

GENERAL PLANNING

An Taisce welcomes 90% of the 1999 Planning Bill as generally progressive. This Bill for the greater part represents the common good. Noel Dempsey's Bill overhauls Irish Planning and consolidates it into one, instead of nine acts. Of course it's impossible to deal comprehensively with what previously required nine acts in twenty minutes. Still it's clear that the Bill includes many radical changes, almost all of which serve the public interest and are to be welcomed. I'm sure local authorities will welcome them for that reason too. Much of the Bill represents An Taisce policy.

I'll divide between measures which limit the rights of property in the common good; measures which are good housekeeping; measures for sustainability; the Architectural Heritage Act, which has confusingly been included in the Bill, the Natural Heritage, and the surprising imposition of fees for making observations on the planning process. I'll then throw out an idea for an alternative to our planning system. So let's go...

Some provisions legislate the common good over private interest. For example we welcome new provisions for levying of development contributions for recreational and community facilities not just mundane infrastructure like sewerage. These provisions are in the public interest. Effectively, they properly limit the rights of property for the common good. It is important that Mr Dempsey should stick to his guns on these and not be swayed by vested interests.

We have heard a lot, especially from the construction sector, about the provisions on social housing. These provisions too were intended to serve the common good. An Taisce considers that legislating for social and affordable housing could alleviate a major social and economic problem. Indeed the social and economic problem of our times. It will conduce to mixed communities (the model being the village mix) which, as we see it, represent sound planning. When it has come to the coal-face at An Bord Pleanal hearings An Taisce has often been alone in calling for social and affordable housing. For example at the ILAC Centre oral hearing for apartments at the ILAC Centre last year where the Bord for the first time indicated that it would not uphold the Local Authority decision providing for a social housing quotient. An Taisce alone was calling for it.

We have commended the social, affordable and mix housing provisions. We welcome their intent and believe in their constitutionality. Now we are told that instead of having to pass 20% of sites to local authorities before construction, developers construct themselves and then pass on to the local authority. Though the sites must still be passed at existing use rates, construction costs and an indeterminate profit will be paid.

It's a brave and sensible plan and the change need not totally undermine its worthiness, I hope the Minister doesn't change it any more.

[The net result of the change is that local authorities i.e the public will pay more than if the provision had subsisted. That's against the common good however you define it]

Many other measures are about good housekeeping

Enforcement

An Taisce welcomes the provisions providing for mandatory enforcement of planning law by local authorities - at least where the public make a complaint. This may be a sea-change but maybe it will depend too much on the public. It's good to see that courts need not wait till a retention application is determined by An Bord Pleanála to take enforcement action. And we especially hope that local authorities charge penal sums for retention permissions - how about ten times the normal rate for example? It may be and I'm sure we all hope that these provisions will be enough to change the retention ethos that prevails throughout the country, though much will depend on you the Local Authorities and the extent to which you can show that there's been a seismic change in the extent to which unauthorised development will be indulged. It's important to set a new tone and induce through some high-profile deterrent cases the culture of respect which does not now exist. This would also avoid the need for a massive expenditure on human resources in the enforcement field. We also believe the principle of retention permission is so undesirable that we believe that the financial benefit resulting from use of a building should be denied to those engaged in unauthorised development. Enforcement is just good housekeeping.

Elsewhere the definitions of agriculture and agricultural exemption are amended to allow for planning control to be introduced, where necessary, in respect of initial afforestation and peat extraction. Since they affected the environment significantly it is sensible to control them. Good housekeeping.

Planning authorities and An Bord Pleanála will be entitled to consider not just planning, but also environmental, issues when deciding whether or not to grant permission to a development which requires an integrated pollution control licence from the Environmental Protection Agency. Why risk a lacuna caused by an uncertain division of responsibility? Good housekeeping.

Greater use, will be made of and statutory recognition given to, regional planning guidelines to provide, following consultation, for the long-term development strategy of particular regions taking account of issues such as economic trends, settlement strategies, transportation and infrastructure needs. The Greater

Dublin one will become law immediately on signature of the Act. It's always good to strategise. In planning if it's worth doing it's also worth making statutory.

