

Politicians, Property & Planning – Too Close or Not Close Enough?

An interesting and topical presentation by Edward Carey FIAVI, Immediate Past President, to the Association of City and County Councils.

My father William Carey, a long standing member of the IAVI, started his public service life and his professional career as an auctioneer at about the same time, while also running a family farm.

While we never had the usual father/son discourse regarding either the meaning of life or how our paths turned out the way they did, it is clear to me his choice of careers was borne out of necessity and interest - possibly in equal measures.

This choice of career began in the mid-to-late 1960's, not too long after the introduction of the Planning & Development Act, 1963, which of course provided the framework for planning in this country. Before 1963 there was effectively no planning in Ireland and those early years of a formalised planning process occurred in a totally different era than where we find ourselves today.

This is not a paper addressing the issues of planning corruption. Our planning process provides for political input into the system and, currently, it is wholly appropriate that this occurs. So in this article you will find no mention of tribunals, brown envelopes or any other form of abuse of the planning system. Whether or not I agree with that process, however, is an entirely different question.

As a son of a man who was both an auctioneer and an elected local authority representative, I grew up seeing both sides of the planning equation: the hard cases that deserve planning permission and can't get it and the abuse hurled at public officials – elected and unelected – for allowing a virtual free-for-all in planning.

Some say auctioneering county councillors have inherent conflicts of interest that should disqualify them from holding both jobs simultaneously. While I must admit a personal bias I'm not going to exclusively argue either side of this polarised argument but instead address some of the benefits and drawbacks of the current system.

First, a little about politicians and their jobs. Politicians are planners. I know in this country a great deal of their work centres on clientelism and they end up being virtual social workers. But their first priority is to engage in long term planning for the country – whether that's fiscal, legislative, ethical or physical.

Obviously Ireland is a democracy and has a system that provides a government of the people by the people. Generally speaking, over the last 50 years our governments have moved from a largely conservative approach to more liberal regime of the nineties and the noughties, regrettably having a soft regulatory touch in the area of planning as well as in the financial area. We now have an open economy.

Within that governmental framework, our planning process has also evolved. Physical planning is about more than bricks and mortar. It's social engineering. Where roads, houses and schools go, so a society evolves and either grows or collapses on these foundations. Once again, we have many examples of this where development has been either private or public sector and I'm not simply talking about residential & commercial development. We have infrastructural planning also – roads, motorways, sewerage, water, schools etc.

Let's assume for the moment that most politicians have the best interests of their society at heart. I think that's a fair assumption, despite recent scandals. We can of course allow for the possibility that some politicians are mistaken in their view of how these interests are best served, but it's fair to assume the willingness of the vast majority of them to do the right thing. In that context, I believe it is right and just that politicians should have a role in planning our physical environment.

Politicians are accountable – They are on a 4 year (give or take) constantly rolling contract. They ultimately answer for their mistakes to the people.

Please ask yourself – if politicians are to be excluded from planning then what is the alternative? That all aspects of planning, from long term to case-by-case decisions are made by unelected officials? What's the benefit of that? You can be assured that some true professionals are involved. But appointment rather than election does not inoculate anyone against corruption. For every dodgy rezoning decision, aren't there planning decisions that caused some people to wonder if some official was on the take?

I would argue strongly that excluding politicians from a planning role in order to protect the integrity of the system is naïve. Furthermore, since public servants have unassailable

