



## SEANAD ÉIREANN

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*Déardaoin, 28 Aibreán 2005.*  
*Thursday, 28 April 2005.*  
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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.*  
*Prayer.*  
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### Business of Seanad.

**An Cathaoirleach:** I have received notice from Senator Bannon that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Justice, Equality and Law Reform to clarify the position on funding for Ballynacargy community child care services, County Westmeath.

I have also received notice for Senator Browne on the following matter:

The need for the Minister for Education and Science to outline the position in the schools building programme for scoil náisiúnta Binn an Choire, Bennekerry, and scoil náisiúnta Mhuire gan Smál, Green Lane, Carlow.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

### Order of Business.

**Ms O'Rourke:** The Order of Business is No. 1, statements on sustainable rural housing guidelines, to be taken on the completion of the Order of Business and to conclude at 1.30 p.m., with contributions of spokespersons not to exceed 15 minutes and other Senators not to exceed ten minutes, the Minister to be called upon to reply not later than ten minutes before the conclusion of the statements.

**Mr. B. Hayes:** Will the Leader take up the matter raised yesterday on the national airwaves with regard to the cutback affecting the State Pathologist, Dr. Cassidy? Until recently she was given a designated Garda driver to ensure she could get to the scenes of crimes in various parts of the country. This is a serious issue. Her job is difficult and gruesome and it is important she gets to crime scenes as quickly as possible to secure the evidence that will ultimately lead to a conviction. The State owes it to her and the service she provides to supply her with a designated Garda

driver. I understand the State currently pays approximately €5.5 million a year to drive various people around the country, a considerable cost to the taxpayer. One extra person would not be a significant addition to that bill. I urge the Leader to take up this issue with the Government.

This week is the 90th anniversary of the Gallipoli landings during the First World War. Over 125,000 people from all countries were massacred in that awful battle in Turkey, some 3,500 of whom were Irish. It is only recently that their memory and courage has been recognised here.

I raise this issue not just to gain recognition for the 3,500 Irish people who gave their lives in that campaign, but also as an historical point. It is important to be aware that at some point in the future Turkey may be part of the enlarged European Union, something I support and welcome. We must ensure the enlargement of the European Union takes in all parts of the European map, particularly Turkey. Will the Leader ask the Minister for Foreign Affairs to come to the House and brief us in the next few weeks on the current debate on Turkey and the process of enlargement? The first steps of that debate have begun within the European Union and a debate here would be worthwhile. There is great division within Europe as to whether Turkey should be part of the European Union. I passionately believe it should. The various voices in the House should be heard on the matter.

**Mr. O'Toole:** This House should support the State pathologist on the issue of a driver and I do not think there would be a difference of views in the House on this matter. This is a serious matter. We know the roads because we are always on them. The idea that someone could drive to a murder scene in north Donegal and then drive to a similar scene in Kerry and operate at peak performance is asking too much. It is wrong. There is no doubt the State pathologist should have a driver and we should appeal to the Minister to ensure this happens. The Minister says it is up to the Garda to supply a driver. As Senator White has stated previously, he is the most opinionated member of the Cabinet and I am sure he has an opinion on this matter. We should at least ask for his support to put our case to the Garda. It is a serious issue.

The State Pathologist has also made a quite superb offer. She said she is quite happy to make herself available to meet the families of people killed in circumstances that are the subject of Garda investigations. That would provide a great deal of comfort and support to families who often have to wait months and even years for the court process to conclude before finding out details of the death of a loved one. The Minister should articulate a clear view on these issues to see what can be done. I completely support Senator Brian Hayes in this regard.

Yesterday I sought a debate on the export of Irish waste to China. Last night I researched the impact of this policy on the province of Dong

[Mr. O'Toole.]

Yang in China and it is quite horrific. I was not aware when I raised this yesterday that a series of major demonstrations undertaken by ordinary people in the province was suppressed by the Chinese news agency. News of these demonstrations has only been leaked in recent days. Dark toxic clouds have been reported in the area, which are damaging the health of young children and leading to significant numbers of still births and babies born with deformities while various other difficulties are being experienced. During the most recent protest people were killed in an attempt to stop them demonstrating. This is the result of waste exported from Ireland and the UK being dumped on these people. The waste is sifted through for reusable goods and then it is burned in uncontrolled circumstances to the detriment of the health of the people in the area. This is unacceptable. What we are doing is barbaric and I would like a discussion on this issue.

**Mr. Ryan:** The Taoiseach is in Madrid and it is ironic that one of the issues he is discussing is the official status of the Irish language in the EU, given that his party nominated and helped elect a member who cannot speak a word of the language to *Údarás na Gaeltachta*. That represents an exercise in political hypocrisy of the highest order. If we have a commitment to the Irish language, I hope *Údarás na Gaeltachta* will not find itself in a position—

**An Cathaoirleach:** The people elected him.

**Mr. Ryan:** The people did not nominate him. He was nominated by a party which knew full well he could not utter a sentence in Irish and got him elected to *Údarás*. It is hard to recall an exercise in hypocrisy exceeding this.

Today's newspapers report on the EU's attempt to harmonise divorce legislation, which Senator Terry has raised in the House on a number of occasions. Anybody, like myself, who was on the losing side in the first divorce referendum in Ireland is well protected from sensitivities in this regard. I have no problem with the liberalisation of our divorce laws but I have a significant problem—

**Mr. O'Toole:** The Senator is losing the clerical vote.

**Mr. Ryan:** The clerical vote I get did not vote for the present Pope.

*(Interruptions).*

**An Cathaoirleach:** Senator Ryan, without interruption.

**Mr. Ryan:** I am doing my best but there are rowdy people from Kerry beside me.

This issue should be debated. A Green Paper was published at the time and the people were given undertakings during various EU referenda

campaigns about what was involved. However, when things happen that people were assured would not happen, a debacle such as that threatened in France can result. I refer to the disconnection of the EU project from the will of the people. If a referendum passed in this State under certain conditions by a majority of 0.1% of the population is to be overturned by a treaty in which divorce was never mentioned, we will be serious hostages to those who want to persuade us the EU project is essentially anti-democratic. It is up to Ireland to insist upon a resolution to this issue, which does not undermine the constitutional decision taken here.

People who lie on trolleys for three days in accident and emergency units are still charged €55 a day for the privilege. The very least the Government could do is waive that charge immediately for those who are left on trolleys. The notion that they should be charged as if they received full hospital services is about as insulting as it gets. I invite the Government to issue an instruction immediately to the HSE to exempt people on trolleys from this charge.

**Mr. Kitt:** I support the call by Senator Hayes to ensure a driver is available to the State Pathologist at all times. A total of €45 million was spent last year on the out-of-hours doctor service, which includes the provision of drivers for every doctor and new vehicles. Given that this service is available for doctors visiting sick people, a similar service should be available for the State Pathologist who must do a difficult job in gruesome circumstances.

I welcome the Taoiseach's visit to Madrid to discuss the EU constitution and the official status of the Irish language in the Union. We discussed the issue and it has the full support of the House. Let us hope Ireland and other countries who are seeking official status for their languages can make progress. Senator Ryan should note people have the opportunity to learn Irish every day, including young children attending *gaelscoils*.

**Mr. Ryan:** *Údarás na Gaeltachta* is not a language school.

**Mr. Coghlan:** I strongly support the call by Senator Brian Hayes regarding the State Pathologist. Many millions are being squandered by the Government. The State Pathologist is a responsible office. The person can be called on to do great work at any hour of the day in any part of the State. She is often called to places off the beaten track and it is absolutely ridiculous that a Garda driver cannot be made available to her, given that she often cannot access locations without Garda assistance. I do not understand this and, as Senator Brian Hayes said, the securing of evidence is absolutely vital. The House should call on the Minister of Justice, Equality and Law Reform to right that glaring wrong.

**Dr. Mansergh:** I would like to express full agreement with the point made. The State Pathologist is an exceptionally capable official doing a difficult and gruesome job. If drivers can be provided to doctors at night, as Senator Kitt said, one should be provided for Dr. Cassidy.

I refer to the issue raised by Senator Brian Hayes. If I remember my classical mythology correctly, Europa was a heifer roaming the plains of Turkey until Jove in the form of a bull carried her off.

