

20140115-20-CDP

Forward Planning Section
Roscommon County Council
Courthouse
Roscommon

forwardplan@roscommoncoco.ie

29.01.14

Re: Draft Roscommon County Development Plan 2014-2020

Sir/Madam,

Thank you for referring the above to An Taisce for comment. We would like to make the following comments which we request the Planning Authority (PA) take into consideration in the finalisation and adoption of the CDP, including the accompanying Strategic Environmental Assessment (SEA) and Article 6 Habitats Directive Assessment (HDA).

It is wish to advise the PA for future reference, An Taisce will accept forward planning referrals in electronic copy and will then, if required, contact the council directly if a hard copy of specific documents is required in respect of the referral. This should go some way to reducing the councils costs and consumption of paper.

We would also request that the PA make An Taisce known of any further consultation periods regarding the making of this CDP and issue An Taisce with notification of any future proposed amendments to the Draft CDP and notification of the final adopted CDP.

Yours sincerely,



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Planning & Environmental Policy Officer
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Submission to the Draft Roscommon County Development Plan 2014-2020



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1.0 Introduction

In recent years the Irish planning system has been brought into disrepute. Corrupt zoning decisions, bad planning and the link between developers and politicians has brought calamitous consequences. More than ever the planning system is required to address the major challenges of our time. It must be reclaimed with transparent democratic decision making. The PDA 2010 has made significant legislative changes to the forward planning process and these must be adhered to by the PA to ensure the CDP is not subject to legal challenge or intervention.

Spatial planning is amongst the most important function of the PA and its elected members. We refer the PA to the **Judgment of the High Court in respect of Farrell & Forde v Limerick County Council [2008 No. 1398 J.R.]**. In this case Mr. Justice McGovern found that the Manager only had to give effect to the lawful resolutions of the elected members. The Manager has the power to treat a resolution as invalid where the Elected Members have ignored the local authority's expert advice to the effect that the proposal would be unlawful or contrary to the proper planning and development of the area and where they fail to outline any proper planning – based reason for rejecting that advice. Mr. Justice McGovern goes on to state:

'The planning process involves taking into account many considerations which may involve competing claims. The process exists for the benefit of the community at large and not for sectional interests, whether they be landowners, private individuals or developers, although there may be cases where these interests coincide'

We request that the Manager and Elected Members have full regard to their legal obligations in the consideration of the CDP. An Taisce will be reviewing the final CDP with regard to the above judgment.

The new CDP will provide a key policy document of central importance for a critical period in Irish society and will form a contract between the PA and the local community embodying a promise to regulate land use in accordance with its policies and objectives¹. It is now two decades since the 1992 Earth Summit in Rio de Janeiro when scientists warned humanity that 'no more than a few decades remain before the chance to avert the threats we now confront will be lost and the prospects for humanity immeasurably diminished'. The worldwide response to these messages from those in a position to bring about change has been almost nil. It is now, therefore, imperative that the new CDP set out a clear, rational, evidence based and plan-led strategy for the future spatial development of the locality to address critical emerging global challenges, **most importantly energy scarcity and climate change**, and is grounded in the principles of sustainable development.

An Taisce asks that the PA review the development plan before final adoption to ensure conciseness, clarity and simplicity in use of language, and that planning terms be explained in an appending glossary. The excessive flexibility inherent in many CDPs is a key factor in the long delays experienced in the planning process. This flexibility is evidenced both vagueness and by 'let-out' clauses which causes interpretation problems for the developer, the Councillors, the public, and even the officials.

¹ See McCarthy J. In Attorney General (McGarry) v. Sligo County Council [1991]

2.0 Draft County Development Plan

2.1 Policy 3.46

While understanding the nature and reasoning for the policy, it should be noted the Department of Environment, Community and Local Government has published a draft document for revisions to the *Wind Energy Development Guidelines (2006)* with a submissions deadline of 21st February 2014². It is a targeted review of noise, proximity and shadow flicker. Until such time as new guidelines, where the key issues of concern under this policy, have been decided the appropriateness of such a policy has to be fully considered, given the revised guidelines could supersede policy of the CDP.

It is stated in the draft revisions in relation to noise:

Because of the lack of correlation between separation distance and wind turbine sound levels, the use of a defined setback of turbines from noise sensitive properties to control noise impacts is not considered appropriate.

It is stated in the draft revisions in relation to shadow flicker:

At distances greater than 10 rotor diameters, the potential for shadow flicker is extremely low, and accordingly this distance should determine a study area for the purposes of modelling the impact of potential shadow flicker. Every dwelling or other affected property within the 10 rotor diameter radius from each individual turbine should be included in the flicker study area.

