRA) was established by the Minister for the Environment on a non-statutory basis in July 1988. Under the Roads Act, 1993, the NRA was given a statutory basis. Under this Act the NRA will have a general duty to secure the provision of a safe and efficient network of national roads.

*D56.* Functions of the NRA include the preparation of road designs, maintenance programmes and schemes for the provision of traffic signs on national roads, to secure the carrying out of construction and allocation of grants for works on national roads. The NRA can also issue directions to road authorities to carry out certain functions in relation to the construction, improvement and maintenance of national roads. The NRA can carry out the functions itself where the local authority fails or refuses to comply with a direction.

*D57.* An additional function of the NRA is its preparation of a draft plan for the construction and maintenance of national roads once every five years. This involves consultation with members of the public and local authorities whose objections or representations must be considered by the NRA and may result in the modification of the draft as it considers appropriate. The draft is then submitted to the Minister for the Environment for approval, modification or rejection. The NRA also promotes the case for EU assistance for roads, including the preparation of the national roads element of future operational programmes. Other functions may be transferred to the NRA by the Minister for the Environment in time.

*D58.* However, the Minister continues to exercise overall policy supervision and to perform quasi-

judicial functions such as the approval of compulsory purchase orders (see above) and the sanctioning of motorway schemes.

*D59.* The capital and current expenditure requirements of the NRA is met from grants made by the Minister for the Environment and from ministerially approved borrowing of up to IEP 500 million.

#### Energy

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*D60.* At present Ireland imports about 70 % of its energy requirements at an average cost of about IEP 700 million each year. The total cost to the final consumer of energy used is about IEP 2.5 billion. Ireland has a number of competitive disadvantages which raises energy costs relative to other European Union countries.

*D61.* Over the period of the Community support framework, 1994-99, it is proposed to increase the use of natural gas, which requires an expansion of the existing pipeline network, modernisation of the old infrastructure and the provision of storage facilities.

*D62.* The government is also introducing new licensing terms and taxation measures, to make Ireland a more attractive location for exploration investment, to develop indigenous energy resources. Initiatives are also being undertaken in areas such as combined heat and power (CHP), the gasification of fuels, the production of electricity from municipal and industrial waste and alternative energy. EU funding will support a number of these and other key projects.

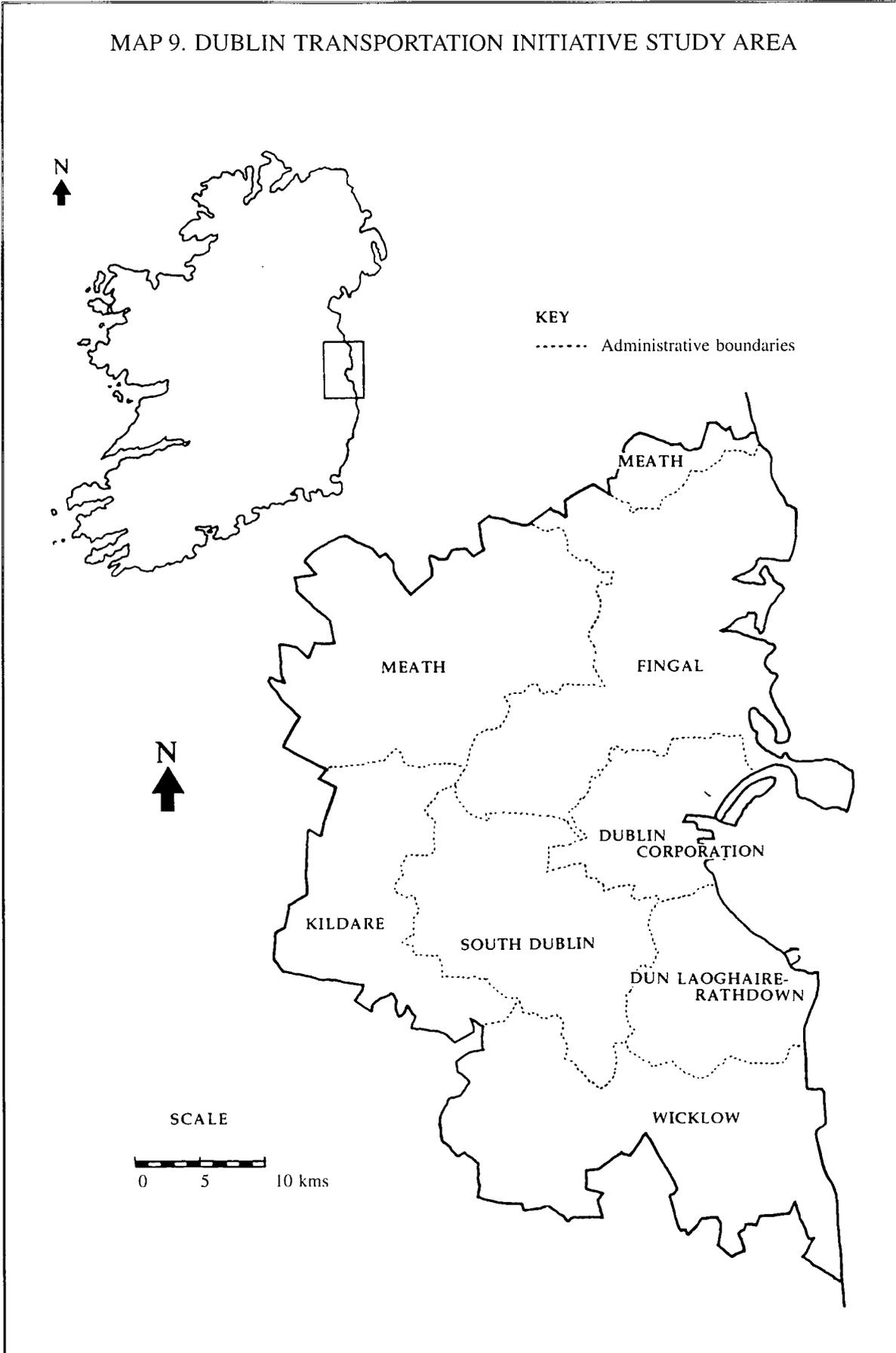
*D63.* The Electricity Supply Board (ESB), with its monopoly on the supply of electricity, will be the significant investor in the energy sector over the period 1994-99, with an estimated IEP 1 300 million programme of investment.

#### Telecommunications

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*D64.* A high quality, cost effective telecommunications industry is essential to support the future development of the Irish economy. *Bord Telecom Eireann*, established under the Postal and Telecommunications Services Act, 1983, has responsibility for providing the public telecommuni-

MAP 9. DUBLIN TRANSPORTATION INITIATIVE STUDY AREA



cations services in the State. Modernisation of the telecommunications system, including replacement of existing analogue lines together with associated common switching equipment, will call for substantial ongoing investment.

*D65.* In addition, there will be ongoing expansion of the fibre optical network to service the north-west region, the border region and the south-east region. Telecom is also proposing to extend the ISDN (Integrated Services Digital Network) system over the period 1995 to 2000. Furthermore, mobile services are also to be improved with the on-going development of the pan-European system GSM (global system mobile). These improvements, as well as many others, are expected to be provided under a total investment programme of about IEP 850 million for the period 1995-2000.

*D66.* Further development of the sector will be achieved through the introduction of competition in accordance with the European Union's policy of liberalisation. Data and value added services have already been liberalised and a second operator has been granted a licence to operate a GSM mobile telephone network.

*D67.* To aid planning authorities in making decisions relating to the construction of telecommunications, masts, antennae and support structures, resulting in particular from the expansion of the mobile phone network, the Department of the Environment has produced draft guidelines on telecommunications antennae and support structures.

*D68.* The full liberalisation of the telecommunications sector in Ireland will be implemented on 1 January 2000. The strategic repositioning of Telecom Eireann in order to compete effectively in an open market is already under way.

#### **Sources and further information:**

Department of the Environment, Roads Bulletin '93, Department of the Environment, Dublin, 1994.

European Commission, Ireland: Community support framework, 1994-99, Office for Official Publications of the European Communities, Luxembourg, 1994.

Steer Davies Gleave, *Dublin Transportation Initiative, Phase 2 (draft)*, SDG, Dublin, 1994.

## **Partnerships**

### **Introduction**

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*D69.* The concept of partnership is central to a number of policies and initiatives of development in Ireland. As has been outlined in the urban regeneration and local development sections, there are a number of mechanisms which involve a private/public sector partnership.

*D70.* The National Development Plan, 1994-99, and the Community support framework 1994-99, play a dominant role in Irish development policy. Partnership is the key principle underlying the preparation, financing, monitoring and assessment of performance of the plan and the CSF. This is not just public/private sector alliances but partnership at a number of geographical levels.

### **Section 77**

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*D71.* Under Section 77 of the Local Government (Planning and Development) Act, 1963, local authorities have powers to develop or secure the development of land within their own area and in coordination with the stated policy objectives of their development plans.

*D72.* Section 77 allows the local authority to acquire land to enable it to build up a land bank which is convenient for development. Strategically placed land can be bought or acquired before the local authority has any objectives for the area concerned. Section 77 (3) allows the local authority to enter into partnerships with any person or body for the development or management of land. However, these positive powers have been used infrequently, despite the opportunities which they present.

### **Tourism development**

*D73.* Since 1988, tourism has been the focus of considerable attention by government and a number of other agencies due to the sector's potential for growth and job creation. The Operational Programme for Tourism 1994-99, in particular, focuses on the development of the tourism industry. Measures in the programme focus on the development of the tourism

product (including provision of conference facilities and heritage and cultural measures), tourism marketing and tourism-related training. It is envisaged that, combined with increased investment, approximately 35 000 direct and indirect jobs will be created over the 1994-99 period.

#### *Bord Fáilte Eireann*

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D74. *Bord Fáilte Eireann* (as outlined in Section B) is a State agency responsible for the marketing and development of the tourist industry in the Republic of Ireland.

D75. *Bord Fáilte's* resources are focused on the achievement of business targets set out in its framework plan. Its aims over the period 1993-99 are to:

- create an investment climate for the sector by providing a targeted package of incentives,
- provide a tourism infrastructure through the public sector.

D76. *Bord Fáilte's* wide-ranging functions, including the grading of accommodation and the production of a magazine, are to be reduced in the near future with the role of the company being confined to marketing Irish tourism. Finance for *Bord Fáilte* is provided by an annual State grant. *Bord Fáilte* is also discussed in Section B.

#### Regional tourism organisations

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D77. The regional tourism organisations (RTOs), established in 1964, are essentially *Bord Fáilte's* representatives on the ground. Each region is serviced by a tourism organisation in the form of a company limited by guarantee, with SFADCO being the tourism organisation for the Shannon region. The structures and objectives of the RTOs are discussed in Section B, Policy institutions.

D78. Each RTO makes a tourism development plan, the main objectives of which are to give direction to the development of tourism in the region and to guide expenditure so as to increase the market share of the region. The RTO also coordinates projects submitted for funding under the Operational Programme for Tourism. To

achieve their objectives, the RTOs receive financial support from *Bord Fáilte*, from the tourism industry and from local authorities, in addition to raising funds from commercial activities.

#### Office of Public Works

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D79. The Office of Public Works (OPW) has a number of tourism-related functions. The National Monuments and Historic Properties Service (NMHPS) and the National Parks and Wildlife Service are responsible for providing tourism-related interpretative facilities at some national monuments, historic properties and in national parks. The NMHPS is responsible for the maintenance and preservation of all monuments in State care which form an important part of the national heritage and are part of the basis for Ireland's cultural tourism. New developments from 1989-93 were part-funded under the Operational Programme for Tourism. The OPW also has responsibility for the State's canals and the Shannon navigation system, both important tourism resources. Under the Tourism Operational Programme of the Community support framework, 1994-99, it is expected that over IEP 100 million worth of capital works will be carried out by the OPW.

D80. In addition to these national agencies and other statutory agencies, such as the county enterprise boards and Temple Bar Properties (already discussed), and those agencies involved in rural development (these are discussed below), a number of tourism cooperatives operate throughout the country. These are composed mainly of representatives of the local tourism industry and other interested bodies such as heritage trusts and residents' associations. These groups are non-statutory, with the principal objective of marketing their local area, in terms of tourism development.

#### **Sources and further information:**

*Bord Fáilte Eireann*, Regional tourism organisations, *Bord Fáilte*, Dublin, 1988.

*Bord Fáilte Eireann*, Developing sustainable tourism: Tourism Development Plan, 1993-97, *Bord Fáilte*, Dublin, 1992.

## Rural development

### Department of Agriculture, Food and Forestry

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*D81.* The Department of Agriculture, Food and Forestry promotes the development of the agricultural, food, forestry and horticultural industries as outlined in Section B. The Department of Agriculture, Food and Forestry is the government department with primary responsibility for rural development. In particular, the department is involved with the implementation of the Operational Programme for Agriculture, Rural Development and Forestry. The main objectives of this are the achievement of higher levels of efficiency, quality, market orientation and competitiveness in all areas of agriculture, the continued development of the forestry sector and ensuring the necessary supports to secure a vibrant rural society.

*D82.* Expenditure of ECU 1 767 million on the programme over the period will be focused on improving agricultural structures, encouraging alternative income-creation through farm diversification, developing the forestry area, promoting research and development, achieving high environmental standards and ensuring the availability of appropriate education, training, advice and support to rural communities.

### Operational programme for local urban and rural development

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*D83.* The measures introduced in this programme as outlined in Section D, Local Development, are also applicable to local development in rural areas. In particular, the village renewal measure of the urban and village renewal subprogramme will support village renewal which impacts on the surrounding rural economy including the maintenance of traditional farm buildings and rural heritage. The measure is cofinanced by funding from the European Agricultural Guidance and Guarantee Fund (EAGGF).

### Leader

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*D84.* Leader is the EU Initiative which enables groups in rural areas to implement their own multi-sectoral integrated business plans for the development of their local areas.

*D85.* The first Leader programme concluded at the end of 1994. The Leader II programme was introduced in May 1995 and will continue until the end of 1999. The countrywide groups (composed of representatives from the public sector agencies, the cooperative sector and community based or interest groups such as farmers) selected to operate Leader II will in general undertake: technical support for rural development (including group administration); training and recruitment assistance; development of rural tourism, small firms, craft enterprises and local services; local exploitation and marketing of agricultural, forestry and fishery products; preservation and improvements of the environment and living conditions, and transnational cooperation.

*D86.* In addition to undertaking various activities themselves, the groups may aid individuals and other groups within their operational areas who have suitable projects to offer.

### Teagasc

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*D87.* Teagasc, the agriculture and food development authority, is the national body providing advisory, research, education and training services to the agricultural and food industry. It was established in September 1988, under the Agricultural (Research, Training and Advice) Act, 1988.

*D88.* Included in Teagasc's remit is education and training for young farmers, research in agriculture and the food industry, together with farm management, economics, marketing of agricultural products and rural development. Under the latter, Teagasc operates a rural enterprise programme, which assists rural communities in setting up rural business. Teagasc is playing a key role in supporting the research, advisory and training services needed to effectively implement the measures outlined in the Operational Programme for Agriculture, Rural Development and Forestry 1994-99. Teagasc is funded by the Exchequer, through the Department of Agriculture, Food and Forestry.

### Coillte Teoranta (Irish Forestry Board)

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*D89.* Coillte Teoranta (Irish Forestry Board) was established under the Forestry Act, 1988, to manage State forests and related activities commercially. Over 400 000 hectares of forest lands

are owned by *Coillte*. The company's average annual planting since 1989 has been about 11 000 ha and, of this, about 4 000 ha is in the form of reforestation.

*D90.* The company's operations are organised on a regional basis with seven regional offices. In addition to monies earned through its commercial activities, *Coillte* receives grants from EU assisted schemes.

*D91.* The company's aims are: to realise the full commercial potential of forest assets, to maintain the highest possible level of new planting and to develop an internationally competitive timber processing industry.

*D92.* *Coillte* has an important role in achieving the objectives for the forestry sector as outlined in the Community support framework, 1994-99, and the National Development Plan, 1994-99, including the planting programme for 30 000 ha a year to the year 2000 and the forestry development programme including research and development.

### Sources

Feehan John, (ed.), 'Environment and Development in Ireland', *Proceedings of a Conference held at UCD, December 1991*, The Environmental Institute, UCD, Dublin, 1992.

NESC 97, *New approaches to rural development*, NESC, Dublin, 1994.

*Teagasc, Annual Report and Accounts, 1990*, *Teagasc*, Dublin, 1993.

*Teagasc, Strategy for rural development: Training*, Dublin, 1993.

## Protection of the environment/conservation

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### Summary

*D93.* The Environmental Action Programme (EAP) published in January 1990 was the first comprehensive environment programme ever adopted by an Irish Government. It is broadly consistent

with the EC 5th Programme of Policy and Action on the Environment, which was adopted in 1992 to give clear expression to Community policy requirements for environmental protection and integration in the context of the move towards economic and social cohesion.

*D94.* The EAP incorporates a range of measures to protect and enhance the long-term quality of the Irish environment. Under the EAP, expenditure of some IEP 1 billion was committed by the Government, over a 10-year period, on a variety of measures, including the strengthening of institutional and regulatory capacity and to coordinate environmental monitoring and research through a new Environmental Protection Agency (EPA) (see below).

*D95.* One of the most important agencies in the whole area of environmental protection in Ireland is the Office of Public Works. This body is referred to continuously in the text and has a specific role in conservation through its national monuments and historic properties and its national parks and wildlife services. These are dealt with individually later in this section.

*D96.* In 1990, the Minister for the Environment established an environmental information service (ENFO). The overall objective of ENFO is to help protect and enhance the environment by promoting a wider understanding and fuller awareness of environmental issues. In order to achieve this objective, ENFO's main function is to collect and maintain up-to-date and authoritative information on all aspects of the environment and to make this information available to the public in a readily accessible form. All ENFO services are provided free of charge.

*D97.* In relation to area-based designations, there are currently about 17 environmentally-related designations operating in Ireland. These cover water, fisheries, trees, wildlife habitats, fauna and flora, landscape and amenities. Several additional designations are expected to come into operation within the next few years, to comply with EU directives. It should be noted, however, that many of these designations are currently under-going review.

### Countryside conservation

*D98.* The designation of specific areas has enabled protection and enhancement of the countryside and brings certain developments under

the control of the planning authority. Such mechanisms include Special Amenity Area Orders and Conservation Orders. Other designations include national parks and nature reserves as well as non-statutory areas of outstanding landscape and areas of scientific interest.

#### Special Amenity Area Order

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*D99.* Provisions for the making of Special Amenity Area Orders (SAAOs) are contained in Section 42 of the Principal Act, as amended by Section 40 of the Local Government (Planning and Development) Act, 1976. A local authority can make an SAAO for an area by reason of (a) its outstanding natural beauty, (b) its special recreational value, or (c) a need for nature conservation. The making of a SAAO is a reserved function (see Sections A and B), of the elected members of the local authority and must be reviewed at least once every five years.

*D100.* Since 1963 two SAAOs have become operational. In 1987, Dublin County Council made an SAAO to protect the Liffey valley. In 1990, the order was confirmed by the Minister for the Environment. In 1994, Dublin Corporation made an order for the North Bull Island; this was confirmed by the Minister for the Environment in 1995. A number of other orders have reached interim stages of completion but the use of the SAAO is limited due to the cumbersome and lengthy adoption process.

*D101.* The advantages of an SAAO are that: it brings types of development, normally exempted, under the control of the planning system, compensation is not normally payable in respect of a refusal of permission for development and the SAAO designation enables planning authorities to make conservation orders in respect of the preservation of rare species of flora or fauna.

#### Conservation Order

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*D102.* Under Section 46 of the Principal Act, planning authorities have the power to secure the preservation of any rare species of flora and fauna, in the interests of amenity, by the making of a Conservation Order. The Local Government (Planning and Development) Act, 1976 amended this function and now a Conservation Order

may only be made in areas where Special Amenity Area Orders (SAAOs) already exist.

*D103.* Only two Conservation Orders have been made (Lady's Island in County Wexford, a coastal area and for Pollardstown Fen in County Kildare), both prior to the amending legislation in 1976. The fact that Conservation Orders can now only be made exclusively in areas for which an SAAO already exists, has severely restricted their use. It has also heightened the need for, and importance of, the SAAO which is, at present, an under-used mechanism for conservation .

#### National parks

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*D104.* All national parks are owned by the State, with land either bought by, or bequeathed to the State. At present there are five national parks in Ireland, accounting for about 0.5% of the country. They are:

- Killarney National Park, county Kerry, 10 120 ha
- Connemara National Park, county Galway, 2 000 ha
- Glenveagh National Park, county Donegal, 9 667 ha
- Wicklow Mountains National Park, county Wicklow, 10 500 ha
- Burren National Park, county Clare, 1 000 ha.

*D105.* At present there is no specific legislation governing Irish national parks, although almost all of the area of the five parks has been acquired under the State Property Act, 1954.

*D106.* The basic objectives of the national parks are to conserve natural and other significant features and qualities within the park, to encourage public appreciation of the heritage in the park and the need for conservation, and to enable the park to contribute to science through environmental monitoring and research.

*D107.* The parks division of the OPW is responsible for the development and management of the national parks and it consults closely with the relevant local authority in the development of the park area. It is the policy of the OPW to prepare management plans to aid in the management and development of the parks. To date only one management plan exists, that for Killarney National Park.

## Areas of scientific interest/natural heritage areas

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*D108.* Areas of scientific interest (ASI) are areas of special ecological or geological importance and represent the areas where wild flora and fauna still exist in a relatively natural state and where geological features are well represented. ASIs were first identified in the 1970s by *An Foras Forbartha* (National Institute for Physical Planning and Construction Research) (now disbanded).

*D109.* There are currently about 1 600 ASI, covering about 550 000 ha. These have no statutory basis but are used to inform local authorities (who list them in their development plans as sites to be protected), other public bodies and landowners of the location and extent of sites which are especially important for wild nature. Failure to implement protective legislation specifically for ASI has led to some sites being degenerated or destroyed.

*D110.* However, from 1994, those ASIs still intact are being re-designated as natural heritage areas (NHAs). These areas are expected to become the basis of nature conservation policy from 1994 onwards. The Wildlife Act, 1976, is expected to be amended to give legal protection to all sites designated NHAs but this will take some time to pass through the *Oireachtas*. A number of the NHAs will be submitted to the European Commission as special areas of conservation for inclusion in the Natura 2000 Network of special areas of conservation.

*D111.* Farmers with land in a proposed NHA, containing habitats listed in the EU Habitats on Birds Directives (see Section D, Environmental conservation) may be eligible for higher payments under the Rural Environment Protection Scheme (REPS), (see Section D, Environmental conservation).

## Areas of outstanding landscape

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*D112.* Areas of outstanding landscape (AOLS) were identified by *An Foras Forbartha*, as guidelines for local authorities and other public agencies. Many local authorities have delineated those AOL within their functional areas as areas of special control (see below).

*D113.* The criteria, which may vary from one local authority to another, for selecting the AOLs are that the landscape should incorporate: natur-

al features — comprising landforms, including water and/or vegetation characteristics to be considered in the light of fragility, scarcity at national level and diversity; and artificial features — comprising traditional land use which formed patterns which are of cultural value and/or characteristic settlement patterns of historic value.

*D114.* The AOL designation merely represents an identification of valuable landscapes and is non-statutory. It continues to be used inconsistently by local authorities, with no provision made for protecting or managing the landscapes identified.

## Areas of special control

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*D115.* Local authorities designate certain areas in their development plans (see Section B) where planning controls are used to protect the visual elements of the landscape, such as a special view. These areas are often named areas of special amenity or high amenity, or other similar terms and vary according to each local authority.

*D116.* The objective of these areas is to control the uses and structures which conflict with the preservation of amenity. Local authorities may refuse planning permission for developments in areas of Special Control and these are usually supported by *An Bord Pleanála* should they be the subject of an appeal. However *An Bord Pleanála* is not legally bound to adhere to such amenity designations.

## Tree Preservation Orders

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*D117.* The making of a Tree Preservation Order (TPO) is the primary mechanism available to a planning authority to ensure that trees are protected and preserved. The legal basis to the making of a TPO is contained in Section 45 of the Principal Act and Section 20(1) of the Local Government (Planning and Development) Act, 1992.

*D118.* The felling of a tree does not normally constitute development and does not require planning permission. Therefore, the purpose of a TPO is to bring the felling of trees within a specific form of control exercisable under the planning acts. No tree covered by a TPO may be felled, topped, lopped or destroyed without the consent of the planning authority.

D119. The making of a TPO is an executive function and a Manager's Order, therefore, needs to be made. An order comes into force immediately it is made and contravention is an offence. There is the right to appeal a TPO, with the question of compensation arising only in relation to certain decisions on applications for consent (to fell) under the TPO.

### Sources

*An Foras Forbartha, Inventory of Outstanding Landscapes in Ireland, An Foras Forbartha, Dublin, 1977.*

*An Foras Forbartha, Areas of Scientific Interest in Ireland, An Foras Forbartha, Dublin, 1981.*

Department of the Environment, *Tree preservation: Guidelines for planning authorities*, Department of the Environment, Dublin, 1994.

Dublin County Council, *Liffey Valley Special Amenity Area Order, Lucan Bridge to Palmerstown*, Planning Department, Dublin, 1987.