**Ms O'Rourke:** He stopped her gallop.

**An Cathaoirleach:** Reference to animals is not appropriate to the Order of Business.

**Dr. Mansergh:** I was elected to the agricultural panel.

I fully agree with Senator Ryan on the subject of divorce. If ever there was a case where the principle of subsidiarity applied, it is this. There are no economic issues directly involved.

**Mr. McCarthy:** I have raised this issue several times. A survey conducted by Macra na Feirme, details of which were published in the *Irish Examiner* this morning, quite clearly illustrates the lack of competition in the insurance sector and in particular demonstrates the discrimination perpetrated by insurance companies against young male drivers. Six profile studies of the seven main insurance companies show that a 20 year old student living in County Kildare and driving a 1997 Fiat car worth €1,300 was quoted a maximum of €4,100 and a minimum of €2,346. First, that demonstrates quite clearly that insurance companies are still discriminating against young people by charging them inordinate sums for insurance. Second, it shows a lack of competition in the area. When one sees differences of up to €2,000, one realises something is inherently wrong.

**Mr. B. Hayes:** Hear, hear.

**Mr. McCarthy:** I would appreciate the Leader arranging a debate on that subject, with the Minister in attendance, so that we might clarify the situation.

**Labhrás Ó Murchú:** I have never experienced such a unifying approach on the Irish language as that seen on the issue of achieving official working status for it in the EU.

**Mr. U. Burke:** Once the Government came around to the idea.

**Labhrás Ó Murchú:** This House can take a great deal of credit for that. One of the best things that happened was that all the political parties, possibly in an historic sense, signed a motion that we debated. No one was more proactive in his support than Senator Ryan for which I certainly give him credit. There will be a great deal

of disappointment in the country if we are not successful. Having listened to the report on "Morning Ireland", it seems to me that a great deal of politics is obviously going on in the background. I wish the Taoiseach well.

The debate here was all positive, but it was also well understood that there would have to be a mixture of patience and enthusiasm. We will have to be patient with those not fortunate enough to have Irish and careful that it does not become a "them and us" issue or simply another linguistic preference. We must realise that in many ways we are talking about integrating general activities regarding English, Irish and other languages in Ireland and the EU. I therefore wish the Taoiseach well, and I hope that the unity that we have experienced not only in the Oireachtas but among the general public and the media, which surprised many people, will continue to prevail.

**Mr. U. Burke:** I lend my support to the call from various Members across the House for the Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, to attend regarding a total review of the conditions under which Dr. Marie Cassidy operates as our State pathologist. If it is a question of resources alone, there is no justification for denying her proper funding, especially when one considers that €5 million is spent on spin doctors, some of whom do not do the work they are supposed to do regarding reports.

**Mr. Ryan:** They do not fulfil their briefs.

**Mr. U. Burke:** I believe there have been many other instances. However, Dr. Cassidy has also raised the question of her isolation and restriction regarding speaking to relatives. She is obviously a person of great humanity and has clearly stated that, judging from her previous experiences, the operation in Ireland is very restrictive, and that there should be such a facility. I call on the Minister immediately to review the entire situation regarding the conditions under which she must work. She particularly instances stress, and anything that might alleviate that, whether it be the provision of transport or some more open and less restrictive practices in the area, should be acceded to as a matter of urgency.

I also support Senator Ryan on the question of the daily charge of €55 for those waiting on trolleys in hospital accident and emergency departments. Allied to that, there is a particularly disgusting situation regarding health service charges, whereby a person involved in an accident, major or minor, entering a hospital, is charged anything from €800 per night. When the person is discharged from accident and emergency, he or she finds that the bill has already arrived home, despite the fact that there might be no claim or involvement on the part of insurance companies at all. It is important that the entire area of hospital charges, especially in accident and emer-



[Mr. U. Burke.]  
agency departments, be streamlined and made efficient.

**Mr. Brennan:** I too ask the Leader for a debate on car insurance. Any individual who goes to the trouble of making a few telephone calls can secure a reduction of up to €200 for an experienced driver. I compliment the Tánaiste on her work in that capacity. If one visits the websites, one will find the necessary information to get a better quote.

**Ms Terry:** I support the Leader of the Opposition, Senator Brian Hayes, and others who have raised the issue of transport for the State pathologist, Dr. Marie Cassidy. I listened to the radio interview yesterday. She is a tremendous official and shows great spirit while carrying out a very difficult job in difficult circumstances. I was really shocked to hear that she has to drive herself all over the country. At any time of the night she may receive a telephone call and must respond quickly. I urge the Leader to ask the Minister to act quickly in this regard and ensure that she be given every assistance to carry out her job in the best possible fashion. Providing her with transport or a driver would make that job a little easier.

Senator Ryan mentioned that we had raised the issue of the EU directive on divorce in this House before. I asked for a debate on it at that time, but we have not yet had that. It is a very important issue, and I am glad the Senator has raised it once again this morning. It really flies in the face of what the people of this country decided regarding our rules on divorce, namely, that a couple must have been living apart for four of the previous five years in order to obtain one. Now, if one half of a couple is living abroad or has had an address abroad for a year, that person may seek a divorce.

A related issue is the custody of children, which is also to be decided in a manner contrary to our rules. It is of extreme concern to many parents, particularly where one separated parent may be a foreign national now living abroad. Such a person may now seek custody of children from this country. The issue must be debated as quickly as possible. I ask the Leader to organise that.

**Mr. Mooney:** What has been coming from the European Commission—

*(Interruptions).*

**An Cathaoirleach:** Order. Time is moving on, and someone may be denied a chance to speak.

**Mr. Mooney:** The Commission statement regarding the directive is yet another example of somebody, somewhere in the EU, deciding that he or she wishes to interfere in the domestic politics of this country in an adverse fashion, just as they did to an extraordinary degree during the debate on the Treaty of Nice, when Romano

Prodi came to Ireland, more or less lecturing us on what we should do. If the EU Commission and those who support the European ideal are anxious to ensure that the constitutional treaty is passed in this country, they are certainly going about it in a very strange way.

There is no question whatsoever in my mind that, irrespective of what has been in the media and the points made this morning, the EU has no competence in this area, and it certainly cannot override a decision taken by the sovereign people of this country. I urge the Leader to listen to what has been said this morning. This House has regularly trumpeted itself as the most obvious location for debates on Europe, and there has not really been an ongoing discussion on that issue, something I now consider vital in the run-up to the debate on the constitutional treaty.

I believe that the Leader fully supports that view. I know that she must deal with Ministers regarding various issues with a European dimension. However, I urge her to ensure, *11 o'clock* in accordance with the sentiment of this House on all sides, that it be used henceforth in a much more proactive fashion to inform the people of this country about the constitutional treaty, which runs to almost 500 pages. It is a very complex document but is being portrayed as a simple housekeeping exercise.

**Mr. Bannon:** A recent report indicated that Ireland has the highest level of ground water pollution in the EU. The health and safety of thousands of people are at risk because of the serious problems in many towns and villages throughout Ireland. The Government has failed to invest an adequate level of funding in group water and sewerage schemes. There is a long waiting list for the funds needed to put in place this important infrastructure in small towns and villages. I know of at least seven communities in County Longford, which has one of the smallest populations of any county, which are waiting for water and sewerage systems to be provided. I am sure the position is the same in County Westmeath and many other counties. It is important that the House should debate the need for this important infrastructure throughout the country. The recent action taken by the European Union demonstrates that the Government has been negligent in this area.

**An Cathaoirleach:** The Senator can make such points during the debate on the matter.

**Mr. Bannon:** There is an urgent need for a debate on the Government's failure to do its job in this respect.

**An Cathaoirleach:** We cannot have the debate on the Order of Business.

**Mr. Bannon:** I ask the Leader to encourage the Minister for the Environment, Heritage and Local Government to come to the House to speak about this issue.

**Dr. M. Hayes:** I am always grateful to Senator Mansergh for lighting up my day with classical allusions. I cannot help thinking that the next time Europa and Turkey get together in any seminal way, the agency will be a man in a bowler hat from Brussels. I support the Senator's underlying theme — the need for a debate on hugely important European matters such as subsidiarity. Some groundbreaking work needs to be done in that respect.