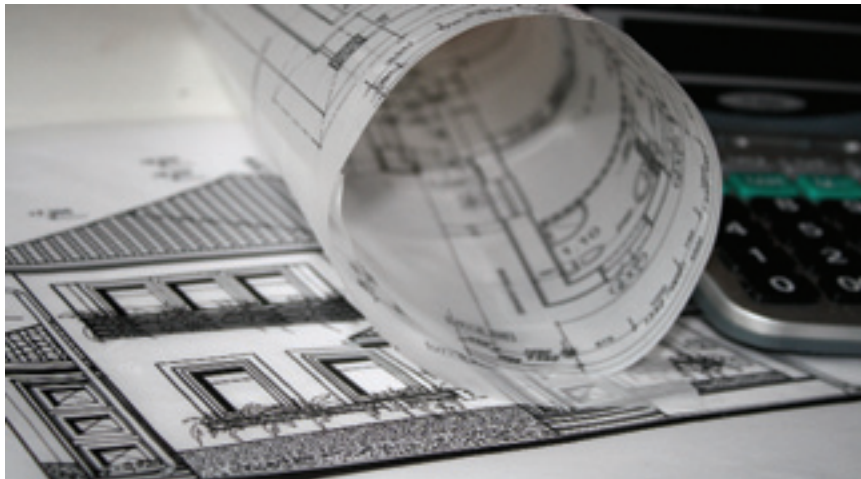
tenure, true accountability can only be maintained by keeping elected representatives in the frame.

Of course that means that we need a robust planning process that does not allow for wrong doing. There has to be a mechanism by which the public can make appeals, but the system must be both just to the individual and yet keep the greater good as its highest ideal.

Everyone would acknowledge that, when we compare this ideal to reality, it's obvious we have not always succeeded

Let me make a couple of suggestions as to where we could have done better before drawing a larger conclusion. There are two changes we could have made to our current system.

It is a huge flaw in the system that local and central government can compulsorily acquire land for roads, rail and other infrastructure – but not for housing. When the demand for housing was so important to the planning of the country, it is a shame that the process of acquiring land had to bear the full force of the market economy.



The ability to CPO land might have helped prevent the building up and retention of major land banks. Poor rezoning didn't help planning in this country, but the control of supply was a huge factor in the rise in property prices, the consequences of which we are seeing today. Had local authorities the power to CPO land for residential purposes, I think this power could have been used to offset the demands of the market economy. Some would, of course, refer to such views as communism – usurping property rights for the good of the masses. But I'd call it good planning.

Perhaps others can fill me in if private debates took place on this issue, but I have a sneaking suspicion that were this move ever suggested it would have been politicians who would have shut it down under severe pressure from landowners. Indeed, the Kenny report of the mid 1970's suggested the CPO of lands for housing purposes, at a 25% premium over agricultural prices, and was never acted upon. Of course, I am being unfair now – speculating what mistakes they might have made rather than confining myself to the ones they definitely made, but still – I think it was a missed opportunity. The failure of this concept to

enter the general debate on land control has to be a failing on the political side of the equation.

We should also have copied the Anglo-Saxon manorial model of development. I know there are some who argue that ribbon development is a natural Gaelic model based on a strong parochial foundation. Had we had a much stricter urban rural divide we could have saved ourselves a lot of infrastructural headaches. I'm not saying that we should empty rural Ireland, but there are counties, like Kildare, where there is simply mile after mile of housing which translates into mile after mile of road maintenance, bin collection and water pollution. It's too late now, but incorporating village-centred development into strategic planning would have benefited the greater good even though it would have caused inconvenience, or in some cases hardship, for the individuals affected.

Again, this is an issue on which local politicians fell down because they were the ones applying pressure for individual planning permissions, even when planning officials tried to resist.

However, this admittedly poor record does not necessarily mean that all bad planning is the result of political intervention. In some cases bad planning is the result of a lack of political intervention.

Politicians blithely ignored three decades of Town Planners insisting that our capital city, bounded as it is on the south by mountains and on the east by the Irish Sea, should be developed on the basis of eight houses per acre – how we Irish love our front and back gardens.

The planning profession, rather than leading with the professional foresight its members profess to have, instead nurtured the misguided belief on the part of the public that they not only could, but should, all live in 3, 4 or even 5 bedroom homes with a density that history shows was crazy in light of geographic constraints and the trend of population growth.

Professional planners should have foreseen the problems this dreadfully uneconomic use of finite land would create when coupled with well established internal population movement trends.

Did our Town Planners create the housing crisis in the Dublin area, pushing thousands of families into surrounding counties who might have found a home in one of the four Dublin local authority areas had development in those areas not for decades been so rigid and inefficient in terms of land use?