So we will also benefit from more statutory Local Area Plans which are to be consultative -and mandatory for towns over 1500 people - though perhaps provision should be made for these plans in certain circumstances to originate from local communities. This is all relatively uncontroversial housekeeping.

Other examples of good housekeeping include More Strategic Planning; More Forceful National Guidelines; More Public Consultation; More Monitoring and Environmental Assessment; Greater Transparency and detailed, reasoned Decisions; and Streamlining and Expediting the Planning process. All good stuff.

Expediting the planning process - including through the recently-mooted dedicated planning division of the High Court are acceptable to An Taisce so long as other more progressive elements of the Bill are not watered down. An Taisce has no desire to see the planning process drawn out. Expedition combined with real, democratic enfranchisement of third-parties in the planning process would be a win-win situation.

In recognition that the package is a balanced one and because we do not wish to be pedantic about housekeeping we could live for example with a reduction in the public display period for variations of local authority Development Plans from 3 months followed by 1 month for amendments to one period of 6 weeks. The Bill proposes front-loading the process in certain circumstances i.e. ensuring objections are made before the final decision is made on the design of the development. It will do this through more use of non-detailed "outline" permissions and through the introduction of Strategic Development Zones for sites of national strategic economic importance. Although an Environmental Impact Assessment will be required in all such zones and third parties will have the right to appeal the zoning to An Bord Pleanála, such provisions reduce somewhat the scope for public participation - on the spurious ground that international companies have been put off Ireland by delays in the planning process. Nevertheless as part of a generally progressive package we have not vigorously opposed them.

We do have some problems with a few housekeeping measures. One provision states that an objection should be lodged before an appeal may be taken. While this seems to make some logical sense in order to avoid flippant appeals we do not believe it stands up to scrutiny - logical or constitutional. For example what of a scheme which does not affect a citizen until a condition is imposed by the local authority? For example where the entrance to a night-club is moved from one street to another by condition, so that it affects you where it originally did not.

In general since additional information, solicited or unsolicited and in particular conditions imposed by the local authority can change the nature of an application

it is illogical to allow appeals only where the appellant has lodged an observation to the local authority. This is the first provision that we think would be stuck down by the courts if challenged.

Apart from spreading the fruits of development in the interests of the common good and good housekeeping an important concept is sustainability.

It is indicative, for example that the all-important standard for planning permissions will be changed from "proper planning and development" to proper planning and sustainable development". This and several other sections of the Bill reflect to some extent the requirement of the EU's Amsterdam Treaty that development be sustainable, a balance between economic, social and environmental factors.

Some have argued that the Bill should define sustainability across different sectors. In combination with proper use of indicators this could be the future of planning. But others say it only risks restricting and stifling a dynamic concept. Certainly no-one ever really defined "proper" development as opposed to "sustainable" development. Perhaps the famous Brundtland definition could be adopted.

Moving on, one area where a progressive provision could easily be introduced relates to site notices. These should be dated - and ideally photomontage drawings of the proposed scheme should appear on-site. Perhaps a system of neighbour notification too would be helpful. These things would conduce to democratic participation in the planning process. To argue against this is like arguing that people should not have information before they vote.

I want to refer briefly to the 1999 Planning Act - that is to say to the provisions relating to the architectural heritage. These provisions have already been enacted though they do not become law before January 1. An Taisce believes that the Act represents a significant move towards improvement of national policy on the architectural heritage. We welcome in particular the provisions intended to increase the number of buildings that are listed, to extend protection to interiors, to give statutory recognition to conservation areas for the first time, and the proposed provision for funding of building conservation projects. Some of An Taisce's concerns were addressed during passage through the Dail but one overriding problem remains.

Too much under the architectural heritage act is discretionary not mandatory.

For example under the existing regime Ministers have powers in the sphere of amendments to local authority development plans - including, crucially, the power to spot list - and powers under the Derelict Sites legislation. These powers are discretionary and have never been exercised. A cursory, literal consideration of

existing powers might suggest that the existing regime is adequate to supplement hard-pressed local authorities. In fact it is officially acknowledged that this is not the case. The difference between a power/discretion and a duty has proven, and we believe would continue to be, of the utmost moment.