I support Senator Ó Murchú's remarks about the Irish language. I would like to inform the House that the meeting of the Forum on Europe in Gaoth Dobhair on Monday night was conducted entirely through Irish. The people who attended the meeting appreciated that. Many speakers at the meeting asked about the language directive.

I join other Members in expressing my appreciation of the work of Dr. Marie Cassidy. While I do not know her, it seems to me that she is a most exemplary public servant. She should be supported in every way.

**Mr. Coghlan:** Hear, hear.

**Mr. Feighan:** I join Senators in trying to ensure that the State Pathologist, Dr. Marie Cassidy, is provided with the services of a State driver. In that context, it might be appropriate to ask the Leader to arrange a debate on the issue of value for money. The Members of the Oireachtas, some of whom have two Garda drivers, should lead by example and consider whether cutbacks can be made nearer to home. Many private sector businesses and public sector agencies are examining their overheads with a view to ensuring that value for money is achieved.

The money being allocated to many county enterprise boards, including that in County Roscommon, has decreased. I noticed this morning that parts of this building were being sandblasted, as part of an operation that was ongoing when I was elected to the House almost three years ago. Perhaps it is time for the Seanad to discuss the issue of value for money. We should lead by example. If we want people to tighten their belts and businesses to streamline their activities, it might be a good idea for those of us in these offices to act in a similar manner.

**Mr. Leyden:** For the second day in a row, Senator Ryan has made disparaging comments about an elected member of *Údarás na Gaeltachta*.

**Mr. Ryan:** Nothing I said is disparaging. It is true.

**Mr. Leyden:** Natural justice——

**An Cathaoirleach:** No. I cannot allow that.

**Mr. Leyden:** Like Senator Ó Murchú, whose balanced approach to the Irish language and lack of elitism is a credit to him, I would like to call

for a debate on this issue. Having spoken to the person referred to by Senator Ryan, I assure the House that he does speak Irish, like all members of *Údarás na Gaeltachta*.

**Mr. U. Burke:** Did Senator Leyden speak to him in Irish?

**Mr. Leyden:** When I spoke to him this morning, he refuted the claims made by Senator Ryan yesterday. The Senator's comments were totally inaccurate.

**An Cathaoirleach:** We are not discussing the *Údarás na Gaeltachta* elections.

**Mr. Leyden:** If Senator Ryan is not willing to name names, he should forever stay silent on this issue.

**An Cathaoirleach:** I call Senator Paddy Burke.

**Mr. Leyden:** Go raibh míle maith agat.

**Mr. P. Burke:** I support Senator O'Toole's request for a debate on waste management and recycling. Such a debate would be worthwhile in the context of the danger that the EU will impose substantial fines on this country. The costs of recycling and disposing of waste are increasing constantly. I support Senator O'Toole's demand for a debate as a matter of urgency.

**Ms O'Rourke:** It was suggested some time ago by Senator Brian Hayes that the House should debate the proposed EU constitution with the Members of the European Parliament from this country. The Senator subsequently informed me that MEPs will have a home week — MEPs spend one week in every four or five weeks in their home member states — in the middle of May. After the officials of this House acquired details of the MEPs' addresses, they sent letters to each of them earlier this week.

**Mr. B. Hayes:** Good.

**Ms O'Rourke:** We have not yet received replies from the MEPs because the letters have just been sent. I have mentioned to the Cathaoirleach that we have invited all the Irish MEPs to come to the House to talk about the EU constitution. I will report the progress that we make in that respect to the House as it happens.

Senator Brian Hayes's proposal was an excellent idea, which was followed up as soon as details of the MEPs' home week were received. We showed a good level of innovation in recent years when we invited MEPs to address the House individually. Some of them were good and the meetings went well, but that was not the case in other instances. We should have a good debate on the EU Constitution when all the Irish MEPs are present in the House. We are looking forward to our European day, which should take place in the week beginning 16 May next, depending on

[Ms O'Rourke.]  
the day that best suits all the MEPs. It will be difficult to get their preferred dates to coincide, but we hope it will be possible. The matter was followed up reasonably satisfactorily after it was raised by many Senators some time ago. I hope it will have a good conclusion and a good audience.

**Ms White:** Hear, hear.

**Ms O'Rourke:** On previous occasions, I found it very upsetting that so few Senators were in the Chamber when an MEP was present, especially after we had gone to so much trouble to make the arrangements. If we are to have a European day, it would be appropriate if all Senators, including those who have asked this morning for a debate on European matters, were present in the House. However, I appreciate that it is a matter for individual Senators.

Senator Brian Hayes made the case for a State driver being assigned to the State Pathologist, Dr. Marie Cassidy. While I did not hear the interview with Dr. Cassidy yesterday, I heard excerpts from it on "Morning Ireland" this morning. It was very forthright. As the comments I have heard on the matter are not very clear, I will speak about it directly to the Minister for Justice, Equality and Law Reform.

Senator Hayes also spoke about the 90th anniversary of the Gallipoli landings. He mentioned that 3,500 Irish people were killed during the battle that followed. Our understanding of history tells us that the strategic military decision that was made in that instance was wrong. The Senator raised the matter in the context of the possibility of including Turkey in an enlarged EU. I hope to hear the views of Irish MEPs on the matter when they come to the House. I do not know whether Senators recall an appalling scene that was shown in a news report on a Sunday evening approximately two months ago. The report showed the Turkish police beating approximately 150 Turkish women who were protesting.

**Mr. Ryan:** Yes.

**Ms O'Rourke:** Perhaps it was a May Day protest.

**Ms Terry:** It was International Women's Day.

**Ms O'Rourke:** Yes. It took place in March. Although the 150 women were not threatening, they were being beaten to the ground with batons by the police. It showed an appalling lack of regard for people's civil rights. While Turkey is keen to join the EU, it has much to learn. This issue should be considered during the debate that will take place when the Irish MEPs are in the House. I will speak about the matter on that occasion.

Senator O'Toole discussed the problems being encountered by Dr. Marie Cassidy. I will tele-

phone the Minister for Justice, Equality and Law Reform after I leave the Chamber.

The Senator also talked about the waste management debate. It is clear from his comments about the demonstrations in Dong Yang in China that he was busy on the Internet overnight. The demonstrations have been hidden from the international community because China does not like any bad news about anything to emerge.

**Mr. U. Burke:** We are going down that road in this country.

**Ms O'Rourke:** We are hoping to have the debate on waste next week.

Senator Ryan referred to the Taoiseach speaking in Madrid on language policy. It is great the Taoiseach is talking about this issue but I did not like the comments from France listing all the other languages it has. Senator Ryan also raised the issue of divorce in the context of harmonisation of EU law and credited Senator Terry, who had raised it previously. Many people who voted in favour of divorce were reassured by the fact that couples had to be separated for four years before divorce. I am not moralising as I was a supporter of divorce. Many people crossed the line and voted in favour of divorce because of this reassurance. Divorce was not rushed and there could be a period of reflection. I have seen cases where that has helped. The idea that we have to harmonise our laws is something we need to debate. I do not think there is enough substance to warrant a two-hour debate but perhaps it can be linked to another issue. We could also link it with a special European day.

Senator also Ryan referred to paying €55 for lying on a trolley. This is not just excessive but wrong when one has not yet had access to the hospital ministrations. Senator Kitt raised the matter of the State Pathologist and notes that doctors have drivers when they are on night calls. The Senator also raised the status of the Irish language. Senator Coghlan also referred to the case of the State Pathologist. I will contact the Minister for Justice, Equality and Law Reform this morning. Senator Mansergh raised the issues of the State Pathologist and divorce.

Senator McCarthy mentioned quotes for insurance. Although everyone is trying to claim credit it is the legislation the Tánaiste brought in that lowered insurance premiums. Telephoning insurance companies to compare rates leads to a reduction in premiums. Last year I called several companies and got a reduction. I told the House it was €250. One company called me back one year later even though I had not contacted it since. It promised me a much lower quote. The companies are in the market for customers.