### Environmental conservation

#### Environmental Impact Assessment

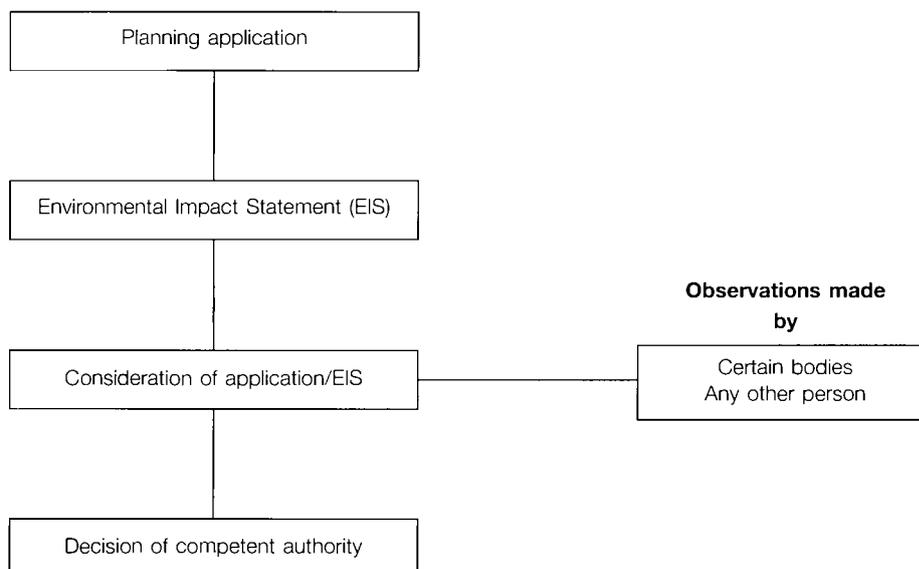
D120. The Environmental Impact Assessment Directive 85/337/EEC was brought into operation in Ireland with effect from 3 July 1988. It was sub-

sequently transposed into law by way of regulations made by the Minister for the Environment. For the purposes of applying EIA procedure to planning applications and appeals, as well as to development undertaken by or on behalf of local authorities, the Local Government (Planning and Development) Regulations, 1994, are now the regulations to which applicants must adhere.

D121. The local authority is the competent authority for the purposes of the EIA procedure. (Where a local authority is the applicant, the Minister for the Environment is the competent authority.) The regulations require applicants to submit an Environmental Impact Statement (EIS) with applications for permission for development of a type specified in the First Schedule of the 1989 Regulations and gives power to the local authority to require submission of an EIS with certain other applications. Where a planning application requires an EIS and this has not been submitted, the planning authority will serve a notice on the applicant stating that the application does not comply with regulations and that the application will not be considered until the applicant complies.

D122. The objective of an EIS is to describe the existing environment or pre-development, to identify the expected impacts of the proposed development both directly and indirectly on the existing environment, and to propose measures to avoid, reduce or remedy any significant adverse effects. Figure D1 outlines the various stages in the making of an EIA involving the planning process.

**Figure D1: Stages in an EIA involving planning applications**



D123. There are approximately 80 to 90 EISs undertaken in Ireland each year, with the quality of the EISs submitted improving. The Environmental Protection Agency (see below) has prepared a set of guidelines on the contents of EISs for those preparing and assessing EISs, to further improve standards.

### Sources

Bradley, K., Skehan C, and Walsh, G., *Environmental Impact Assessment, A Technical Approach*, DTPS Ltd, Environmental Publications, Dublin, 1992.

Environmental Research Unit, *Inventory of Environmental Impact Statements*, submitted during 1992, Environmental Research Unit, Dublin, 1993.

### Important habitats

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#### *The Wildlife Act*

D124. The Wildlife Act, 1976, is the principal legal basis for nature conservation in Ireland. The main objectives of the Act are:

- to provide an adequate statutory basis for the conservation of wildlife (flora and fauna) and to define the role of the Minister for Arts, Culture and the *Gaeltacht*, in that sphere,
- to provide effective machinery for the conservation of areas having specific wildlife values,
- to provide better protection for wild fauna and flora,
- to provide an up-to-date framework for the development and protection of game resources, and
- to facilitate the unification of existing services dealing with forestry, conservation and allied amenity matters.

D125. Provision is also made for management agreements in the interest of wildlife conservation. The Minister for Arts, Culture and the *Gaeltacht* may enter into an agreement with a landowner and make payment(s) such that no activity will impair wildlife or its conservation. In this regard, the local authority, the Office of Public Works and other bodies must consult the Minister for Arts, Culture and the *Gaeltacht* as re-

gards minimising the interference caused by any activity in such management agreement areas.

#### *Nature reserves*

D126. Under Section 12 of the Wildlife Act, 1976, provision is made for the establishment of statutory nature reserves. These can be established on either State or private lands, provided they meet certain scientific, habitat and ecosystem criteria. Reserves may be established on any lands including inland waters, the foreshore and on the sea-bed within three miles (5 kms approximately) of the coast.

D127. To date some 74 nature reserves have been established, of which most are owned by the Wildlife Service (see below), they cover about 174 km<sup>2</sup> and include a range of habitat types.

#### *The Wildlife Service*

D128. In 1987, the Government recognised the need to separate the Forest and Wildlife Service and made the Office of Public Works (OPW) responsible for the Wildlife Service.

D129. The main functions of the Wildlife Service are to implement the Wildlife Act, 1976, to acquire and manage nature resources and wildlife refuges established under the Act and to take responsibility for compliance with the various international conventions to which Ireland is party. It also has the task of liaison and coordination with other official bodies on conservation issues, such as agricultural grant applications for land improvement works and arterial drainage. Within the Wildlife Service, 46 rangers are employed at county level to enforce the Wildlife Act. The Wildlife Service is funded by the Exchequer, through the Office of Public Works.

#### *Conservation of Wild Birds Directive*

D130. The directive on the Conservation of Wild Birds, Directive 79/409/EEC, covers the protection, management and control of all species of naturally occurring birds and migratory species in the Member States. This applies to birds, their eggs, nests and habitats.

D131. The general obligations placed on each Member State are to maintain the population of all 'species of naturally occurring birds in the wild state', and to preserve, maintain or re-establish a sufficient diversity and area of habitats for birds,

by creating protected areas, managing habitats both inside and outside protected areas, re-establishing destroyed biotopes and creating new ones.

*D132.* To do this, Member States are to lay down a general system of protection for all species of wild birds and must classify the most suitable territories as 'special protection areas' for the conservation of 'vulnerable species' and generally to avoid pollution or deterioration of habitats. In Ireland, 40 special protection areas, totalling over 79 000 ha, have been declared.

*D133.* Many of the provisions in the Directive had been anticipated by the Wildlife Act, 1976, and were provided for under that legislation, (see above), while others are given effect under a number of EC regulations on the conservation of wild birds.

#### *The Habitats Directive*

*D134.* The Habitats Directive 92/43/EEC, establishes a common framework for the conservation of animals, plants and natural habitats and provides for the creation of a network of special areas of conservation (SAC) called Natura 2000 to maintain or restore natural habitats and species of wild fauna and flora of community interest.

*D135.* Each Member State is obliged to submit a network of sites using a standard procedure and on the basis of standard criteria. Areas classified as special protection areas under the 'Birds' directive will be an integral part of the network of special areas of conservation. In Ireland it is the Wildlife Service (see above) which has the responsibility for designating these special areas of conservation. The Irish SACs will be a sub-set of the Natural Heritage Areas (see above).

*D136.* This directive is likely to have significant implications for land-use planning and development in and around the special areas of conservation. The possible establishment of management plans for the sites and the provision of appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the species and their habitats, will create greater protection for these sites and limit development therein.

#### Historical and archaeological sites

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##### *National Monuments Acts*

*D137.* The National Monuments Acts (1930-94) provide the legal basis for the management of archaeological and architectural heritage in State care, while also facilitating protection for monuments of any period not in State care. Under these Acts, a number of powers are given to the Office of Public Works and the Minister for Finance (which are now vested in the Minister for Arts, Culture and the *Gaeltacht*) for the preservation of national monuments. Under the 1930 Act, monuments may, with the consent of the owner, be placed under the OPW's guardianship or, with the consent of the local authority, placed under the local authority's guardianship. Local authorities may, with the consent of the owner, transfer guardianship to the OPW. Guardians of national monuments are legally bound to maintain the monuments and it is unlawful for a person to demolish, disfigure, excavate within or near, sell for export, or export any national monument. In addition, excavation is also prohibited without a licence from the Commissioners of Public Works.

*D138.* Under the 1954 National Monuments Amendment Act, the Commissioners of Public Works are empowered to make preservation orders for a monument which, in their own opinion, is a national monument, is in danger of being or is actually being destroyed, injured, or removed, or is falling into decay through neglect, on the recommendations of the national monuments advisory council (former responsibilities of the national monuments advisory council have been taken over by the Heritage Council). This preservation order empowers an officer of the OPW to inspect and examine monuments, which may then, with the consent of the Minister for Arts, Culture and the *Gaeltacht*, appoint itself guardian of the monument. Under the 1954 National Monuments Amendment Act, a temporary preservation order may be made for six months.

*D139.* Under the 1954 National Monuments Amendment Act, the Commissioners of Public Works were empowered to inspect and report on national monuments. These powers were replaced by the 1987 National Monuments Act with powers introduced for inspection of historic monuments (a more broadly defined category than national monuments). The Act also allows

the Commissioners to inspect a site where they have reason to believe a national monument exists.

#### *National Monuments and Historic Properties Service*

*D140.* The National Monuments and Historic Properties Service is a division of the Office of Public Works. The main functions of the service are the recording, surveying and protection of all monuments and historical properties. Recording includes the non-statutory National Inventory of Architecture which concentrates on post-1700 buildings. In relation to its first two functions, it has set up a 'sites and monuments record' (SMR) system. This includes background research, preliminary inspection to identify site conditions and a full survey.

*D141.* The SMRs are distributed to planning authorities to assist with development control and to other organisations such as *Coillte Teoranta* (Irish Forestry Board) and *Bord na Mona* (Turf Development Company). SMRs are also provided to the Forest Service and are used in the environmental assessment of proposals for grant approval for forestry development.

*D142.* Under the national monuments acts (see above) the OPW is charged with the protection of five classifications of archaeological sites. These are sites owned by Commissioners of Public Works, sites in the guardianship of the Commissioners of Public Works, sites where preservation orders are in force, sites on the register of historic monuments, and those included in the record of monuments and places under the National Monuments Act, 1994.

*D143.* The national monuments and historic property service also carries out conservation and restoration works, funds both research and rescue examinations and operates visitor facilities for many of the large and better known sites.

#### **Source**

Lynch, K., 'History keepers', in *Journal of Institution of Engineers*, Dublin, 1992.

#### Environmentally sensitive areas scheme/rural environment protection scheme

*D144.* This scheme was implemented under Articles 21 to 24 of Council Regulation (EEC) No 2828/91, as part of the common agricultural policy (CAP) reform and was confined to two small areas in Ireland.

*D145.* The scheme came into operation in 1992 and is administered in Ireland by the Department of Agriculture, Food and Forestry, with 75 % of funding coming from the EU. The main objective of the environmentally sensitive areas scheme (ESA) was to help conserve those areas of high landscape and/or wildlife value which are vulnerable to intensification and change in farming practices. This was done by offering payments to farmers willing to maintain or introduce environmentally beneficial practices. This scheme has been merged with the new Rural Environment Protection Scheme (REPS) which is also administered by the Department of Agriculture, Food and Forestry.

*D146.* The REPS scheme was introduced in 1994 and provides for annual payments to farmers to implement approved agri-environmental farm plans. Additional payments are available for farmers in areas suffering from overgrazing, natural heritage areas and water quality sensitive areas.

#### Irish peatland

*D147.* One unique habitat type in Ireland is Irish peatland. These rich wilderness areas are threatened by peat extraction, afforestation, drainage and overgrazing.

*D148.* While many of the bogland areas are designated as Natural Heritage Areas or nature reserves, the threat which continues to face these peatland areas highlights an inadequacy in the Irish designation system.

#### Irish Peatland Conservation Council

*D149.* The Irish Peatland Conservation Council (IPCC) is a voluntary, charitable organisation established in 1982, to campaign for the conservation of a representative sample of Irish bogs.

D150. The objectives of the IPCC are to identify and monitor peatland sites of conservation value, raise public awareness, to lobby national and international agencies on the future requirements for the conservation of Irish bogs and to raise funds to purchase threatened bogs and for education programmes.

D151. The IPCC produce action plans containing a series of actions for bog conservation and lists peatland considered worthy of conservation. Since 1982, over 40 sites have been protected, due in some degree to IPCC's lobbying of *Bord na Mona* and the European Commission. At present some 2 160 ha of raised bog and 61 041 ha of blanket bog are protected, either under private ownership, or within nature reserves and national parks.

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#### *Bord na Mona*

D152. Established under the Turf Development Act of 1946, *Bord na Mona* is a statutory corporation operated on a commercial basis, with the responsibility of developing and managing those areas of Ireland's peatlands (over 88 000 ha) and other lands vested in it and to produce and market peat and peat products. In addition to their productive role, *Bord na Mona* provides commercial laboratory services to industry and public authorities and advice on environmental control, such as the location of silt control ponds.

D153. *Bord na Mona* is working with the Wildlife Service of the OPW and IPCC, by supplying acquisition skills and ensuring that peat and boglands are better understood and appreciated. To date, the Board has identified a number of bogs that are being transferred to the Wildlife Service of the OPW.

#### **Sources and further information:**

Cross, J. R., *Peatlands: Wasteland or heritage?* Stationery Office, Dublin, 1989.

Irish Peatland Conservation Council, *Our story, ten years of the Save the Bogs Campaign*, IPCC, Dublin, 1992.

#### **Coastal planning**

D154. The coastline of Ireland, at 6 400 km, is a major tourism asset, containing 245 areas of sci-

entific interest (see above), but is becoming increasingly more developed.

D155. Recent efforts to define a national strategy for coastal zone management and to fill the policy vacuum existing since the publication of the National Coastline Study in 1972 have included the establishment of the National Coastal Erosion Committee by the County and City Engineers Association and, more recently, a significant initiative by the Departments of the Environment, Marine and Arts, Culture and the *Gaeltacht* in engaging consultants to prepare a strategy statement.

D156. Management of the coastline in Ireland is difficult, with a myriad of agencies having some degree of responsibility. The local authorities, *An Bord Pleanála* and the Department of the Environment have the physical planning responsibility on land. The Department of the Marine has responsibility for regulation of development on the foreshore. Property owners, the local authorities, the Commissioners of Public Works and the Department of the Marine have responsibility for undertaking coastal protection. Local authorities provide a focus for coastal zone management through the inclusion of objectives for coastal regions in their development plans and through the operation of the development control and environmental impact assessment systems (see above). Environmental impact assessments may also be required by the Department of the Marine in connection with foreshore developments. Present administrative and control functions are to be reviewed as part of the coastal zone management study now underway.

D157. The main legal instrument for coastal works is the Coastal Protection Act, 1963. Local authorities and property owners are ultimately responsible for their own coastline, with this Act giving the local authorities powers to investigate, where they consider it expedient to do so, any proposals for coastal protection works within the county. Where the local authority is satisfied that damage is being caused due to continuing encroachment of the sea, it may declare that the promotion of a coastal protection scheme is expedient. The 1963 Coastal Protection Act which allocated certain functions to the Commissioners of Public Works with regard to coastal protection schemes has now fallen into disuse. Since 1990 the Department of the Marine has effectively taken over the Commissioners' role in relation to coastal protection. The department provides en-

gineering services and grant aid to local authorities for the undertaking of coastal protection works.

*D158.* In the 1995 Budget, the Minister for Finance announced the introduction of a pilot renewal scheme for certain resort areas. The aim of the scheme, which will apply for three years from 1 July 1995, is to renew and update tourist amenities and facilities in designated resort areas. The scheme applies to 14 seaside towns/villages and the tax incentives under the scheme are broadly similar to those available under the urban renewal scheme.

#### EU policy and coastal protection in Ireland

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*D159.* In the past, the EU has not tended to support coastal protection works, with little funding having been available prior to the current round of the Structural Funds. Two recent Community initiatives are now involved in this area: Ecopro, which is funded under the LIFE Programme, and the Operational Programme for Environmental Services.

*D160.* A further relevant project is the coastal zone management exchange, which is one of inter-regional cooperation designed to facilitate an exchange of management and planning knowledge, development and land-use control techniques in six coastal regions: the Republic of Ireland, North Holland, South Holland, Western Flanders, Orkney Islands and East Macedonia and Thrace.

*D161.* Under the current round of Structural Funds, some IEP 5.1 million is being made available under the operational programme for environmental services, 1994-99, for undertaking coastal protection works. The aim of the coastal protection subprogramme is to address in a comprehensive manner the most urgent coastal erosion problems identified on the Irish coast. A subsidiary and important objective is to address the fragmented nature of coastal responsibility and provide coherence in the approach to coastal zone management (CZM).

*D162.* To this end, the Departments of the Marine and the Environment and the Parks and Wildlife Service of the Office of Public Works have jointly commissioned a major study of CZM in Ireland. It is intended to identify a comprehensive manage-

ment strategy for the entire coastal zone, both seaward and landward sides. The intent of this strategy is the promotion of sustainable use, the balancing of demands for coastal resources and the promotion of both environmentally sensitive use of and strategic planning for the coastal zone.

#### **Sources and further information:**

*An Foras Forbartha, National coastline study, An Foras Forbartha, Dublin, 1972.*

Irish Planning Institute, *Planning for coastal areas and inland waterways*, Irish Planning Institute, Annual Conference Proceedings, Dublin, 1993.

#### **Urban conservation**

*D163.* Under the Local Government (Planning and Development) Act, 1963, provision is made for each local authority to incorporate objectives for the preservation of buildings in its development plan (see Section B Policy instruments). However, other organisations such as the civic trusts, *An Taisce* and the Irish Georgian Society have an important input into raising public awareness and initiating conservation projects.

#### **Preservation and conservation of historic buildings**

##### Listing of buildings

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*D164.* Listing is the mechanism by which most local authorities have chosen to implement objectives for the preservation of buildings, or groups of buildings, in their area. This method is not mandatory. Buildings which are listed for preservation in a development plan are excluded from exempted development categories, details of which are clarified under the Local Government (Planning and Development) Regulations, 1994. For the purposes of this discussion, the Dublin City Development Plan 1991 is used as an example. This plan sets out seven lists including the following:

- List 1: Buildings, features, sites and other structures to be preserved.
- List 2: Buildings, features, sites and other structures to be protected.
- List 3: Important State-owned buildings.
- List 4: Interior features and fixtures to be preserved.

*D165.* At present there are no set procedures for compiling these building lists, nor is there a final arbiter, except the local authority itself, which determines which or why any individual or group of buildings may be included in these lists, or omitted. It is also unclear why a building is designated for one or other category.

*D166.* Listing takes no account of the context of the building and the need to safeguard the environmental locality in which the building is set. There is no national listing procedure and little or no specific central fund to draw on, to give practical assistance to preservation and conservation.

*D167.* There are no benefits for the owners of listed properties in Ireland, in financial terms, except for conservation grants and grants from the Heritage Council (see below), resulting in listed buildings being allowed to run into a state of disrepair. It must be noted that the dangerous buildings section of a local authority has overriding power to order a building or parts of a buildings to be made safe, if deemed dangerous.

#### Conservation areas

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*D168.* A conservation area is designated by a local authority when it considers that the overall quality of an area is sufficiently important to require special care in dealing with development proposals which affect the buildings therein.

*D169.* Conservation areas have no force in law and there are no special grants or benefits relating to them. It simply represents a value placed on such areas by the planning authority, which, in practical terms, will influence the granting or refusal of permissions. It does not commit the planning authority to do anything or prevent anything other than its normal duties require.

*D170.* The Local Government (Planning and Development) Act, 1963, provides that the planning authority can assist bodies or individuals in money or kind, to preserve buildings of archaeological, architectural or historical interest (Section 14). Given the limited funding available and the resources conservation projects require, funding from the local authority can only be regarded as token payments.

#### Civic trusts

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*D171.* There are a number of civic trusts operating in the urban areas of Ireland with a range of objectives focusing on the residential renewal, cultural enhancement and maintenance of the historic fabric of individual cities. Some of these trusts have charitable status. The objectives of the civic trusts include the following;

- the establishment of revolving funds (for the purchase, repair, and re-sale of endangered historic buildings);
- making applications for EU funding;
- the identification of derelict buildings with potential for new use;
- the promotion of employment skills in traditional building repair work through training and apprenticeship programmes; and
- the promotion of public awareness.

*D172.* Civic trusts also lobby on wider planning issues affecting the well-being of their city's built fabric.

#### The Heritage Council

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*D173.* The Heritage Council was placed on a statutory footing by the 1995 Heritage Act. It replaces the non-statutory National Heritage Council established in 1988 and fills the vacuum in the management of heritage created by the disbandment of the Wildlife Advisory Council and the National Monuments Advisory Council. The functions of the council are to:

- propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage;
- promote interest, education, knowledge and pride in the national heritage and to facilitate the appreciation and enjoyment of it;
- cooperate with public authorities, educational bodies and other persons and organisations to achieve the above;
- make recommendations to the Minister for Arts, Culture and the *Gaeltacht* on any matters relating to its functions and to publicise such recommendations as it sees fit;
- advise and inform the Minister, if so requested, on any matters relating to its functions.

D174. To perform its functions, the council has its own staff and is required to appoint standing committees on wildlife, archaeology, architectural heritage and inland waterways. Other committees may be appointed as required. Other duties of the council are outlined in Section B, Government agencies.

#### *An Taisce*

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D175. *An Taisce* (National Trust for Ireland) was established in 1948 with the principal aim to conserve and develop the nation's physical heritage of land, air and water, places of outstanding beauty or historical or scientific interest, the built environment, wildlife and flora. It is authorised by its Articles of Association to accept and administer properties for the benefit of the State, for pleasure, recreational or scientific purposes.

D176. Under the Planning Acts, 1963-93, *An Taisce* is a prescribed authority and is represented on many national and international bodies and committees, which have a role in environmental policy making.

#### Irish Georgian Society

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D177. The Irish Georgian Society, established in 1958, aims to encourage an interest in and the preservation of distinguished examples of architecture and the arts of the Georgian period in Ireland. Its activities cover both the Republic and Northern Ireland.

D178. The Society assists and undertakes conservation projects, protects houses and other important historical features and undertakes the restoration of significant projects, such as Tailors' Hall in Dublin. The Society also provides grants for essential repair work and maintenance of buildings in private ownership, with the provision that the work is undertaken authentically.

#### **Sources and further information:**

Dublin Civic Trust, *The Dublin Civic Trust: Statement of Aims and Objectives*, Dublin Civic Trust, Dublin, 1993.

Guinness, D., 'The Irish Georgian Society: The

first 30 years', in *Bulletin of the Irish Georgian Society*, Vol. 31, Dublin, 1988.

#### **Resource planning**

#### Environmental Protection Agency

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D179. The Environmental Protection Agency (EPA) is an independent body established in 1993 with a wide range of powers and functions to promote improved environmental protection in Ireland. (For a more detailed discussion of its functions see Section B: Policy Institutions.) The following, however, discusses implications for pollution control with particular reference to water pollution and waste control.

D180. The establishment of the EPA has implications for the powers of the local authorities under a number of acts and regulations. Where a planning application relates to activities to which integrated pollution control licensing by the EPA applies, as set out in the first schedule of the EPA Act, 1992, a planning authority cannot refuse planning permission for the reason that the development would cause environmental pollution. Neither the local planning authority, nor *An Bord Pleanála*, can consider any matter relating to the risk of environmental pollution. In addition, conditions on an old permission relating to pollution risk will cease to have effect, where licences are required from the EPA.

D181. In relation to water and air pollution, the EPA will issue integrated pollution control licences in respect of scheduled activities covering emissions to the atmosphere, discharge of polluting matter to waters and sewers, disposal of waste and noise emissions. These licences supersede existing licences.

D182. As waste control is covered by the integrated licence, permits under the European (Toxic and Dangerous Waste) Regulations, 1982, are no longer required. In relation to noise, the powers of the local authority are increased under the provisions of the EPA Act, 1992. The local authority is empowered to specify measures to prevent or limit noise from premises, processes or works, other than an activity for which a licence is required from the EPA. For activities for which a licence is required, the noise issue is dealt with at licensing stage and can be controlled and enforced under the licence.

*D183.* The EPA Act, 1992, places duties on the local authorities for maintaining environmental standards. Under the Act, local authorities may be required to carry out significant monitoring of discharges, drinking water quality, landfill sites, etc. The EPA itself will set standards for this monitoring and will prepare a report every three years on the monitoring operations undertaken.

*D184.* With regard to waste, the EPA has the power to prosecute local authorities which fail to comply with standards relating to effluent dis-

charges and to establish standards and procedures for the choice, management and operation of landfill sites.

*D185.* In general, the EPA has been given the role of overseeing the performance of statutory functions by the local authorities, where these relate to environmental protection. The setting of national standards and criteria will give clearer targets and objectives for local authorities and help to provide a base on which local authorities can make judgements on environmental impacts.

## E. Overview of spatial planning in practice

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*E1.* Planning in Ireland is predominantly a local government activity. However, it is at central government level that sectoral policies are developed and adopted. Many of these sectoral policies impinge on the planning system, for example, housing, environment, transport and agriculture. In contrast to the situation which pertains in the United Kingdom and other European countries, where there are formal planning policy guidance documents covering the policy sectors which impinge on planning, Irish local authorities receive few formal policy statements. Planning authorities must depend on occasional circular letters emanating from central government and their own interpretation of sectoral policy. There is a tendency for sectoral policies to be developed at national level and a planning policy on each sector to be developed individually by each local authority. This is difficult without either a broader regional policy or a national planning policy framework or guidelines.