In this country the Minister and local authorities are not well disposed to exercising discretionary functions in the planning sphere - or am I wrong? This is why a power to supplement the discretions of local authorities and of the Minister of the Environment should have been exercisable by an independent statutory body comprising a significant contingent of experts with a record in dedicated environmental protection. That body should have been expressly charged with a conservation agenda.

The report on which the legislation is based stated that "provision should be made for review of [local authority preservation lists] through an independent process". An independent process. The Act falls short of this. The Minister for Arts, Heritage, Gaeltacht and the Islands "may, in writing make recommendations" concerning particular listings to which the planning authority "shall have regard". No indication is given of how the Minister should exercise this discretion. Nor even that the Minister's recommendations should effect protection for buildings which are included in the National Inventory of Architectural Heritage, though this was stated to be the case in the Explanatory Memorandum to the Bill before it became an Act.

But much more worryingly, even if the Minister follows the National Inventory the time-scale for the completion of this inventory is estimated to be at least twelve years. In the interim, in the absence of inventorisation for, and automatic spot-listing of buildings at risk, a great many buildings will be lost where local authorities choose not to exercise their discretions to list. It's too late now for an independent body but we would suggest that a buildings-at-risk survey be created and its recommendations as to listing of specific buildings constantly implemented. It's clear that it's more important than anything that protection be afforded to unprotected buildings which are at risk of being demolished. So the priority for the Minister - and for local authorities should be to create an inventory of unprotected buildings which are at risk of being demolished. Incidentally An Taisce is about to publish a buildings at risk web-site with 300 buildings countrywide. It would be good to think that the National Inventory would incorporate these buildings immediately. But there is no indication that it is equipped to do so. It's also important that the national inventory should start with areas subject to the greatest development pressure. That does not seem to be the case. All this suggests it will be a long twelve years. Buildings like Sandymount Presbyterian Church and the so-called haunted house, Coolmoney House in Wicklow could still be demolished. Many churches and mill-buildings are currently under threat of demolition because they are not habitable, part of a terrace or listed.

Incentives

As for incentives, the Act has been accompanied by funding of £5m annually from 1 January 1999 - and no tax incentives. Even the £10m suggested by the Working Group, comprising £5m grants and £5m in tax incentives for 30,000 buildings per annum (£333 per building) would have been too small a sum.

Revolving funds especially through civic trusts are a particularly efficient mechanism for engineering conservation and should be encouraged with financial support.

The act also ignores vernacular buildings and is not date-based. It is often the case that the modest, charming buildings that make up a characteristic Irish style of architecture are overlooked and neglected in the rush to development. Usually too modest to achieve listed status, these buildings tend to be abandoned and left to become derelict.

Last minute amendments to the Act stating that demolition of listed buildings is only possible in exceptional circumstances. This is important.

Perhaps it is illustrative to see the effect of the Act on one prominent demolition site which had five list 1 buildings, one list 2 building and three Georgian buildings in a conservation area. That site is the Hotel currently being completed on College St in Dublin. The act probably means that the demolitions of five list 1 buildings behind facade would not be possible. Facade retention of listed buildings, being essentially demolition, is presumably allowed only in exceptional circumstances. Certainly the complete demolition, without even facade retention, of 3-4 College St which was on List 2 would now be possible only in exceptional circumstances, there being now no difference between list 1 and list 2.

Probably, however, the demolition of three Georgian houses in the Westmoreland St conservation area would still be possible. This will ultimately depend on what sort of guidelines the Minister issues on conservation areas and indeed what sort of respect local authorities pay to those guidelines.

Returning to the Bill, as opposed to the Architectural Heritage provisions which are now an Act, greater provision should be made for protection of the natural heritage. There is more to protecting the countryside than recognising European designations - which we don't anyway, landscape conservation areas and tree preservation orders. Though we applaud new statutory recognition for landscape conservation areas we should have systematic protection against one off buildings in the countryside and general management guidelines for the entire land resource, not just attractive landscapes.