Senator Ó Murchú wished the Taoiseach well in Spain. Senator Ulick Burke raised the matter of the isolation, restriction and stress of the State Pathologist. The Senator also referred to the charge for hospital trolleys. Senator Brennan referred to insurance costs and the Tánaiste, and

Senator Terry wants a debate on the State Pathologist, the custody of children and the harmonisation of EU law regarding divorce. Senator Mooney pointed out that EU directives might be interfering in domestic policy and questioned whether the EU had competence in this area. The point was raised by either Senator Ryan or Senator O'Toole that voters feel disconnected from Europe. No matter what way the question of divorce is resolved voters will feel increasingly disconnected.

Senator Bannon referred to water pollution and group water schemes.

**Mr. Coghlan:** It is in Longford and Westmeath.

**Ms O'Rourke:** There are grants for such schemes and I know Longford will be busy getting that work done. Senator Maurice Hayes sought a debate on Europe and praised Senator Ó Murchú and the Irish language. The Senator also noted his appreciation for Dr. Marie Cassidy. Senator Feighan proposed a debate on value for money. The Senator mentioned the enterprise board in his own county, which has less resources at the moment, and the sandblasting of this building. Keeping buildings in good condition is a very good way of spending money.

**Senators:** Hear, hear

**Ms O'Rourke:** Senator Leyden expressed his regret at remarks made in the House by Senator Ryan, and has spoken to the individual concerned. Senator Paddy Burke raised the matter of waste and recycling. We hope to have that debate next week. The House will not sit on Tuesday next week.

Order of business agreed to.

### **Sustainable Rural Housing Guidelines: Statements.**

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I thank the Seanad for the opportunity to discuss the recently published sustainable rural housing guidelines. Unlike many other parts of Europe where most people live in cities and towns, in Ireland about one third of our people live in the countryside. In some parts of the country, the proportion of people living in the countryside is much higher, especially in parts of the midlands and the west. We have a dispersed pattern of settlement going back thousands of years.

If there is one message behind the planning guidelines on sustainable rural housing it is that planning for the provision of rural housing must recognise the strong and continuing tradition of people living in rural areas and must promote and support vibrant rural communities. This Government is unique in that it has a Cabinet Minister dealing with rural communities but I accept that

this concern about rural communities is shared across the political spectrum.

Reasonable proposals on suitable sites for persons who are part of, and contribute to, the rural community should be accommodated. The guidelines represent a presumption in favour of quality one-off housing for rural communities, provided proposals meet normal standards on matters such as the proper disposal of waste water and road safety. The guidelines are a material consideration both regarding development plans and in the consideration of planning applications. Planning authorities are required to review and vary their development plans, where necessary, to ensure their policies on rural settlement are consistent with the policies set out in the guidelines. Both planning authorities and An Bord Pleanála are required by law to take the guidelines into account in making decisions on individual planning applications.

In addition to facilitating people who are part of the rural community in their dealings with the planning system, the main objectives of the guidelines are to accommodate demand arising for housing in structurally weak areas which suffer from population decline subject to normal planning requirements on waste water and traffic. In rural areas under strong development pressures from nearby large urban areas the guidelines call for urban generated development to be directed towards areas zoned for new residential development but make it clear that the housing requirements of those who are part of the rural community in these areas should still be facilitated. In rural areas where relatively few towns and villages exist the guidelines indicate that the key objective is to maintain a vibrant rural population while respecting and consolidating the traditional forms and patterns of housing development in these areas, for example, the tradition of clustering housing that exists in some parts of the country. In stronger rural areas the guidelines call for development plan policies which build on the strengths of these areas by striking a balance between accommodating proposals for individual houses and stimulating new housing development in smaller towns and villages to ensure a balanced range of options for new housing development.

Since the guidelines were published I have been surprised at comments to the effect that they will facilitate extensive housing development in areas with statutory protection such as special areas of conservation, special protection areas and natural heritage areas. The mainly urban based critics who make such claims have either not read the guidelines or have not read them with sufficient care. The reality is that the guidelines do not in any way affect the relevant statutory provisions for the protection of sensitive areas. The guidelines point out that planning authorities are required to ensure that all planning applications for rural housing that involve



[Mr. Roche.]

sites in or that might affect an SAC, SPA, NHA, nature reserve, national park, refuge for fauna or flora or other area of wildlife importance are referred to the National Parks and Wildlife Service for comment. This is currently the situation. The guidelines also point out that careful siting and location are central to development that is sensitive to the landscape and call for planning authorities in assessing proposals to have regard to the extent to which they complement the landscape, avoid visual intrusion and help to maintain local landscape character. In other words, I am seeking balance in this matter. The guidelines call on planning authorities to have full regard to any biodiversity considerations in assessing proposals, including impacts on sites of biodiversity importance and potential cumulative impacts on biodiversity of large numbers of developments in the wider countryside.

The guidelines state that the statutory designation of certain rural areas is not intended in any way to operate as an inflexible obstacle to appropriate housing development. It is possible to deal with sensitive areas and rural needs through sensitive planning. That areas are designated for special consideration is not to be understood as the sterilisation of and removal of population from those areas. The most important ingredient in rural development is population. The guidelines add that in considering development proposals, including the attachment of planning conditions in such areas, planning authorities should only consider approving proposals they are satisfied will not adversely affect the integrity of the designated area.

Several Senators raised the concerns that exist in this House and among local authority representatives on the excessive use of sterilisation. These guidelines specifically caution that sterilisation only be used in exceptional circumstances. The guidelines state that any planning proposal should be the subject of a preliminary examination of its potential effect on the designated area followed by a more detailed assessment of its implications if it is clear on the basis of the preliminary examination that the proposed development could have a significant effect on the area. All aspects of the proposal which could in themselves or in combination with other proposals affect the area's conservation objectives should be identified. It is clear from a close reading of the guidelines that the allegations from usually urban based critics that this a charter for tarring over the country are nonsensical.

On the question of how rural housing should be approached in development plans, the guidelines indicate that in their development plans planning authorities should aim to support the development needed to sustain rural communities, guide development to the right locations and tailor planning policies that respond to the differ-

ent circumstances in different areas. One size fits all solutions seldom work.

**Ms White:** For any situation.

**Ms O'Rourke:** The circumstances are too diverse.

**Mr. Roche:** The guidelines advocate a more proactive role for planning authorities in terms of the following: analysing and understanding the processes driving change in rural settlement patterns and identifying the different types of rural area in each county; acting as facilitator to bring together the different interests involved; developing awareness of what is happening on the ground; working to create a shared view of how rural settlement should be addressed; and building ownership in the development plan and its implementation. These stipulations are based on my experience as a councillor in a county which has faced many challenges in planning.

The guidelines provide extensive guidance to help applicants through the process of obtaining planning permission with a minimum of delay. The type of information which planning authorities are likely to require is outlined in some detail. Sources of information are outlined with applicants shown how to get necessary advice, for example, on how to minimise any potential adverse impacts on heritage at the earliest possible stage. It is wrong that young couples trying to build a home have to invest many thousands of euro but do not know the questions they must address. A more proactive approach in planning will be helpful and will result in a winning situation for everybody. Planners, who work under heavy pressure, will be less burdened and the pressure will be reduced on young couples and others who wish to build homes for their families.

The guidelines call for applicants to be treated sensitively and courteously by planning authorities and for a constructive approach in helping applicants through the process. This should also apply to public representatives. The work of public representatives in Ireland includes advocacy of constituents' interests. It may seem odd to include such a provision, on which the media has commented. I believe that every citizen has a right to expect effective, efficient and courteous service. I receive reports too frequently to the contrary. Regardless of how busy a public agency is there is no excuse for less than courteous service. Every public representative would underscore my concerns on this matter.

On the question of holiday or second home development, the guidelines call for development plans to adopt a positive approach to such development by striking a balance between the growing demand for these homes and need to channel such development to locations that can best accommodate them. I do not subscribe to the idea that owning a holiday home is wrong. If a

citizen wishes to have a holiday home why should he or she be discouraged from having one in Ireland? Planning authorities are urged to adopt a plan led approach to identifying preferred locations for holiday home development with preference towards clustering in or around small towns and villages, particularly in sensitive scenic areas experiencing significant pressures from this type of development.