It is stated in the draft revisions in relation to exceptions to setback:

An exception may also be provided to the minimum 500m setback for amenity purposes, where the owner(s) of the relevant property or properties are content for the proximity of turbines to be less than the minimum setback. As with noise limits above they must provide written confirmation to the satisfaction of the planning authority that they have agreed to a reduced setback and have no objection to the proposed wind energy development:

Furthermore it is wished to draw the planning authority's attention to the following map prepared by The All-Island Research Observatory (AIRO) showing set back of 1500m from dwellings. If the council is to pass a 1500m set back, then it is advised to reword the policy which illustrates that it is a prohibition of wind energy in the county in general, except on Lough Ree, as the map suggest.

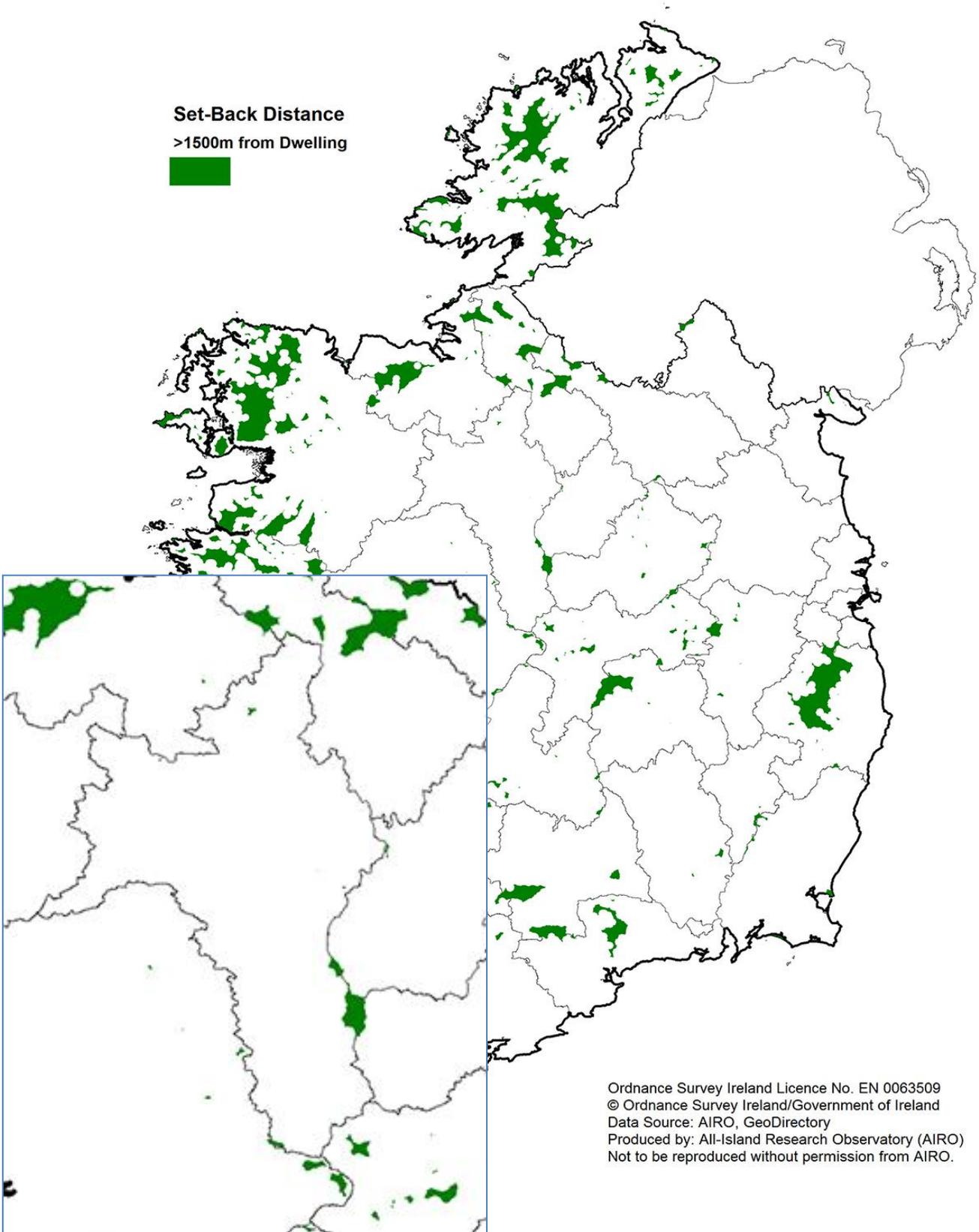
With this is asked that the manager reports on the following article which was published in the Irish Times by Diarmuid O Grada on the 18th January 2014 entitled *Mistakes of the past allowing bungalow blitz must not determine energy policy*³. This article⁴ which is copied to the appendix forms part of our submission to the council and we anticipate a response to same.