We have seen that general threads which run through the Bill are: the Common Good against private interest, Good Housekeeping and Sustainability

One provision in the Bill (33(2)(b)) is extraordinary - and unacceptable in a modern democracy. It falls under none of these heads and runs against the grain. It seems to have been done to annoy the environmental sector. The imposition of an entirely new fee that has been mooted at £20 to lodge an objection is gratuitously retrogressive. As justification it's being stated that objectors cause grief to local authority officials. So why not charge to form residents associations. The provision would militate against community and amenity groups taking a systematic approach to planning in their areas. Let's get this straight, one-off objectors, though not the most vulnerable, may be able to afford a fee of twenty pounds - but Community Groups and amenity groups that take an interest in their areas will not be able to afford the fee if they make observations regularly. We consider that instead of being charged these civic groups should be acknowledged in this Act and encouraged. The vulnerable and the systematic will suffer, certainly not the frivolous.

We note that, on a recent visit to Dublin, an OECD representative commented on this matter "What? Next they will be charging to vote". We also understand that there is a broad consensus on Comhar, including among delegates from local authorities, that the provision for a fee would serve no useful purpose. I believe even the GCCC has come out against it. Since the social housing provisions have been mitigated against the public interest, we presume that it's now likely that since they were one side of a quid pro quo that the rights of third parties will now not be prejudiced.

A major thrust of progressive policy is towards democracy. Provisions which deprive members of the public of rights because they do not have money are not generally acceptable.

It is indicative of the feelgood factor which pervades this society that we are contemplating this provision. We could find no other country which has such a provision - and for good reason. It may also conflict with EU Law at least insofar as a development may have a European dimension including under the Habitats Directive or the EIS Directive.

An Taisce's role

It is not clear the extent to which An Taisce will retain its prescribed status in relation to Development Plans, planning applications and the rest. This will be clarified in regulations. An Taisce tries to represent, countrywide in a systematic way, the public interest in planning with a heritage bias. We note that many submissions from An Taisce do not seek planning refusals. Many deal with enforcement failures and most would be providing technical advice, typically concerning architectural features. None of these submissions delay the planning process. Many presumably expedite it since they provide free advice to the local authority. What incentive is there for An Taisce to draw an owner and the LA's attention to the fact that the plasterwork in a building is by a master stuccador - and is potentially valuable - if we incur a fee for the pleasure. An Taisce does

not have the resources to pay increased planning fees. The budget for An Taisce is for example 1.5 percent of that for the Heritage Council - with no state funding for our core activities including planning.

We are also concerned at the probably unconstitutionally discriminatory provision (36(4)(b) that “the Board may dismiss any appeal [by a prescribed body] where it considers the body concerned was not entitled to be sent notice of the planning application [by the local authority]”. This appears to deny prescribed bodies the general right to initiate appeals to An Bord Pleanála that is afforded to the man in the street. Again this is clearly unconstitutional. So I presume I’m right to assume this will not survive the legislative process.

Imagine a world where development improved the environment and strengthened communities. And so served the public interest. The long-term public interest. Imagine a world where developers were heroes - and not just in the property supplements.

What would such a system look like?

All we would really need is proper plans and proper standards protecting the environment, overseen by the right people, especially local people.

To facilitate progress a structure could be devised to ensure that the privilege of tax incentives went - and went only - to developments that served the the long-term interest of the public rather than the short-term interest of the developer i.e. to *sustainable* development which took account of the socio-environmental effects, not just the economic effects, of development.

We need incentives for sustainability, penalties for the wrong development in the wrong place, Roundtable input, Framework Plans with teeth and a monitoring mechanism - indicators, moratorium on premature development pending such a plan especially kamikaze rezoning in Leinster and high-rise in Dublin. Simple.

The Detail

Get an independent commission to survey the country to find out those areas where development may be desirable or at least necessary on national economic grounds - mostly urban areas where infrastructure including transport and sewerage is best, and some planned city satellites .

Scrap all development-based grants,taxes and tax-incentives (including government subsidies for site-infrastructure) in these areas and replace them with tax

incentives awarded in proportion to marks scored on a scale of say fifty criteria, each marked out of ten. 500 marks in total. Top marks and a development would attract the maximum tax incentive.

The existing system of planning permissions would remain - schemes would have to be proper planning and sustainable development. However, an increased planning fee which might be described as a levy for community and environmental infrastructure could be exacted, at least outside areas of urban decay. In areas of urban decay, brownfield sites, no levies would be demanded as these areas all provide maximum scope for sustainable development.