*E2.* Interestingly the Government, in its recent programme 'A Government of Renewal', gave a commitment that 'a national land-use policy plan will be drawn up to provide guidelines for both national policy decisions and planning authorities in relation to location of agricultural, industrial, forestry, aquaculture and tourism developments'. (*Fine Gael*, the Labour Party, Democratic Left, 1994 : 60). As yet, no concrete action on this proposal has occurred and local authorities must continue to operate in a policy vacuum.

*E3.* When the planning system was introduced in the 1960s, it was within the context of economic growth and development, with a growing population, increasing employment in industry and services, and rising incomes and investments. It was envisaged that further growth would occur

and a planning system was established to cater for this forecasted growth.

*E4.* Today the issues facing planning are very different. Population, following a period of decline, is growing slowly, rural areas are declining and, in urban areas, certain sectors of the community are increasingly marginalised due, in part, to the prevalence of unemployment (15.8 % of the labour force, derived from the preliminary estimates of the 1994 labour force survey). Increasingly environmental concerns need to be balanced with those of development.

### The environmental agenda

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*E5.* The heightened awareness of the environment in Ireland has been considerably influenced by EU policy. An impressive range of environmental legislation has been put on the statute books in recent times, some of which arises from the prolific output of EU environmental directives, as well as from other international agreements and obligations. Directives, ranging from those on bathing water quality (76/169/EEC) and drinking water quality (80/778/EEC) to those on the prevention and reduction of pollution by asbestos (87/217/EEC), have been transposed into Irish law. These and other directives have influenced Irish policy not only in the areas of waste management and pollution but also in other sectors such as agricultural and industrial policy.

*E6.* The most comprehensive environmental policy document produced in Ireland to date was the Environment Action Programme (EAP) pub-

lished in 1990. In the past number of years, successive governments have embraced the concept of sustainability and a national sustainable development strategy is currently being prepared. The need to incorporate environmental management in all policy areas has been integrated in each of the following government programmes and policy documents, the Environment action programme, the Programme for competitiveness and work, 1994-96, the National Development Plan, 1994-99, the Community support framework 1994-99, and 'A Government of Renewal'. In the policy document of the government comprised of the Fine Gael, Labour and Democratic Left parties, (formed in late 1994) 'A Government of Renewal', it is stressed that conserving the environment is a major objective, 'we pledge ourselves to ... the integration of environmental considerations into all aspects of development policy and action so that our natural and cultural heritage will continue to be available to future generations'. (*Fine Gael*, The Labour Party, Democratic Left, 1994 : 8). This thrust of policy builds on the policy of the former coalition government between *Fianna Fail* and the Labour Party. Part of this commitment is reflected in the ongoing preparation of the aforementioned national sustainable development strategy.

## Planning and environmental policy

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E7. The transposing of the EU Directive on Environmental Impact Assessment 85/337/EEC into national legislation and into planning legislation has ensured that environmental impacts are statutorily considered in the planning process. The increasing consideration of environmental impacts in the development process has highlighted the impacts which arise from industrial, infrastructural and other projects and has prompted the introduction of policies within these sectoral areas which address environmental issues.

E8. Planning has always been seen as the means by which the environment can be protected from adverse development. However, in the area of policy, there has been very little progress made in the development of planning mechanisms designed to support policy on the natural environment. Indeed the establishment of the Environmental Protection Agency (EPA) has removed the power to consider the environmental overview in

certain cases. The EPA is solely responsible for dealing with the pollution aspects of scheduled activities (including extraction and processing of certain minerals, certain activities relating to wood, paper and textile and leather production, the production of cement and the manufacture and processing of vegetable and animal products). Planning authorities are entirely precluded from considering pollution in decisions on development comprising integration pollution control operations.

## European impact on Irish sectoral policy

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### Transport and environmental services

E9. It is not only in the environmental arena that EU policy has impacted. Almost all national sectoral policies have come under the influence of EU policy, due in part to Ireland's position as an Objective 1 region and the influx of finance through the Structural Funds, Cohesion Funds, the CAP and EU initiatives. Ireland's transport infrastructure is being upgraded with considerable help from the EU as are environmental services, such as waste water and sanitary services infrastructure. In both of these sectoral areas, the impact of the EU is evident in policy content. In the former, the need to improve trans-European networks is of concern to the EU as is the need to improve links to the other Member States. In addition, the EU have stressed the role transport can play in achieving economic and social cohesion. These policy objectives are reiterated in the Operational programme for transport, 1994-99, which outlines current Irish policy on transport. In the area of environmental services, the need to upgrade infrastructure has emanated *inter alia* from the requirement of meeting standards set by EU directives which relate to waste and pollution.

### Industry

E10. The implementation of industrial policy has also benefited from EU funding, giving support to the realisation of a number of the recommendations of the principal documents on industrial policy in recent years, the Culliton Report — A time for change: Industrial policy for the 1990s, the report of the Moriarity Task Force on the Imple-

mentation of the Culliton Report and Employment through enterprise, the Government's response to the Moriarity report.

*E11.* In response to the recommendations of these reports, there has been a shift in industrial policy towards the support of indigenous industrial development and to increasing the development potential of the food industry. In addition, resources are being allocated from Structural Funds to research and development and its enhancement of industry, focusing on the development of markets, skills and organisation, particularly in the small and medium-sized firms sector.

### **Tourism**

*E12.* The tourism sector is one which has received considerable attention in terms of policy development. Since the late 1980s, it has been earmarked as an area with huge growth potential. Planning authorities will have to ensure that all tourism developments, which will be funded under the Operational programme for tourism 1994-99, are developed in a manner which does not harm the environment. The changes in planning legislation introduced in the Local Government (Planning and Development) Act, 1993, and the Local Government (Planning and Development) Regulations, 1994, have brought formerly exempted tourism projects, such as golf course development and State developments such as interpretative centres, under planning control, negating a number of the arguments which arose regarding tourism development during the period of the Community support framework, 1989-93.

### **Natural resources**

*E13.* In the arena of natural resources, the development of the Irish agriculture and forestry sectors have, to a large extent, been Brussels driven. Agriculture, despite the decline in numbers of persons employed in the sector, remains of critical importance to the Irish economy (accounting for around 9 % of GDP and 13.3 % of employment). Reform of the common agricultural policy (CAP) including the introduction of the EU milk quota system and the phasing out of price supports, has meant that alternatives to farming have had to be initiated. Differing land uses, including the encouragement of forestry, and a focus on alternatives to farming, such as agritourism, have provided new challenges for the planning system.

*E14.* For example, due to the extent to which forestry has been damaging to the environment, it is one area where planning policy is likely to be changed following a current review of controls on forestry by the Department of Agriculture, Food and Forestry. It is hoped that there will be a lowering of the threshold for forestry EIAs, the introduction of planning permission and the introduction of a statute-based consultative process between local authorities and the Department regarding afforestation proposals.

*E15.* The reform of the CAP has also acted as a catalyst for change, with a greater emphasis at both national and local level on the broader aspects of rural development, encouragement of off-farm employment, and the development of new enterprises. The EU's Leader initiative has provided funding for local community groups to explore alternative enterprises and the concept of integrated rural development.

*E16.* Given the foregoing changes and impacts in sectoral policy areas, in some cases prompted by changes and developments at EU level, five key policy priorities might be identified at national level. They are:

- protection and management of the environment,
- economic development, through the development of industry and services, particularly the tourism sector,
- development of wide ranging rural development policy in place of 'pure' agricultural policy,
- the revitalisation of urban areas,
- the promotion of local economic development.

*E17.* One of the most important external factors influencing all policy areas including planning policy, is the acuteness of the unemployment problem. At 15.8 % of labour force in 1994, or an estimated 221 000 persons, the Irish unemployment rate is one of the highest in Europe. The potential for physical development — housing, shopping centres or office parks to create employment has become a major consideration in the planning process. It must be stressed, however, that due to the growth in importance of the environmental agenda as outlined above, whatever the employment potential the environmental impact must be minimised.

## Urban policy

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*E18.* An encouraging trend in recent Irish policy has been a greater focus on the urban fabric and the opportunities for tackling problems of unemployment and disadvantage therein. At national level a number of measures have been developed to revitalise the core areas of cities and towns. The main instrument of revitalisation has been a set of generous tax-based incentives which are available in a number of designated areas in cities and towns throughout Ireland. These have been complemented by a programme of renewal works carried out by the local authorities, utilising urban renewal grants provided by government and funded in the main by the Exchequer.

*E19.* In the future, further renewal will be funded under the auspices of the Operational programme for local urban and rural development, 1994-99, subprogramme for Urban and Village Renewal. Five major initiatives are being funded in each of five Irish cities (county boroughs). Such funding allows the planning authority to play a pro-active role in the renewal and redevelopment of these areas. In addition, funding is being provided for urban and village improvement measures in towns and villages, urban conservation measures and the development of the cultural quarter in Temple Bar in Dublin.

*E20.* The emphasis placed on local development by EU initiatives, such as Leader, has prompted probably the most fundamental shift in economic policy in recent years — the promotion of local economic development. This focus has also arisen, due to the recognition that, in certain areas, mainstream policies are not catering for either the most marginalised sections of society or for the development of local enterprise. A number of locally based organisations, namely county enterprise boards and partnership groups have been set up specifically to deal with these problems. These and other community groups receive funding under the Operational programme for local urban and rural development. County enterprise boards are the first major formal, national support system for small and micro-enterprises in Ireland. They have a multi-sectoral focus and aim to develop a local enterprise culture and forge an enterprise partnership at local level between all of those involved in enterprise including financial institutions, trade unions, farm-

ers' groups, local communities, individuals and firms. In addition, they provide financial support locally, to small and micro-enterprises.

*E21.* The partnership companies, and other groups and communities in disadvantaged areas, work towards tackling exclusion and marginalisation resulting from long-term unemployment, poor educational attainment and poverty. Their objectives are to accelerate local economic development and, in doing so, enhance the capacity of the local community to initiate and sustain such local development. Their work is undertaken on the basis of an integrated plan, which includes actions for environmental and infrastructural works which it is hoped will complement the actions of the urban and village renewal programme. It is increasingly recognised in the formulation of policy that environmental improvement has an important part to play in attracting enterprise and investment and to increase the quality of life for communities.

## Regional policy

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*E22.* The regional dimension of Irish planning is underdeveloped and, at present, there is no regional spatial planning policy. The sectoral areas of tourism and industry have a regional dimension in that there are seven regional tourism organisations and regional offices of *Forbairt* and industrial development authorities (IDA) in Ireland, the agencies responsible for the development of indigenous industry and for attracting foreign investment. These are primarily involved with the promotion and encouragement of tourism and industry respectively, in their regions. Neither are underpinned by a spatial strategy.

*E23.* The eight regional authorities established on 1 January 1994, under the Local Government Act, 1991, largely have an administrative and monitoring role. However, an encouraging sign is that the government in its policy document, 'A Government of Renewal', has proposed the expansion of the power of the regional authorities. 'The role of the regional development authorities will be expanded to include the preparation of regional development strategies to take account of the strengths and opportunities of each region as well as appropriate objectives for each region'. (*Fine Gael*, the Labour Party, Democratic Left, 1994 : 43).

E24. This signals the possibility of a more proactive role for the regional authorities which, with the strategies envisaged, may ultimately provide a regional framework for planning policy. In particular, it may provide a more coherent framework for the policy developed by individual local authorities.

## Local policy

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E25. In the absence of either coherent national or regional planning policy, the planning policies of the local authority must be developed with regard to the various non-planning sectoral policies which are formulated at national level.

E26. The policy statements contained in the development plans of local authorities reflect those of national government. Local authorities share the government's commitment to environmental protection.

E27. Likewise, each local authority is concerned with the economic development of its functional area, the provision of employment and the attraction of industry and services. In the main, the local authority acts as a 'facilitator', ensuring that adequate land is zoned for industrial and commercial purposes and, in some cases, providing serviced industrial and commercial sites in conjunction with IDA (Ireland) and *Forbairt*.

E28. The availability of EU funding from the Structural Funds and EU Initiatives has prompted local authorities to produce specific heritage, tourism, urban renewal and coastal management plans. The possibility of receiving funding has increased the potential for such plans' implementation and has given local planning authorities the opportunity to be more proactive. The emphasis on local development and the fostering of local initiatives has meant that the local authority must

now become more involved with, and consult with, community groups, area partnerships, county enterprise boards, conservation groups and civic trusts. Such consultation is now almost a prerequisite in the development of renewal schemes.

E29. To ensure that there is cohesion at a county level of the various local development initiatives, county strategy groups have been established with membership drawn from chairs of county enterprise boards, partnerships, other communities, leader groups, county managers and the national coordinating team.

E30. The reform of the CAP and the implementation of schemes such as the Rural Environment Protection Scheme and diversification into alternative forms of agriculture, have presented local authorities with applications for new and alternative land uses. Local authorities have had to inform themselves of the effects of such alternative enterprises and adapt policies accordingly.

E31. It must be noted that there is some difficulty in incorporating national sectoral policy into local development plan policy due to the different time scales. National policy, particularly that which has been influenced by EU Structural Funding, is often formulated over a number of months. On the other hand, local authority development plans are subject to statutory review once every five years and, in reality, a much longer period may expire due to the length of the review process. Development plans, prepared in the period prior to the discussions and negotiations on the current tranche of EU Structural Funds, do not adequately reflect the thrust of national policy and it will be of interest to see how statutory plans currently under review, or to be reviewed over the next number of years, will incorporate the changes which have occurred in the national sectoral policies which impact on the planning system.



## F. Policies

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### Commercial

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#### Introduction

*F1.* The growing international importance of the service economy has been reflected in the growth of the Irish services sector. Over 60 % of total employment in Ireland is now in services, (1995 Labour Force Survey, Preliminary estimates). This growth has impacted on the demands for commercial property.

*F2.* In spatial terms the most important change to have occurred in commercial activity has been its suburbanisation. This is reflected in the growth of offices in the suburbs and, more recently, the growth of suburban office parks. Retailing has also suburbanised and this trend is expressed in the development of large out-of-town shopping centres and the development of retail warehousing and retail warehouse parks.

*F3.* To counteract this trend and the corresponding decline of city centre areas, the government's introduction of tax incentives for urban renewal in city centre designated areas has had a significant impact on commercial development.

#### European Union

*F4.* Given that Ireland is an island peripheral to the European mainland, the issue of cross-border commercial trading relates largely to Northern Ireland and is probably less intense than in many mainland European instances. Nevertheless, there is a general trend for retailing and business

operations in Ireland to modernise and change in harmony with development elsewhere. There has been a considerable growth of British and international retail firms either setting up in Ireland or setting up in partnership with Irish firms. All the indications are that the trend towards internationalisation of business ownership will intensify in the years ahead.

*F5.* As a small open economy, Irish policy for business development must place a priority on international trade. This is best exemplified by the establishment of the Irish Financial Services Centre (located in the Custom House Docks) in 1986, aimed specifically at attracting foreign-owned financial services to locate in Ireland.

#### National policies

*F6.* There has been a deficiency in national policy relating to commercial development since the formation of the State, due, in part, to a lack of understanding of the role which services can play in economic and social development. No coherent services or regional policy have been formulated to encourage the development of services outside the Dublin region in which they have traditionally concentrated. Growth in services employment has been largely concentrated in Dublin, due to the benefits which accrue to the firms, in terms of economies of scale, the availability of high quality communications, educational facilities and cultural and leisure amenities. In other areas in the country, the service sector has developed but has done so naturally through the operation of normal market forces, without direct government intervention through commercial policy or supports. General assistance given for the set up of service firms which exists for most ser-

vices, particularly internationally traded services, is available nationwide. A further development in national policy has been the introduction of the Operational programme for small businesses which has a series of measures aimed at small businesses in general and adaptation of service firms in particular.

F7. Likewise, there is an absence of a national policy relating to the development and location of retail centres. This policy gap results in a situation where each individual local authority must stress its own policy on retailing. These policies are set out within the authority's statutory development plans and may not correlate with the policies of an adjoining local authority.

F8. The absence of a coherent policy is not a consequence of a lack of demand or commercial pressure. The pressures for the establishment of large, regional shopping centres, combining shopping with leisure pursuits, continues to grow, as does the demand for other forms of retailing, such as retail warehousing. The tendency has been for planning to be passive in responding to the market rather than proactive.

F9. The most salient government policy document relating to retailing is the 1982 Ministerial Directive issued by the Minister for the Environment Planning policy on large scale retail shopping development, S.I. No 26, 1982. This document sets out the considerations that should guide local authorities and *An Bord Pleanála*, in respect of proposals for large-scale shopping developments.

F10. The directive states: 'policy in relation to planning and development requires that the establishment of retail shopping development which would represent a large scale addition to the existing retail shopping capacity in a locality should be guided by the following considerations:

- the adequacy of existing retail shopping outlets,
- the size and location of existing retail shopping outlets,
- the quality and convenience of existing retail shopping outlets,
- the effect on existing communities, including, in particular, the effect on established retail shopping outlets and on employment,
- the needs of elderly, infirm or disabled persons and of other persons who may be de-

pendent on the availability of local retail shopping outlets,

- the need to counter urban decline and to promote urban renewal and to promote the utilisation of unused infrastructural facilities in urban areas'.

F11. The actual application of the directive has not been straightforward due to its descriptive rather than prescriptive nature. In the absence of clearly defined regional policies, each application must be looked at individually rather than in the context of the region as a whole.

F12. The obligation to assess the impact of a large retail development generally falls to the applicant (usually to justify the need for the scale of development envisaged and to outline the likely effect of such development). Thus, applications for large-scale shopping developments are generally now accompanied by a retail impact study. In the case of large developments, this may form part of an overall EIA. Many such retail impact studies are based on the steps outlined in the 1984 development plan manual, entitled 'The demand for retail space', published by *An Foras Forbartha*, the former National Institute for Physical Planning and Construction Research, in response to the directive on shopping.

F13. A number of government policies have also had an indirect impact on other areas of commercial development. Firstly the limited movement of the office-based functions of government agencies to local centres and, secondly, the incentives provided for commercial firms in the country's designated urban renewal areas.

#### Urban renewal

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F14. The provisions of the Urban Renewal Act, 1986, laid down the basis for the regeneration process in towns and cities throughout the country. The Finance Acts, 1986-94, introduced a number of tax incentives which encouraged development in the designated areas.

F15. The incentives under the original Urban Renewal Scheme, 1986-94, favoured commercial over residential development. Developers invested heavily in office developments, particularly in the Dublin and other major city-designated

areas. The favourable tax incentives had the effect of:

- encouraging a strong bias towards new construction rather than refurbishment and
- increasing the amount of office space reaching completion in designated areas.

*F16.* As of 31 December 1994, out of an estimated total of some IEP 1 084 million in projects either completed or in progress in designated areas, IEP 202 million had been spent on the provision of office space. This resulted in some 253 000 m<sup>2</sup> of office space being built or refurbished in designated areas. This does not include 44 334 m<sup>2</sup> of office space provided primarily for the International Financial Services Centre in the Custom House Docks area of Dublin. The timing of the designated area policy was fortuitous, coinciding with an uplift in the Irish economy and shortage of available office space. However, a downturn in the office property market followed and some of the offices built with the support of the incentives still remain vacant.

*F17.* Under the current Urban Renewal Scheme, launched on 1 August 1994, office developments in the five main cities are generally excluded from availing of tax incentives. Only in cases where offices are constructed or refurbished in a building in conjunction with other uses, will they be considered as qualifying premises. Incentives for office developments without restriction remain available in the designated areas and streets of other towns.

*F18.* For non-office commercial space, such as retail outlets and office space which qualifies for capital allowance, the following is available:

- capital allowance of 50 % of qualifying expenditure incurred on construction or refurbishment.

*F19.* The other reliefs available to qualifying commercial premises are:

- double rent allowance. The double rent allowance allows traders leasing new or refurbished buildings to set off double the rent as an allowance against tax or trading income for a period of 10 years (subject to a number of stringent conditions; hotels constructed or refurbished in designated areas may qualify for such relief);
- rates remission. Ten years' rates remission is available on a sliding scale on rates payable on qualifying new commercial buildings or increases in value due to reconstruction or refurbishment of existing commercial buildings.

*F20.* In a number of streets designated for a 'living-over-the-business' scheme, allowances are available for the refurbishment (but not construction) of the commercial part of the building, subject to certain conditions if the main building is residential. The deadline for completion of the entire urban renewal scheme is 31 July 1997.

*F21.* In the Temple Bar and Custom House Docks areas of Dublin, a number of more attractive incentives exist for investors in commercial property (see Table below).

**Table F1. Incentives for investors in commercial property in designated areas**

| Commercial property   | Temple Bar area |             | Custom House Docks area | Other designated areas<br>(in 35 cities and towns in Ireland) |
|-----------------------|-----------------|-------------|-------------------------|---|
|                       | New             | Refurbished |                         |   |
| Free depreciation     | 50 %            | 100 %       | 100 %                   | 50 %  |
| Initial allowance     | 25 %            | 50 %        | 50 %                    | 25 %  |
| Annual allowance      | 2 %             | 4%          | 4 %                     | 2 %   |
| Double rent allowance | 10 years        | 10 years    | 10 years                | 10 years  |
| Rates remission       | 10 years        | 10 years    | 10 years                | 10 years  |
| Cut-off date          | 5 April 1998    |             | 24 January 1999         | 31 July 1997  |

## Regional policies

*F22.* There are no specific regional policies which relate to commercial development (retail or office). There has been some movement of government offices to local centres but this has been limited. For the most part, incentives for services are national. The lack of strategic planning and, as a result, the lack of coherent regional retail policy has led to a situation whereby, in 1998, the Dublin region will have three large-scale out-of-town regional shopping centres in close proximity to each other. These may ultimately threaten the viability of retailers in other areas of the region and in adjoining regions

## Local policies

*F23.* The statutory development plans of the 88 local planning authorities contain policies relating to commercial and, in particular, to office and retail development. Development plans for towns and cities contain policies which relate to the zoning of certain areas for commercial use. These commercial zones tend to correspond with the core areas of towns and cities. Indeed, many local authorities have developed policies to discourage office development and other forms of commercial development outside of the central core areas.

*F24.* Some urban authorities require that a percentage of residential development be carried out in conjunction with new commercial development. In Galway city, for example, to preserve the existing intimate mixture of residential, retail and other commercial uses in the city centre, the corporation requires a residential content of 20 % in all new city centre developments. Only in cases where commercial development is facilitating the retention of a building of character will the residential content be waived. In Dublin city, the development plan identifies 10 areas where a residential content requirement policy exists and seeks 25 % of the total floor space of redeveloped or new buildings, in such areas, to be in self-contained residential units. Where there is a change of use in buildings which are greater than two storeys in height, at least one floor must be in self-contained residential units. This type of policy will clearly benefit from the new urban renewal scheme.

*F25.* The borough corporations (which have responsibility for the major cities) have outlined poli-

cies in their statutory development plans which are aimed at strengthening the core areas of cities as retailing centres. Their policies, in general, focus on zoning certain areas where retailing and other commercial uses are permitted, for example the 'zone of general business use', in the Waterford City Development Plan Review 1994, and the 'Commercial Core area', in the Cork City Development Plan 1992.

*F26.* In addition, policies are outlined for principal shopping streets within which planning permission will not be granted for non-retail uses on ground floors of properties fronting onto these streets. Furthermore, the subdivision or other conversion of department stores, which would damage the drawing power of such stores, will not be permitted.

*F27.* In general, local authorities have tended to frame individual retail policy within the confines of the Directive on large-scale retail shopping development. South Dublin County Council and Fingal County Council, for example, operate a system of hierarchical provision.

- Major town centres — 50 000 m<sup>2</sup> in size and planned to serve the related designated 'Western towns', providing a wide range of facilities including durable goods and specialist shopping as well as non-shopping activities, such as recreation/entertainment.
- Town/district centres — 3 000 to 20 000 m<sup>2</sup> serving a district catchment of two to five-mile radius. These centres serve the weekly convenience-shopping needs of a district, together with a range of durable goods and services.
- Neighbourhood centre — 700 to 1 500 m<sup>2</sup> in size. These centres serve the day-to-day needs of the neighbourhood. For the less mobile, a neighbourhood centre may serve weekly shopping needs.
- Local shops — serving day-to-day convenience shopping requirements of a smaller area.

*F28.* Areas are zoned for retail developments in line with this policy. However, in the case of South County Dublin, the relative flexibility of the planning system and pressures from retail developers have combined to result in a situation where permission has been granted for two large regional shopping centres in the Clondalkin area (see Section C, Illustration).

F29. Other than zoning, the principal method open to planning authorities in influencing retail trends is control of floorspace through the development control process. The development control policies of the planning authorities will invariably contain strict controls with regard to office and shopping development.

- Density controls (particularly for offices).
- Adequate car parking provision (attractive layout, landscaping, high standard surfacing). Failure to supply sufficient car parking will require a contribution towards the provision of parking by the local authority.
- Provision for loading and unloading.
- Quality of infill development — should reflect character of surroundings.
- Controls on advertising and signage.

#### Current trends

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F30. The trend in larger counties and cities has been towards developing high-tech business parks often on the sites of former industrial units, or on greenfield sites, such as at City West, in South County Dublin. Policy in this regard has meant that local authorities state in their development plans that certain office and commercial functions would be allowable in certain areas zoned for industrial and related use.