² <http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload,34769,en.pdf>

³ <http://www.irishtimes.com/news/environment/mistakes-of-the-past-allowing-bungalow-blitz-must-not-determine-energy-policy-1.1659485>

⁴ Appendix A

Set-Back Distance
>1500m from Dwelling



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2.2 Policy 4.2

The use of 'sustainable travel assessment' is noted and considered appropriate in order to achieve objectives in relation to sustainable travel. It is asked that the council incorporate into the above policy, a requirement of the developer to submit a mobility management plan for certain types of development also. This has been adopted in the Limerick County Development Plan 2010-2016 (Section 10.11.2) and has had generally positive outcomes. The Mobility Management Plan can be used as a key mechanism in the development management process whereby new developments can support the objectives of sustainable development through the encouragement of a modal split away from car based commuting dependency, and in turn help achieve the aims of the Department of Transport's policy, *Smarter Travel: A Sustainable Transport Future – A New Transport Policy for Ireland 2009-2020*. The council will require that a Mobility Management Plan is carried out and submitted as part of any planning application proposed for large employment based developments, where it is considered that local traffic volumes may be greatly increased as a result of such a development. Where the Council may consider it necessary, subject to specific site characteristics, suburban v rural location, discretion can be exercised.

The following development proposals should include a Mobility Management Plan:

- Office development - office based industry.
- Retail development – retail parks, single developments, retail warehousing.
- Industrial development.
- Warehousing/storage/distribution.
- Neighbourhood/Town Centre development.
- Education development – school, colleges etc.
- Mixed use developments.

Most notable, mobility management plans have become an important facet of planning applications for school development in the Greater Dublin Area, where the schools eventually advances their mobility management to achieve An Taisce's Green Schools Award.

Given the above, it is asked to rephrase Policy 4.2 as:

Require a mobility management plan in relation to developments where it is considered that local traffic volumes may be greatly increased as a result of such a development.

2.3 Policy 4.5

The environmental impacts of placing 'wiring pertaining to Egrid' under-ground has not been fully evaluated and factored in to the Strategic Impact Assessment. While over-ground lines pose obvious impacts in terms of visual amenity, the authority has not provided any evidence as to the impacts of placing them under-ground given the significant excavations which are required. To proceed with this policy in the absence of any evidence is premature and not evidence based.

2.4 5.11 Housing in the Country Side

No justification is given for the removal of five paragraphs in relation to rural housing on pages 131-132. Unless the council has evidence, academic or otherwise, to prove this information untrue, then it should be retained. Furthermore the removal of steps to 'Guiding the Appropriate Location of Housing Development in the Countryside' is completely unjustified by the council and should be reinstated. The changes to Table 5.3 of the period of residency from seven to three and removal of Policy 5.29 is completely unjustified.

2.5 UNESCO World Heritage Site

Can the planning authority state how they expect to achieve Policy 6.15 given the proposed policies on rural housing development. It is unclear how the two can be analogous.

3.0 Renewable Energy Strategy

No justification is given for the removal of detailing in relation to Landscape Character Assessment and Strategic Guidance on Landscape Capacity in relation to Wind Energy Development. The promotion of the positive aspects of landscape character assessment and a strategic plan for wind energy will have to be agreed, which gives planners the support of an additional planning instrument to support their decision making, otherwise it is contended that unintended impacts may occur whereby all areas in Roscommon could be open for consideration to wind energy development.

From the contrast in the application of Landscape Character Assessment across Ireland, it has become apparent that the support for Landscape Character Assessment received in the development plan determines highly its use and confidence of use. Well written and encouraging inclusions of Landscape Character Assessment in policies and objectives would hold strong backing, something which independent reference documents do not.

Further reasoning for recommending inclusion in the development plan is to ensure greater public participation and revision of the Landscape Character Assessment every six years, which adds benefit to planning policy (Sevenant et al., 2010). The revisions should strive to include more detail with every plan and ensure the current document does not become outdated given the ever changing nature of landscape

4.0 Draft Area Plans

In both the Hudson Bay/Barrymore and Cortober Area Plans no justification is given for the removal of phasing and their determining factors as proposed by the planning authority in the original draft. Justification and evidence is required in this regard.

5.0 Appendix A

Mistakes of the past allowing bungalow blitz must not determine energy policy

Diarmuid O Grada

Last Updated: Friday, January 17, 2014, 18:55

It is generally accepted that we require major extensions to the national grid to cater for our energy needs over the next few decades. Much of this has to come from renewable sources, mostly wind farms, if we are to meet our European Union obligations.