The fee would be set sufficiently high that low-scoring development would be considerably less profitable than it is at the moment. Swings and Roundabouts. Good development in the right place incentivised. Bad development in the wrong place penalised.

Perhaps the distribution of a proportion of windfall land-rezoning (as opposed to development) profits to first-time buyers, or to subsidise high-quality social housing, would also concentrate minds.

Unlike the incentives currently proposed for the Upper Shannon, these would not be subsidies for any old development but incentives for sustainability.

The future of planning should rest with "roundtables". These are "cross-sectoral partnerships", facilitated by planners, comprising ten or fifteen people including local authority officials, County (or City) Councillors, developers, shopkeepers, environmentalists, community groups, trades unionists, tourism representatives and others. The rainbow in fact.

If you can get agreement among these people you may well be looking at sustainable development. If you can get the membership to be truly representative of their sectors you can insulate decisions against criticisms and create a genuine feeling of democratic participation in planning and development.

The idea of the Roundtable is a requirement of the UN's Agenda 21. One already exists for example in Dublin's Northside HARP rejuvenation area.

Once an area was designated, the roundtable would draw up a detailed Framework Plan. This Framework Plan would specify that development permission would never be granted for certain sites in that area - for example, areas of special amenity, beauty spots, green belts and listed buildings. It would also specify what sort of development should take place and where and at what densities and heights.

So, all sectors from development to community to ecological would be involved in deciding which sites in an area were suitable for tax-incentivised development and for what sort of development.

As we have seen the development agreed upon is likely to be sustainable and to have local support. Again, this is what An Taisce calls win-win - or sustainable. This exercise would be particularly useful in ensuring that two of the most controversial topics of 1998 were addressed in a more sober way.

These issues are the sprawling of Dublin into much of Leinster and the incipient rise of skyscrapers in Dublin City - re-zonings and high-rise.

In the absence of such a mechanism we must at very least develop some sort of strategy. Prudence counsels that a) no further land should be rezoned as distant car-dependent satellites to Dublin until the Strategic Policy Guidelines for Dublin are given teeth under the Planning Bill; and b) no high-rise should be allowed in Dublin City until a scoping study is done which would assess which parts of the city have a "carrying capacity" for high-rise.

Arbitrary, ad hoc Rezoning of Arklow, Dunshaughlin, Virginia and Kinnegad - even at the vogueish high-densities - and An Taisce favours high density, makes no sense. And while it may be, for example, that decontextualised, brownfield parts of Docklands could carry skyscrapers, it seems certain that proposals for skyscrapers in the city centre make no planning sense.

Complementing the cross-sectoral roundtable should be a body of experts, whose function would be to certify that specific projects should qualify for tax incentives. A body called Temple Bar Renewal plays a role a little like this, though less wide-ranging, in Temple Bar. But tax incentives would only be awarded if two criteria were satisfied. a) compliance with the roundtable's Framework Plan (failure to comply means no tax incentive) and b) their score under the fifty criteria (which determines the size of the tax incentive).

Criteria for tax incentives might include the following. Make the number up to fifty and you have a near-comprehensive checklist

A. Design

Flair

Sympathy to setting

Complementarity to existing positive character

Quality of exterior materials (durable, attractive and well-detailed)

Use of sustainable materials and energy efficiency

Intelligent orientation and provision of sunlight

Provision of storage space

Provision of private open space
Provision of semi-private open space

B. Mix of Uses

Suitability of mix of commercial, retail and residential; and, for residential schemes, of mix of bedroom numbers and social mix

C. Impact on immediate environment

Provision of public open space

Provision of sports/leisure facilities open to public

Landscaping

Encouragement of human activity on street

Provision of community linkage programme including provision of jobs and housing for local people.

Minimum intrusion into privacy of adjoining schemes

The success of the area's development should be monitored, at the outset and regularly, under headings like local crime rates, unemployment rates, pollution levels, population mix, uses for which planning permissions are being granted, open space, perceptions of quality of life etc. If these indicators show

a problem the roundtable should revise its plans.

Again, We need incentives for sustainability, penalties for the wrong development in the wrong place, Roundtable input, Framework Plan with teeth and a monitoring mechanism - indicators, moratorium on premature development pending such a plan (kamikaze rezoning, high-rise). Areas with such a mechanism in place should get priority for development - public transport, sewerage, etc.