F31. In line with current retailing trends, the planning authorities of the larger cities have introduced policies relating to retail warehousing in their development plans. This retail concept, which is widely developed in Britain and Europe, has been slowly developing in Ireland. To date, this type of development has been largely restricted to the larger cities. For the most part, local authorities, while permitting such developments in certain areas in certain circumstances, have policies which strictly control and seek to limit the provision of retail warehouses within their area.

### Economic development

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F32. Ireland has achieved a very high level of economic growth since the middle of the 1980s. When measured in the conventional way by GNP, it can be illustrated that over the past six

years Ireland's annual average (GNP) growth rate of more than 4 % outpaced that of the EU by 2 %.

F33. Employment has responded strongly to this growth. Employment growth in Ireland averaged 1.8 % between 1990 and 1995 compared to the EU where total employment fell marginally over this period. Despite this rapid growth, inflation has remained low and has averaged 2.6 % between 1990 and 1995 — compared to an EU average of 4.1 % in the same period. The public finances remain healthy and with a General Government Deficit of 2.1 % in 1995. Ireland continues to receive an exemption from the excessive deficits procedure of the Maastricht Treaty.

F34. This impressive performance is attributable to many factors:

- sound management of the public finances has engendered confidence in the management of the economy,
- exchange rate and monetary policies have delivered low inflation and facilitated trade growth,
- these two factors have delivered interest rates at historical lows,
- which, in turn, has boosted consumer and business confidence, leading to higher consumer and investment spending,
- which, aided by recent budgetary tax initiatives designed, to boost employment incentives, has led to increased numbers at work.

F35. However, despite these trends, unemployment remains unacceptably high. This situation prevails even where the level of employment has remained stable. This can, in part, be attributed to the rapid growth in the labour force (population reached its highest level for a century in the mid-1980s reflecting return migration in the 1970s and a baby boom which peaked in 1980). The trend towards return migration was exacerbated by a decline in the UK economy and a drop in levels of emigration. Tackling unemployment, therefore, remains one of the primary objectives in national economic policy.

### European Union

F36. EU policy has had considerable influence on Irish economic development. In particular, EU transfers to promote convergence have influenced Irish public finances. Since Ireland's ac-

cession to the EU in 1973, the country has received transfers from the CAP and from EU Structural Funds. Since the late 1980s, there has been a substantial increase in transfers from the EU Structural Funds, as part of the Community support framework (CSF), aimed at promoting convergence in living standards within the EU. By 1993 the CSF transfers to Ireland amounted to around 3.5 % of GNP.

*F37.* The increase in CSF funds has, in many cases, been used to fund an increase in public investment. As a result, the CSF funds relieved the Government from the need to borrow, resulting in a substantial improvement in the public finances and helping to increase the balance of payment surplus. A reduction in actual debt and a reduction in interest on the foreign debt are part of the benefit to Ireland of the CSF funds.

### **National policies**

*F38.* The main objective of economic policy as stated in the Programme for competitiveness and work (PCW), 1994-96, is to 'secure and strengthen the economy's potential for sustainable employment and economic growth' (Programme for competitiveness and work, 1994 : 51).

*F39.* The policy direction to achieve such employment and economic growth has been outlined in a number of documents; the Programme for national recovery, the Programme for economic and social progress (PESP) and the current Programme for competitiveness and work (PCW), which will cover the period from 1994-96. There are three identifiable strands to current economic policy:

- development of a fiscal and monetary policy set to underpin a stable exchange rate and lead to a maintenance of low inflation;
- consensus on income developments, which are crucial to the achievement of competitiveness;
- a programme of structural measures covering industrial and agricultural policy, manpower policy, tax and social welfare reform and changes in health and education policy.

*F40.* Detailed objectives relating to each of these elements of policy are contained in the PCW and are briefly outlined below.

*F41.* It is the government's aim that fiscal policy will be conducted so as to reach the objective of reducing the debt to GNP ratio. The govern-

ment's aim is to pursue this through restraint on expenditure. Fiscal discipline will be tighter than it was over the past three years in order to increase the pace of adjustment. Tax reform will be carried out with the objective of supporting employment growth. To this end, it will be aimed at reducing the negative impact on employment potential of taxation.

*F42.* The second strand of strategy, that of consensus on income development, is a major target of the PCW and its predecessor the PESP. Both of these programmes were agreed between the Government, the Irish Congress of Trade Unions (ICTU), the Irish Business and Employers Confederation (IBEC), the Construction Industry Federation (CIF), and farmers groups (IFA, ICMSA, ICOS and *Macra na Feirne*). The Irish Congress of Trade Unions and IBEC (the employers organisation) have entered an agreement on pay conditions of employment and cooperation at the level of enterprise (employers are committed to encouraging their members to consult with trade unions or employees about suitable training methods, IBEC and the ICTU are also committed to employee involvement in the private sector). The agreement commits employers, trade unions and employees to promoting industrial harmony. It is hoped that increased stability, arising from such an agreement, may contribute to greater competitiveness.

*F43.* A coherent range of structural policies has been initiated in a wide range of areas, to contribute to the improvement of the efficiency of the economy and to enhance international competitiveness. Agricultural policy embodied in the PCW aims to prepare the Irish agriculture and the food sector for a more liberal international trading regime, without the safety net of market support.

*F44.* Industrial policy reform has been embodied in the Culliton and Moriarty reports, which address the need to develop indigenous industry and to foster innovation and enterprise. Recent economic policy documents recognise the contribution which the services sector has made and can continue to make to employment generation.

*F45.* Manpower policy has been developed to enhance the skills of those at work and to develop the skills of the unemployed through education and training schemes. In 1993 a new standards-based apprenticeship scheme was introduced for a number of trades. Under the Human resources operational programme of the CSF

1994-99, a wide-ranging set of training measures will be promoted. Included is the Community employment measure, which is a temporary one-year employment programme with a training element targeted at the long-term unemployed.

*F46.* Probably the most significant manpower policy, and one which impacts on planning policy, is the area-based programme for tackling unemployment. This was originally developed under the PESP and promotes integrated socioeconomic development in a number of target areas characterised by high concentrations of long-term unemployment, social exclusion and environmental deprivation. Its inclusion for funding under the CSF as part of the Operational programme for local urban and rural development, 1994-99, is also an indication of support for a bottom-up approach to economic development.

### Regional policies

*F47.* There has been very little recent concerted effort to develop regional economic policy in Ireland. The most comprehensive regional planning exercise was Buchanan's regional studies report published in 1969, which was never fully implemented.

*F48.* Shannon Development and *Udaras na Gaeltachta* (see Sections B and D) have had some success as regional development agencies with responsibility for the wider economic development of their respective areas.

*F49.* The National Development Plan and the CSF for 1994-99, were underpinned by detailed submissions from the seven sub-regional review committees. An attempt has been made in the CSF and the operational programmes to ensure that the benefits of increased investment are distributed throughout the State and its regions.

*F50.* The eight new regional authorities may, in time, integrate economic policy and infrastructural planning, through coordination of the relevant statutory agencies and local authorities. However, at present, the role of the regional authorities is one of coordination and monitoring.

### Local policies

*F51.* The Operational programme for local urban and rural development, which was referred to above, and its constituent subprogrammes, (i) local enterprise, (ii) integrated development of des-

ignated disadvantaged and other areas, and (iii) urban and village renewal, provides the framework for local economic development (for a description of these see Section D, Local economic development). In the National Development Plan, the government stated that it 'recognises the importance of a local dimension to enterprise and employment creation and the importance of developing the capabilities of local communities to contribute to tackling unemployment and pursuing local development' (Government of Ireland, 1994 : 69). The emphasis on bottom-up development is seen as operating in tandem with the broader more top-down measures which relate to macroeconomic policy.

*F52.* To ensure coordination and linkages between the different agencies implementing each of these sub-programmes, a county strategy group has been established in each county to secure the cohesion from a county perspective of the various local development initiatives. In this respect, arrangements are to be put in place to ensure that links are developed between the local authorities who will implement the urban and village renewal sub-programme and county enterprise boards, partnership companies and other community groups. A liaison group has also been established to ensure integration between the strategy groups and so increase the effectiveness of the programme.

*F53.* The urban and village renewal sub-programme is designed to support a comprehensive programme of urban and village renewal. The programme is comprised of measures designed to rejuvenate the social, physical and economic life of inner urban core areas and villages. The programme will aid local development by improving the physical environment of towns, cities and villages, thereby acting as a catalyst to investment and job-creation and sustaining an enterprise base. In addition, as part of the five flagship projects to be implemented under the sub-programme in the five main Irish cities Dublin, Cork, Limerick, Galway and Waterford, it is hoped that enterprise units will be developed (either directly or through the use of the tax incentive scheme). It is also hoped that community employment can be used to develop training in conservation and other skills.

*F54.* Local authorities' own policies on economic development, for the most part, relate to employment policy. In this arena, the local authority's primary role is as a facilitator, providing the necessary

set of circumstances within which other agencies or bodies can create employment. In a more direct way, the local authority may become involved with a community employment scheme (formerly SES — social employment scheme). It must be noted that the planning department of the local authority is rarely directly involved with such schemes. However, it has to be noted that the national development agencies such as IDA Ireland, *Forbairt* and FAS, operate in the economic development of all the counties and regions.

*F55.* In their role as facilitators of economic development and employment creation, the planning authorities have received direction from the Department of the Environment through Ministerial circulars. These circulars stress that local authorities should improve procedures relating to the processing of planning applications — particularly those with employment potential. Local authorities are also requested to encourage and facilitate developers through pre-planning consultations and, at such a time, to clearly explain local authority policy and objectives which might relate to a proposed development. The Department of the Environment stresses that, where possible, planning applications should not be deferred and, where additional information is absolutely necessary, the period following the receipt of requested further information should, as far as possible, be reduced to one month.

## **Environmental management**

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*F56.* The protection and enhancement of the Irish environment has gained recognition as an important consideration in many areas of local and national policy. It is increasingly recognised, by both the public and private sector, that the quality of the Irish environment is a major asset and one which should be harnessed in the interest of economic growth and development.

### **European Union**

*F57.* Environmental protection and awareness is increasingly a dimension of European Community policy. EU environmental programmes and the resultant directives have had a significant effect on Irish environmental policy. This can be attributed in part to the coincidence of Ireland's rapid economic development in the 1960s and 1970s

with Ireland's accession to the EU in 1973. Prior to this period of economic growth, Ireland had not experienced major industrial pollution and the legislative framework for environmental control remained underdeveloped.

*F58.* While directives leave the choice of form and methods by which results are achieved open to individual Member States, following a number of cases in the European Court of Justice since 1982, directives must be given formal legal expression in domestic legislation. Since then, most directives have been implemented through regulations in Ireland.

*F59.* Probably the most significant European directive relating to planning and the environment is the environmental impact assessment directive 85/337/EEC, which was transposed into Irish law through the following regulations: European Communities (environmental impact assessment) (motorways) Regulations, 1988, European Communities (environmental impact assessment) regulations, 1989 European Communities (environmental impact assessment) amendment regulations, 1994 and the local government (planning and development) regulations, 1990 (the latter have been superseded by the introduction of the local government (planning and development) regulations, 1994.

*F60.* The EU also influences Irish policy through financial assistance for various environmental projects. Investment in environmental infrastructure under the operational programme for environmental services, 1994-99, is cofinanced by the EU through structural funds. A number of EU initiatives support environmental projects:

- RETEX — development of clean technology;
- LIFE — which is currently providing support for the re-survey of areas of scientific interest;
- Interreg — preparation of joint water quality management plans and sewage treatment works in border counties;
- Ecopro — environmentally friendly coastal protection.

*F61.* The development of environmental infrastructure was also supported under the first round of Structural Funds through the operational programme for water, sanitary and other local services 1989-93 and Envireg.

## National policies

### Development of an environmental framework

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F62. National environmental policy is comprehensively expressed in the Environment Action Programme (EAP) published by Government in 1990. This policy statement provided a framework for environmental protection founded on the principles of sustainable development, integration and precautionary action. The programme contained objectives relating to environmental awareness and information on air quality, inland waters, the marine environment, agriculture, forestry, industry, waste recycling and disposal, wildlife habitats, the protection of the ozone layer and climatic change.

F63. In addition to the EAP, the then *Taoiseach* established the Green 2000 advisory group on the environment in 1991, which reported in 1993 on issues facing the national environment. The group's report set out a comprehensive series of recommendations for 11 major areas of economic and social activity. The *Taoiseach* fully accepted these recommendations and advances have been made in their implementation.

F64. The commitment of government to integrate environmental protection in all policy areas has been reiterated in a number of general policy documents. In the Programme for competitiveness and work, agreed in 1994 between the government, the trade unions, employer representatives (industry and farmers), it was recognised that balanced economic development and growth need to be matched by environmental protection.

F65. The agenda for integration has also been advanced through the environmental profile of the National Development Plan, 1994-99, now largely incorporated in the Community support framework, 1994-1999. Both the plan and the CSF have as a primary objective — the enhancement of Ireland's economic performance through sustainable growth and development. They fully recognise that the environment is an essential prerequisite to resource development, increased economic activity and associated employment.

F66. The Government policy document 'A Government of Renewal, 1994' also stresses the en-

vironmental dimension pledging the integration of environmental considerations into all aspects of development policy and action. The Government is particularly committed to:

- The preparation of a national sustainable development strategy and the establishment of a cabinet subcommittee to formulate and drive the strategy. This strategy is due to be published in 1996.
- Working towards a new set of indicators of sustainable development which will take account of environmental and social factors.
- The public sector acting as leaders in the demonstration of best environmental management practice. This will include formulating environmental management plans incorporating waste minimisation, green purchasing and recycling.

F67. The trend in Irish environmental policy is to stress the 'polluter pays' principle. Towards this end, the Department of the Environment is funding an environmental policy research centre within the Economic and Social Research Institute (ESRI) to conduct ongoing examination of the economic aspects of environmental policy, with particular reference to economic instruments.

F68. In recent years, organisational structures relating to environmental management have been rationalised, particularly with the establishment of the Environmental Protection Agency (EPA) and the introduction of integrated pollution control licensing. Access to environmental information is provided for under regulations which transposed EU Directive 90/313/EEC on freedom of access to information on the environment. The government has already introduced amended regulations in line with its commitment to allow the publication of inspectors reports and the basis of decisions by *An Bord Pleanála* and the EPA, and further improvements to access to information are planned.

### Industry and the environment

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F69. Government commitment to the environment is expressed in a number of policy areas. Industrial policy, for example, has been influenced by the environmental agenda. The importance of the environment was stressed by both the Culliton and Moriarty reports (see Section F, Industrial development). For a number of sectors,

the regulatory framework has been strengthened by the introduction of integrated pollution control licensing by the EPA. Particular emphasis is being placed on cleaner production and waste minimisation/prevention. The agency is now specifying the best available technology not entailing excessive costs (or Batneec) which must be used to prevent or eliminate, or where this is not practicable, to reduce emissions from licensable activities. In 1993, the government published a discussion document on cleaner manufacturing technologies and a number of research centres have been established to further the development of cleaner technologies.

#### Natural resources and the environment

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*F70.* Policy which relates to extractive industries, particularly mining, has been reviewed and the Department of Agriculture, Food and Forestry is giving due consideration to protection of the environment in its current policy, including the implementation of the agri-environment scheme under the CAP reform agreement (see Section F, Natural resources).

*F71.* Other agricultural policies which have an environmental dimension are embodied in the Operational programme for agriculture, rural development and forestry, 1994-99. These include diversification from traditional agriculture into such areas as agri-tourism and alternative farming, and investment in schemes for the control of farmyard wastes.

*F72.* In the areas of forestry and fisheries, the Department of Agriculture, Food and Forestry is actively encouraging increased planting of broad leaf trees by means of grants and premium schemes which favour such planting. A review of the effectiveness of planning controls relating to forestry development has been initiated. The Government's policy objective for aquaculture is to ensure development takes place in a well ordered and properly regulated manner, with full regard for the environment, whilst increasing output.

#### Tourism and the environment

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*F73.* Tourism is one area where there is a symbiotic relationship with the environment. A high

quality physical environment is one of Irish tourism's strengths. This is increasingly recognised by those involved in the formulation and implementation of tourism policy. The Operational programming for tourism 1994-99 requires all developments to comply with best environmental standards and stresses that the application of planning law to projects is critical in ensuring that future tourism and other related developments are compatible with the environment.

*F74.* Objectives of the programme seek to improve the seasonality of the tourism product. It is also an objective to disperse tourism funds throughout the sub-regions, thereby illustrating the commitment of government to distribute tourism investment, thus mitigating some of the adverse impacts on the environment.

#### Coastal environmental management

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*F75.* The coastal environment as an entity has only very recently become the focus of environmental policy. As the coast is subject to pressures from both land-based and sea-based activities, policy measures are wide ranging (see Section D, Coastal planning). A specific subprogramme of the Operational programme for environmental services, 1994-99, has been devoted to coastal protection. The programme involves both coastal works to tackle coastal erosion and coastal management which aims at formulating a comprehensive management policy for the entire coastal zone. In formulating this policy, local authority planning departments will have an important role to play.

#### Protection of the natural environment

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*F76.* The Irish government is committed to the protection of specific areas of the natural environment through a number of environmental designations and, indeed, through actual acquisition of areas and sites. From 1990 to date, the National Parks and Wildlife Service has acquired, amongst other areas, 2 539 ha of blanket bog, 1 198 ha of raised bog, 131 ha of limestone pavement and 373 ha of goose/bird sites. These areas contribute substantially to the conservation of bio-diversity. The re-survey of more than 1 600 areas of scientific interest and their re-designation as Natural Heritage Areas (giving them legal pro-

tection and ability to benefit from financing under the REPS) should strengthen the protection of these landscapes.

F77. Consideration of environmental impacts in the planning process has been given statutory standing through the EIA process. Since the introduction of regulations transposing Directive 85/337/EEC on environmental impact assessment into Irish law, approximately 80 environmental impact assessments have been carried out each year. The numbers of Environmental Impact Statements (EISs) submitted in Ireland per head of population is higher than that in the UK, reflecting the lower thresholds set in Irish regulations and a possible willingness of planning authorities to exercise their discretion to require EISs for developments below these thresholds.

#### The urban environment

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F78. The improvement of the built environment and the fabric of urban areas and towns has received significant attention in government policy in recent years. The introduction of designated areas in the Urban Renewal Act, 1986, and the concomitant introduction of tax incentives in the Finance Acts, 1988-95, has led to development in previously derelict and declining areas in the cores of cities and towns.

F79. In addition, the government operates a modest scheme of urban renewal grants to upgrade the environment in or near designated areas involved pedestrianisation schemes, paving, street lighting and street furniture and other amenity improvements. These works have considerably improved the environs of these areas and complemented the tax-based incentives.

F80. Support for further improvement in the quality of the built environment is to be provided by the urban and village renewal subprogramme of the Operational programme for local urban and Rural Development, 1994-99. Works, such as urban landscaping, riverside development and streetscape improvement in urban areas, and village landscaping, conservation of rural heritage, amenity improvements and development of focal points in villages, will form part of an integrated area renewal action plan or development strategy which will be implemented by the local authorities.

#### Regional policies

F81. Environmental policy is not articulated at regional level. Any locational difference is related to the environmental resources to be managed and protected. Responses are tailored to the specific issues involved.

F82. It is recognised that, in some instances, a catchment-based approach is the most appropriate response to the environmental management and the new regional authorities are well placed to coordinate such an approach. Furthermore, the Department of the Environment has outlined a prospective role for the regional authorities in developing and implementing local agenda 21, in their publication *Guidelines on local agenda 21, local authorities and sustainable development*. By facilitating coherence and coordination between the initiatives of their constituent local authorities and by considering regional sustainability in their own functions and in the compilation of their regional reports, it is believed that regional authorities can contribute to the local agenda 21 process.

#### Local policies

F83. The local authorities are the principal guardians of both the built and natural environment at local level. Statutory local development plans contain objectives to safeguard sites of environmental importance. These objectives relate, in some cases, to designations made at national level. The various designations contained in the development plans of local authorities are listed overleaf.

F84. In the interests of protecting the environment, local authorities may produce or commission the production of specific management plans for sensitive or important environmental amenities, for example the Wicklow Uplands Management Strategy.

F85. Due to the increasing threats to coastal areas, local authorities are beginning to produce specific coastal management plans or are including specific policies for coastal protection in area development plans.

F86. Planning authorities in their development control process will normally consider the impact of any proposed development on the environment. They utilise the expertise of those involved in the sanitary services section of the

local authority to advise and guide decisions. The licensing of non-scheduled activities involving discharges to water, air emissions or which generate waste will continue to be a function of the local authority under the Local

Government (Water Pollution) Acts of 1977-90 and the 1987 Air Pollution Act. Scheduled activities which pose a high risk of environmental pollution will require an integrated pollution control licence from the EPA.

| Designation  | Type of control  | Problems  |
|--|--|---|
| Area of scientific interest redesignated as Natural Heritage areas   | Objective of development plan to protect such areas. Exempted development may be carried out. Natural Heritage areas will eventually have legal protection under Wildlife Act 1976   | Exempted development can cause considerable damage, i.e. forestry projects under 200 ha, farm buildings under 400 m   |
| Nature reserves  | Under Wildlife Act 1976 the State has extensive powers to prevent undesirable development  | Most nature reserves are State owned. The designation does not usually cover the entire areas of conservation value, as a result they may come under threat from development outside nature reserves  |
| Tree preservation orders   | No tree covered by TPO can be felled without the consent of the local authority  | Trees must be of amenity value. Refusal of permission for felling may lead to a claim for compensation  |
| Special amenity area order (SAAO)  | An SAAO gives special legal protection in areas with particular natural amenities or scenic significance. The local authority designates the SAAO but the Minister for the Environment must give approval<br><br>The strength of designation is that any development which threatens the amenity value of the area can be prevented without compensation | The length of time taken to make an SAAO and political pressure which may build up against them (due to the restrictions it places on landowners) have prevented the wide usage of the instrument. At present two SAAOs exist for the Liffey Valley in Dublin and for the Bull Island in Dublin |
| Areas of special control.<br>• Areas of high amenity<br>• areas of scenic importance<br>• areas of special recreational importance | Designated by local authority. Within these areas controls are more stringent than normally specified. Some are used to protect the landscape  | <i>An Bord Pleanála</i> is not legally bound to adhere to such amenity designations. Exempted development may be carried out, and may be rezoned during a development plan review   |

NB: Additional information on Designations is contained in Section D.

F87. The de-exemption of golf courses under the Local Government (Planning and Development) Regulations, 1994 and the passing of the Local Government (Planning and Development) Act, 1993, which specifies the need for certain State developments to apply for planning permission or undergo a consultative procedure, has improved the scope of the planning process. Prior to the enactment of the 1993 Act, certain developments with environmental effects, such as interpretative centres developed by the OPW, did not require planning permission.

F88. In addition to elements of natural environmental protection, local authorities are also in-

involved in improving the built environment. Local authorities will have further resources (due to funding allocated under the subprogramme for urban and village renewal) to pursue renewal and improvement schemes.

F89. In June 1995, the Department of the Environment issued guidelines to local authorities on sustainable development and local agenda 21. It encouraged local authorities to develop their own initiatives in this regard, in consultation with their communities. This approach was adopted in view of the wide range of responsibilities of local authorities for the planning, development and ser-

ving of their areas, and also their role as the level of government closest to the people.

F90. In addition to the local authority voluntary groups, such as *An Taisce*, the Irish Wildlife Federation or single issue environmental groups (opposing particular developments, i.e. Burren Action Group) play a role in local environmental protection. They highlight environmental issues, lobby for the protection of certain areas and may appeal decisions to *An Bord Pleanála* or take court action where they believe development will damage the environment.

F91. Furthermore, groups, such as the Irish Peatland Conservation Council or *An Taisce*, may purchase environmentally sensitive sites to ensure adequate protection.

## Heritage

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F92. The great bulk of urban architectural heritage was built during the period of British administration of Ireland and, therefore, was often not fully accepted as being part of Irish culture. 'The perception of towns as alien, as being the preserve of traditions that were exclusively Viking, Norman or English, and the consequent labelling of towns as un-Irish has had an insidious effect on the national psyche. It permitted the growth of a view which said the urban past can be disposed of because it is not "ours"' (Bradley, 1992 : 81). A lack of wealth in the country also curtailed the protection of and investment in older buildings. It has, therefore, taken time for the cultural relevance of the architectural and built heritage to be recognised. To an even greater extent, Ireland's superb natural heritage was, for a long period, unrecognised, and exploited (particularly through agriculture) without due consideration to the damage being caused. In recent years positive changes have occurred with regard to the public's attitude to Ireland's natural and man-made heritage.

## European Union

F93. European Union policy on heritage (both built and natural) has to some degree impacted on Irish national policy. Ireland has signed a number of European conventions relating to architectural and archaeological heritage, including Euro-

pean convention on the protection of the archaeological Heritage, Council of Europe, Valletta 1992, and the Convention for the protection of the architectural heritage of Europe, Granada, 1985. Ratification of these conventions is expected in the near future.

F94. Funding emanating from the EU, both from the Structural Funds (ERDF and ESF) and from various initiatives, such as the annual initiative for the conservation of the European architectural heritage, have supported the conservation and, in some cases, the development of elements of Irish heritage.

F95. With regard to the natural heritage, EU Directives, such as the Directive for the Conservation of Wild Birds (79/409/EEC) and the Habitats Directive (92/43/EEC), have led to the introduction of, or planned introduction of, a number of designated areas. Under the former directive, special protection areas, to protect sites of vulnerable bird species and other regularly occurring migratory bird species have been designated. Under the Habitats Directive, special areas of conservation (SAC) will be designated in May 1996.