The Government sees these supply connections being made through high-voltage overhead lines borne by pylons. This is the method we have relied upon since the late 1920s and it has worked well. Now it has become a controversial topic and we have lately seen a significant increase in opposition from those living in parts of the countryside these overhead lines would pass through.

We need to have a balanced debate on this issue in order to establish and secure the national interest. There has been a notable silence from observers who would consider this topic in its full context supported by science-based evidence. So far the majority of the contributions have been emotionally charged and much of the opposition has come from occupants of rural bungalows that were built in contravention of the principles of good planning. In my opinion the views expressed should be weighed according to their objectivity.

The Roscommon TD [Denis Naughten](#) has given a new reason for placing these power lines underground. In his view one-off houses are so widespread now in the countryside that they can no longer be avoided by overhead lines. This suggests that we have had a failed development strategy and that bad planning has won out. The consequences of this failure need to be identified. Minister for the Environment [Phil Hogan](#) is conducting a review of the national spatial strategy and the current uncertainty proves how urgent that task has become.

Blight of bungalows

We have seen other versions of this problem before, as for example where major rural roads could not be widened because of the excess of random ribbon housing along either side. So entirely new roads had to be built – at enormous public expense. Mr Hogan needs to determine whether the blight of bungalows, with its enormous service costs and associated rural isolation, is going to hold back the provision of necessary power supplies.

About 60 per cent of our new dwellings still comprise one-off houses, most of which are scattered randomly over the countryside. This cannot be allowed to block the expansion of our national grid. Roscommon offers us a good example of bad planning. Over the past five years [Roscommon County Council](#) received more than €92 million in direct payments from the Department of the Environment. Yet 30 per cent of the homes in the county do not have water that is fit to drink. They have to boil it first.

Geological colander

This is easily explained. Roscommon is formed like a geological colander, shot through with sinkholes and springs. Foul effluent quickly finds its way into domestic wells (more than 75 per cent of its water supply comes from springs). The council has continued to grant planning permission for houses where the ground conditions cannot deal with septic tank effluent; over the past decade it has granted permission for more

than 5,500 of them. The latest Central Statistics Office data shows that last year the council granted permission for nothing but one-off houses – that is, no estates and no apartments.

A significant proportion of scattered rural housing can be attributed to local representatives' excessive zeal, yet local politicians have failed to join the dots. Patronage is merely one symptom of the serious shortcomings of rural politics. Mr Hogan's review needs to foster the clustering of housing within towns and villages where people can meet freely, shop locally and children can walk to school. Nucleated settlement brings a social dividend.

Road fatalities

There is also an environmental gain and protection of the landscape. When we compare road safety levels in the countryside to those in the capital the statistics are startling. For example, during the past decade Co Roscommon had four times the level of traffic fatalities per capita as Co Dublin. We cannot say how many of these tragedies would have been avoided by directing new housing into towns and villages where lower speed limits apply. It is clear, however, that those living within clustered settlements are in a safer traffic environment and indeed do not need a vehicle for many everyday trips.

It is hard to avoid the conclusion that Roscommon County Council is dysfunctional. Mr Hogan needs to install an administrator there who will be free of political interference. It would take at least a decade for such an administrator to sort out the county in terms of reforming the development plan and other systems, in order to allow the introduction of the necessary infrastructure, including power lines. In my opinion a similar initiative could be taken for many of the county's neighbours as well.

Now [Fáilte Ireland](#) has entered the debate, advising that sensitive landscapes should be spared pylons of high-voltage lines. The tourist board is, of course, a prescribed body under the planning acts, and thereby a welcome contributor to the discussion. However, the various points must be connected. The randomly scattered bungalows cited by Mr Naughten have done untold damage to our tourism product. January's storm damage has again underlined how many of these bungalows were allowed to degrade prime amenity areas. They are simultaneously holding back the potential prosperity of small rural villages. We should hear more from Fáilte Ireland on this core agenda of good planning in our settlement strategy.

Rural/urban tariff structure

This debate must be resolved in the national interest. If people are very attached to where they live they should be prepared to pay the cost. It seems strange that those living in Ballymun or Ballsbridge should have to pay the cost of bad decisions in Roscommon. If the argument for undergrounding these new power lines is accepted the equitable outcome would be for rural users of electricity to pay more for their domestic supply. This would be easy to implement as there is already a dual rural/urban tariff structure in place reflecting the differences in maintenance costs – we see how much more attention rural lines need after winter storms. Such an extra charge would allow the countryside to bear the cost of bad planning. It would amount to at least 5 per cent extra in standing charges.

[Diarmuid Ó Gráda](#) is a planning consultant

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