Simple.

Developers, indeed the property sector generally, are involved with a site for a moment in time. Others must live there forever. Until we get a system something like that outlined here we remain cynical about whose interest would be served by curtailed third-party rights of objection and laissez-faire high-rise and standard-free rezoning.

While we will fight to retain fairness in the planning system and to ensure that the input of groups like An Taisce is not lost through imposition of onerous, undemocratic fees and conditions, An Taisce applauds an imaginative Bill and exhorts the Minister to hold firm in the face of vested opposition.

We suggest the following functions should fall to an independent central body:

Defining Criteria for Listing

The Bill proposes that the Minister should "issue guidelines" to which the planning authority "shall have regard". This is inadequate. Recommendation 5 of the Inter-departmental Report said that a central authority should be responsible for establishing and publishing national criteria and guidelines for listing. We support this. While a certain amount of flexibility must of course reside in the central body's decision making process, we believe that there should be guidelines set out within the statutory provisions themselves. Perhaps all buildings or structures which meet the following criterion should definitely be listed: "special artistic, cultural, architectural or historical interest; historical association; age; the use of innovative technology; or unique value". The definition outlined in S 3 of the Bill would, for example, appear to exclude the possibility of buildings with literary associations such as important buildings from Joyce's *Ulysses* being included. Pre-1850 buildings and structures should be treated as if listed unless expressly de-listed in the face of the existence of extraordinary circumstances, which should be documented. It is to be hoped that

many of the vernacular buildings that are fast being lost to the country would come within this provision.

The central body should have power to spot list. This would overcome problems which local authorities experienced when faced with urgently-needed listings outside the time for Development Plan review.

In addition to its proposed role in creating comprehensive lists An Taisce suggests the central body should do the following:

- provide advice, material and other services for owners of listed buildings;

- assess whether particular restorations should attract financial incentives;

- take coercive action if listed buildings are allowed to deteriorate;

- give advice to the local authority - and An Bord Pleanála - about the listing at planning application stage - in which capacity the central body would be unashamedly partisan in defence of the listing which after all either the local authority or the central body itself will have made in the first place.

The following section is important.

We welcome the Working Group's intention, implicitly repeated in Bill and the associated National Inventory of Architectural Heritage Bill, 1998, to abolish gradations of listing and also the intention that listing should comprehend a building's interior as well as its exterior. We note, however, with some concern that the National Environmental Inventory grades buildings according to international, national or regional significance. This may be desirable in prioritising exchequer disbursements (though a "local" grade would also be relevant) but it would not be helpful in the context of protection mechanisms since it is likely that it would only serve to undermine protection for those buildings that were on the lowest grade. In any event our proposed requirement of a positive case or exceptional environmental improvement ensures that the strength of protection varies with the quality of the building since the burden of showing that the alteration or replacement is an improvement will be greater the better a building is.

For many buildings it is their context as part of an integral street, streetscape, square or terrace that gives them their primary importance. It is this, for example, that makes the sum greater than the individual elements of Georgian Dublin.

With this in mind more use should be made of "conservation areas", which would have a statutory basis. Any planning application in such an area would be treated as if it affected a listed building i.e. it should be refused save if a positive case were made out that demolition would result in exceptional environmental

improvement. This system would work both for applications affecting worthy buildings and those affecting aberrations. The working is clear in the first case but more subtle in the second. An example will illustrate: an application for one of the less attractive 1960s office-blocks on Dublin's St Stephen's Green (presumably within a conservation area) would encounter little trouble if it implied an attractive re-facing. This is because a positive case could be made out for re-facing which would constitute exceptional environmental improvement. Over time this practice would ensure the improvement of indiscriminate eyesores within attractive areas. The charm of this system (and of the criterion of exceptional environmental improvement) is that the burden of proving that new development was such an improvement would be more easily discharged where the building was not so good; and conversely, less easily discharged where the building was better.

4. The Planning Process

Changes will be necessary at both local authority and An Bord Pleanála levels.

Local Authority

In the case of listed buildings the local authority planners should take written advice from the proposed central body which would generally take a partisan line in support of the listing. If the local authority granted a permission in the face of a listing the nature of the exceptional environmental improvement should be documented in detail and published.