## National policies

F96. There are a number of agencies involved at national level in policy-making relating to heritage. The Office of Public Works for many years had responsibility for the formulation and implementation of policy relating to national heritage. This has changed somewhat since the establishment of the Department of Arts, Culture and the *Gaeltacht* in 1993 and the appointment of a Minister with a portfolio for these three areas.

F97. The Department is to take over responsibility for formulation of national policy in relation to heritage, a function formerly undertaken by the (OPW). The OPW will retain responsibility for the administration and management of the natural and man-made heritage under the direction of the Minister for Arts, Culture and the *Gaeltacht* (formerly, all of the OPW's operations were the remit of the Department of Finance). The broad remit of the Department of Arts, Culture and the *Gaeltacht* in relation to heritage is to protect and preserve and improve accessibility to the national heritage. Other departments also have an input into heritage policy, as policy in areas such as agriculture, forestry, transport and tourism all potentially impact on heritage and its protection.

F98. In recognition of the importance of heritage, specific objectives have been formulated in the government's policy agreement, 'A Government of Renewal', in relation to heritage. These are:

- to place the system of listed buildings on a statutory basis and to introduce incentives to aid the upkeep and maintenance of such buildings;
- to continue the audit of archaeological sites and to undertake a full national architectural audit;
- to consider the establishment of an inland waterways authority which would have responsibility for an effective north/south arrangement for the management of navigable waterways;
- to develop a national park in the Liffey Valley (a Special Amenity Area Order is currently in operation in this area).

(*Fine Gael*, the Labour Party, Democratic Left, 1994 : 81).

F99. In addition, the long-awaited restructuring of the Office of Public Works (see Section B, Government agencies) is to be set in motion on a phased basis. In terms of its heritage remit, the OPW as pointed out above has been brought more closely under the control of the Minister for Arts, Culture and the *Gaeltacht*. The Heritage Act, 1995 states that:

- the policy functions of the Commissioners of Public Works under legislation which relates to heritage, shall be performed by them subject to general directions from the Minister for Arts, Culture and the *Gaeltacht*;
- the Commissioners shall provide the Minister with such information as the Minister may require for those purposes.

F100. Heritage policy, as was pointed out above, has to some extent been driven by EU policy and funding. Under the operational programme for Tourism, 1994-99, considerable monies are being directed towards maintaining heritage and developing specific heritage projects. A sum of IEP 125 million has been earmarked for the funding of natural/cultural tourism over the period 1994-99, including funding for:

- development/restoration of national monuments,
- development of national parks and nature reserves,

- development of national monuments and historic properties,
- development of waterways.

F101. The provision of EU funding for the building of interpretative centres under the Tourism Operational programme of the Community support framework 1989-93 precipitated heated debate and discussion, with regard to the merits or otherwise of such centres and their siting. It also generated a debate on the whole issue of national heritage, its interpretation and its protection. This particular debate has prompted a number of actions:

- the introduction of new legislation relating to development carried out by State authorities;
- change in planning regulations relating to state development;
- statement issued by the Minister for Arts, Culture and the *Gaeltacht* expressly stating that any decision relating to visitor centres is to be submitted to the Minister for Arts, Culture and the *Gaeltacht* and subjected to a broad consultation process with the local community and other interests.

F102. The link between heritage and tourism in Ireland is very strong. Tourism policy reflects this. In many cases it has been through a desire to develop Ireland's tourism product that many heritage sites (including parks, monuments, gardens and inland waterways) have been created or restored.

F103. The policy of the National Tourist Board (*Bord Fáilte*), has included a focus on heritage tourism. This includes the designation of heritage towns throughout the country and their development as tourist centres, with funding provided under the operational programme for tourism 1989-93. Further towns are scheduled for receipt of funding under the operational programme for tourism, 1994-99. In addition, *Bord Fáilte* has drawn up a framework for interpretation of heritage based on five themes.

F104. The risks involved in promoting interpretation of heritage tourism were recognised in *Bord Fáilte's* strategy document *Heritage attractions development: A strategy to interpret Ireland's history and culture for tourism*, and a number of guidelines were outlined.

F105. At national level, policy on the protection of heritage is implemented through the provisions of

the National Monuments Act, 1930 to 1994 (see Section C), through the sites and monuments record carried out by the Office of Public Works, the urban archaeological survey and the resulting zones of archaeological potential (see Section C).

*F106.* An encouraging advance in heritage policy was the passing of the Heritage Act, 1995. The most important action to be enabled by this legislation was the establishing of the Heritage Council to replace the non-statutory National Heritage Council (see Section D). The Heritage Council has the following functions 'to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological objects, heritage objects, works of architecture, flora and fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways'. It is hoped that the Statutory Heritage Council will have a greater role than its predecessor in the determination of heritage policy.

*F107.* Under the Act, the Heritage Council may consult with or advise a public authority in relation to the maintenance, preservation, restoration, upkeep or improvement of any heritage buildings in public authority ownership. Any development to be carried out on such a building or on a building or structure adjoining a heritage building or the disposal of a heritage building, must be subject to the agreement of the Heritage Council. If the Heritage Council decides that such work is contrary to the heritage status of the building, the public authority shall not commence work on the proposal unless the Minister for Arts, Culture and the *Gaeltacht* agrees to the proposal or to a modified version, or the government agrees to the proposal.

*F108.* The Heritage Council is one important source of national funding for heritage projects, allocating funding from Ireland's National Lottery to suitable projects. No comprehensive funding is available from government for heritage properties in private ownership. A limited tax concession for owners of buildings recommended by the OPW as of significance and for owners of heritage gardens can be obtained under the Finance Acts. The owner may receive 100 % tax relief on expenditure for maintenance and refurbishment. However, a limiting factor attached to such relief is that reasonable access to the public must be allowed (60 days per annum).

*F109.* Under the local urban and rural development operational programme, subprogramme 3 for urban and village renewal (measure 4), funding has been made available for the conservation and restoration of urban architecture and heritage buildings. Funding proposals will be invited from and through local authorities and conservation groups. This finance, co-funded by the ERDF, will provide a much needed funding mechanism to upgrade significant landmark buildings, including listed buildings, and to restore historic features.

### **Regional policies**

*F110.* Given the lack of a well-developed regional tier in the Irish administrative system, there is no expression of heritage policy at regional level. Almost all policy is developed at national level and implementation is at national and local level.

### **Local policies**

*F111.* Local statutory development plans usually contain policies which deal with heritage, taking into account national policy. Indeed, actual implementation of much heritage policy is taken at local level. The monitoring of threats to and the protection of archaeological sites is largely undertaken through the county development plan. Monitoring is also carried out through the planning authority's consultation of the sites and monuments records (SMRs) of its respective functional area provided by the Office of Public Works.

*F112.* Some local authorities may require an archaeological assessment prepared by a qualified archaeologist (which may include a report on a test excavation carried out by an archaeologist under licence) to be submitted with certain applications for planning permission. Archaeological conditions which may, where appropriate, be included in grants of planning permission may include requirements relating to the carrying out at the developer's expense of archaeological monitoring (with provision for facilitating recording of any archaeological features uncovered), archaeological test excavation (with provision for subsequent full excavation if found necessary) or full archaeological excavation. Conditions may also be included in grants of planning permission requiring that the design of the development be modified so as to allow *in situ* preservation of archaeological features.

*F113.* Each statutory development plan may contain lists of buildings and other structures of artistic, architectural and historic interest or archaeological features which it is the intention of the council or corporation to consider preserving in the event of an application being made to alter or demolish any such building, structure or feature. Where certain qualities such as a medieval streetscape exist in an area, a planning authority may designate the area as a conservation area. The local authority is likely to have strict guidelines or policy statements regarding any proposal for development or alterations in such areas. However, without a statutory basis for the designation of conservation areas or for the protection of interiors of listed buildings and structures which are listed or which lie within a conservation area, these are offered only nominal protection.

*F114.* Development plans also contain designations relating to the natural environment (see Section F: Environmental policy). For the most part, local planning authorities recognise and respect the heritage of their areas and actively enforce the heritage policies contained in their development plans. This is done through the regulation of development (development control function). However, limited finances preclude most local planning authorities from becoming directly involved in the preservation of the built heritage. This situation prevails despite the provision of Section 14 of the Local Government (Planning and Development) Act, 1963, for planning authorities to assist bodies or persons in money or kind to preserve buildings of architectural, archaeological or historic interest or to preserve archaeological features and objects. Certain local authorities, such as Dublin Corporation, do allocate limited funds to grant-aid maintenance and restoration of buildings on Lists 1 and 2 of their development plan or, in the case of Drogheda, where service charges may be waived in respect of listed buildings.

*F115.* In due course, heritage policy should benefit from a more dynamic and innovative approach, given the consolidation of the Departments of Arts, Culture and the *Gaeltacht's* responsibility with regard to heritage policy, the growth in emphasis on heritage issues and the increase in resources being allocated to this sector. It will also benefit from the actions facilitated under the urban and village renewal subprogramme.

## Housing

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*F116.* The desire to own one's home, rather than to rent accommodation, permeates Irish society and fuels policy at national and local level. Almost 80 % of dwellings in Ireland are owner occupied. (O'Connell, 1993 : 250). However, there has also been an acceptance that the goal of home ownership may be out of reach for some households. This has led to housing policy which has also been directed at providing housing either by local authorities or by voluntary groups for those who might not otherwise have access to housing.

*F117.* A number of other factors affect both present and ultimately future housing policy. Firstly, there are demographic changes. These include an increase in the number of people in older age cohorts (this will be a particular problem in 10 to 15 years time), a reduction in the under-15 age cohorts and an increase in the numbers in the household formation age group 20 to 40.

*F118.* Ireland has shown an increased rate of household formation and the number of households has increased by 13.1 % in the years 1980-90. In addition to changing demographic factors, there are a number of changing social factors which affect housing demand, particularly the demand for social housing. These include an increase in marriage break-up, an increase in single parent families, the rise in unemployment and the fall-off in emigration.

## European Union

*F119.* The European Union has no direct responsibility for housing and thus has had a limited influence on Irish housing policy. However, a number of cofinanced initiatives for local development indirectly impact on housing conditions and provision. The URBAN initiative, for example, provides for improvements of open spaces including green areas which may be part of housing estates, and the Leader initiative has indirectly supported rural settlement and house building in rural communities, due to its support of the rural economy in general. Ireland would be a participant in events organised by Coface which provides a European perspective on social housing policy.

*F120.* In more general terms, Ireland's demographic profile is changing and is moving more

into line with the European model, with smaller households creating greater opportunities for urban apartment living, which had not been the norm until recently.

### National policies

*F121.* The housing objectives of successive governments has been 'to enable every family to have available an affordable dwelling of good quality, suited to its needs, in a good environment and as far as possible at the tenure of its choice' (Department of the Environment: Social housing — The way ahead, May, 1995).

*F122.* The present government in its policy document 'A Government of Renewal, 1994', stressed that one of its fundamental tasks is to provide everyone with decent accommodation.

### Owner occupation

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*F123.* Due to the strong preference for home ownership, national policy has encouraged owner occupation through a number of fiscal supports namely:

- tax relief on mortgage interest,
- first time buyers' grants, (cash grants of IEP 3 000 for first time buyers of new houses, funded nationally by the Department of the Environment).

*F124.* The existence of such fiscal incentives has led commentators to see this as a bias towards home ownership. The only disincentive to home ownership is a limited residential property tax. Residential property is taxable where the market value of the property is above IEP 94 000 and the gross family income is IEP 29 000 or higher. A graded system of taxation operates and a number of marginal income reliefs are available. This is a central government tax and there is no general local tax on home owners in Ireland.

### Private rented sector

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*F125.* In 1991, it was estimated that the private rented sector consisted of approximately 109 000 dwellings, or 11 % of the total housing stock in Ireland (Department of the Environment,

A plan for social housing, 1991:26). A shortage of dwellings in this sector prompted the Government to introduce an attractive tax incentive scheme under Section 23 of the Finance Act, 1981, to encourage investment in property to rent. This scheme was extended in Sections 27 to 29 of the Finance Act, 1988.

*F126.* Section 27 or Section 23 relief allowed costs incurred in the provision of rented accommodation to be offset against rental income for income tax from all sources in the State or corporation tax purposes. In the 1988 and 1991 Finance Acts, these provisions were extended further. Since 1991, this Section 27 relief has only been available in the areas designated for urban renewal in 34 of the country's cities and towns.

*F127.* While such actions have increased the provision of private rented dwellings and have moderated rent levels, the main advantages have accrued to the landlords, due to the reliefs they gained, rather than to tenants. However, a number of specific measures have been introduced in recent times which have improved the position of tenants. The law has been amended so that:

- the minimum notice to terminate a tenancy has been extended to a period of four weeks,
- rent books are mandatory,
- a set of uniform minimum standards for dwellings in the private rented sector has been introduced,
- the seizure of a tenant's goods to enforce payment of rent is prohibited.

*F128.* From 1996, rented dwellings will be registered with local authorities to assist enforcement of the various statutory requirements. An income tax allowance for tenants was introduced in the 1995 Budget. These reliefs will go some way towards reducing the tax disadvantage suffered by tenants vis-à-vis purchasers.

### Social housing

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*F129.* The main providers of social housing (broadly, that is subsidised housing provided either by the local authority or voluntary groups to households who would not of their own accord be in a position to house themselves) have been the local authorities. In the late 1980s however, the number of houses being provided by local authorities declined. The number of local authority completions dwindled to approximately 1 000

per annum in 1989 as opposed to almost 6 000 per annum in the period 1977-87 (see Table F2). This has led to an increase in the numbers of people on local authority waiting lists. A second factor contributing to the increase of numbers on housing waiting lists had been the sale of local-authority-owned housing to sitting tenants. As a result of such sales, less than 10 % (95 000) of the housing stock is currently owned and rented by the authorities. While this policy, on the one hand, curtails the stock of rented housing available to authorities, there are, on the other hand, benefits from the policy. These include the en-

couragement of employed persons to remain in the estates, better maintenance of houses and reduced liability to authorities in relation to housing management and maintenance.

*F130.* Housing constructed by local authorities has risen in recent years from the trough of the late 1980s. A total of 1 569 units were either constructed or acquired by local authorities in 1993, the figure for 1994 was 2 374. The estimate for 1995 was for 2 833 units built or acquired.

**Table F2. Housing completions (including flats and apartments), 1984-94**

| Year  | Social housing         |                             | Private houses | Total  |
|-------|------------------------|-----------------------------|----------------|--------|
|       | Local authority houses | Voluntary/non-profit houses |                |        |
| 1984  | 7 002                  |                             | 17 942         | 24 944 |
| 1985  | 6 523                  |                             | 17 425         | 23 948 |
| 1986  | 5 516                  |                             | 17 164         | 22 680 |
| 1987  | 3 074                  |                             | 15 376         | 18 450 |
| 1988  | 1 450                  |                             | 14 204         | 15 654 |
| 1989  | 768                    |                             | 17 300         | 18 068 |
| 1990  | 1 003                  |                             | 18 536         | 19 539 |
| 1991  | 1 180                  |                             | 18 463         | 19 652 |
| 1992  | 1 482                  |                             | 20 982         | 22 464 |
| 1993  | 1 200 (369)            | 519                         | 19 301         | 21 391 |
| 1994  | 2 374 (467)            | 890                         | 23 588         | 26 863 |
| 1995* | 2 833 (867)            | 901                         | 26 130         | 29 974 |

\* Estimated.

Source: Department of the Environment Annual Housing Statistics Bulletin.

The figures for private houses from 1993 onwards are not directly comparable with those from previous years which contained an unquantified number of voluntary/non-profit houses.

Local authority house completions for years up to and including 1992 include a small but unquantified number of houses acquired by the local authorities. The number of houses acquired by the local authority in 1993, 1994 and 1995 are included in brackets.

*F131.* The demands for housing and the impact of the move away from the direct provision of housing by local authorities to a more enabling role, which was occurring in other European countries, prompted the government to launch a policy document, Plan For Social Housing, in 1991. This has been augmented by Social Housing – The Way Ahead, in 1995. The Plan for Social Housing introduced new thinking on housing policy due to the changing nature of housing needs. It also introduced new measures to be used by local authorities to tackle the housing problems of their areas. Future strategy was identified as:

- promoting owner occupation as the form of tenure preferred by most people,

- developing and implementing responses appropriate to changing social needs,
- mitigating the extent and effects of social segregation in housing.

*F132.* The actions introduced by the plan to promote owner-occupation were:

- shared ownership scheme,
- mortgage allowance for tenants,
- provision of housing sites.

*F133.* The first two schemes involve cooperative arrangements between the local authority and the household. The first is designed to facilitate access to full ownership of a house in stages by those who cannot afford it in one step. The sec-

ond is an allowance which acts to reduce mortgage repayments over the first five years for tenants purchasing their dwellings or surrendering their local authority dwellings and purchasing another home.

*F134.* Under the third scheme, housing sites are made available at low cost to persons in housing need to provide their own housing, either individually or collectively, through voluntary housing or cooperative housing initiatives.

*F135.* In addition to providing low cost sites, the local authority may operate joint venture housing schemes with building contractors. The local authority makes parcels of land, to which services have been laid, available to builders for the construction of modest houses for sale to selected purchasers. The cost of the site to the builder is based on the actual acquisition and servicing cost to the authority.

*F136.* One of the aims of the Plan for Social Housing was to counteract housing segregation and to support social mix. Persistent high levels of need for local authority housing in the early 1980s, an undue reliance on greenfield development and the effects of a generous grant scheme for local authority tenants to surrender their dwellings in the mid-1980s, had led to the creation of extensive tracts of single class housing occupied by socially disadvantaged persons.

*F137.* The trend in local authority housing is now one of a decisive move away from the building of large estates on greenfield sites to the construction of housing on infill sites, where possible. It also involves building local authority housing as part of other schemes. This ensures a greater social mix and militates against social segregation. One example of the implementation of these policies is illustrated by a project at Douglas Road, Cork, carried out by the National Building Agency on behalf of Cork Corporation. This scheme incorporates a mix of private housing, local authority dwellings, a shared-ownership scheme and a scheme of dwellings being provided by a voluntary housing group. Other innovations by local authorities include the purchase of houses in private estates for renting purposes and the improvement works scheme. The improvement works scheme allows local authorities to improve or extend an applicant's existing privately owned accommodation in lieu of providing new social housing accommodation to satisfy particular housing needs.

*F138.* A number of schemes are in operation to improve the housing standards and to upgrade the physical environment in certain older or sub-standard local authority housing estates. Under the Remedial Works Scheme, funds are provided to local authorities for carrying out major works of refurbishment and upgrading of their substandard dwellings including older estates and high-rise or experimental low-cost housing built in the 1960s and early 1970s. A special subprogramme is also in operation to provide bathroom facilities in the estimated 2% of the local authority rented stock which lack these facilities.

*F139.* Local authorities are also increasingly considering tenant involvement in estate management. Local authorities were required by the Housing Act, 1992, to draw up and adopt a written statement of policy in relation to the management and control of local authority housing. The authority may delegate its functions in relation to management and control of dwellings to residents' associations or to other designated bodies. The functions which may be delegated include maintenance, environmental improvement and rent collection.

#### Non-profit voluntary and cooperative housing

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*F140.* The 1991 Plan for Social Housing introduced new schemes and expanded others in an effort to encourage non-profit voluntary and cooperative housing. The two main schemes are:

- the Capital Assistance Scheme, and
- the Rental Subsidy Scheme.

*F141.* The former scheme had been in existence since 1984 and enabled voluntary organisations to meet the housing needs of the elderly, the homeless and the handicapped. The 1991 plan for social housing expanded the scheme, allowing local authorities to give capital grants to 'approved bodies' to a limit of 90% of the scheme (95% in the case of accommodation for the homeless) with a grant limit of IEP 27 000 per housing unit (IEP 33 000 in the case of a family unit). These grant limits were introduced in the 1995 policy document, Social Housing — The Way Ahead.

*F142.* The Rental Subsidy Scheme facilitates voluntary and cooperative bodies acting to house people on local authority waiting lists, in addition to those with special needs. Under the scheme,

repayable loans of up to 100 % of the cost of building are made available to approved bodies by local authorities for the provision of rented accommodation, particularly family-type accommodation. The local authority pays an ongoing subsidy towards rent in respect of each qualified household. This subsidy makes up the difference between the rents paid by the tenant and the cost of the body meeting loan repayments.

*F143.* The expansion of the voluntary and cooperative housing schemes have offered:

- a greater degree of control to many residents over their housing situation,
- some savings to the State compared with constructing and allocating local authority dwellings,
- savings on maintenance.

#### Housing and urban renewal

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*F144.* Recent policy, at national and local level, has shown increasing recognition of the part residential development can play in urban renewal.

*F145.* The most significant residential development in the designated urban renewal areas has taken place since the early 1990s. This was prompted by the decline in demand for commercial buildings and the targeting of Section 27 relief in the designated areas. Since then, there has been a surge of apartment building in Irish city centre areas as noted above.

*F146.* The incentives available under the 1994-97 urban renewal scheme (which came into operation on 1 August, 1994) are weighted more in favour of residential development than in the previous scheme. In particular, the scheme to convert and refurbish buildings for residential purposes will allow owner occupiers to write off 100 % of costs against tax. To promote the development of larger units, the maximum floor size for refurbished or converted flats and apartments has been increased from 90 m to 125 m for the purposes of obtaining incentives.

*F147.* A 'living over the business scheme' has also been initiated on a pilot basis under the 1994-97 urban renewal scheme. It will operate in a number of designated streets in the cities of Dublin, Cork, Limerick, Waterford and Galway.

*F148.* The trend towards residential development in the inner areas of towns and cities has been aided by a more flexible approach in the development plans of the respective local authorities. This includes consideration of development proposals in excess of normally permissible plot ratios and the waiving of some density parking and open space standards in certain circumstances.

#### Regional policies

*F149.* Housing policy is generally drawn up at national level and implemented at local level. Given the lack of a regional tier in the Irish local government system, at least until the recent establishment of eight regional authorities, housing policy has not been developed at regional level.

*F150.* The Buchanan Report, Regional studies in Ireland, published in 1969, recommended a regional settlement strategy based on nine growth centres. However, given a lack of political commitment, this policy was never implemented although it formed the basis of the 1972 Government Statement on Regional Policy. Growth in settlement has occurred organically in Ireland's cities and towns.

#### Local policies

*F151.* Local housing policies, contained in statutory development plans, reflect the aspirations of national policy on housing. Local authorities have adopted policy statements on counteracting social segregation and encouraging tenant participation in the management of their estates.

*F152.* Development plans contain objectives for the provision of local authority housing (indeed, detailed house construction agendas may be included), for the refurbishment of existing local authority houses and for the promotion of the various social housing options.

*F153.* Local authority policy on the siting of both local authority and private housing is usually in favour of infill development. Development plans may identify:

- specific sites, on which it is an objective of the local authority to provide its own housing,
- sites which would be suitable for the subsidised sites scheme, or
- sites which could be utilised by voluntary/non-profit groups.

*F154.* To facilitate private housing developers (particularly designated urban renewal areas), local authorities has given commitments to acquire derelict or obsolete sites through Compulsory Purchase Orders (CPO) or by using their power under the Derelict Sites Act, 1990 which will assist with difficult site assembly and title problems.

*F155.* To promote housing development within major cities, certain local authorities have delineated zones in which a 'residential content' policy exists — that is, a policy which requires a certain percentage of residential content in all new development within the zone.

*F156.* While infill development in cities and towns is now the preferred policy approach to housing provision, it is recognised that this cannot account for total demand. Demand for suburban housing is particularly prevalent in the areas surrounding the larger cities and towns. Most private owner-occupied housing is chiefly built by speculative volume house builders.

*F157.* In the planning of suburban areas, the use of the neighbourhood concept still prevails. This model is used to ensure a good housing mix and the provision of shopping and community facilities where large areas of land have been zoned for residential development. Local authorities may often prepare an action area plan to provide more detailed guidance for prospective developers.

*F158.* In rural areas, specific policies exist to curtail the development of 'one-off housing'. Residential development in certain rural areas may be restricted to the erection of a single house on a farm for the use of a farmer or a member of his or her family, or the erection of a house on the holding of a long-established resident landholder by a member of the landholder's family. The local authority may provide serviced sites within villages and towns to encourage development in settlements rather than in the open countryside.

## **Industrial development**

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*F159.* Ireland is currently facing a number of challenges and opportunities in the industrial arena. The completion of the single market, the establishment of the European Economic Area Agreement (EEAA), the further enlargement of the EU, the economic and social change in eastern and

central Europe and the former Soviet Union and the implementation of international trade agreements, will all intensify competitive pressure on industry in Ireland. Likewise, they will provide opportunities in new and expanded markets. These issues are currently being addressed by Forfas, the policy and advisory board for industrial development and science and technology in Ireland. The implications of these challenges are being projected forward to the end of the decade and beyond in order to provide a long-term strategic framework within which the development needs and potential of enterprise in Ireland can be considered.

*F160.* The combined forces of this changing climate and the need to tackle the double burdens of unemployment (the EU average) and government debt have prompted successive governments to reassess the national approach to industrial policy. The main aim is to improve the effectiveness and competitiveness of the economy and to promote active involvement and enterprise throughout the economy in public and private sectors alike.

## **European Union**

*F161.* European industrial policy has been focused on the creation of the barrier-free Europe of the single European market. The removal of fiscal, physical and technical barriers to allow industry to exploit the entire EU market is now almost complete. Amongst other things, this has led to the harmonisation of incentives across the Union.