The sustainable rural housing guidelines were published in draft form for public consultation in March last year. During the consultation period 105 submissions were received. The submissions contained many suggestions for clarifying or improving the guidelines and many of these have been incorporated in the final statutory form of the guidelines.

I will now outline for the House some of the main changes made in the final version of the guidelines as compared with the original March 2004 draft. A new section has been added to put stronger emphasis on a better and more courteous service from planning authorities and improved co-operation between planning authorities and applicants, particularly at the pre-planning phase of applications. From my years of experience as a councillor, I believe that if we have more experience and meaningful interchange at the pre-planning phase, we will take much of the heat out of the planning process and make for a much better relationship between applicants and planners. Everybody will benefit from that. Delivering a better quality of service in planning is one of my most important objectives as Minister. People have a right to expect expeditious and courteous delivery, electronic access and easy accessibility in their dealings with planning authorities, including those related to rural housing.

New provisions have been added to indicate that returning emigrants who were born and lived for substantial parts of their lives in rural areas, who then moved abroad and who now wish to return to their home places to reside near other family members, work locally, care for elderly family members or simply to retire should have their housing requirements facilitated on their return. I was stunned when a number of people were critical of that provision. We could not provide for our people in the 1950s and 1960s. Those were the dark days and I cannot understand why anybody would have other than a welcome for people who want to return to their home place, particularly those who want to come back to retire. In many cases, these were the people whose returns kept this country going.

**Senators:** Hear, hear.

**Mr. Roche:** These were the people who provided for and supported local families. They educated a generation of Irish who went on to build

the Celtic tiger. There is something fundamentally odd in closing our doors to them or making it difficult to give them some positive consideration.

I was surprised at some of the negative comments on this provision. This small concession is the least we owe to people who were forced, out of economic circumstances, to emigrate in times when our economy was not doing well. When times were hard, emigrants' remittances were the lifeblood of many communities and families. It would be to our shame as a nation if we were to overlook that fact. When I worked in the Department of Finance, for example, there was a special line in our national income and expenditure tables dealing with——

**Ms White:** Emigrants' remittances.

**Mr. Roche:** ——emigrants' remittances.

I have also included a new provision in the guidelines to the effect that planning authorities should grant permission in cases where exceptional health circumstances, as certified by a doctor and the relevant disability organisation, may require a person to live in a particular environment or close to family support. Since the publication of the guidelines I have received a number of letters from disability organisations welcoming that provision and I take this opportunity to thank them for their expressions of appreciation.

This matter was brought to my attention by Councillor Nick Killeen who, representing the Disability Federation of Ireland, met me shortly before the guidelines were completed. The DFI and the spina bifida organisation made the most compelling and cogent argument I had heard. Thankfully, I was on the point of finalising them and with their help and guidance I included this application. It gives me pleasure to recognise the tremendous work disability organisations have done and to make this small change.

New text has been added to the guidelines to stress the need for a balanced and informed approach by planning authorities in assessing the design aspects of proposals and not to be overly-prescriptive, for example, putting a ban on brick in all cases or requiring that all roofs be a particular coloured slate. Critics who like to comment about "bungalow blitz" fail to recognise the role local authority planning departments have played in determining house design and discouraging individuality in design. Nobody wants an inappropriately designed obtrusive house on a good rural landscape but one of the great joys in travelling around this country is that vernacular architecture from place to place differed in times past and perhaps a little variation would be welcome at this stage.

New text has also been added to mention that as well as housing needs in rural areas, which is

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what the guidelines are mainly about, housing also needs to be promoted in smaller towns and rural villages to ensure that they offer attractive and affordable housing options. The section on holiday and second homes has been expanded to make it clear that distinctive planning policies are required to cater for the different types of development in this category, including the growing trend of resort type development when old estates are developed as golf courses with associated hotel and residential development.

In terms of implementing the guidelines, my Department is in the process of organising, in conjunction with the local authorities and planning institutes, a series of regional seminars for planners on the practical implementation of the guidelines. The seminars will provide practical advice on the implementation of the core messages of the guidelines, including preparation of development plans, how to provide better support and advice to applicants and the issue of more efficient and comprehensive consideration of planning applications. It is also my intention to actively monitor the implementation of the guidelines and the results they are achieving, with a view to ensuring they achieve their objectives.

The guidelines take a progressive and forward-looking approach by emphasising the role of the development plan as the mechanism to bring all the parties to the table, that is, the councillors who make the plan, the planners who advise on it and the public served by it. Adopting development plan policies on a shared basis, where there is ownership of those policies by all interests, is the way to move forward the debate on rural housing. The debate has been stagnant for too long and people have adopted ideological approaches, which do not have any practical value.

The guidelines emphasise the importance of adopting policies in the development plan that reflect the overall wishes of the elected members and the public interests they represent and that represent good planning approaches as well. The guidelines also emphasise the role of effective pre-planning mechanisms and good working relationships between elected members and local authority officials in implementing the development plan and dealing with individual planning applications.

Housing output in Ireland in 2004 reached a staggering record of 76,000 housing units. It often appears to be forgotten that the vast majority of these houses and apartments were built in urban areas. On the issue of the numbers and categories of houses being built in rural areas, more precise information is required on the density of one-off houses, the numbers constructed during different periods and the ratio of permanent to holiday one-off houses.

I attended an inaugural lecture in UCD at which there was a call for more research into planning and its impacts. My Department has commissioned research to get this information. However, the information already available to us indicates that, by and large, the proportion of houses being built in rural areas appears to match the proportion of the population living there. Surely that is as it should be.

The point must be made that the critics who challenge the sustainability of housing in rural areas all too often forget or simply overlook the fact that people are the most essential element in creating a countryside that is vibrant and communities that are sustainable. These guidelines, if properly implemented, will bring balance and certainty to an important aspect of planning where there is a lack of balance and where far too much uncertainty was evident.

If these guidelines are implemented fully and people work with them, we will all win. Housing and planning departments currently under pressure will win because a new more logical and structured approach will be entered into the system. People, particularly young people who want to live and work in their own area, will win too because some of the enormous pressures on them currently will be lifted. I thank the Members of the Seanad for offering me the opportunity to come before the House to deal with these important guidelines.

**Mr. Bannon:** I welcome the Minister to the House to deal with the important issue of planning, which has been dear to my heart since I was first elected to a local authority 20 years ago. The issue of planning, or lack of planning, in communities takes up a great deal of public representatives' time.

While I would like to give an unreserved welcome to these guidelines, which provide for people wishing to live in their own communities, a basic right Fine Gael has supported for many years, I am a little disappointed that they do not make ample provision for the very necessary sustainable development and environmental protection. That is a major omission and deeply puzzling, given the timescale for the publication of the guidelines, which were released in draft form last year just days before the Fianna Fáil Ard-Fheis with an eye on the local and European elections last June. Planning authorities were told to implement them without the usual consultation period.

No matter how long overdue it is, the Government's commitment to rural communities is a boost to those who wish to live and raise families in their native areas. It is imperative that the concessions being made come hand in hand with provisions for the type of sustainable development which will allow rural communities to thrive. Due care must be given to environmental standards.



According to the 2002 census, approximately 40% of the population lives in rural areas. In the midlands and west, the proportion of the population living in open countryside increases to 70%. Those who wish to live in rural areas have an inalienable right to choose where to live and neither planners nor local authorities should be in a position to force them to live in towns or cities. The planning process must be opened up to provide freedom of choice. The days of forced housing ghettos are long over and the people of rural Ireland demand and are entitled to choice. Speaking at the launch of the guidelines earlier this month, the Minister, Deputy Roche, said planning for the provision of rural housing must recognise the strong and continuing traditions of people living in rural areas and support and promote vibrant rural communities. The Opposition has said as much for years, but the reality has yet to become rosy.

While the Minister's words appear to paint a picture which echoes the idealistic portrait of an era of dancing at crossroads, they would not be recognised by the young people who have been frustrated and demoralised in their attempts to build a home and live in their own communities. The Minister should try painting his picture for farmers and landowners whose greatest wish was to see their sons and daughters build on their property and raise their grandchildren near at hand only to see their hopes dashed and their children forced into towns and cities. It is heartening to see that after many years, the Government has come to accept that people should have the right to live in their home areas and to build on family lands. Family sites are often the only option young people and returning emigrants, the newly included category to which the Minister referred, have to build a home of their own.

