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The All Party Oireachtas Committee on the Constitution,
Fourth Floor,
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Property Rights – Submission

Summary

The review of the constitutional provisions governing property rights is a pivotal opportunity to assist in the delivery of an environmentally sustainable and socially just society.

- The Constitution should expressly protect the rights to property
- The Constitution should expressly provide that such property rights can be qualified, restricted etc by legislation where there are clear social justice or other public reasons for doing so. Due regard to be had to the need to restrict the property ownership rights in the constitution to development property, because the development potential is directly attributed to the (existing or future) provision by the state of water supply, sewage, roads, rail and transport infrastructure.
- Create a single self-contained article in the Constitution dealing with property rights, using clear and simple language.
- We do not recommend the affording of constitutional protection of private property to legal persons.
- Establishment of a National Land Bank Management Agency to own and manage all residential & industrial development lands as a mechanism for ensuring the protection of the greater good and ensuring the benefits of productive wealth is shared by the widest possible numbers of our society.

Any conclusions reached by the Committee should seek to formulate an amendment, which is predicated upon pre-eminence of social justice and the common good over those of the individual. This should help to deliver strong, structured and robust processes, which assist in the delivery of open, transparent and participative government.

Background

The Dublin 15 Community Council welcomes the examination of Property Rights by the Committee on the Constitution. The assertion of these rights has had a fundamental and profound influence on societal and economic development in Ireland.

The content of the Committees invitation for submissions in the national press indicates the broad range of issues that this area of the Constitution has the ability to impact upon.

It would be our view that this element of the Committees work has come at an appropriate time - excessive inflation of the past eight years in the residential property sector, controversy / corruption in the Planning & Development process, infrastructure delays and costs etc.

It is felt by many that the laws, regulations and processes that have devolved from our present Constitutional provisions governing Property Rights have taken place in a manner and way such as to largely benefit a select minority of our society.

One of the consequences of this has been to alienate many from the democratic process. This manifests itself in the context of this paper, the inability of individuals to purchase their own homes and the lack of access and ability of ordinary citizens to influence the planning and development process.

The Committee now has a window of opportunity to tackle these and the associated issues and to eliminate the inequities that have emerged in our society since the sixties with regard to the exercise of property rights.

Our submission will seek to highlight issues / areas that we feel need to be addressed.

Planning and Development Process

In any examination of property rights we must consider the role and effects that the planning and development process has in such matters.

This process has a material and lasting influence on society and the environment in which we live. It determines where we live, the type of housing , type of community we live in, the infrastructure / facilities or lack of them necessary to sustain a modern community, to the provision of transportation / communication links etc.

Hence the importance that the system and the associated processes are beyond reproach, inclusive and transparent.

It is, in our opinion, the primary vehicle for delivering an environmentally sustainable and socially just society.

Vast fortunes have been made in recent decades through the use and exploitation of this process. Society has been severely and negatively impacted upon by a system that is widely held to be 'Developer led'. The various disclosures emanating from the recent

tribunals is a shocking exposure of corruption in the planning process in the Greater Dublin metropolitan area.

It would not be desirable from a societal perspective to await the final outcome of the Flood tribunal, but rather to learn from those disclosures to date. The existing system has in our view been brought into disrepute and should be replaced with systems that minimises the opportunity to unduly influence or corrupt the processes involved.

Zoning of land

The single element that has been the most controversial aspect of the planning process is that of the zoning of land. Land is our Nations most precious resource. Hence the importance that should be attached to it's development in a manner consistent with Sustainable Development and the Common Good. The essential point here is that re-zoning of land is only possible because the state has (or will have to) provide the necessary infrastructure

We would also ask your Committee to consider the area of control of development land (Or land with development potential). It is reported in the media that a small number of developers have control over a significant land bank that has been / will be utilised to build new residential accommodation in the eastern part of the Country. Such a situation is unsatisfactory from a planning and competition perspective.

Since the original constitution was framed two significant changes have happened:

- The urban population of the state has exploded, while the rural population has decreased, this is most evident in the expansion of the Dublin Metropolitan area.
- The Planning & Development Acts (from the 1960's to date) have conveyed a value on "development" land.

The differential value between development land and agricultural land is directly attributed to the provision by the state of necessary infrastructure i.e. schools, water supply, sewage, roads rail and transport infrastructure. True the developer does construct the "last piece" where water and waste connects to the individual house or factory and distributor roads within an estate, but this is the inexpensive part and useless without the rest of the backbone of the infrastructure.