*F162.* Irish industry has profited significantly from EU funding. Under the Operational Programme for Industry, 1989-93, almost IEP 900 million of EU funds were directed towards developing science and technology, marketing, education and training for the productive sector. Irish industry is set to receive further support over the five years from 1994 to 1999, due to EU cofinancing of the measures contained in the Operational Programme for Industrial Development 1994-99.

## **National policies**

*F163.* Current industrial policy has been shaped by a number of major reports. The Report of the Industrial Policy Review Group (the Culliton Report) 'A time for change', industrial policy for the 1990s published in January 1992, was a major reassess-

ment of Irish industrial policy. This was followed by the report of the task force established to advise the Government on how the Culliton recommendations could best be implemented, entitled 'The Moriarty Report'. This latter report endorsed the majority of Culliton's recommendations. The government's response was published as *Employment through enterprise — The response of the government to the Moriarty Task Force on the implementation of the Culliton Report*.

F164. The main tenets of these reports and the subsequent government decisions which now influence industrial policy, included the reform of the tax system, greater emphasis on high quality technical and vocational education and on training for those at work. These reports also recommended a shift from grants to equity and other forms of finance for industry. They also placed a focus on establishing industrial clusters around industrial segments and niches of national competitive advantage. In addition, reorganisation of the industrial promotion agencies, including the establishment of a new integrated agency for the development of indigenous Irish managed industry and a separate agency to promote international investment by overseas interest, was recommended.

F165. With regard to the planning system, the Culliton Report recommended that:

- the government make a swift decision on providing for the safe disposal of hazardous waste;
- an improvement be made in the delays experienced at the planning appeals stage;
- recourse to the courts in 'planning cases' should be by way of judicial review only;
- the potential for confusion of responsibility between the Environmental Protection Agency (EPA), the licensing functions of the local authorities and the functions of the planning authorities and *An Bord Pleanála* be avoided;
- the industrial promotion agencies strengthen their capacity to assess the environmental implications of industrial projects;
- a new planning initiative be developed so that sites for particular types of industry would be selected in advance. This would allow infrastructural and planning requirements to be identified, provided for and complied with to the maximum extent possible in advance.

F166. The Government's response to these recommendations was as follows: firstly, that a rec-

ommendation on the safe disposal of hazardous waste would be addressed in the context of the national development plan. This has, however, been postponed until such time as the EPA has prepared a national waste plan (see Section F: Waste management and pollution).

F167. Secondly, the administration of the planning system would be made more effective and efficient (to benefit industrial developers), through the implementation of new regulations. This was addressed by the Local Government (Planning and Development) Act, 1992 and the Local Government (Planning and Development) regulations, 1994. The 1992 Act has led to the more expeditious processing of appeals and the 1994 regulations have created a more transparent application process, as they state more clearly the requirements and procedures relating to the application process.

F168. While recommendations made in the Culliton Report called for the adequate coordination and integration between the licensing procedures under the EPA Act, 1992 and the planning process, there is still a need for greater coordination between both bodies and the two procedures.

F169. While it is likely that both applications (planning application and integrated pollution control licence application) will be lodged with the EPA and the planning authority at the same time and will be processed concurrently, it is clear from the provisions contained in both sets of legislation that they must operate independently. Under Section 98 of the EPA Act, 1992, a planning authority, when faced with an application for planning permission in respect of a development which is also subject to licensing by the EPA, cannot consider any aspects of air pollution, water pollution, noise or similar matters. Likewise, in appeals, *An Bord Pleanála* may not address pollution aspects.

F170. Despite the environmental benefits accruing from the introduction of integrated pollution control licensing, the system may initially place a burden on enterprises, given administrative costs of preparing applications, the substantial application fees and the monitoring charges payable to the EPA. In the planning arena, debate is still continuing as to the practicality of separating the planning decision from the licensing decision in certain instances (see Meehan, B., 1995:32). However, the introduction of the IPC licensing does have advantages for the industrialist. It is

more efficient than the former separate licensing and permitting system. It provides vindication of the efforts of those operations which have rigorously upgraded their environmental management and it generates cost benefits, for instance, in reducing the use of resources.

*F171.* The recommendation of the Culliton and Moriarty reports on the pre-selection of industrial sites, while being embraced by Government in Employment through Enterprise, has not been enacted. It was considered by the Department of the Environment that it would be imprudent to select specific sites for certain industries as it might imply a by-passing of the proper planning system. However, the Government policy document 'A Government of Renewal' has stated that 'a national land-use policy plan will be drawn up to provide guidelines for both national policy decisions and planning authorities in relation to the location of agricultural, industrial, forestry, aquaculture and tourism developments' (*Fine Gael*, the Labour Party and Democratic Left, 1995:60). Such an action would assist industrial investors in identifying potential development sites.

*F172.* The programme of investment outlined in the operational programme for industrial development will support the implementation of many of the recommendations already endorsed by government.

*F173.* The subprogrammes of the operational programme focus on:

- indigenous industrial development,
- inward investment,
- research and development,
- market development,
- development of the *Gaeltacht*,
- development of the food industry, and
- development of land and buildings, and technical assistance.

*F174.* Total investment of ECU 4 422 million will be spent over the period 1994-99, 65 % of this finance emanating from the European Structural Funds.

*F175.* Due to the wide ranging nature of industrial policy, a number of government departments and agencies are involved in its implementation.

- The Department of Enterprise and Employment — direction of the Minister, for the formulation of industrial policy and for the monitoring and reviewing of policy implementation.

- *Forfas* — is the policy advice and coordinating board for industrial development and science and technology in Ireland, providing advice to the Minister and the Department of Enterprise and Employment. It is also the body through which powers are delegated to *Forbairt* and IDA Ireland.
- The Department of Tourism and Trade — responsible for the development policy.
- The Department of Arts, Culture and the *Gaeltacht* — responsible for the development of the cultural and film industries and of *Gaeltacht* areas.
- The Department of Education — responsible for the national education policy and its implementation, as well as various aspects of industrial training.

*F176.* The agencies which are involved in implementing industrial policy are, IDA (Industrial Development Agency) Ireland, *Forbairt*, Shannon Development (The Shannon Free Airport Development Authority), *Udara's na Gaeltachta*, *An Bord Trachtala* (The Irish Trade Board), FAS (The Industrial Training Authority), *Teagasc* (The Agriculture and Food Development Authority) and *An Bord Bia* (a profile of these agencies is contained in Sections B and C).

### Regional policies

*F177.* The development of industry at regional level is one dimension of industrial development policy which remains relatively underdeveloped. While growth centre policy was posited by Buchanan in the Regional Studies Report in 1969 (which would have had greater implications for spatial planning policy), policy as pursued has favoured the dispersal of industrial development throughout the country.

*F178.* The eight new regional authorities may, in time, integrate industrial development policy and infrastructural planning, through coordination of the relevant statutory agencies and local authorities. However, at present, the role of the regional authorities is one of coordination and monitoring.

*F179.* Following recommendations of the Moriarty report, *Forbairt*, the new agency for promoting Irish-owned industry, brings together, in a more integrated way, the development and support services formerly offered by the State agencies (the Industrial Development Authority, *An Bord Trachtala* and *Eolas*) and the agency operates through a system of regional boards. The De-

partment of Enterprise and Employment is working with both Forbairt and the county enterprise boards (see below) to improve the regional and county coordination for the development of indigenous industry.

*F180.* Actual statements of policy with regard to industry at regional level were expressed in the submissions of the subregional review committees to the National Development Plan.

### Local policies

*F181.* At local level, planning authorities ensure that their development plans contain policies relating to industrial development. Most planning authorities ensure that an adequate supply and range of land is available within their functional area for industrial development. Land zoned for industrial purposes is often fully serviced and, in most of the larger towns and cities, the local authority will have specific industrial estates which have been developed in conjunction with the former Industrial Development Authority (now *Forbairt* and IDA Ireland). However, there is no assurance that a proposal for industrial development within an industrial estate will automatically be approved. Local planning authorities will carefully consider the merits or otherwise of each application for individual units therein. The trend, at present, is to develop business and technology parks to cater for growth in the service sector.

*F182.* Also working at local level to implement industrial policy are the county enterprise boards (CEBs) (see Section C). Under Subprogramme 1 of the operational programme for local urban and rural development, which is focused on local enterprise, the CEBs provide support for small local enterprise initiatives. They are an important source of local funding for small indigenous industries and a source of business advice and consultancy. The enterprise action plan prepared by each CEB will outline a strategy to create more viable business through the identification of local strengths and resources in the county and the provision of a range of support services at local level.

*F183.* It is hoped that the county enterprise boards, subject to funding availability (are currently 75 % funded by the EU and this funding is due to cease in 2000), will become a coordinated source of advice for local enterprises in a county. The development of the county enterprise boards is a recognition of the importance of small businesses and they go some way towards

addressing some of the recommendations of the task force on small businesses.

### Leisure and tourism

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*F184.* Tourism and leisure are major growth areas of the Irish economy. Tourism, in particular, has been earmarked by government as an area of huge potential for job-creation and economic growth. Due to the changing trend in the nature of international tourism, the type of tourism products being developed in Ireland — that is, activity-based holidays, in an unspoilt natural environment in a temperate climate — are currently in demand.

*F185.* As a consequence of Ireland's low population density by European standards, there is, overall, ample space for recreation and leisure pursuits without the significant environmental impact experienced in other European countries. However, localised impacts do occur at specific sites close to major centres of population and certain popular tourist areas, such as Dingle, the Burren and Connemara and become overcrowded in peak periods.

*F186.* However, the need to protect the natural environment and scenery on which Irish tourism policy hinges has led the Government to stress the importance of a sustainable tourism strategy. Planning has an important role to play in the development of this strategy as it is in a position to strike the balance between encouraging tourism development while protecting the environment.

### European policies

*F187.* EU regional policies and Community initiatives have had a considerable impact on tourism provision and development in Ireland. EU financial aid from the Structural Funds has had and will continue to have an impact on the development of the Irish tourism industry both through the provision of new tourism infrastructure but also through human resource and support measures. A number of EU programmes also affect tourism development indirectly. Envireg, Interreg and Leader provide funds for activities, such as reducing coastal pollution, developing cross-border tourism and developing rural tourism in local areas. Training initiatives, such as Comett, are also open to the tourism sector. Even the subpro-

gramme on urban and village renewal aims to improve urban environments for tourism purposes, amongst others.

### National policies

*F188.* At national level, tourism has been identified by government as a sector of major importance for economic development and this is reflected by the emphasis placed on tourism policy by successive governments since the late 1980s.

*F189.* Factors which have led the government to formulate a strong national tourism policy include:

- high levels of unemployment in the Irish economy and the recognition that tourism has huge potential for job-creation as it is a labour-intensive industry,
- the strong economic performance of tourism and its potential to generate foreign revenue earnings,
- the potential of tourism as an instrument of regional development,
- the use of indigenous resources as the 'raw material' for the tourism industry, and
- the availability of EU structural funding.

*F190.* Tourism policy has been strengthened since 1987 when the Programme for National Recovery 1987-90 (PNR) identified the sector as one of considerable potential. In the PNR, the government set ambitious targets for tourism development which were increased by the Programme for economic and social progress.

*F191.* The achievements of the targets set by government were aided, in part, by the inflow of EU Structural Funds under the Operational programme for tourism 1989-93. That programme, based on a detailed analysis of the distinctive strengths and weaknesses of Irish tourism, involved investment of IEP 380 million or about ECU 470 million over the five-year period, in the areas of product development, marketing and training.

*F192.* A number of key tourism products were developed under the programme, including:

- the restoration of the Shannon/Erne waterway and navigational improvements to other key waterways,
- 45 all-weather health and leisure facilities, and
- 25 new or improved conference centres.

*F193.* In addition, funding contributed to the development of a myriad of cultural and heritage developments, marinas and angling developments. Investment in marketing helped generate additional tourism business and, in the training area, the annual targets set in terms of trainee numbers were substantially achieved.

*F194.* In the period covered by the 1989-93 Operational programme for tourism, tourism in Ireland grew in economic importance, reflected in the following statistics:

- the industry share of GNP increased from 5.8 % in 1988 to over 7 % in 1993,
- tourism related jobs accounted for 50 % of the net increase in employment over the 1988-93 period, and
- overseas visitor revenue was estimated at IEP 1 367 million or ECU 1 691 million in 1993.

*F195.* Due to the successful performance of the tourism sector, both as part of employment strategy and as an instrument of regional development, commitment to the sector was again expressed in the Programme for competitiveness and work, 1994-96, with new targets for further significant growth set out in the National Development Plan, 1994-99, and reiterated in the Community support framework, 1994-99. The principal objective of the national tourism strategy over the period 1994-99 is to maximise Ireland's tourism potential by:

- increasing tourism revenue from IEP 1.37 billion in 1993 to IEP 2.25 billion in 1999,
- creating 29 000 more jobs in the economy (directly and indirectly),
- increasing the proportion of visitors taking holidays in Ireland outside the peak period from seventy to 70 to 75%, and
- improving the quality of service in the Irish tourism product through the provision of high-quality training programmes.

*F196.* The main action through which these objectives will be pursued is the Operational programme for tourism 1994-99. In addition, certain actions within the Operational programme for local, urban and rural development will be tourism related, with indirect support for tourism also emanating from the improvements made to the Irish transport infrastructure under the auspices of the operational programme for transport, 1994-99.

F197. The Operational programme for tourism, 1994-99, is divided into five sub-programmes focused on achieving growth in tourism as follows:

- Sub-programme 1: National/cultural tourism
- Sub-programme 2: Product development
- Sub-programme 3: Marketing
- Sub-programme 4: Tourism training
- Sub-programme 5: Technical assistance.

F198. The programme's main measures are as follows:

- Continued development of the tourist potential of the natural and cultural heritage.
- Development of the Irish tourism product to meet gaps in the market, including the implementation of at least four large-scale projects intended to boost tourism in terms of volume, revenue and impact on the economy.
- Increased support for marketing, in particular to develop off-season international tourist events, but also to develop new markets, and to attract high yield business.
- Development of training in the field of tourism.
- Technical assistance measures.

F199. Corresponding to its commitment to sustainable development, the government states that future investment must respect and preserve Ireland's unique natural and man-made heritage. The Operational programme for tourism states that 'Under this programme, all development will be required to comply with the best environmental standards. Towards this end, the application of planning law to projects will be critical in ensuring that future tourism and other related developments are compatible with the environment' (Government of Ireland, 1994:112).

F200. State provision of national parks in Connemara, Donegal, the Burren, Wicklow and Killarney, not only provide a means of conserving the natural heritage, but they also provide an important natural resource for leisure and tourism. Following the controversy over the provision of interpretative centres in the National Parks, retrospective management plans have been prepared for these areas, for example 'The Wicklow Uplands: A management strategy'. In 1987 the Department of the Environment produced a policy document relating to a general parks' policy for local authorities entitled 'A policy for the provision and maintenance of parks, open spaces and outdoor recreational areas by local authorities'. This provides guidelines for the provision of parks,

play areas and incidental open space in cities and housing estates.

F201. The introduction of consolidated planning regulations in the Local Government (Planning and Development) Regulations, 1994, and which include provision for planning permission to be obtained by State agencies, a consultation procedure to be followed by local authorities and the abolishment of the exempted status of golf courses will bring many tourism and leisure related developments further within the remit of the planning authority.

#### Monitoring of policy implementation and its results

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F202. Because of its important contribution to the economy, the performance of the Irish tourism industry has been monitored to a significant extent in recent years. Due to the scale of investment in tourism envisaged as a result of the operational programme for tourism, a clearly defined system of monitoring and coordination has been put in place. This includes both a tourism coordinating committee and a national monitoring committee. The former will act to ensure that projects submitted for funding under the operational programme are consistent with government policy and that they will be properly integrated and uniformly assessed. The National Monitoring Committee will ensure that the operational programme for tourism is implemented so as to achieve the objectives which have been set.

#### Implementing agencies

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F203. Due to the nature of tourism as a disparate collection of goods and services, there are a large number of agencies involved in implementing policy.

F204. At national level, in addition to the Department of Tourism and Trade, the Department of Arts, Culture and *Gaeltacht* and the Department of the Marine which have a major role to play in implementing tourism policy, the most important agency is *Bord Fáilte* the Irish National Tourist Board (see Section D, Tourism development). *Bord Fáilte* is responsible for assisting product development and, therefore, administers and coordinates funding in relation to new tourism prod-

ucts throughout the country, except for counties Clare, Limerick, North Tipperary, North Kerry and South West Offaly, where Shannon Development is charged by the government with this responsibility, (see Section B, Regional organisations and Section D, Regional economic Development). *Bord Fáilte* is also responsible for the marketing and promotion of tourism at home and internationally in consultation with public and private sector tourism interests.

*F205.* *Bord Fáilte*'s tourism development plan entitled 'Developing sustainable tourism' was published in 1994. One of the key themes of the plan is developing tourism which will be economically, environmentally and socially sustainable. A framework for development comprising four elements has been developed by *Bord Fáilte* to guide individual investment decisions and to ensure the full potential of each area of the country is realised. This framework has four elements as follows:

- tourism centres,
- rural tourism areas,
- touring areas,
- special interest activity areas.

*F206.* *Bord Fáilte*'s aims and objectives fundamentally mirror the government's objective for tourism policy as outlined in the operational programme for tourism.

*F207.* CERT, the national State-sponsored body responsible for coordinating the education, recruitment and training of personnel for the tourism industry, is responsible for implementing the training programmes outlined in the Operational programme for tourism. CERT liaises and cooperates with the vocational education colleges and the Dublin Institute of Technology.

*F208.* While government investment in tourism remains strong, the increasing trend is towards private sector investment and the provision of tourism facilities.

### Regional policies

*F209.* At regional level, the seven regional tourism organisations (RTOs) develop and promote regional and local tourism. They run the tourist information offices, publish promotional material and ensure as far as possible that the objectives set out in their own development plans are met.

### Local policies

*F210.* Local authorities' policies mirror central government's commitment to tourism and leisure development. They recognise the potential of tourism for their local area but temper this with concern for environmental protection. At county and county borough level, local authorities are involved in implementing tourism and leisure policy directly by:

- maintaining or restoring properties in their ownership and providing public access, e.g. Newbridge House, Co. Dublin,
- developing, maintaining and operating municipal golf courses,
- opening and maintaining parks, and, indirectly, by
- environmental improvement to villages and towns,
- financial support to regional tourism organisations.

*F211.* Local authorities and private interests are the main providers of recreational facilities at local level. Planning authorities' statutory development plans outline objectives and policies for leisure and amenity providing a framework for developments initiated by the private sector. Most direct provision by the local authorities takes the form of parks and open spaces which are provided in a hierarchical manner corresponding to Department of the Environment's policy document setting out a general park's policy for local authorities.

*F212.* Planning authorities draw up substantial tourism policies for inclusion in their statutory development plans, are limited from direct involvement in implementation, due to financial restrictions. In their development plans, planning authorities may identify the towns and villages at county level with the greatest tourism potential. Within these towns or villages, specific sites for certain forms of tourist development are identified. Indirectly, through the development control process, planning authorities may encourage suitable developments or limit unsuitable developments which would impinge on the tourism potential of an area. Policies relating to the protection of coasts, waterways and parkland and policies for carrying out amenity works, such as, providing jetties and slipways at lake shores, and seating and picnic areas in forest parks, all contribute to the leisure and tourism resources of a local area.

*F213.* In recent years, at county and local level, a number of groups, commercial, private, voluntary and community-based, have formed to develop and promote tourism in a specific region, area, town or village. In some cases, tourism forms part of an overall rural development strategy, in others, tourism is the main focus. Examples include the County Wicklow Tourism Authority — report entitled 'Tourism in Co. Wicklow maximising the potential'; the FORUM (a rural development partnership in north-west Connemara) report entitled 'A plan for Community-led sustainable tourism in northwest Connemara, 1994-97' produced in 1993, prepared under Poverty 3 programme and Ballyhoura *Faillte's* (a community-based tourism co-op based in Kilfinane in Co. Limerick) integrated plan which includes a strategy for tourism development funded by the EU under the Leader programme within this local community area.

## Natural resources

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*F214.* Ireland's natural resource base consists of agriculture, fisheries, forestry and minerals. Agriculture, due to its vital role in the rural and indeed national economy, is a key sector in the Irish economy. Despite its decline, it accounts for around 9 % of GDP and some 13.3 % of employment, significantly higher than EU averages. Likewise, fisheries continue to play an important role in the economy of coastal communities with the fishing fleet providing employment for almost 8 000 people and the fish processing sector providing employment for some 3 500 people. Forestry is a sector with potential for development. At present, Ireland has the lowest level of forestry in the EU at 7 % of total land area. However, in recent years, it has become a growth area and has been given a high priority for development by the government and is financially supported by Structural Fund assistance. Ireland has considerable base metal deposits, important industrial minerals and a plentiful supply of aggregate deposits, particularly sand and gravel associated with the country's glacial history. In the forestry and mining sectors, some of the most important current policy issues relate to the environmental impacts of both land uses. Mining in Ireland has been a particularly controversial land use illustrated by the extent of public opposition to development proposals.

## European Union

*F215.* EU policy has directly influenced the agriculture, fisheries and forestry sectors. Reform of the common agricultural policy (CAP) has meant huge changes for Irish farmers, who must now compete in a more competitive and quality conscious market without the benefits of extensive subsidies from the guarantee section of the EAGGF. However, the reform of the CAP has also led to new initiatives which will benefit Irish farmers, including an early retirement scheme and agri-environment and forestry schemes. These measures are cofinanced from the guidance section of the funds. European policy on agriculture strives to maintain family farming as a means of food production and of preserving the natural environment. To achieve such an aim the EU seeks to implement a rural development policy, which combines agriculture with other forms of economic activity. This type of thinking has influenced Irish agriculture policy.

*F216.* Recent development in the forestry sector has been largely as a consequence of the availability of Structural Funds. Without such support few landowners would be in a position to sustain the long-term delay before a return is gained on investment. In this respect, forestry development has been driven by EU policy.

*F217.* EU policy has also influenced Irish fisheries. Under the European Community fleet guidelines, the total capacity of the Irish fisheries fleet must be reduced by 5 % by the end of 1996. Such a reduction must take place alongside a considerable programme of fleet modernisation to comply with EU guidelines.

## National policies

*F218.* Agricultural policy in Ireland reflects the policy of the EU, national recognition of the potential of the sector to maintain and create employment both directly on farms and as an input into the food industry and the importance of agriculture to the maintenance of the rural economy and landscape.

*F219.* The aim of agricultural policy as outlined in the Programme for competitiveness and work under the subprogramme for Competitiveness and rural development is to:

- maximise the contribution of the farming, food and forestry sectors to the national economy in terms of employment and value added, and

- maximise the number of viable farmers and farm households in rural Ireland, at sustainable living standards in line with those in other sectors of the economy.

*F220.* To increase agricultural competitiveness, the government is committed to increased efficiency in production and improving marketing and quality of produce through structural investment. In addition, considerable investment will be made in 'on farm' measures, particularly to farmers in the lower income and resource categories. These will be focused on actions which will allow farmers to comply with new EU directives on dairy hygiene and animal welfare and to carry out investment relating to pollution control. In less-favoured areas compensatory allowances will be paid to help maintain farm incomes (headage payments). Funding for these measures will be cofinanced under the Operational programme for agriculture, forestry and rural development, 1994-99.

*F221.* To achieve structural reform and thus maximise the number of viable farms, Ireland will benefit under the Farmers' Early Retirement Scheme and the Young Farmer Installation Scheme.

*F222.* To assist the farmer as an environmental manager, commitment has been given by government to a number of initiatives:

- Support for investment in farm pollution control, which continues the advances made under the control of farmyard pollution programme under the CSF 1989-93.
- The agri-environment scheme. This is one of the CAP reform accompanying measures, which supports farming which is compatible with the environment. The scheme involves:
  - extensification including conversion to organic farming,
  - long term (up to 20 years) set aside and
  - the rural environment protection scheme (REPS).

Under the REPS, farmers following traditional farming practices and a basic code of good practice will receive an annual payment of about IEP 125 per hectare. The code includes following a waste storage, management and fertilisation programme for the farm, avoiding overgrazing, protecting and fencing off water courses, retaining all wildlife habitats, and protecting historic and archaeological monuments. Extra funding (a 20 % addition to the basic premium) is available

for farmers in areas suffering from overgrazing, natural heritage areas and water quality sensitive areas.

- Farm diversification. Aid will be available for those who develop alternative farm enterprises involving non-surplus producers including horticulture, deer, goats, rabbits, and rural tourism initiatives.
- Leader II will play a part in further developing integrated rural development strategies and providing support for the development of alternative enterprises in tourism, small enterprises and local services.

*F223.* These initiatives can be seen as positive in planning terms, especially as most land used for agricultural purposes, is considered exempted development under the planning acts. Under the REPS the actions taken to comply with the code of good practice require planning permission (i.e. waste storage facilities over a certain size), with funding only forthcoming if permission is granted.

*F224.* Such schemes have, therefore, encouraged farmers to comply with planning regulations. In addition, many large-scale agriculture developments, for example, large pig and poultry rearing installations are subject to EIA procedures as part of the planning process.

## Forestry

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*F225.* The development of forestry in Ireland has recently gained full government commitment. Forestry is particularly dependent on public investment and, especially in Ireland, on EU investment. Increased planting took place following the introduction of the EU funded Programme for Western Development 1981-91 and the EU funded Forestry Operational Programme 1989-93. Since the 1980s, forestry has become an increasingly attractive option for those farmers who have 'waste' land, not only due to the advent of generous planting grants and premiums but because of decreased prices for agricultural commodities and falling farm incomes.