If the guidelines are to address the past wrongs of the rural planning process, it is essential that planners are seen to sing from the same hymn sheet. There is great variance among local authorities. One can be lucky and get one's house if one meets a certain planner in a particular local authority. It is an issue which must be addressed given that differences occur even among planners in the same local authorities.

**Ms O'Rourke:** Indeed they do.

**Mr. Bannon:** The Department is to organise a series of seminars which must be thorough and all encompassing on the new guidelines. Planners must be fully *au fait* with all aspects of the guidelines they will implement. A new section has been added since the publication of the draft guidelines, which were not very different from those we are discussing today. The section emphasises the need for an improved, more courteous service from planning authorities and improved co-operation between authorities and applicants,

especially at the pre-planning stage. While local authorities have the power to facilitate pre-planning meetings, they lack the staff to do so promptly. In some local authority areas, a person who applies for a pre-planning meeting must wait up to five months for an appointment. There is a feeling among ordinary individuals who wish to build homes of their own that developers are prioritised when they apply for pre-planning meetings. It is an issue which must be addressed and it is in the Minister's power to do it.

On the basis of the principle that if something is not broken, one should not fix it, I must assume the Department is of the opinion that the system is broken and should be fixed. I play devil's advocate and ask the Minister to explain and categorise the need for remedial measures. In doing so, I voice my support for the hard working members of local authorities who, by and large, treat the public in a courteous manner. Despite the volume of applications and the often unrealistic demands on their time, local authorities provide applicants with a good quality service. As hard cases make poor law, the addendum of the new section may be unnecessary.

**Ms O'Rourke:** It is very necessary.

**Mr. Bannon:** I disagree with the Leader.

The new guidelines will force many rural householders seeking to buy or build a one-off house to stay in it for a period of seven years. Under the regulations, rural homeowners or members of their families will have to occupy a property for seven years unless a local authority allows them to sell it to somebody with a link to the area. It is proposed, however, that the restriction will apply only in rural areas near cities and larger towns under developer pressure or where there is pressure for holiday or second homes. The Minister provided clarity on the provisions in his speech earlier.

Unfortunately, design is ignored to a great extent in the new guidelines. The Minister spoke briefly about the omission. It is strange that in a document of 52 pages, only one page deals with this very important issue. Responding to criticisms of ugly, Southfork-style, one-off houses, the Minister said that one person's eyesore was another's dream. He forgot to add that such houses might be many people's nightmare as has been the case in the past. Very worryingly, as some might say, a dispersed pattern of settlement has been a highly visible element of the Irish tradition. One-off houses in Northern Ireland alone exceed the total for the whole of Britain. The quality of a rural house is vital. Where it is a properly designed, a one-off house can complement the landscape and revitalise depopulated areas.

As we all know to our cost, the opposite approach is a complete disaster. According to the



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submission of the Irish Planning Institute to the Department last November, extensive development of one-off housing in rural areas, much of it urban generated, has had harmful environmental, economic, social and cultural impacts. There has been a negative impact on important landscapes and rural amenities generally while distinctive rural cultural traditions and heritage in the built form have been lost. The proliferation of septic tanks and individual waste water treatment systems has had an impact on ground water. People living in one-off housing rely almost exclusively on cars for all journeys and ribbon development and urban sprawl is evident around large towns or cities as well as smaller villages. There is dereliction and decline in the centres of smaller towns and villages which the Minister must address.

It had been hoped the Minister for Finance would extend the rural renewal schemes and tax incentives which have a role to play in this area. The matter should be reconsidered as many smaller villages have lost out due to failure to provide infrastructure and sewerage schemes on time. As county towns have benefitted more than rural areas, the Minister should consider a scheme to support smaller towns and, especially, villages. According to the planning institute, one-off housing leads to increased costs in the delivery of such services as post, electricity, telephony, health and schools.

Unless the Government takes urgent action, the future of the post office network will be seriously threatened. This service, which is at the centre of rural life, faces closure in many rural communities with the far-reaching consequences for the rural population and the livelihood of local postmasters and postmistresses.

It is of tremendous embarrassment to the Government that the European Commission has taken it to the European Court of Justice over the issue of waste water facilities. I referred to this earlier on the Order of Business and called for a debate on this issue and the lack of progress in advancing rural sewerage schemes for smaller towns and villages. This matter must be addressed. I am sure the Leader will contact the Minister in the next few days to arrange such a debate.

The health and safety of people in many rural areas is at risk due to the Government's handling of sewerage treatment plants. There are serious problems in many towns and villages. We must have proper standards to protect people's health. This latest move by the European Court of Justice is a clear indication to the Government that it is not doing its job in this area. As I explained to the Leader this morning, Ireland now has the highest rate of microbial ground water pollution in the EU. There are clear implications for the environment and public health.

A recent study by engineers from Trinity College examined 74 widely spread and randomly chosen sites in Leinster. A mere 55 of these had ground conditions suitable for ready installation of septic tanks and were not in need of remediation measures such as importing soil for a percolation area. If 95% of these sites in Leinster needed such intervention it is easy to see the implications for the rest of the country, particularly in the poorer conditions west of the Shannon.

There is a major omission in the guidelines in the areas of sustainable development and the protection of the countryside. As is the case in any house purchase, the warning *caveat emptor* applies and similarly these guidelines should be approached with a certain caution. Nonetheless, they are welcome.

I urge the Minister to examine the issue of derelict houses in the countryside. This matter must be addressed. There are many derelict sites in rural townlands which do nothing to enhance our tourism potential. Perhaps a special incentive could be provided for the refurbishment of traditional homesteads. This would enhance our culture, heritage and everything else that is dear to Irish people's hearts.

I have come across cases where in spite of evidence on the 1913 Ordnance Survey map that a house existed on a site, planners refused planning permission on the grounds that there is a stream within half a mile of a house even though a house stood on the site for 200 years up to the mid-1920s. The Minister should make provision for houses to be built on existing sites.

Many traditional farmyards still exist throughout the country although we have moved on and modernised by building slatted houses and so on. We should consider the preservation of these fine stone structures that are falling into neglect. It is important that we would do so. Perhaps this could be done through the REP scheme or a similar scheme which would be introduced by the Minister for the Environment, Heritage and Local Government. This would greatly enhance our heritage and the environment and would also be of benefit to the tourism industry. I urge the Minister to take these points on board and thank him for coming to the House to debate this important issue.

**Ms O'Rourke:** I am pleased to speak on this matter. I congratulate the Minister, Deputy Roche, and welcome him to the House.

Senator Bannon is absolutely correct. The old style isolated county council cottages around the countryside, many of which are lying derelict, could be renovated through a grant scheme. Title deeds are often the problem with such properties as title cannot be proven. I am aware of a case where people have a keen desire to buy a property, live in it and be part of the community but

its title deeds are obscure and go back almost a century.

I also agree with Senator Bannon's point on farmyards. Perhaps we have an idealistic notion of low walls and hens picking at the bit of meal which might be thrown to them, but I do not think that is the case. They were an essential part of country life.

I thank the Minister for coming to the House to discuss sustainable rural housing guidelines. A debate on this issue has been consistently requested on the Order of Business. I hope all those who requested it will contribute to the debate. The Minister is hands-on in this area. I am long enough looking at policy documents and background papers to understand that he intervened. He brought to bear his depth of knowledge on policy planning in the public service and his experience of planning issues in a diverse county like Wicklow where discordant notes had been sounded on this matter in recent years. The guidelines bear the hallmarks of a Minister who is determined to bring about a change in policy. That is most welcome. The guidelines might never have been produced had the Minister not had his own views and a chance to express them.

I deal with many planning applications in County Westmeath. They usually relate to planning permission for one-off houses rather than housing developments. In some cases the house is for a single person but generally it is for couples planning to get married. There is no greater cause of stress for these people than to constantly have to ring up the planning office. We have failed to take into account the desires and aspirations of ordinary people who want to build houses to provide a roof over their head. Most people wish to live near their family members. They just want to get a house they can call their own, which we all have. I do not wish to sound like Mother Macree but it is important for people to have a place to call "home".