We do not believe the originators of our constitution intended that the state (and its taxpayers) should fund the development value of zoned land.

We have developed thoughts on ways to improve the effectiveness, transparency and openness associated with the rezoning of land. Some years ago we suggested that greater use of the Kenny report be made and that a national executive agency be formed to manage development land as a national resource. We have similar positive experiences here in the past from the setting up of such bodies e.g. the National Treasury Management Agency, formed to manage the national debt. An undertaking which has been very successful in attaining it's objectives.

National Land Bank Management Agency (NLBMA)

In our opinion a fresh initiative is required to bring the spiralling cost of development land under control and to de-politicise the land zoning process. The opportunity to make excessive profits from land rezoning must be minimised.

What we propose is the establishment of a National Land Bank Management Agency.

This national agency will be responsible for

Implementation of The National Spatial Strategy.

Implementation of the Strategic Planning Guidelines for the Greater Dublin Area.

Implementation of future Government Policy / Initiatives that involves Planning & Development.

The review and delivery of County and City Development Plans.

We propose that

"All lands deemed to be development land by a National Land Bank Management Agency shall be temporarily vested in the Agency and architectural competitions established for each development area structured as follows:

1. The Agency shall invite competition entries from developers comprising:
 - House and development design
 - Tender price for the site.
 - Tenders will be open to EU firms to ensure competition and that we can exploit 'Best in Class' practices from abroad.

2. The Agency shall establish selling prices for each house type in the development.

3. The Agency shall ensure that all required infrastructure will be provided before development commences, funded by the tender prices paid for the site.

4. The commission shall ensure that large infrastructure components (such as Public Transport, Roads, Schools and Recreational Facilities etc), are funded by the contributions from several such development sites, exchequer financing and, where appropriate EU funds.

5. The Agency shall review the rationale behind any land rezoning from Agricultural to other uses to certify that the decision is consistent with the implementation of:

The National Spatial Strategy,

The Strategic Planning Guidelines for the Greater Dublin Area.

Implementation of future Government Policy / Initiatives that involves Planning & Development.

The Agency shall have the authority to reject re-zonings that do not conform to the above, or where corruption is suspected (pending an investigation). The agency shall not have the authority to initiate zonings, there needs to be a clear separation of roles between the political / consultative process and the strategic overview to ensure corruption in the planning / zoning process does not re-emerge.

A Senior Judge or Civil Servant with a background in Planning & Development should head up the Agency.

Staff should be experienced planners, well remunerated. Seek a mix of staff-and recruit Planners from other EU countries where there has been sound planning & development practices for many years e.g. Holland.

The advantages are numerous for such an initiative.

A holistic, structured and professional approach can be brought on a national basis to the future delivery of city and county development plans.

Ensures openness, transparency and preserves the integrity of the system.

Assist the restoration of balance and morality into the sphere house purchase

Will lead to consistent and speedier delivery of Government initiatives such as the implementation of The National Spatial Strategy and the Strategic Planning Guidelines for the Greater Dublin Area.

Will help to arrest the spiralling inflation with regard to the provision of public and private residential accommodation.

Will ensure that infrastructure is provided in a timely manner and lead development, rather than lag development as at present.

Will help to ensure that social and affordable housing needs are addressed.

As an alternative to the foregoing deeper consideration should be given to the Kenny Report and its suggestions for dealing with the issues referred to.

Other Suggestions

We have set out hereunder a list of initiatives and suggestions, which attempt to redress some of the shortcomings/ inequities/ imbalances, that exists in the current system.

- Developers should provide land (at average agricultural land values) to local authority & state agencies for the following – primary & secondary schools, community centres & health centres, this should be pro rated according to the percentage of land owned in a local area action plan. Such lands to be identified and dedicated at the outset of approval of an Area Action Plan, Development Plan or Strategic Development Zone.
- Developers should provide land (free of charge) to local authority & state agencies for the following –, distributor road access, access to provide utilities (drains & water supply) or services/ facilities associated with the provision of Public Transport. The land for the above services should be provided on request (of local authority) in advance of development (rather than lag development at present).
- Higher density development (where higher density is based on access to public transport) should be required to contribute to the cost of that transport infrastructure as permitted by the Planning & Development Act 2000. (Contribution should be in proportion to the value of the additional sites made possible due to the increased densities).

