

Comhar comments on Draft Guidelines for Planning Authorities on Sustainable Rural Housing

Sustainable Development

The Minister's Foreword in the draft guidelines states that the National Spatial Strategy, (NSS), supersedes the 1997 policy document, 'Sustainable Development: A Strategy for Ireland' in respect of rural housing policy. However no account is taken and no mention is made of the review of that document¹, published in 2002 as part of Ireland's preparation for the World Summit on Sustainable Development. It is clearly stated in that review that the 1997 Strategy remains a cornerstone of national sustainable development policy (p.7). In the foreword to that review the Minister states that while good progress has been made in a number of areas "there is also now growing pressure on the environment. This can be seen in the increasing volumes of waste being generated, growing energy consumption, rising greenhouse gas emissions, and threats to water quality, biodiversity and natural resources." (p.2 of that review). There is no reference to any of these issues in the foreword to the draft rural housing guidelines, which seems extraordinary given that the Minister pointed out in conclusion that sustainable development is one of the main challenges facing us in the 21st century.

The NSS makes reference to the 2002 Review and to a number of the environmental pressures referred to above. This is the policy context for the rural settlement policies articulated in Section 5 of the NSS. The articulation of the concept of sustainable development in the draft guidelines (p.7) is more limited than that contained in the NSS. There is no reference to the origins of the concept or to the significant pressures on the environment referred to in the review. While there is reference to the fact that sustainable development is much more than an environmental concept, it does not explain its proper context and thus presents a very limited and indeed misleading articulation of the concept; the overarching context of environmental constraints as reflected in binding international agreements is not acknowledged. While mention is made of the inter-linkages between economic, social and environmental issues, these linkages are to a large extent ignored in many of the provisions and significantly there is no mention of the need to break the link between economic growth and damage to the environment (referred to by the Minister in the review) in order to sustain social and economic development into the future. It is of considerable concern, given Ireland's commitments at national, European and international level to the concept of sustainable development, as understood within the international community and most recently articulated by the

¹ 'Making Ireland's Development Sustainable, Review, Assessment and Future Action' 2002

Minister and others in Kinsale at the Irish Presidency Conference on Sustainable Development, to find that the concept has not been adequately defined and explained in the draft guidelines.

It will not be possible for planning authorities to fulfil their obligations under the 2002 Planning Act to ensure proper planning and sustainable development unless guidelines are clear in their articulation of sustainable development policy. As an aid to that process, reference could usefully be made to the Principles for Sustainable Development published by Comhar, which provide a framework for policy development across the sectors including sustainable settlement. These principles could provide a useful guiding framework for Strategic Environmental Assessment (SEA) of Development Plans and other plans including Local Area Plans. SEA is due to come into operation from July 2004 and yet it is not referred to at all in the draft guidelines. This is a major omission that should be rectified before the guidelines are finalised. The inclusion of SEA would provide a policy context for the approach to settlement policy outlined in the guidelines, allowing for a much clearer articulation of the framework that planning authorities need to put in place to ensure a tailored response to housing need taking full account of all the interacting factors.

This omission is particularly acute as many County Development Plans are currently being finalised and will be completed before July 2004 and will therefore be adopted without the discipline of a SEA process. Strategic Environmental Impact Assessment is required by the EU to address the shortfall of current sustainability assessment and policy making processes whereby small-scale, incremental but none the less cumulative changes with significant consequences for sustainability have fallen outside of EIA safeguards and monitoring processes. Single dispersed rural housing exhibits exactly these characteristics.

Policy contradictions

According to the foreword, “people who are part of and contribute to the rural community will get planning permission in all rural areas, including those under strong urban-based pressures, subject to the normal rules in relation to good planning”. It is evident that major difficulties will arise in determining whether or not applicants for planning permission ‘contribute to the rural community.’ It could reasonably be argued that anyone living in a rural area is in one sense contributing to the rural community. There is also a potential constitutional question arising from different treatment of planning applicants on the basis of their “roots or links in rural areas “ (3.2.1 p.17) compared to other applicants with an otherwise exactly similar proposal and circumstances. This policy change from judging applications solely on the basis of the

merits of the physical changes proposed in the application without regard to the character or circumstances of the applicant is very significant and deserves very careful reconsideration in terms of the pressures it may place on local authority officers and representatives and the demands it might raise for similar favourable treatment by individuals from communities in urban locations. The planning system derives a large part of its legitimacy from its objective positioning where the ‘common good’ is the main determinant of policy rather than meeting the needs of the particular applicant or even particular local community.