I welcome the inclusion in the guidelines of an expectation of courtesy and sensitivity from planning officials. Since the ending of the dual mandate, the Westmeath county manager, Ms McGuinness, has been very good in organising meetings every second month for Oireachtas Members. Programme managers also attend these meetings. The issue of courtesy and the availability of planning officials has dominated these meetings in recent months. I have written to the county manager requesting that we would have planners as well as programme managers at the next meeting for Oireachtas Members. There appears to be a great divergence of view between programme managers — maybe they are not called programme managers—

**Mr. McCarthy:** Directors of service.

**Ms O'Rourke:** —and planners. As planners are professionals who hold a degree, they appear to be averse to interference in their domain. However, if we do not have that we will not get anywhere because it is planners who make decisions. I am delighted with the reference to courtesy in the guidelines. I am sure all planners are not the same. Some planners say to couples, "No, you cannot have it there". That is often their opening remark. The couple will have prepared a site map and I will have primed them on what they are to say. If I am available I go with them, and their manners are sometimes better on those occasions, but their opening gambit is always, "No, you cannot have planning permission on that site". A couple may have high hopes when going in to meet the planning officials but that is what they are told at the outset, without being greeted, asked if they can be helped, and without offers to suggest alternative sites or house designs. They leave the office devastated. That important point was put into the guidelines by the Minister and not a Department official. I have spoken to the managers of services—

**Mr. Bannon:** The Minister will go to Westmeath and canvass for Senator O'Rourke.

**Ms O'Rourke:** I hope there will be no need for that.

**Mr. Roche:** I will be under pressure in Wicklow.

**Ms O'Rourke:** I hope this point will hit home and I intend to speak on it in two weeks at the next meeting of Oireachtas Members in County Westmeath, but I wonder how one teaches manners to a person who has none.

I understand some planners have ideological bents, have gone through the education system at UCD or another university, and have learned that one cannot do A, B, C or D. However, they cannot translate that ideology or professional bias into dealing with people on an everyday basis who want planning permission for their own usage.

The Minister also spoke on sterilisation, which is giving someone planning permission and then making him or her sign a document stating that he or she will never again seek planning permission. I do not know why it has not been challenged, as if it were it would lose. It means a landowner must choose a son, daughter, niece or nephew to get the one planning permission allowed. Sterilisation in this context is a hateful concept that should never have existed and should be banned. It may also create tension between siblings.

The Minister's final two paragraphs are most worthy of praise, but I must point out that there is a spelling mistake in the word "too". He stated:

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Finally the point must be made that the critics who challenge the sustainability of housing in rural areas all too often forget or simply overlook the fact that people are the most essential element in creating a countryside that is vibrant and communities that are sustainable.

Of course that is true. How can there be a lively community without people? How can there be lively schools without pupils, or bus services without passengers? Oliver Goldsmith from Longford and Westmeath many years ago wrote, "Ill fares the land, to hastening ill a prey, Where wealth accumulates, and men decay."

**Mr. Bannon:** He was from Longford. We claim him.

**Ms O'Rourke:** Senator Bannon did not talk about him or quote him and now he wishes to claim him. Perhaps the Minister can include those lines from Oliver Goldsmith in his next speech as they are most suitable.

**Mr. Roche:** I will get the spelling right.

**Ms O'Rourke:** The spelling mistake was "to" instead of "too".

Of course one needs people to live in these areas. They are not sanctified habitats for rare bats and birds, although I approve of such habitats. I know from previous conversations with the Minister that he is aware, and it echoed throughout his speech, that this must be balanced. The snooty writers living in penthouse apartments or restored Georgian houses will immediately tell us that this is frightful debauchery by the Government and is wrong. People in huge urban areas will think this should not happen in Ireland.

Any Senator who has not tip-toed in awe around the chief planning officer when talking to him or her about a particular person should put his or her hand up. This is about real people in real situations and is addressing an issue which has long festered in Irish planning circles.

Too often people do not consider advocacy a worthy operation, but it is what makes peoples lives tick over. Not everyone can be adept at gaining entry to the offices and corridors of decision makers. In our own way each of us is an ombudsman for minor matters. I have always regarded myself as an ombudsman for issues where people feel the levers of power or approval are not open to them.

Deputy Michael D. Higgins, who used to lecture on politics at NUI, Galway, and for whom I have a high regard, sometimes mentions clientelism when speaking in the Dáil, but I do not use the word "clientelism". Advocacy is a worthy characteristic in anyone and smacks of altruism and proper representation, as a Senator would not seek to achieve something that was wrong on behalf of a person, but would seek to get a person his or her rights if possible.

The guidelines are not a panacea for all ills and their implementation will not mean that all applications for planning permission will be approved. One of our harder tasks will be to cool down expectations and already I have had a significant number of calls from people wondering if they can reapply for planning permission under the new guidelines. Some of those callers will never get planning permission, even if they were to go to church four times a day and appeal to the Minister ten times a day, because they are not worthy applications. However, the lives of many people will be brightened immeasurably and changed for the better as a result of what the Minister has done.

**Mr. McCarthy:** I welcome the Minister for the Environment, Heritage and Local Government, Deputy Roche, to the House, and the opportunity to participate in this important debate. I called on several occasions for a debate in this area, to find resolutions for the difficulties that exist. All politicians, particularly in rural Ireland, who have clinics and interact with their constituents, will be pleased, as I am, with the publication of these guidelines.

We had a fruitful debate on this issue with the Minister after his appointment and I am glad the Minister has returned with these guidelines that I welcome unequivocally. As public representatives we have advanced cases through the years on behalf of constituents, not motivated by clientelism as the Leader correctly stated, but by a sense of duty to those constituents who, for obvious reasons, want to live in the area in which they were born and bred.

Some people confuse this issue with that of farmers profiteering while destroying the landscape. However, this issue is about landowners and their sons, daughters, nieces and nephews who want to remain in the communities in which they were brought up. In my relatively short political career that is one of the reasons I have advanced for granting planning permission. This is an extremely bureaucratic system and I welcome the section of the Minister's guidelines that deals with improving services to applicants.

As public representatives, we have gone into the offices of planning authorities on behalf of applicants and have dealt with people who have no personalities, not to mention manners, and who made decisions on applications based solely on the county development plan. We put forward genuine reasons as to why the applicant should be granted planning permission. Such reasons often included health or socioeconomic factors, where the applicant was caring for an ill, elderly relative or returning from abroad after a number of years. These reasons were never taken into consideration by the people in the offices of the planning authorities because they completed their course in UCD, became planners, picked up the development plan and used it as the sole criteria by which they granted or, more often, refused

planning permission. They never took into consideration the reasons we advanced.

Access to the county manager was often difficult. We were at the beck and call of the local authority officials. We were pleading with all of our might, using smiles or tears, depending on which would be more effective, for permission for a constituent. That need not have been the case but unfortunately the system was such that we had no choice. The irony of all ironies arose when the planners pointed to the development plan and stated that the elected members of the local authority had formulated it. The expertise that planners and engineers had when formulating decisions, compiling reports and issuing final decisions meant they had an advantage over us. They were trained and expert on planning laws, planning policy and so forth, while we, the elected representatives were not. We had a mandate to advance the case on behalf of the constituent, while they had the advantage of being able to interpret a plan in a manner which was beyond us and such interpretations were used to defend their decisions. They used the county development plan as a bible and a weapon to refuse planning permission.

Local authorities can be blamed for some of the problems with the planning process. However, agents must also shoulder some blame. Public representatives are being used by planning agents, that is, people who lodge applications on behalf of applicants. These people are making a mint, particularly since the boom began. If an applicant wanted to build a house on top of Croagh Patrick, agents would send in an application to the local authority simply because they would get paid to do so.

**Ms O'Rourke:** They do not discriminate between what is and is not possible. The Senator is correct.

**Mr. McCarthy:** What happens when the application runs into difficulty? The applicant is advised to approach his or her local TD, Senator or Councillor.