- No land should be re-zoned to residential without giving the local authority the opportunity to acquire sites for social & affordable housing at current land values.
- Development of new areas need to be infrastructure led, with developers contributing to the up front costs.
- Developers holding back development to increase prices, need to establish mechanism to prevent this happening (ie re-zone to agricultural / amenity zoning without compensation).
- 10-year planning permissions should be conditional on putting the entire infrastructure in place in the first phase.
- New Re-zoned lands should be levied ab initio to fund infrastructure costs.
- Examine the profit margins of new residential property developments to determine if excessive margins exist in the current market and develop suitable strategies to ensure competitive forces erode excessive margins.
- With regard to the foregoing we suggest that Government give consideration to implementing a special tax on developers, similar to the special levy in the last budget with regard to Financial Institutions. The additional tax raised should then be ring fenced to ensure that the funds be utilised to provide the relevant Local Authority with additional funds develop necessary facilities / infrastructure (e.g. additional social and affordable housing).
It would be important that this was structured in a way as to ensure that the developer was not allowed to pass this additional tax onto house buyers.

Enforcement process

Our Planning system allows a Planning Authority to permit a development that would in the absence of suitable conditioning, be prohibited. It is clearly understood by all parties that the conditions are an integral part of the permission. The attached conditions are a necessary safeguard that the development concerned will proceed in the prescribed manner in the interests of the proper planning and development of an area. It may therefore be said that attaching of conditions to a planning permission by a Planning Authority is a mechanism of reconciling the exercise of property rights with the exigencies of the common good.

Despite that knowledge it is an area that in practice has led to the clear subordination of the common good to that of the developer. Time and time again Communities have come up against a 'Brick Wall' in dealing with errant developments. The issue has become so bad as for the recently retired Ombudsman to specifically refer to it as a real problem area in Local Government.

While the Planning & Development Act 2000 has gone some way towards redressing the imbalance, it still leaves much to be done to protect communities and the common good from 'rogue developers'.

Taking in Charge by Local Authorities of developments

Of particular concern to the Community is our lack of 'right' to and inability to insist that estate/developments be taken in charge by the Functional Authority. We know of estates that have literally been left out on a 'limb' by developers for decades. The Councils will refuse to take them over until all works outstanding are complete – and the developer is happy to dispute the requirements or simply is not prepared to carry them out.

And there the issue remains -in no mans land - and to the community it appears that no one really seems to care at official level as there is no effective enforcement mechanism to force the issue.

We would urge the committee to devote some time to this issue as matters stand we have a significantly reduced access to the Planning system and there seems little appetite to pursue developers. Contrast that with the regular complaints by developers about delays in the planning system, insisting that they must have planning decisions completed within a given time frame. Resources have been ploughed into that area – and have we seen a corresponding increase in the enforcement sections manpower / resources etc. No.

We need greater protection of the common good in this sphere of the planning process as it has a real impact on our ability to enjoy the amenities to which we as members of society are entitled.

Associated issues

We have listed additional aspects of the Planning & Development process that we believe are inequitable and highlight the regularity with which the planning and Development and associated processes subordinate the rights of the Community to those of the individual property owner – see Appendix 1.

House prices

The authors of the original Constitution sought to ensure that they bequeathed to us a living document that would enable Ireland to evolve into a caring and embracing society that would be capable of advancing the quality of life of all of the people of Ireland.

Over the decades this has lead to the expectation that for the majority of us, we would in our lifetimes own our own homes and that those less fortunate would be provided with adequate accommodation in which to live.

However, that aspiration is fast disappearing from to-days Ireland.

In 1995 it required 5 times average earnings to purchase a home, now it has doubled to 10 times average earnings. Home ownership is now fast becoming a luxury; to be attained only by the most highly paid members of society. Housing is now no longer affordable for the majority of our young people.

That fact alone has major ramifications for the existing and future economic and societal development of Irish society.

The **Economic impacts**

In the past decade we have witnessed a transformation in the economic fortunes of our Country, largely due to massive inward investment attracted by

- Low tax environment for business
- Availability of highly skilled 'knowledge' workers for a 'knowledge' economy
- Stable social / economic environment

Already there is strong anecdotal evidence that the lack of affordable residential accommodation is starting to encourage our skilled indigenous graduates to emigrate. Amongst them will be many of the entrepreneurs of the future - the lifeblood of an economy. Unaffordable house prices also serves as a barrier to the immigration of other skilled workers required by our knowledge economy.