Taking account of such difficulties there is an apparent contradiction between this policy as stated by the Minister and the policy contained in 2.4 which states that “it is vital that the Development Plan accurately and clearly identifies the different types of rural areas within the planning authority’s area and the varying planning considerations that will be taken into account in those different areas.” (p.12). On the one hand a policy of allowing housing in all or any rural areas is being put forward while on the other hand planning authorities are being urged to discriminate based on local circumstances and proper planning and sustainable development. It would seem however from the policy articulated in 3.2.1. (p.18) that the housing requirements of persons with roots or links in rural areas is the overriding concern and that *after* this requirement has been accommodated planning policies should *also* respond to local circumstances. Such an approach is clearly unsustainable in the proper sense of the term. This is underlined by the issues listed in the guidelines that the development plan needs to include in dealing with housing in rural areas (p.14). There is no reference in this list to issues dealing, for example, with greenhouse gas emissions, binding Kyoto obligations, sustainable transport, energy consumption, energy security, or waste strategies.

Throughout the section on policies for rural areas (3.2) there are references to sustainable development of areas but at the same time incomplete articulation of the concept. There is also a lack of clarity with respect to policies for different types of areas – on the one hand there is reference to the need for different policies for different areas but at the same time reluctance to clearly articulate such policies (see pp.18, 19). There would appear to be a contradiction between the policy of permitting development for those with links to rural areas in *all* rural areas including those under urban pressures, with the recognition on p.18 that experience in the past has shown that planning policies need to be able to make the distinction between development in rural areas in decline and in rural areas adjacent to urban centres.

The draft guidelines do not pay sufficient attention to existing overdeveloped areas and areas reaching a critical state of over-development. This is particularly true of most of

the Dublin Region and much of the Mid-east Region where it borders the metropolitan area. It is no doubt similarly true within most counties and areas, where existing urban conurbation exhibit strong influence over the development pattern and housing demand/affordability.

Further, local need in many such instances may be extremely tenuous. For example, the parents may have moved to the area when the children were young adults, and while they may have lived at the home place on and off for a period (even up to five years), their contribution to the area or involvement in the area may be limited. Their schooling, leisure, employment, etc. may all be carried out within larger urban areas. Accommodating such housing demand in areas subject to significant development pressure is unsustainable and contrary to proper planning and development.

Furthermore, Comhar notes that the analysis of different area types referred to in the NSS and the guidelines was carried out with data from the 1996 census. In order to be meaningful it would be necessary for planning authorities to update the analysis for their own areas taking account of the 2002 census.

Definition of local need and possible loopholes and confusion

There is also insufficient definition of 'need' per se as opposed to demand. Local demand ought not to be conflated with individual 'need' for local housing. For instance, the local applicant may already own a home in the area. An existing owner of a perfectly adequate house in the rural area would still be eligible for a new house permission under the draft Guidelines Indicative Occupancy Conditions (Appendix 1 (p. 36)). The conditions do not require that the applicant show 'need' in the sense of demonstrating that they do not already own a house in that particular rural area. It should be an absolute requirement that the applicant establish that s/he or their spouse does not already own (or recently own) a house in the rural area before the application for a new house is considered. If this condition were not included every existing dweller in a rural area can apply legitimately for a new house and sell or rent their current dwelling (restrictive conditions apply only in a small number of new houses) to a non local - and after 7 years repeat the procedure.