Bord Pleanála

We feel that much of the improvement in protection for listed buildings provided by the proposed amendments to the law on listing could be undermined by the continued power of An Bord Pleanála to act as ultimate body of appeal, without at the same time being placed under a corresponding obligation to have regard to the enhanced legislative protection for older buildings. We therefore propose that while appeal would continue to be to an Bord Pleanála, in the case of applications for works to listed buildings, it would receive a report from a standing panel of three expert persons chosen from An Taisce, the RIAI and either the Department of the Environment or the Department of Arts, Culture and the Gaeltacht. This panel would replace the single Bord Pleanála Inspector, who at the moment reports in all cases, in cases involving listed buildings. Like the Inspector this panel would have to have a quasi-judicial function. In this regard its role would be different from the central authority's role which is partisan and advisory in the planning process - though the panel would, among other things, consider the central body's report. The panel too would deploy a criterion such as "exceptional environmental improvement" in addition to the normal criterion. Its recommendation would be documented in detail and published. An Bord Pleanála would be obliged to follow the recommendation of this panel, save in "exceptional circumstances". which should be documented in detail and published, and only where the Bord had a two-thirds majority. This would not be

a major alteration since Bord Pleanála practice has recently been changed to allow for the publication of Inspectors' reports and the basis of decisions; and the Bord says that it follows its Inspectors' recommendations in 90% of cases anyway. As is currently the case with important appeals, all cases involving listed buildings should be considered by the whole Bord, to avoid discrepancies between decisions.

It is also important that all inventories that may form the basis of listings should give special attention to those areas where development pressure is greatest - for example the tax-designated areas.

5. Enforcement

Powers of enforcement under both the Planning Acts and the Derelict Sites Act should be exercisable by the local authority but the central body should have the power to act in default of action from the local authority. The definition of "derelict" in the Derelict Sites Act should be amended to meet the concerns of local authorities that their powers are circumscribed. Where a local authority or (in default) the central body serves a repairs notice, specifying the works reasonably necessary for the proper preservation of the building and that in default of these works the building may be compulsorily purchased, then two months later in the event of continued default the local authority or central body should be empowered compulsorily to acquire it. It is important to encourage maintenance that the price for compulsory purchase of a listed building which has not been properly maintained be the price for a deteriorated building. This value focuses on the idea that the building will have to be repaired, and the compensation should be reduced if the building has been deliberately allowed to fall into disrepair with a view to redevelopment of the site. The local authority and central body should have alternative powers, where appropriate, to undertake works urgently needed (roof repairs, unblocking gutters etc) to preserve unoccupied listed buildings - and to charge the costs to the owner.

[I think all submissions on all planning matters should be assessed for their motivation - the underlying perspective - what the sector wants to achieve -and for whether they serve or at least purport to serve the common good. If a submission represents a vested perspective it should be considered in that light. It's unlikely that a submission that is paid for by a sector with a brief that extends solely to furthering the financial interests of its members will also further the public interest. In the debate over the planning bill this has been almost forgotten.

An Taisce represents, as I see it, the long-term and the public interest in planning. Even if you dispute this and if you believe that short-termism in planning serves the public interest, it is possible to dispute it, at least it cannot be disputed that An Taisce has no vested interest

I wonder if some here present believe in sustainability. They don't have to you know. But I think we should know. Indeed does everyone believe in planning at all. Again you don't have to. An Taisce does. I do. I was just looking at the CIF submissions on the DCDP last year - incorporate commercial aspects when assessing sustainability, social objectives should not be addressed in the Development Plan, "there should be no limit to office size, open for consideration should mean "normally permissible", prevailing densities should not dictate new development", remove restriction on density in conservation areas, the civic design chapter could impose unnecessary restrictions, no mandatory requirement for mix of apartment size.

We should know who we're dealing with.

This is because planning affects us so profoundly. Where you live, what the atmosphere is like, water quality, the character of your local village, where you can escape to at weekends, whether your local pub has been transformed into a mega pub, how long it takes to get to work. These matters affect the country as much as whether GDP is rising. So they should be subject to the rule of law and democracy - as provided for in the quasi-judicial mechanism of the planning process. It's not anti-democratic to steer the planning process in the public interest. It's democratic.