- The amount of disposable income available to new homeowners has greatly diminished in recent years(higher mortgages/ transportation costs/ child minding etc) , thereby severely restricting their ability for discretionary purchases. This played out overtime will see a contraction in economic activity in the country.
- The reduction in disposable income will impact on exchequer funding and the States ability to provide the infrastructure/ services that a modern Ireland requires.
- Increased House prices makes Ireland a less attractive destination for inward investment as it makes it harder to attract skilled workers to Ireland.
- The high level of House prices has afforded developers the opportunity to reap 'super' profits on residential developments, thereby concentrating a disproportionate amount of productive wealth into the hands of a small number of individuals. This has major consequences for the economy.

The **Societal impacts** of soaring asset prices in relation to residential accommodation have yet to be fully understood. However, we can see some of those effects filtering through.

- Households now require both partners to work to maintain mortgage payments – the element of choice has been largely removed from the present generation of new parents. Families now experience less time with each other. The quality of life has been eroded, in particular that available to the family unit.
- Individuals now have to spend excessive number of hours per day commuting to their places of work/study. This places an unhealthy level of stress on individuals and has health / environmental implications for society. Also discourages mobility of employment amongst workers.
- The new towns / cities which have sprung up in the Greater Dublin Area and adjacent counties are largely devoid of community and social facilities. Hence making it more difficult to establish a sense of community. That impacts on our notion of ourselves as a 'caring society'.

- Increasing the rate of homelessness and forcing additional persons onto the public housing lists.
- Single persons and middle income couples now face increased social exclusion due to inability to access housing market, either public or private.
- Impoverishing today's families and hindering the middle aged to prepare for retirement as they struggle to assist children with housing costs.

The Government reacted to rising House prices by establishing the Bacon reports and undertaking a number of other initiatives. However, these were rendered largely ineffective due to the effectiveness of the developers lobby and the failure to be radical enough in tackling the issues involved. Indeed it may be said that the failure of these initiatives were due to the subordination of the common good to those of the individual property owner.

In examining this issue over the past six years we have seen little change, despite awareness at official level as to the causes behind and the means used to sustain the escalation in house prices. Amongst those we feel as relevant to this submission -

- Highly effective industry lobby
- Perceived scarcity factor
- Hoarding and holding back of development land by developers
- Use of the 'trickle' effect- controlled release / phasing by developers of housing units
- Avoidance by developers of competition between each other

The lobbying by a number of developers to reverse the social and affordable housing provisions evidences examples of this. A further example was the restoration of investor relief in the last budget; as a consequence prices of new residential accommodation rose by 15% shortly thereafter.

Rising house prices are of concern to the great majority of the population and need to be arrested. To do this a greater sense of balance has to be injected into the equation with regard to the competition between the common good and the interests of the individual. As a moral society we cannot continue to allow the needs of a few take precedence over the needs of many.

We would suggest the following be considered

- Elimination of tax incentive based property schemes (primarily used by top earners as a tax avoidance measure)
- Restriction/elimination of investor relief
- Bring the purchase of new homes under the control of the Director of Consumer Affairs and ensure that the purchase of new residential accommodation is covered by the Sales of Goods and Services Act. This is desirable to protect consumers in the largest financial commitment of their lifetime. We regulate the institutions who lend the money, but strangely enough not the builder who takes the money!

- Additionally, where anti competitive behaviour exists in the industry the Director should be empowered to examine the issues.
- Introduce a tough –‘ Use it or Loose it ‘ provision in the Planning & Development Act to ensure that hoarding or holding back development land is disincentivised. This would involve the dezoning of land after a reasonable period and not be subject to compensation beyond the original agricultural / previous use value of the land prior to its rezoning for development. Such land could be subsequently aquired by an executive agency/ local authority for use to provide housing / requisite amenities for the community.
The NLBMA referred to earlier would be in an ideal position to police such a measure.

Social & Affordable Housing / Sheltered Housing

We have a duty to provide the members of society with shelter and to care for the less well off in our society. This is what the authors of our original Constitution intended. It is a pity therefore that the Social and Affordable housing provision should have been allowed to be have been frustrated by the developers lobby.

We need to have a robust policy that addresses social, affordable and sheltered housing and does not allow the development lobby to exercise an unhealthy degree of influence over that element of social policy. While the social and affordable housing issue has received regular media and political comment, it is noted that little is being done to prepare for an ageing population and the need to provide sheltered housing for the elderly, and indeed the disabled. We would like to see greater provision for such initiatives in future Development and Area Action Plans.

Infrastructural Development

We will refer to two categories of infrastructure

- State / National Development Plan projects
- Local infrastructure necessary to support emerging communities

State projects

The high costs and delays associated with state projects are a regular topic of discussion in our national media over the past number of years.