*F226.* In line with their commitment to forestry, the government has adopted a planting programme of 80 000 ha a year to the year 2 000.

The achievement of this target will be aided by the support of EU finance through:

- The introduction of a new forestry programme as part of CAP reform. This programme emphasises farm forestry and provides attractive incentives for planting.
- The funding of measures under the Community support framework for provision of roads, harvesting, training, publicity measures and development and technical assistance.

*F227.* The government has also targeted the timber processing industry as a sector of considerable potential. To this end the government is encouraging the set up of a number of large processing plants both by *Coillte*, the State Forestry Company and by private ventures.

*F228.* Whilst it is to be encouraged for its employment creation potential and as an alternative to agriculture, forestry can have a significant effect on the environment. Afforestation can lead to the removal of wildlife habitats, damage fisheries and water quality and can impact on the visual landscape of an area.

*F229.* Consequently the government and those involved with afforestation have recognised the importance of the environmental impact of forestry and have implemented a number of important steps to negate these impacts. Firstly, guidelines have been issued relating to forestry and fisheries, forestry and archaeology and forestry and the landscape. Compliance with these guidelines is a prerequisite for the receipt of grant aid for forestry development. All applications are examined by the forestry service as to their environmental compatibility. Secondly, broadleaf planting is being encouraged by the increase in grants for such planting by private landowners.

*F230.* Planting of land for forestry is considered exempted development save for projects where planting exceeds 200 ha which require planning permission and are subject to the EIA process. This threshold excludes all but the largest projects and it is considered by many to be too high. A review of controls on the scale of forestry development and the effectiveness of planning controls in this area is currently being undertaken by the Minister for Agriculture, Food and Forestry in conjunction with the Department of the Environment.

## Fisheries

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*F231.* The sea fishing, aquaculture and fish processing industries make an important contribution to coastal regions in terms of output, employment and exports. The government is seeking to strengthen the fishing industry's contribution to the national economy and particularly its contribution to growth and employment in coastal communities. Investment in fisheries has been planned under the Community support framework, Operational programme for fisheries, 1994-99. This investment will be focused on a number of sectors:

- Marine and land-based aquaculture development — including construction of new aquaculture installations and the modernisation of existing units, research and development and the piloting of projects for cultivation of a number of species.
- Fleet development — restructuring and modernisation of the fleet and the exploration and take-up of unexploited fishing opportunities.
- Fish processing development — provision of new facilities and the upgrading, modernisation and extension of existing facilities.
- Capital renewal and development of infrastructure and facilities at fishing centres and local harbours.
- Promotion of fishery and aquaculture products.
- Marine research under the auspices of the National Marine Institute and the Department of the Marine.
- Human resources development — provision of training in the National Fisheries Centre and a mobile training unit to facilitate training at fishery ports around the country.

## Minerals

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*F232.* A strategy for the development of the mining industry has been developed by the National Minerals Policy Review Group. The report of the group contained 52 recommendations for action by government and the minerals industry, aimed at encouraging vigorous and responsible minerals exploration and development and maximising job creation therefrom. Twenty of these recommendations relate to mining and the environment, other issues covered by the report are the legislative

and administrative framework, fiscal incentives and employment in the minerals industry.

F233. Many of the group's recommendations have already been implemented, including a streamlining of the mine permit process through closer cooperation between the authorities involved, namely, the Department of Transport, Energy and Communication, the EPA and the local planning authority.

F234. The government, while committed to the mining industry, is also committed to sustainable development and environmental protection. In planning legislation, certain mining activities are considered exempted development when carried out in accordance with the terms and conditions of a lease or licence, issued by the Minister for Transport, Energy and Communications.

F235. Consideration of the environmental effects of mining are a statutory requirement, as under the European Community (Environmental Impact Assessment) Regulations, 1989 and the Local Government (Planning and Development) Regulations, 1994 'all extraction of minerals within the meaning of the Minerals Development Acts 1940-79 are subject to the completion of an EIA'.

F236. Under the integrated pollution control licensing system operated by the EPA, new activities involving the extraction and processing of minerals, and storage of related mineral waste will be subject to integrated pollution control licensing. Most mining development, therefore, requires planning permission, an EIS, an integrated pollution control licence and a State mining facility (lease or licence).

F237. A set of guidelines entitled Guidelines for good environmental practice in mineral exploration, were issued by the exploration and mining division of the Department of Transport, Energy and Communications in November 1994 clearly outlining all of the areas to which environmental attention should be given in the mining process.

### **Regional policies**

F238. There are specific policies articulated at regional level relating to forestry or minerals. Policy is largely determined locally and is dependent on the existence of the resources and the local exploitation thereof.

F239. There is some regional variation with regard to agricultural policy as large areas of the country including almost the entire west coast of Ireland are designated as disadvantaged areas. Within these areas agricultural grant aid in the form of headage payments are available for cattle, horses, sheep and goats. Differential grant levels of payment are available depending on whether the area is classified as more severely handicapped, less severely handicapped or as a coastal area with specific handicaps. This policy has had an adverse impact on the environment in certain areas as it has encouraged overgrazing of vulnerable areas.

### **Local policies**

F240. The development plans of local authorities in rural areas contain policy statements with regard to agriculture. In general these permit agricultural development in rural areas but contain the caveat that they may not be permitted in areas of high amenity. Agricultural buildings are usually required to be constructed in a manner that minimises their environmental and visual impact. Specific policies may be continued with regard to intensive agricultural uses. Rural local authorities all stress that adequate facilities are available for efficient handling, holding and disposal and most authorities require development to adhere to the Department of Agriculture booklet *Guidelines and recommendations on control of pollution from farmyard wastes*.

F241. At local level, policy wavers greatly with regard to minerals and sand, gravel and rock quarrying. In some areas, local authorities may have a mineral protection policy, outlined in their development plan, through which they endeavour to protect identified deposits for possible exploitation or protect existing operations. In other development plans, local authorities identify areas where there are restrictions on mineral extraction.

F242. Many plans, have policies which stress the need for high quality landscaping, pollution control and restoration procedures where minerals or aggregates are being extracted. Those counties which have experience of extractive industries and have known deposits are more likely to include detailed policy sections and detailed controls regarding the exploitation.

F243. Local authority policy with regard to forestry is also available. Most development plans contain policies with regard to forestry but these are usually confined to statements which caution

against afforestation which would impinge on views and scenic areas, relating to the retention of hedgerows and the minimum amount of broadleaves in the species mix.

*F244.* In some cases, local authorities outline positive policies relating to forestry, committing themselves to encouraging afforestation on appropriate locations. Implementation of policy for local authorities is difficult given that afforestation projects under 200 ha are exempt from planning control. Planning authorities will only be directly involved in afforestation where a project is over 200 ha and requires an EIS. Local authorities are consulted by the forest service of the Department of Agriculture, Food and Forestry with regard to proposals for forest grant assistance in natural heritage areas and areas of special control. Ultimately, decisions on grant assistance lie with the Department.

## Transport

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*F245.* The development of an efficient transport network is seen as being of primary importance to Ireland's social and economic development. An adequate internal and access network is essential in terms of economic development for two reasons:

- to enable Ireland to exploit more successfully growth in foreign trade and services.
- to help offset the forces which impel economic development to the already developed central areas of the European Union.

*F246.* Ireland is at a considerable disadvantage with regard to transport, being an island beyond an island and now the only EU Member State without a direct link to mainland Europe. Adequate cost effective sea and air transport is, therefore, essential. In addition to disadvantages experienced due to inadequate access transport facilities, the internal transport network is relatively underdeveloped. Roads, which are the dominant mode of internal movement, are often of poor quality and the railways, due to under investment in this transport mode, are, in some instances, past normal life expectancy.

## European Union

*F247.* Transport has long been identified as a key component of European integration. It is seen as

having a crucial role to play in ensuring the diffusion of growth throughout the regions of Europe and in enabling the less-favoured regions to catch up. To this end the development of Ireland's transport infrastructure has benefited considerably from the aid of EU finance.

*F248.* In particular, the development of trans-European networks which address the issues of European accessibility requirements and notably the need to link island, landlocked and peripheral regions with the central regions of the Community, have allowed Ireland to access substantial funding for the development of its transport network.

*F249.* Total investment in transport under the 1989 to 1993 Community support framework has been estimated at IEP 990 million of which IEP 640 million was provided by the ERDF. In 1993 the Cohesion Fund provided additional EU support for transport projects costing some IEP 80 million. Through the Operational programme for transport, 1994-99, under the Community support framework 1994-99, and the Cohesion Fund, an estimated IEP 2 611 million is to be invested in transport infrastructure over the six-year period, well over half of the funds emanating from the EU.

*F250.* Under the Interreg II Community initiative, EU aid is payable in respect of certain road schemes in the border area and in maritime counties of the east and south-east. In addition, under the EU special support programme for peace and reconciliation in Ireland and Northern Ireland, 1994-99, funds are also being made available for non-national roads in the border area to promote cross-border trade, tourism and other links.

## National policies

*F251.* Increased spending on transport infrastructure during the 1980s has in no small way been influenced by the availability of Structural Funds, and more recently, Cohesion Fund assistance from the EU. Likewise, during the 1980s the government has recognised the contribution that high quality transport infrastructure can make to economic development.

*F252.* The Operational programme for transport, 1994-99, itself is the most important published policy document on the transport issues and it forms the basis of transport policy for the next six-year period. Policy as outlined in the Opera-

**Table F3. Proposed financing of total transport investment**

| Type of investment (1994 prices) | Planned expenditure 1994-99 |              |
|----------------------------------|-----------------------------|--------------|
|                                  | ECU million                 | IEP million  |
| National primary roads           | 1 360                       | 1 099        |
| National secondary roads         | 142                         | 114          |
| Non-national roads               | 547                         | 442          |
| Mainline rail                    | 340                         | 275          |
| State airports                   | 278                         | 225          |
| Commercial seaports              | 95                          | 77           |
| DTI* and other public transport  | 439                         | 356          |
| Regional ports                   | 21                          | 17           |
| Technical assistance             | 7                           | 6            |
| <b>Total</b>                     | <b>3 229</b>                | <b>2 611</b> |

\* The DTI figure excludes roads expenditure.

NB: Figures include expenditure cofinanced by the Regional Fund and Cohesion Fund and non-cofinanced national expenditure.

Source: Operational programme for transport, 1994-99.

tional programme for transport is aimed at meeting identified needs of transport users including industry, tourism, urban renewal and subregional development. The programme comprises two subprogrammes:

- the national economic development subprogramme, and
- the subregional economic development subprogramme.

*F253.* The former concentrates on strategic transport infrastructure and facilities, principally national roads, mainline rail, commercial seaports and State airports. The latter deals with investment in key subregional and local transport infrastructure and facilities, that is, non-national roads, the Dublin Transportation Initiative and the development of regional ports.

*F254.* The Operational programme for transport, 1994-99, provides a significantly greater emphasis on public transport than previous policies. While national primary roads remain a significant focus for investment, only 35 % of the programme will be devoted to them. In explaining why there has been a reorientation of transport strategy towards greater emphasis on public transport and the adoption of a more integrated approach, the Minister for the Environment has stressed the importance of applying the principle of sustainable development to transport investment: 'Nationally our approach must be one

which seeks to develop a transport infrastructure appropriate to our social and economic needs while ensuring that we do not compromise the future for the generations which follow' (Minister for the Environment, 1994).

*F255.* In developing national primary roads, which account for 3 % of the total road network and 27 % of road traffic, four strategic corridors will be focused on:

- North/South: Belfast - Dublin - Rosslare - Waterford - Cork.
- South/West: Dublin - Limerick/Shannon - Cork.
- East/West: Dublin - Galway - Sligo.
- Western: Sligo - Galway - Limerick - Waterford - Rosslare.

*F256.* The bulk of the routes included in all four corridors are part of the trans-European network proposed by the EU. The western corridor counteracts the radial (ex Dublin) nature of the other corridors. These corridors link the largest centres of population within Ireland and also provide access between the major strategic seaports and State airports.

*F257.* The major objective of the roads policy is to complete the development of the national primary networks by 2005 and to ensure a minimum level of service which, on completion of the network, will provide an inter-urban travel speed

of 80 kph. Total time savings of 204 minutes are projected for the four corridors.

*F258.* The strategy followed consists of two principal measures: major road improvements and integrated network improvements (the aim is to bring the remaining sections of national primary routes up to specified stringent standards).

#### National secondary roads

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*F259.* These constitute 3 % of the road network and 11 % of total road traffic. Development and investment in the period 1994 to 1999 will focus on a small number of routes which are of particular importance, providing links to strategic corridors, access to ports and tourism routes. Total investment of IEP 114 million will address the most acute deficiencies and the works undertaken will be similar to those outlined above under integrated network improvement for national primary roads.

*F260.* All roads investment will be supported by additional activities including:

- an improved maintenance service,
- traffic management and enforcement measures,

- development of the national roads database,
- improved technical support facilities,
- attention to safety.

#### Mainline rail

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*F261.* The Irish railway network comprises some 2 000 km of railway lines of which approximately 520 km is double tracked and about 40 km is a suburban electrified line. Other facts on the rail network are listed below.

*F262.* The rail network has an important strategic function. It carries significant quantities of bulk freight. It provides access to peripheral and disadvantaged regions and it helps to restrain the growth in road traffic, whilst offering an energy efficient and environmentally sustainable complement to the road network.

*F263.* To date, there has been significant underinvestment in infrastructural renewal and asset replacement of the rail system. Track and signalling is often obsolete and much of the rolling stock is extremely old. Investment of some IEP 275 million is envisaged over the period 1994-99. The development programme involves four principal elements, track upgrading, infrastructure works, signal upgrading and replacement of rolling stock.

**Table F4. Rail usage, 1992**

**Number of passengers in 1992** — 26 million

**Amount of freight traffic in 1992** — 633 000 tonnes.

**Railway provides direct passenger services to:**

Four principal cities (Dublin, Cork, Limerick and Galway)

38 of the 53 towns with population in excess of 5 000

49 of the 99 towns with population in excess of 2 000

*Source:* Operational programme for transport, 1994-99.

*F264.* It is envisaged that the investment will achieve improvements in reliability, dependability, cost effectiveness and quality of rail transport, improve speed and safety, particularly on trans-European network of high speed rail, and provide reliable, cost effective, high quality bulk freight and freight transportation services.

*F265.* Finally under subprogramme 1 — the National Economic Development subprogramme in line with government policy to develop Ireland's internationally traded sectors, substantial investment under the transport operational programme is to be focused on the State airports and commercial seaports. Under the subregional economic development subprogramme, a number of areas of transport infrastructure are to be co-financed by EU funds. Because of the importance of local economic development, investment will also be targeted at regional and local roads. Local authorities will nominate specific projects for EU assistance and arrangements have been put in place to ensure these are consistent with local and national sectoral development strategies.

*F266.* Irish transport policy is moving towards a more integrated approach. Integrated transportation and land-use plans have been developed in the two main urban centres in Ireland (Dublin, and Cork). The most well-established integrated land-use transportation plan exists in Cork. Derived from LUTS (Land-use and transportation study), the plan was completed in 1978, and was for the most part successfully implemented. A major review was commissioned in 1990 to incorporate changes in the physical, social and economic environment and to evaluate projections up to 2001 and adapt the plan as was considered necessary. The results of the review have been incorporated into the Cork city development plan, 1992, and the Cork county draft development plan, 1994.

*F267.* The Dublin Transportation Initiative (DTI), which is a major recipient of EU funding, is an integrated strategy for the development of transport in Dublin. The strategy is notable for its investment in public transport. It involves investment during the 1994-99 period of some IEP 295 million in an LRT network, upgrading of commuter rail services on existing railway lines, an extensive network of quality bus corridors, improving public transport interchange facilities in the city centre, and the provision of integrated ticketing system for all public transport services.

As part of this overall expenditure, there will also be investment in a number of roads and a management measure composed of development of facilities for cyclists, pedestrians and the mobility, impaired, traffic calming, environmental traffic cells and better enforcement measures. The strategy was agreed after extensive public consultation and the involvement of representatives, all of those concerned with transport, traffic and land-use. The approach taken in preparing the DTI involved careful consideration of the integration of the land-use aspect. Such a development bodes well for the future of integrated land use and transportation strategies, particularly as it meets the criteria of sustainability.

### **Regional policies**

*F268.* Transport policies are, in general, articulated at national level and are implemented at national level by State and semi-State agencies, such as the National Roads Authority (NRA), the CIE group and *Aer Rianta* and at local level by local authorities. The Operational Programme for Transport, 1994-99, is underpinned by the submissions from the subregional review committees. The operational programme thus reflects the concerns of the regions in creating a transport infrastructure which is conducive to the balanced distribution of economic activity throughout the country.

*F269.* The programme addresses the concerns of the regions giving a commitment to implement a balanced regional spread of investment in the regional and local road network (national secondary and non-national roads) and the upgrading of the mainline rail network both of which are vital to the regional and local development of industry and tourism. Continual investment in regional port facilities through a regional ports strategy is also to be financed under the programme. Further significant development of regional airports is not envisaged in the short term, given the expenditure of some IEP 21 million on the six privately-owned regional airports under the operational programme for peripherality 1989 to 1993. Policy will be directed towards increasing traffic at these airports.

### **Local policies**

*F270.* The statutory development plans of local planning authorities contain individual transport policies and include lists of improvements to transport infrastructure which it is an objective of

the authority to implement. Such policies tend to dovetail into the wider national policy framework and those projects, forming parts of the more important national and regional routes, will have been earmarked for funding under the Operational programme for transport, 1994-99. Where decisions have been made as regards specific projects, roads reservations will be clearly marked on the maps accompanying the plan. It is the responsibility of local authorities to ensure that land use, shaped through the development plan and development control, supports and complements the transport infrastructure.

*F271.* Planning authorities have an important role to play in implementing elements of transport policy relating to roads, both through the policies of their own statutory development plan and the development control process. The Department of the Environment and the National Roads Authority have stressed that planning authorities must protect the investment made in roads by preventing a proliferation of access points on to national primary and national secondary roads. Local planning authorities have included stringent policies in this regard in their development plans.

## **Waste management and pollution**

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*F272.* Increasing environmental awareness and a recognition of the finite nature of many environmental resources, has led to a concerted effort by the Irish Government, public sector agencies and private sector interests, to develop policies which will contribute to a reduction in pollution and which have either a positive or at least a benign effect on the environment.

*F273.* While Ireland's environment, in a European Union context, is relatively unpolluted, it is not without problems. Due to underinvestment in waste water management and water supply systems, the country is under particular pressure to upgrade its waste water and water supply systems and to curtail the dumping of sewage sludge at sea. Problems of pollution arising from ineffective farming practices are also being tackled. Disposing of both solid and dangerous wastes have recently received recognition. The commitment to finding suitable sites for disposal of waste is marred by NIMBY reactions from the public.

## **European Union**

*F274.* The area of waste management and pollution is one in which policies adopted at national level have been induced and directly influenced by EU legislation and policy. The EU's Fifth Programme of policy and action on the environment: Towards sustainability, adopted in June 1992, provided a new impetus to environmental protection and natural resource management. One of its priority themes was waste management.

*F275.* EU directives have framed the introduction of new measures and regulations relating to pollution and waste management in Ireland. In relation to air quality, for example, EU Directive 93/12/EEC relating to the sulphur content of certain liquid fuels was given effect in Irish legislation in the Air Pollution Act, 1987, and (sulphur content of gas oil) regulations, 1994.

*F276.* EU water pollution directives have been particularly significant. Prior to their implementation, Irish water pollution control law concentrated on providing mechanisms for pollution control but did not specify precise objectives or standards to be attained. The water directives introduced explicit and quantitative criteria, which must be adhered to. Several EU directives set standards for drinking and bathing water quality (Directive 80/778/EEC and Directive 76/169/EEC respectively), for waste water treatment, (urban waste treatment Directive 91/271/EEC which relates to the quality of receiving waters for particular uses and Directive 78/659/EEC on the quality of freshwater needing protection or improvement in order to support fish life. These and other directives have been implemented by delegated legislation under either the Local Government (Water Pollution) Act, 1977 or under the European Communities Act, 1972.

*F277.* At EU level, particular emphasis is being placed on waste management policy. The EU Fifth environmental action programme outlines the following threefold objectives with regard to waste:

- to reduce the quantity of non-recoverable waste,
- to recycle and reuse waste to the maximum extent for raw materials and energy, and
- to dispose safely of any remaining or recoverable waste.

F278. A draft directive on land-filling wastes is currently under negotiation and the EU has adopted revised framework directives on waste and hazardous waste. It has also adopted directives on packaging, packaging waste and on municipal and hazardous waste incineration. Outstanding elements of these directives will be transposed when a waste management Bill, currently being considered, is enacted in the near future. The Bill is designed to provide a comprehensive and modern legislative framework for waste management in Ireland. It will support a wide range of initiatives for waste reduction and recycling.

F279. In addition to the directives emanating from the EU, the EU has an important influence on policy relating to waste management and pollution through its funding mechanisms. Under the environmental services programme of the Community support framework for Ireland 1994-99, funding of some ECU 78 million, will be focused on modernising the infrastructure necessary to support environmentally sustainable economic development. The Cohesion Fund will also contribute to investment in infrastructure needed to comply with the requirements of environmental directives. Under the Envireg and Stride programmes, EU funded research is being carried out into various elements of pollution and waste management.

### National policies

F280. Under the Environmental Action Programme (EAP), legislative controls have been extended, particularly in relation to water pollution, with the enactment of the Local Government Water Pollution Act, 1990 and the Sea Pollution Act, 1994. Furthermore in the area of air pollution, a commitment to the reduction of the emissions of nitrogen oxides has been honoured with Ireland's ratification of the Sofia protocol in October 1991. Ireland has also signed the second sulphur protocol relating to reduction of emission of sulphur dioxide.

F281. The EAP also focused on the need for improved waste/water treatment and the need to tackle the problem of waste management.

F282. The commitment of Government to the protection and enhancement of the environment through better waste management was reiterated in the policy agreement of the Government

entitled 'A Government of Renewal, 1994'. It stated that it was committed to:

- early implementation of framework waste legislation,
- introduction of a programme of grant support for the development of user friendly environmental management systems in SMEs,
- introduction of toxic release inventory.

(*Fine Gael*, the Labour Party, Democratic Left, 1994:57.58)

### Waste

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F283. The waste Bill was published in 1995 and it will provide the statutory framework for regulating waste production and treatment. It is expected to be passed into law in early 1996.

F284. There are three strands to government policy on waste management, as expressed in the Department of the Environment's policy statement 'Waste Management in Ireland' (published in May 1995): prevention, recycling and safe disposal.

#### Prevention

- Through the promotion of cleaner manufacturing technologies.
- Through the introduction of controls relating to problematic raw materials, products and wastes under the waste Bill.
- ECO management and auditing scheme administered by the National Accreditation Board.
- Measures, including mandatory waste audits and waste reduction programmes, in the service and retail sectors introduced by the Waste Bill.

#### Recycling

- Implementation of the national recycling strategy published in 1994, which seeks to achieve the following targets: divert 20 % of combined household and commercial waste away from landfill through recycling by 1999 (present diversion rates are 7.4 %), to achieve a recovery rate of 25 % for packaging materials and to achieve the recycling of 100 000 tonnes of organic waste.

## Disposal

- Ireland faces particular problems with regard to disposal of waste which cannot be recovered, reused or recycled. The EU framework directive on waste requires Member States to move towards self-sufficiency in waste disposal. The government recognises that landfill remains the most economical solution to municipal waste disposal in a country with low population and a dispersed settlement pattern. However, the government is committed to upgrading of landfill sites so that they will be of the highest environmental and design standards. It is also committed to the preparation of waste management strategies at regional and local level.

## Hazardous waste

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*F285.* The Environmental Protection Agency (EPA) is required under the waste Bill, 1995, to prepare periodically a hazardous waste-management plan for implementation by other public authorities. Following the preparation of this plan, funding of circa IEP 5 million in government support earmarked for new hazardous waste infrastructure based on recovery systems or involving specialist treatment facilities under the Operational programme for environmental services, 1994-99, will be allocated. It is possible that Ireland will continue to depend to a certain extent on the export of its hazardous waste.

*F286.* At national level, the EPA is an important agency in implementing government policy on pollution and waste management. Under the waste Bill it will be responsible for the licensing of all significant waste recovery and disposal activities including all landfill sites. Waste licences will control all emissions from the waste. The procedures for issuing a waste licence are similar to those for the IPC licence and involve a system of public consultation and offer an opportunity for objections to be made. Where applicable, the EPA will continue to operate integrated pollution control licensing for waste disposal activities. Waste disposal activities licensed under the Environmental Protection Agency Act, 1992, will not require a licence under the Waste Bill.

*F287.* In the interests of better waste management, the EPA has developed a set of criteria and procedures for the selection, management, oper-

ation and termination of landfill sites by local authorities. It has also initiated a project on waste statistics to provide up-to-date and relevant data on waste and it has been given powers to compile a toxic emissions inventory.

## Water quality

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*F288.* The policy agenda of Government in relation to water quality as expressed in the EAP and the successive programmes for government has been advanced by the availability of EU funding. Under the Operational programme for water sanitary and other local services 1989-93, some 54 sewerage schemes and 34 water supply schemes were cofinanced by the EU. The advances made under this programme will be augmented by action under the Operational programme for environmental services of the CSF for Ireland 1994-99.