The definition of local is not clarified geographically. Does the Parish or the Townland boundary define the local area? Alternatively, is local to be defined in terms of a radius from the place of birth or childhood home? What if the parish boundary crosses a local county boundary and the local applies for planning permission in the adjacent county to their place of birth? How long must a person be resident in a rural area or village before they qualify as rural? The description of rural in the 2.2 (p.10) seems to include quite

large areas of up to 1500 in population. Are residents of villages under 1500 persons then regarded as rural even if they have been living there for a short number of years? If that were to be so then, even in Areas of High Urban Influence, non-locals purchasing houses in villages might legitimately do so as a short-term first step on the ladder to a one-off house in the adjacent countryside.

Holiday homes/ Second homes

Again there is concern about ambiguity in the draft guidelines. On the one hand, the favoured policy is one of clustering but on the other hand it is stated on p.21 that holiday home development can be a positive and revitalising force and subject to normal planning considerations in relation to siting and design, such proposals should be accommodated as they arise. There is a case for higher levies and annual taxes or contributions on all second homes and holiday houses, which should be used to provide housing for local people excluded from the housing market by the influx of such houses.

Another issue, which appears to be totally inequitable, is the application of Part V of the Planning Act 2002. Now that the levies required can be paid by a financial contribution, there is no justification for waiving contributions for probably half our current home-building programme. In the case of one-off houses a contribution could be levied on the site purchase price and ring-fenced for social and affordable housing provision in the County area. The omission of single houses under Part V in very rural counties in which a large proportion of housing is one-off, impacts on the resource capacity of local authorities to provide for social housing need. This is an indication of a lack rigorous poverty proofing (see below also) and assumption of social homogeneity in rural areas.

Other objectives and policies

Two issues arise. Firstly the list is incomplete with no reference, for example, to transport and energy policies other than road safety issues and no reference to poverty proofing and exclusion amelioration policies. The second issue is one of policy integration. Cross-referencing of policies in the manner suggested may not be sufficient to fully integrate policies as required to implement sustainable development. This section should contain direct reference to SEA (see comment above).

The creation of excessive levels of one-off housing in the countryside has adverse implications in respect of the provision of strategic infrastructure, whether it is the ESB attempting to find a clear route through the countryside for 220kc pylons and overhead wires, the provision of telecommunication masts, landfill sites, incinerators or power plants.

The emphasis on the importance of a proper inventory or record of heritage items is welcomed (3.3.1) and on the need to alert the statutory bodies charged with the protection of heritage at the earliest opportunity in the case of development proposals in sensitive areas, etc. (4.5)

Poverty proofing considerations

The draft guidelines do not adequately address ‘poverty proofing’ objectives. In the rural context this consideration would raise issues of unbalanced concentration of social housing in towns and villages – the inevitable by-product of favouring open rural housing sites for locals with the means to build or buy their home - thus creating or intensifying areas of exclusion and difference. In general the draft guidelines make the assumption that rural communities are homogenous in social terms and that the interests of all their members are perfectly aligned. In other words, there is an implicit belief that in favouring those with ‘rural links’, the rural poor and elderly will gain in equal measure. No evidence has been put forward to support this assumption in the draft guidelines or in the NSS on which it is based. Comhar is concerned that that the voice of the rural disadvantaged has not been heard on equal terms as that of landowners and prospective site purchasers. Comhar supports Irish Rural Link’s call for a widely representative Commission on Rural Housing to examine all aspects of rural settlement and development policy.

Design

The section on design (4.7) makes useful reference to design guidelines such as those recently produced for Cork County Council but contains no reference to encouraging the use of sustainable building materials, energy conservation etc. Again this is a very significant omission.

Ancillary matters

Water Quality

Comhar is concerned that there is no systematic monitoring of initial installations or regular inspections of their servicing and performance. The more than 500,000 septic tanks in the country contribute a major portion of our serious ground water pollution. The Water Framework Directive, which comes into force in 2006, will require much more rigorous inspection and enforcement in this area. Comhar is concerned that the suspension of the Groundwater Protection Scheme in 2002 has impacted on the information available to local authorities in the assessment of impacts of development on groundwater resources.