We wish to give our own perspective on aspects of this issue.

Ireland has a largely immature infrastructure and through the National Development Plan seeks to redress this imbalance.

However, price escalation, delays etc have on many occasions frustrated the delivery of projects.

- Additional delays / expense have occurred on many showcase projects due to facilitating ‘vested interests’. By this we mean inappropriate zonings / rezoning of lands that may need to be acquired, thereby creating a ‘windfall’ for the landowners in question.

- Failure to adequately consult with the affected residential and business community in advance of the launching of major infrastructure initiatives.
- There is an attitude of paternalism and tokenism in many public bodies that see genuine public participation / consultation as a hindrance rather than a help. Yet we can point to our own experience here in Dublin 15 where our active participation in such matters has provided valuable insight and solutions for such projects, thereby saving the exchequer substantial monies in the longer term. There is a huge repository of knowledge, common sense and good ideas in the public domain waiting to be harnessed.
- Failure to 'plan in' to projects adequate mitigants to alleviate community concerns regarding air /noise / light pollution, safety and severance issues. Other countries do this as a matter of routine at the very outset of a project. Here we seek to ignore or deny an issue exists in these areas, thereby alienating communities from the outset.

Local Infrastructure

A prime objective for the Community Council in making this submission is to increase the awareness amongst policy makers of the need to have **Infrastructure lead development**. The systematic failure over decades to provide roads, public transport, schools, recreational/community facilities for newly emerging communities in advance of development is exacting a high price on those communities.

We would ask the committee to consider the reasons why our planning and development processes have allowed this situation to persist for so long, when we have known that our European neighbours have been doing it right for years. Have we as a society placed the interests / rights of a few above those of the greater good?

Have we allowed the benefits of policy decisions accrue to the few, and by the same token failed to ensure that those benefits are passed onto the wider community in the form of the provisions of schools, public transport, better quality housing, facilities etc.

An example would be the implementation of the Guidelines for Planning Authorities for Residential Density, which has permitted / insisted on higher density housing (thereby generating higher profits for development land) and promised higher standards and safeguards etc – yet we have not seen those delivered on.

The classic example is the proximity of the development to a Rail corridor. e.g. Maynooth rail service.

If it is less than a kilometre, higher densities can be placed in the development – no regard is had to the carrying capacity of that railway line. Communities then face the struggle to get on train services that cannot cope with the demand.

Again we see this as an example of allowing developers 'plough ahead' with higher profit schemes while authorities fail to ensure that matching services / facilities are provided in advance or in parallel with the housing.

Comment on the Constitution

The explanatory material supplied by the secretariat for the Committee has been of great assistance to the Community Council in considering the various options considered by the Committee to date.

We would broadly agree with many of the conclusions as outlined. Specifically we agree with the following:-

- The Constitution should expressly protect the rights to property
- The Constitution should expressly provide that such property rights can be qualified, restricted etc by legislation where there are clear social justice or other public reasons for doing so.
- Create a single self-contained article in the Constitution dealing with property rights, using clear and simple language. The example provided in section 6, page 10 of 11 in the notes is good working model to provide the basis of discussion for a final article on property rights.
- We do not recommend the affording of constitutional protection of private property to legal persons.

Any conclusions reached by the Committee should seek to formulate an amendment, which is predicated upon pre-eminence of social justice and the common good over those of the individual. This should help to deliver strong, structured and robust processes, which assist in the delivery of open, transparent and participative government.

It is our hope that the Committee will see this as a pivotal opportunity to assist in the delivery of an environmentally sustainable and socially just society. It is time to move away from the historical perspective of assisting the exploitation of individual property rights by a minority of society at the expense, in many cases, of the common good.

Finally, we wish to thank the Committee for affording this opportunity to participate in their work and would welcome an opportunity to discuss our submission with them.