Another example of a lack of political intervention that comes to mind is the National Roads Authority and its system for route selection for major roads. The NRA was deliberately set up in order to exclude politicians from the process. Has it worked? Are the routes selected in a way that is pure and virtuous with great decisions all round now that grubby politicians are out of the way? I don't think so.

While politics was excluded from that particular equation, the market economy was not. By depending on PPPs, I believe that finances became the new priority and not social consequences. The greatest example of this is the new M3. I do not refer to the saga over Tara, but instead to the rather obvious requirement of a rail link from Navan to Dublin.

The cheapest and most obvious way to get that link was to build one side by side with the new road. The CPO and all construction could have been done simultaneously, saving the country a fortune and delivering this important public transport to Navan. Instead there was no hope whatsoever of that happening once the motorway was planned as a PPP. What consortium would run a tolled road if they had to help build a rail link – and therefore massive competition to its road – at the same time? It would never happen and so Navan has a great motorway under construction but not a hope of ever getting the rail link.

There is talk of re-opening the rail link along the old route, but again there are difficulties here. The population targets for Dunshaughlin for the period 2007 – 2013 provide for a population increase limit of 1,000. Why such restrictions close to such a major transport route, where clearly traditional densities could be altered? A bad decision and not a politician in sight!

In addition, there are examples of good planning that have occurred as a result of political intervention. In recent times, the most obvious example is Sean Dunne's proposed development in Ballsbridge where opposition was led by councillors. In this case the Dublin City Planning Team seemed determined to push through the development, even though it contravened the Development Plan. Councillors get a lot of stock for defying development plans, but it appears the sin is not theirs exclusively. Additionally, had the City Council's proposed LAP for Ballsbridge been accepted by the Councillors in late 2007, the proposal may have succeeded.

However, material contraventions are not necessarily acts of planning evil, and I know two very successful private developments that occurred as a result of material contravention of the Development Plans.

Maynooth Business Park in Co. Kildare was developed by the Glenkerrin Group in the last couple of years. It comprises of close to 80,000 sq. m. of a mixed use office, science & technology development on 40 acres on the outskirts of Maynooth town. It fronts onto the M4 motorway and is right at the interchange. Maynooth, as a town, was choking and this development has substantially improved the environment for its occupants, as well as providing sustainable employment (present economic conditions notwithstanding).

In Blainroe, Co. Wicklow, where the Nursing Care & Retirement Homes providers converted the former SAS hotel, which had been vacant for some time, to a state-of-the-art 69 bed retirement facility. The previous use of the building, together with the permitted zoning, prohibited the nursing home use and a S.4 motion, promoted by the councillors successfully provided for the change of use.

There are of course many examples of where political intervention in the planning process has proven to be disastrous. Look at the many examples of one-off houses granted by S.4 motions that have permanently ruined our countryside. Many towns & villages have expanded beyond all recognition and there are housing developments in places nobody ever heard of, built for people who will never live in them. I would argue, however that the latter are not just down to political influence in the planning process. Quite frankly, planning decisions were made with the same disregard as our reckless bankers lent billions - and with similar consequences.

Ultimately, our failures do not necessarily boil down to the role politicians have in the overall planning system, but to a collective failure to plan at all. Our mistakes are not the mistakes of corrupt politicians who got their rezoning wrong, but a national failure to have a debate on what system we wanted. Government intervention, planning models, spatial strategies over ribbon development; we didn't choose any of these paths. We simply allowed things to happen. Nowadays, the great fudge has its place in political discourse - as we discovered in the peace process. But when it comes to planning, avoiding the issue proves fatal.

Our short term immediate needs always overrode long term ideology. Certainly politicians bear considerable responsibility for that failure, but politicians only respond to the demands of the people. Politicians, both local and national, must not allow the demands of constituents dictate these long term strategic debates.

Sometimes children don't know what's best and need Mammy and Daddy to decide. They might not like the decision but in the long run depriving the kids of sweets is the right thing to do.

With the Local Authority election earlier this month now over, this is probably the wrong time to deliver this message. However, as the person who became President of the IAVI in the year of our biggest ever property crash, it's clear I know little about timing..... 