*F289.* Over the next four years the Government, with the aid of EU cofinancing, is committed to action in the following areas:

- To augment the coverage of and to improve the quality of public and group water supplies, to comply with drinking water directives.
- To increase the proportion of urban waste water being treated in accordance with the requirements of the urban waste water treatment directive.
- To end dumping of sewage sludge at sea.
- To eliminate serious pollution of rivers and to reverse and to minimise slight to moderate pollution.

*F290.* Legislative control of water quality has been considerably strengthened over the past five years. The enactment of the Local Government (Water Pollution) Amendment Act, 1990 was followed by a series of sets of regulations relating to discharge of various substances to water and quality of bathing water among others.

*F291.* The Environmental Protection Agency Act, 1992, gave the EPA a number of functions relating to control of water quality including the power to investigate and recommend remedial measures in relation to water pollution incidents.

## Regional policies

*F292.* Generally waste management and pollution policies emanate from the Department of the

Environment and are implemented either at national level by agencies such as the EPA or at local level by the local authorities.

*F293.* However, it is recognised that, in some instances, a catchment-based approach is the most appropriate response to environmental management and the maintenance of lake and river water quality. In this regard a major study of Lough Derg in the Irish midlands was commissioned by the surrounding local authorities and Shannon Development and published in 1993.

### **Local policies**

*F294.* At local level, the 88 planning authorities are directly involved in implementing national policy with regard to pollution and waste management. The local authorities administer and fund in full from their own resources and charges traditional solid waste disposal functions, including the management of most land fill sites. Major local authorities at county and county borough level administer waste regulations and issue licences for those developments to which the IPC licensing procedure under the EPA (Licensing) Regulations, 1994 (SI No 85 of 1994) does not apply. Under the waste Bill, responsibility for licensing of all significant waste recovery and management disposal operations will be transferred to the EPA.

*F295.* Local planning authorities are committed to the reduction of pollution, the minimisation of waste and the upgrading of sanitary infrastructure. Each statutory development plan contains policy and objectives on upgrading, improvement or replacement of drainage and sanitary services.

*F296.* In accordance with the framework waste directives, local authorities are responsible for

drawing up waste and special (hazardous) waste plans for their areas. (Responsibility for hazardous waste planning will be transferred to the EPA under the Waste Bill, 1995.) These must be reviewed every five years and should give particular attention to waste prevention and recovery. Grant support is available under the waste management subprogramme of the Operational programme for environmental services, 1994-99, for the undertaking by local authorities of waste management strategy studies to inform the ongoing development of their waste management plans. Likewise, a number of local authorities are making air quality management plans to assess their control of air pollution.

*F297.* Monitoring of air quality is undertaken by local authorities in major urban centres and in some county areas. This allows the implementation of EU directives to be monitored, e.g. the monitoring of nitrogen oxides, sulphur dioxide and lead. Likewise, the monitoring of the quality of drinking water is also the responsibility of local authorities.

*F298.* In an effort to limit the impact of pollution emanating from septic tanks in rural areas and in areas without main drainage, local planning authorities include policies in their development plans which limit the number of houses to be constructed in rural areas and not served by main drainage. Where such development is permitted, specifications are that the septic tank complies with SR6 1991 individual recommendations for domestic effluent treatment and disposal from a single dwelling, a set of standards produced by the National Standards Authority.



# APPENDICES

## Appendix I — Glossary

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Action Area Plan — Detailed plan for an area where significant developments are contemplated.

Area Development Management Ltd. (ADM) — An independent company designated by the government and the European Commission to support integrated local economic and social development in Ireland.

*Aer Rianta* — State Airport Authority.

*An Bord Bia* — The Irish Food Board.

*An Bord Pleanála* — The Planning Appeals Board. An independent quasi-judicial body with responsibility for determining planning appeals and references.

*An Bord Trachtála* — The Irish Trade Board.

*An Chomhairle Ealaíon* — The Arts Council.

*An Chomhairle Oidhreachta* — The Heritage Council.

*An Foras Forbartha* — The National Institute for Physical Planning and Construction Research (Disbanded).

*An Taisce* — National Trust for Ireland.

Appeal — Any individual or group may appeal the decision or the conditions placed on a decision by the planning authority. Appeals are made to *An Bord Pleanála*, the Planning Appeals Board.

Approval — An application for approval is made on the basis of outline permission for development having been attained.

Application for continuance of use — Application made for the continuance of a use which was instituted without permission. The fee for such an application is 50 % more than normal planning application fees.

Application for retention of a structure — Application made for retention of a structure that was erected without permission. The fee for such an application is 50 % more than normal planning application fees.

Acquisition notice — Notice published by the planning authority where an owner fails to comply with the authority's request to provide, plant, modify or maintain land for open space. The notice indicates that the planning authority intends to acquire the land and gives a time limit within which appeals may be made to *An Bord Pleanála* against the decision to acquire the land.

BATNEEC (best available technology not entailing excessive costs) — Best technology and techniques to be used in pollution control and abatement defined in the Environmental Protection Agency Act, 1992, is the provision and proper maintenance, use, operation and supervision of facilities, which, having regard to all the circumstances, are the most suitable for the purposes — and the most suitable technology to prevent or eliminate, or where this is not predictable, to limit, abate or reduce an emission from an activity.

Betterment — The increased value of a piece of land as a result of a planning permission having being granted.

*Bord Fáilte Éireann* — Irish Tourist Board.

*Bord Gáis Éireann* — The Irish Gas Board.

*Bord na Mona* — Turf Development Company.

*Cathaoirleach* — Chairperson.

*Coillte Teoranta* — Irish Forestry Board.

Compensation — Sum of money payable where, because of a decision to refuse permission, or to attach condition on a permission, the value of an interest of any person is reduced, he/she shall be entitled to be compensated by the local authority on making a claim to the extent of the reduction in value.

Compulsory purchase order (CPO) — Order made by the local authority and submitted to and confirmed by the Minister for the Environment where a local authority wishes to acquire land compulsorily.

Commencement notice — Notice which must be submitted to the building control authority, when a development is subject to building regulations. Must be submitted not less than seven and not more than 14 days before commencement of works. Must contain specified information, including the location of the building and its proposed use, a description of the proposed works or material change of use, name and address of owner and person who is to carry out works.

Commissioner for Public Works — Title given to the officers of the Office of Public Works.

Conservation areas — Non-statutory designation made by a local authority, where it considers an area to have a quality which requires special care in dealing with development proposals which affect buildings therein, generally refer to parks of cities and towns, but could include rural areas and villages.

Conservation Order — An order made to protect flora and fauna, under Section 46 of the 1963 Act. Since 1976 a conservation order may only be made in an area for which a Special Amenity Area Order has been made.

County enterprise boards — Thirty-five country-wide boards set up to develop and support local enterprise initiatives, particularly small businesses (i.e. under 10 employees). Their main functions are to develop an enterprise culture in their respective areas and provide grant support to small enterprise projects.

Culliton Report — Name generally given to the report of the Industrial Policy Review Group, entitled 'A time for change: Industrial policy for the 1990s', which was published in 1992.

*Dail Eireann* — the Parliament (house of representatives).

*Default permission* — Where a planning authority has failed to come to any decision within the statutory two months decision period, a decision to grant permission or approval must be deemed to have been given, known as a default permission.

Departure from a Development Plan — Process whereby a development which goes against the objectives of the development plan is facilitated through the material contravention procedure.

Derelict Site Levy — sum of money payable annually by the owner of a derelict site to the local authority. This levy is based on the market value of the site and is initially set at a rate of 3 % of the property's market value.

Designated area — Term used to describe areas designated in Irish cities and towns by the Minister for the Environment under the provisions of the Urban Renewal Act, 1986. Within such areas tax-based incentives are available to promote urban renewal.

Development agency — Generic term used to describe public agencies with a specific remit for development.

Development — Carrying out of works (building, demolition, alteration) on land or buildings and the making of a material (i.e. significant) change of use of land or buildings.

Development Plan — The official policy of a local authority regarding the future development of its area. It is usually expressed through the medium of maps and written statements.

Development rights — Right to develop land contingent on planning permission being attained.

Enforcement Notice — Notice served by a planning authority where there is a breach of planning control. The notice specifies the nature of the breach and may require that specified steps be taken within a specified time limit to remedy the breach. A number of different enforcement notices exist, each of which applies to a specific breach of planning code.

Enterprise action plan — Plan to be prepared by County Enterprise Board, outlining a strategy to create more viable businesses, producing innovative goods and services through the identification of local strengths and resources and the provision of a range of new enterprise support services.

Environmental Impact Statement (EIS) — A written statement describing the likely significant environmental impacts of a proposed development.

Environmental Protection Agency (EPA) — An independent public body established in 1993 with a brief to manage and protect the environment. It complements the work of local authorities and has important licensing, monitoring, research and advisory roles.

Environmentally Sensitive Areas (ESA) — Areas in which a scheme introduced as part of the reform of the common agricultural policy was implemented. Only two ESAs existed in Ireland. This designation is no longer used and has been incorporated into the countrywide Rural Environment Protection Scheme (REPS).

*EOLAS* — The former National Science and Technology Agency, now replaced by *Forbairt*.

European Environment Agency (EEA) — Established in 1993, the EEA's functions are to generate objective, reliable and comparable environmental data at European level, making this data available to the Community and its Member States to allow them to take requisite measures to protect the environment and to produce regular state-of-the-environment reports.

European Regional Development Fund (ERDF) — One of the EU's Structural Funds which are the EU's primary instruments aimed at providing the financial means for implementing the Union's structural policies. ERDF can cofinance local development initiatives, investment in education and health, research and technological development, and productive investments and investment in infrastructure which is related to the environment.

Executive functions — Functions of a local authority which are the responsibility of the city or county manager.

Exempted development — Development for which planning permission is not required. Categories of exempted development are set out in planning law. There are usually certain thresholds relating to, for example, size or height. Where these thresholds are exceeded, the exemptions no longer apply.

Express (Planning Permission) — Permission sought by means of a planning application made to the planning authority.

FAS — The National Training and Employment Authority established in January 1988.

*Forbairt* — National agency established to facilitate the development of indigenous industry and services and to provide a range of science and technology services and programmes for enterprise.

*Forfas* — National policy advisory and coordination body for industrial development and science and technology. Advises Minister on matters relating to development of industry and technology in the State and coordinates policy of the industrial development agencies such as *Forbairt* and IDA Ireland.

Full permission — Commonest type of permission. It entitles the applicant to proceed with the development proposed, subject to conforming with any of the conditions laid down by the planning authority. Applications for full permission must be accompanied by such plans and particulars to fully describe the proposed development.

*Gaeltacht* — Areas in counties Donegal, Mayo, Galway, Kerry, Cork, Meath and Waterford in which Irish is still spoken as a community language.

Gross national product (GNP) — Total income generated in an economy due to the production of goods and services.

Heritage Council — Body established on a statutory basis in 1995 replacing the non-statutory National Heritage Council, its main role is to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage. It is a prescribed authority for certain purposes outlined in the planning acts.

IDA Ireland (industrial development authority) — National agency charged with encouraging foreign enterprises to start new businesses or expand their existing businesses in Ireland.

Implied planning permission — When development complies with the statutory requirements for exempted development.

Integrated Pollution Control Licence (IPC Licence) — A licence issued by the Environmental Protection Agency to control and regulate the emission of pollutants by new activities in certain scheduled classes of activities including minerals, energy, metals, chemicals, food and drink, cement and waste and for existing activities in these classes. The system is being implemented on a phased basis and replaces the single medium control systems operated by the local authorities.

*Iris Oifigiúil* — Official Journal.

Manager — (city or county manager), chief executive of the local authority. Making decisions on planning applications is one of the manager's executive functions.

Material contravention — Process whereby a development which is not in conformity with the objectives of the development plan but which conforms with the proper planning and development of the area, may be permitted by the planning authority following public consultation.

Minister for the Environment — Government minister with responsibility for the Department of the Environment. The Minister can advise local authorities and *An Bord Pleanála* generally regarding the planning process and may issue directives and regulations. The Minister also has certain specific functions under the planning acts.

National Development Plan — A plan outlining the government's intentions and priorities for public, capital and current expenditure over a five-year period (two national development plans have been drawn up, one for the period 1989-93, the second for the period 1994-99). It is also the document submitted to the European Commission as the basis for negotiations between the European Commission and the government on the Community support framework.

National heritage areas (NHAs) — Sites which are the most important areas for conservation of Ireland's natural flora and fauna. They include blanket bogs, sand dune systems, important bird areas, woodlands, and other areas of nature conservation interest. Around 1 200 sites, 550 000 ha are proposed as NHAs which replace the old areas of scientific interest. The Wildlife Act will be amended and updated to provide a statutory basis for the protection of NHAs. See SACs below.

National Monuments Advisory Council — Body replaced by the former non-statutory National Heritage Council and now the Heritage Council.

National park — Areas owned by the State, within which there is an objective to conserve nature and other significant features and qualities, to encourage public appreciation of heritage and conservation requirements and to contribute to science through environmental monitoring and research in the park.

National Roads Authority (NRA) — National agency established statutorily in 1993, with general duty to secure the provision of a safe and efficient network of national roads.

NIMBY (ISM) — Not in my back yard.

Observer — Title given to an individual who makes a submission on an appeal which has already been initiated either by a developer or third party.

Office of Public Works (OPW) — Is a government agency which, in addition to other functions, the OPW implements policy and conducts day-to-day operations in the heritage area under the direction and supervision of the Minister for Arts, Culture and the *Gaeltacht*. The main activities involved are the National Parks and Wildlife Service, the National Monuments and Historic Properties Services and the Water Ways Service.

*Oireachtas* — National Parliament, consists of the President and two houses, *Dail Eireann* (the house of representatives) and *Seanad Eireann* (the Senate).

Outline permission — Permission which relates to the general nature of development or to a particular use for land. Generally not concerned with precise details of development. Applicant can only proceed with the development granted in an outline permission, when an approval is obtained.

Planning application — To obtain planning permission, an application must be made to the local planning authority in whose functional area the proposed development or change of use must take place.

Planning permission — There are three types of planning permission: permission (full permission), outline permission and approval. An application must be made to the planning authority for each type.

Policy directives — Directives issued by the Minister for the Environment relating to planning and development policy. Such directives have legal standing. Only two such statutory policy directives have been issued.

Prescribed authority (sometimes referred to as a prescribed body) — A body which is specifically mentioned in the planning regulations which has a prescribed place with regard to certain aspects of planning and development. This includes having a role with regard to development plans, development control and the making of conservation orders.

Prescribed bodies — These are bodies specifically mentioned in the planning regulations, who have a prescribed place with regard to development control and the development plan.

Preservation Orders — Orders made by the Commissioners of Public Works, to protect national monuments. Empowers officers of the OPW to inspect and examine monuments and with ministerial consent appoint themselves guardians of the monument.

Principal Act — The Local Government (Planning and Development) Act, 1963.

Programme for a partnership government — Government programme agreed by the partners in government over the period.

Public authority — Bodies listed in Article 164 of the Local Government (Planning and Development) Regulations, 1994, whose functions have a bearing on the proper planning and development of cities, towns and other areas. Under Section 5 of the Local Government (Planning and Development) Act, 1976, *An Bord Pleanála* must keep itself informed of the policies and objectives of the listed public authorities.

Purchase Notice — If a planning refusal prevents a developer from obtaining reasonable beneficial use, she/he may serve a purchase notice on the planning authority requiring it to buy the land at a fair price.

Reference — Deliberation to determine if a development constitutes exempted development or not.

Regional Report — Report produced by the regional authority once every five years. The report is produced in consultation with public authorities and other appropriate persons and should contain a review of the overall needs and development requirements of the region, a review of the development plans of constituent local authorities and those in adjoining regions and a review of the provision of public services in the region and the coordination thereof.

Reserved function — Functions of a local authority which are performable directly by the elected members.

Retail Impact Study — Study carried out (usually by the developer) to justify for scale of need of a proposed retail development. Guided by the Ministerial Directive on large-scale retail shopping development, S.I. No 26 of 1982. Usually submitted to the planning authority in conjunction with a planning permission for such as development and, where necessary, in conjunction with an environmental impact statement (EIS).

Right of Appeal — An applicant or any other person may appeal the decision of a planning authority to *An Bord Pleanála*, the planning appeals board.

Scheduled town — Town listed in the First Schedule of the Local Government (Planning and Development) Act, 1963, for which the planning authority must prepare a development plan.

*Seanad Éireann* — the Senate (See *Oireachtas*).

Section 4 Motion — Section 4 of the City and County Management (Amendment) Act, 1955, provides that the elected members of a local authority may, by resolution, require the manager to do any particular act, matter or thing which can be lawfully done, and the manager is obliged to comply with the resolution. In the case of planning decisions, the members may, using Section 4, overrule the managers decisions.

Section 27 Injunction — Enforcement procedure which may be initiated by a planning authority or any other person by applying to the circuit or high court against unauthorised development or lack of adherence to conditions.

Shannon Development (SFADCO) — Regional development agency responsible for integrated economic development of the mid-west region.

Site Notice — Public notice describing proposed development or use, erected in a conspicuous position on the land or structure to which planning application relates so it can be clearly read from the public road.

Sites and Monuments Record (SMR) — Survey and record of all monuments and historic properties carried out by the national monuments and historic properties service of the Office of Public Works.

Special Amenity Area Order — Order made for an area due to its outstanding natural beauty, special recreational value or need for nature conservation, allowing the local authority to preserve or enhance the character or special features of the area and to limit development therein.

Special areas of conservation (SACs) — Endangered habitats and habitats of endangered species designated in each Member State as part of a European Community network of such sites known as Natura 2000.

Special protection areas (SPAs) — Areas designated under the Conservation of Wild Birds Directive 79/409/EEC for the conservation of vulnerable species of birds.

Sub-regional review committees — Seven committees which were established under the Community support framework, 1989-93, to provide regional involvement in planning and reviewing expenditure under the Structural Funds. In drawing up the National Development Plan and CSF, 1994-99, each of the committees prepared a detailed submission setting out a development strategy and measures to implement such a strategy for its sub-region. These committees, together with their funding, have been taken over by the eight statutory regional authorities.

*Taoiseach* — Prime Minister.

*Teagasc* — Agriculture and Food Development Authority.

Third party appeal — Appeal brought by an individual or a variety of individuals, groups or organisations, not themselves involved in the proposed development, who are appealing against the decision of the local authority.

Tree Preservation Order — Order made by manager of the local authority to protect and preserve trees or groups of trees.

*Udaras na Gaeltachta* — A development agency which carries out development and cultural activities in the designated *Gaeltacht* (Irish-speaking parts of several counties of Ireland).

*Ultra Vires* — Outside of designated powers.

Warning notice — A notice served by a planning authority on owners (and occupiers) of land where the planning authority believes that development is being commenced or is likely to be commenced without planning permission or if trees or flora, whose protection or preservation is listed as an objective of the development plan, are in danger.

Wildlife Advisory Council — Body with former advisory role on wildlife, replaced by the Statutory Heritage Council.



## Appendix II — Acronyms and abbreviations

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ADM  
Area Development Management Limited

AOL  
Areas of outstanding landscape

ASI  
Areas of scientific interest

CAP  
Common agricultural policy

CHDDA  
Custom House Docks Development Authority

CIE  
*Córas Iompair Éireann*

CIF  
Construction Industry Federation

CPO  
Compulsory Purchase Order

CSF  
Community support framework

CSO  
Central Statistics Office

DTI  
Dublin Transport Initiative

EAP  
Environmental Action Programme

EIA  
Environmental Impact Assessment

EIS  
Environmental Impact Statement

ENFO  
Environmental Information Service

EPA  
Environmental Protection Agency

ESA  
Environmentally sensitive area

EU  
European Union

FAS  
*Foras Aiseanna Saothar*

IBEC  
Irish Business and Employers Confederation

ICMSA  
Irish Creamery and Milk Suppliers Association

ICTU  
Irish Congress of Trade Unions

IDA  
Industrial Development Authority

IFA  
Irish Farmers Association

IPC  
Integrated pollution control

IPCC  
Irish Peatland Conservation Council

IUCN  
International Union for Conservation of Nature and Natural Resources

NBA  
National Building Agency

NMAC  
National Monument Advisory Council

NHA  
National Heritage Area

NRA  
National Roads Authority

OPW  
Office of Public Works

REPS  
Rural Environment Protection Scheme

SAC  
Special area of conservation

SAAO  
Special Amenity Areas Orders

SFADCo  
Shannon Free Airport Development Company

SI  
Statutory Instrument

SMR  
Sites and Monuments Record

SPR  
Special protection area

TPO  
Tree Preservation Order

VEC  
Vocational Education Committee



## Appendix III — Addresses and telephone numbers

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(Titles as at end of 1995)

Department of the Environment  
Custom House  
Dublin 1  
Tel. (353-1) 679 33 77  
Fax (353-1) 874 27 10

Department of Agriculture, Food and Forestry  
Kildare Street  
Dublin 2  
Tel. (353-1) 678 90 11  
Fax (353-1) 661 62 63

Department of Arts, Culture and the *Gaeltacht*  
'Dun Aímhírgin'  
1 - 49 Mespil Road  
Dublin 4  
Tel. (353-1) 667 67 88  
Fax (353-1) 667 68 27

Department of Enterprise and Employment  
Kildare Street  
Dublin 2  
Tel. (353-1) 661 44 44  
Fax (353-1) 676 26 54

Department of Finance  
Government Buildings  
Upper Merrion Street  
Dublin 2  
Tel. (353-1) 676 75 71  
Fax (353-1) 678 99 36 or 676 73 35

Department of the Marine  
Leeson Lane  
Dublin 2  
Tel. (353-1) 678 54 44  
Fax (353-1) 661 82 14

Department of Tourism and Trade  
Kildare Street  
Dublin 2  
Tel. (353-1) 662 14 44  
Fax (353-1) 676 61 54

Department of Transport, Energy, and Communications  
Clare Street  
Dublin 2  
Tel. (353-1) 671 52 33  
Fax (353-1) 677 31 69

Department of the Taoiseach  
Government Buildings  
Upper Merrion Street  
Dublin 2  
Tel. (353-1) 668 93 33  
Fax (353-1) 678 97 91

Forest Service  
Leeson Lane  
Dublin 2  
Tel. (353-1) 607 20 00  
Fax (353-1) 661 13 26

Shannon Free Airport Development Company Ltd. — Shannon Development  
Town Centre  
Shannon  
Co. Clare  
Tel. (353-61) 36 15 55  
Fax (353-61) 36 19 03

Udaras Na Gaeltachta  
Na Forbacha  
Gaillimh  
Tel. (353-91) 920 11  
Fax (353-91) 920 37

An Bord Pleanála (The Planning Appeals Board)  
Floor 3, Block 7  
Irish Life Centre  
Lower Abbey Street  
Dublin 1  
Tel. (353-1) 872 80 11

The Office of Public Works  
51 St. Stephen's Green  
Dublin 2  
Tel. (353-1) 661 31 11  
Fax (353-1) 661 07 48

The Environmental Protection Agency  
Ardcavan  
Wexford  
Tel. (353-53) 471 20  
Fax (353-53) 471 19

Bord Failte Eireann (Irish Tourist Board)  
Baggot Street Bridge Dublin 2  
Tel. (353-1) 76 58 71  
Fax (353-1) 76 47 64

An Chomhairle Ealaion  
The Arts Council  
70 Merrion Square  
Dublin 2  
Tel. (353-1) 661 18 40  
Fax (353-1) 676 13 02

The National Roads Authority  
O'Connell Bridge House  
Dublin 2  
Tel. (353-1) 679 33 77

The Heritage Council  
4/5 Harcourt Road  
Dublin 2  
Tel. (353-1) 475 27 36  
Fax (353-1) 475 27 39

Temple Bar Properties Ltd  
18 Eustace Street,  
Temple Bar, Dublin 2  
Tel. (353-1) 677 22 55  
Fax (353-1) 677 25 25

Temple Bar Renewal Ltd  
Room 168, Custom House  
Dublin 1  
Tel. (353-1) 679 33 77  
Tel. (353-1) 874 83 12

Custom House Docks Development Authority  
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## Appendix IV — General sources of further information, references, and list of statutes

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The following are general texts on the planning and the environmental and administrative systems in the Republic of Ireland.

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Census statistics and labour force statistics are compiled by the Central Statistics Office. They are available for purchase from the Government Publications Sales Office, Molesworth Street, Dublin 2. Specific queries and information may be gained by ringing or faxing the Central Statistics Office directly (see Appendix II for address and telephone number).

*Housing Statistics Bulletins* are available from Government Publications Sales Office, Molesworth Street, Dublin 2.

*Irish Environmental Statistics* are compiled by and available from Department of the Environment, Custom House, Dublin 1.

*Planning Statistics Quarterly* — The Planning Statistics Quarterly provides figures for each Planning Authority on numbers of applications for permission by type, decisions made, decisions deferred, decisions issued within two months of receipt, deferral rate, refusal rate and percentage of decisions represented by those issued within two months. Appeals to and disposal of appeals by *An Bord Pleanala* are given for planning areas and county borough councils. These quarterly statistics are compiled by and are available from the Department of the Environment.

### *Periodicals*

*Pleanail*: The Journal of the Irish Planning Institute is published annually by the Irish Planning Institute (IPI) 8 Merrion Square, Dublin 2. This is a useful source of information on specific planning issues relating to Ireland.

*Irish Planning and Environmental Law Journal*, Brehon Publishing, Brunswick House, Brunswick Place, Dublin 2. The new (first edition, 1994) quarterly journal, is a useful source for information on legal aspects of the Irish planning system.

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