Barbara Brennan
Chairperson

Appendix 1

Community access to Planning & Development Process

Present position

- A developer will be afforded the opportunity to hold pre-planning discussions with the Council officials to discuss the developer's proposals. Indeed this is encouraged to 'iron out' any potential difficulties.
- Community will not be afforded such an opportunity to discuss proposals / clarify issues associated with the proposal, even though they may directly impact on the Community.
- Developers usually have professionals representing them. In the 'normal' course of events relationships will develop between the planning professionals.
- This gives the developer hidden / unfair advantages over the Community i.e. they have direct personal access to planners / council officials. Through this direct contact they seek to influence decision-makers towards delivering a favourable outcome for their principals. This can have a prejudicial effect on Community concerns.
- Generally Planning Authorities do not allow the Community to make a written representation on a (proposed) development, unless the developer has lodged a formal application. This is supposedly to 'protect' the landowner (developer's) Constitutional rights.
- Verbal representations from Community will not be accepted in any circumstances, either before or after a planning application has been lodged. We are expected to make a written submission, which will only be accepted if accompanied by the appropriate fee and within the prescribed time frame.
- The current system creates an imbalance which greatly favours the developer by allowing them a highly effective communication / lobby channel which is not available to the Community. This pre-planning practice does not treat all interested stakeholders equally and actively discriminates against the Community. Indeed it is in our opinion that these Pre-Planning practices carried out by Planning Authorities effectively subordinates the wider property rights of the Community to those of developers.
- We also believe that the foregoing issues referred to be contrary to the principles of the doctrine of Local Agenda 21 and European Conventions.

All stakeholders in the Planning Process should have an equal opportunity to have their views considered by the Planning Authorities. To do so is to encourage / practise transparency and thereby minimising the opportunity to discredit / corrupt the planning process. Planning Authorities should not seek to use supposedly Constitutional issues to shield theirs / Developers deliberations from public scrutiny on planning and development issues.

Community perceptions

Planning and Development issues developer led.

Community involvement to date has had little real impact. "Tokenism".

Information deficit - difficult to get information on planning/development issues.
Government fees levied on community participation in the Planning & Development process – which are designed to discourage participation in the process (now found to contravene the European Community conventions governing this area see appendix1).

Lack of transparency, openness in planning system i.e. Developer has ready access to Councillors/Planners e.g. Pre planning discussions. Only written submissions accepted from public on planning applications.

No record (file notes) of preplanning discussions are maintained for public inspection as to matters raised or agreed at such discussions.

This coupled with fact that the planning officer's report, in our past experience, seldom actually commented on matters/ issues raised by Communities in their submissions. It merely stated that a number of objections were received and their contents noted. Whereas, the content of the developer's application received detailed comment. We had no way of knowing to what extent, if any, Community concerns were considered. We would point out that An Bord Pleanala planning reports contain specific reference(s) to issues raised by appellants.

Suggestions to improve access by the Community to the Planning process

In light of the current scandals that continue to regularly unfold with regard to the Planning process it is important that confidence be restored in the system.

Planning and Development has a major impact on the social and economic fabric of our society. Therefore it is vital that we as primary stakeholders have an equal opportunity to participate in the determination of the kind of society that we, as a people wish to create.

To help in this process we would suggest that the Department of the Environment & Planning Authorities consider the following initiatives in addition to those mentioned already in our submission.

Eliminate fees to access the Planning & Development system

Revert to the situation prior to the introduction of fees - see appendix 1

Pre Planning Process

Despite the assertions of Planning Authorities, it is our view that there is no constitutional / legislative impediment to Planning Authorities holding pre planning discussions with interested parties (other than land /property owners).

We would refer to a survey by the Sunday Tribune and the then Minister of the Environment in 2000 – which supports the views contained in this submission, that preplanning access should be granted to interested Stakeholders. Interestingly, it confirms the view, which we have previously stated to our own Planning Authority that there are no legal impediments to holding such discussions. Nevertheless, Planning Authorities continue to use constitutional property rights as a reason to deny such access to the community at large.

In the interest of transparency and equality it is suggested that the pre-planning process be open to all interested parties.

That the content of such discussions/ meetings or other representations be documented by way of file notes. This is regular practice for government departments, solicitors, barristers, accountants, doctors, bankers and many others.

Such file notes should be available for public inspection / scrutiny and contained in the planning file, if a formal application is lodged. As such they will form part of the basis for deciding on any formal planning application for the site in question. With electronic storage/imaging techniques there are no logistical impediments to implementing such a policy.

Planning Officer Report in respect of planning applications

In the interest of completeness and transparency that it be a requirement of the consideration of a Planning Application that the report of the planning officer refers specifically to and comments on the issue(s) raised by third parties when referring to objections received in respect of planning applications. This will help to assure third parties that their views have received adequate and fair consideration in the deliberation process. It will also help to ensure that the Planning Authorities do give adequate thought to the objections / observations raised by third parties.

They would, if this were adopted, be expected to comment upon them, rather than as at present stating..."objections were received from a number of third parties and their views were taken into consideration".