Section 4.4 (p.31) omits any recognition of the requirement of septic tank owners, with or without secondary treatment, to have the sludge removed from their tanks on a frequent basis (advisedly at 12-18 months intervals). Neither does it exhort local authorities to properly provide for the treatment of septic tank sludge wastes. An annual charge could be paid by owners of septic tanks where annual inspections and sludge treatment are undertaken by local authorities. New installations should be inspected and approved before occupation of the dwellings, and existing installations, which are found to be faulty, should be repaired, restored or replaced as necessary and the cost borne by the owner. Fines should be imposed if the works required, or regular servicing and maintenance are not carried out. This work of inspection and follow up could be contracted out, if necessary, to private firms.

Enforcement and prescribed bodies

Enforcement is fundamental in relation to good planning and local authorities must meet their commitments in this regard. Bodies prescribed in the Planning Acts should be encouraged to fulfil their role envisaged in the planning code. For example, the NRA should play a much more active role in monitoring applications on our major and secondary roads, where thousands of access points have been permitted which do not comply with public policy, and have been the cause of many accidents and probably several deaths. Inadequate resources are not an acceptable reason for not performing this vital public function².

Promoting Rural Villages

The draft guidelines could have given some consideration to a range of alternative strategies, including development types and settlement typologies which are neither widespread nor yet existing in Ireland. Successful models should have been actively sought out from EU countries and from other similarly developed economies further afield. Reliance on the restricted palette of development types seen in Ireland today and a limited range of historical models has limited the potential of this exercise to deliver innovative and effective measures for sustainable land-use planning. For instance, the potential of developing new planned sustainable settlements catering for all aspiring rural dwellers rural or urban alike could have been considered.

² The cost of acquiring and providing an entirely new road because the functionality of the existing national or regional road has been compromised by a multiplicity of access points as seen recently in the replacement of the existing road between Killarney and Farranfore in Co Kerry with a new road costing €90 million. This attests to the false economy of inadequate monitoring and protection of existing road provision.

The definition of rural housing clearly includes villages of under 1500 in population size 1.2 (P.6) and 2.2 (P. 10) and clustered housing 3.2 940 (P. 2) yet little or no guidance is given to local authorities for their support and design in their Development Plans. On the other hand, the draft Guidelines have devoted nearly all their attention to only one type of rural housing – that of single dispersed houses in the open countryside.

Given the success of rural villages in retaining and in many cases growing their resident populations as evidenced in the 2002 census results, Comhar would like to see proactive development of small existing villages, or establishment of new villages, particularly as a policy response for ‘Structurally Weaker Rural Areas’. The draft guidelines show a constant assumption that ‘rural-generated housing demand ’ necessarily equates with single one-off housing in the open countryside. In fact, the evidence of the rural housing market shows that demand and prices for houses are invariably higher, all other factors taken into account, for those within easy reach of an existing village than for remoter locations. Comhar is disappointed that no examination of the structural factors impeding or restricting the meeting of this demand for house sites convenient to small villages was included.

Comhar would like to see recommendations for design guides for the development of existing villages; proto-village such as ‘crossroads’ or ‘clustered housing on the Western seaboard. This would require a comparative study of the clustered rural model and that of the dispersed rural housing models. Comhar's limited study of the above models, which was made available to the Department in draft format in February 2004, made the case that clustered housing is demonstrably more sustainable over every time horizon than that of dispersed rural housing.

The benefits of clustering and agglomeration *at the small scale* have not been considered although these benefits led the strategy for designated hubs and gateways at the larger scale in the NSS. Support for a change of strategy at the small scale was not provided by new evidence in the draft guidelines, or the NSS report; nor does it exist to our knowledge in general planning literature. On the contrary, the limited studies that exist point to the opposite conclusion - that clustering benefits are scaleless and appear to follow the ‘power law ’ of many complex systems. Therefore, the assumption in 1.2 (P. 7) that merely by reversing population decline by accommodating single dispersed houses (without clustering or further planning measures) is worth the negative trade offs because it would deliver ‘*strong social and economic benefits to the local community*’ has no basis in available evidence.

Comhar is disappointed that a reasonable hypothesis that the weakness of some areas might be, at least in part, due to their poor settlement nucleation - the result of deliberate social policies - was never seriously investigated. This hypothesis was important to refute because if it is true then no amount of one-off dispersed housing will bring benefits to the local economy but instead will benefit the urban economy of the nearest big town or city.