**Ms O'Rourke:** Then the elected representatives are blamed for the failure of the application.

**Mr. McCarthy:** That is exactly the point. The political process is being abused by planning agents. This is wrong.

I have seen applications by such agents, which I am convinced were thrown in over the wall of the planning offices, such was the dreadful condition they were in. The standard of the applications was unprofessional and the requests therein were often unrealistic. This only added to the high refusal rate and took away from the genuine argument that could be made on behalf of nieces, nephews, sons or daughters of land owners.

During the last debate on this issue, the Leader and I spoke on the issue of sterilisation. Let us take a real example of a family with ten members,

only four of whom still lived at home. The fourth youngest inherited the farm. His three siblings remained but it was difficult to predict what they might want to do in the future. The inheritor was granted planning permission to build a house for himself on the land. He was asked to sterilise the rest of the land holding, which he could not do. I made the case to the director of services on his behalf as to why he could not sterilise the holding.

Thankfully, in that case, the sterilisation stipulation was dropped. However, there are plenty of other cases I have dealt with where sterilisation was the only option available if the applicant was to secure planning permission. This meant that applicants could only hope that circumstances did not arise in the future where the sterilisation would cause them grave difficulties. For example, they could need to dispose of a site to fund health care for an ill family member or to pay for overseas third level education. Such disposal would be prohibited by the sterilisation order. In such circumstances, people are turned into landlords on their own land. They could not use their most immediate and valuable asset to fund health care or education for their families.

There are often socioeconomic or social reasons for applying for planning permission. In this regard, I welcome the section of the Minister's guidelines that allows an individual to support his or her application by stating that it is made on health grounds. In the past, planners examined the skyline, the house, the design and so on, but never considered the reason the application was submitted in the first instance. Now that reason can be considered and that is an important development. We have all met people who have been desperate to get planning permission for reasons of ill health.

**Mr. Roche:** That is true.

**Mr. McCarthy:** Sadly, in one case of which I am aware, the applicant passed away before the planning permission was granted. The situation reached a satisfactory conclusion in terms of what he set out to do, which was to provide for his wife and family after his death. That was a very sad case and it is dreadful to think that the system we all subscribe to and make our living from was responsible for causing distress to vulnerable people.

I wish to refer to An Taisce. I am aware of a case where the daughter of a landowner applied for planning permission. She made many telephone calls and trips to the offices of the planning department. Eventually the local authority granted planning permission. The planner's report was at variance with the managerial decision because the planner did not take the reasons advanced in support of the application into account. In other words, the goalposts of the planner's report were different from those of the manager's.

An Taisce is very well organised and noticed this discrepancy immediately. It was in a position



[Mr. McCarthy.]

to lodge an objection and did so just before the 30-day deadline for the submission of objections expired. The original decision in favour of the applicant was overturned by An Bord Pleanála. The result was that the applicant could not build a house on her father's land. She wanted to leave Dublin to be near her father, a widower, who was living alone in an area that was not a scenic one, but she could not do so.

Often people who apply for planning permission in rural areas do so because they obtain the site from family members. This means they do not have to attempt to enter the housing market, where exorbitant sums of money are demanded for houses. The acquisition of a site allows them to build directly on family-owned land, which is a much more economically viable option.

I thank the Leader for organising the various debates on this issue. I also thank the Minister for returning to the House with these guidelines, which I welcome. There will be some difficulties regarding people who attempt to exploit the guidelines to make money. That is not the purpose of the guidelines. They are designed to advance the cases of genuine planning applicants, people who want to live in rural areas and contribute to their vibrancy by using the schools, shops, post offices and so on.

Some people may denigrate these guidelines, but they are the very people who will also bemoan rural decline. It is very hard to reconcile the twin issues of sensible rural development and rural population decline. I welcome the guidelines and hope we can have a healthy debate on any issues that may arise on this area in the future. If there are problems we can find solutions. Often problem seekers ignore obvious solutions because they do not want issues resolved successfully.

**Ms O'Rourke:** I commend Senator McCarthy on a very fine speech. I should point out that it was agreed that if the number of Senators wishing to speak in the debate exceeds the time allowed, we will revisit the issue at a later date. In those circumstances, the Minister will not conclude today and will return to the House for a resumed debate, if necessary. That situation may not arise, but I will attend to the debate as it proceeds and will return to the House later.

**Mr. Brennan:** The rural housing guidelines are welcome, necessary and timely. In producing these far-reaching guidelines, the Minister has set out in detail how this Government's policies on rural housing will be implemented.

It is important that people who were born and reared in a particular area should be able to continue to live there. People who contribute to the fabric of a community in a village, town or parish, should be entitled to establish a family home there. This is to their benefit and that of the community.

It is also important to facilitate the return of emigrants, not just back to the country, but back to the communities they were forced to leave, often in unfortunate circumstances. Emigrants left due to unemployment and economic stagnation and their leaving was a terrible blow to rural areas, particularly in the west. It is only right, in these times of great economic prosperity, that people in rural areas can welcome their emigrant sons and daughters home.

The guidelines will be implemented by the planning authorities through the drafting and review of agreed local authority development plans. The important aspect is that the planning authorities will have to adopt a more positive and proactive approach to rural development and housing. This will also allow them to work with applicants as facilitators in this process and that is to be welcomed. Planning authorities must play a crucial role in strengthening villages and towns. They must ensure that towns and villages, not just cities, offer attractive and affordable housing to meet the needs of those who wish to live there. To enhance the availability and affordability of sites and housing in rural areas not only helps those people but also benefits the established rural communities.

I want to make specific reference to areas with clustered settlement patterns. Planning authorities should contain areas under strong urban influence, those with traditionally strong agricultural bases and structurally weak areas. Analysts must identify the types and extent of rural areas across the country. The planning authorities must be urged to encourage prospective applicants in rural areas to volunteer additional background information. Such information allows an application to be considered in the context that what is being proposed is rural generated. It is essential that the local circumstances can be appreciated; a national application form is not suitable.

In all areas it is important that information about access, visibility and road safety requirements are provided. We had an excellent debate on road safety in the House last night. Compliance with local authority safety requirements as regards planning is another aspect of this issue. We must ensure all prospective sites are assessed in terms of their waste water treatment facilities, including ground water vulnerability. I welcome guidelines on this element of planning applications. Site location and settings should also be considered when the landscape characteristics are being assessed by the planning authority. This is a commonly voiced fear among rural communities, and by interest groups even more so. I am glad this is being addressed by the Minister's guidelines.

I want to refer to a few basic points as regards the improvement of service to applicants. These initiatives are to be commended. Applicants should have access to a planning clinic, information leaflets and guidelines. Requests for pre-planning consultation should be responded to, promptly, as set out in the relevant Act. Appli-

cants should be assisted during the planning process. Site meetings between applicants, officials and agents should be held, as appropriate, to work through contentious points. This makes sense, and is to be welcomed. Furthermore, where an application is refused, advice should be offered, where appropriate, to help with alternative proposals for development. Again, I commend these aspects of the guidelines.

It is important, too, that attention is paid to the applicant's health circumstances. The Minister has commented on that. I welcome the initiative to ensure that where, through health circumstances, a person is required to live in a certain location, this will be recognised by the authorities. Such circumstances should, of course, be confirmed by the relevant medical documentation. Protection of the environment as a location for housing is also important.

I commend the elements in the guidelines to do with the issue of roadside boundaries. I welcome the provision that stipulates existing boundaries should not, as a rule, be removed for a new entrance, subject to traffic safety concerns. Ground water protection schemes should provide policy backgrounds setting out the planning authority's approach to ground water vulnerability and onsite treatment facilities should take account of these circumstances. It is important that the insulation and commissioning of waste water facilities is supervised by competent persons. I am pleased that the guidelines address this issue.

It is reasonable to expect that where applicants are given planning permission for rural housing proposals on the basis of local links, they or their immediate families occupy such dwellings for a specified period. This is subject to reasonable application. The Government wants to facilitate appropriate and reasonable development for rural areas, and this is to be welcomed.

I thank the Minister for allowing the local authorities 12 months in which to make their submissions. Some 105 submissions have been received and considered by the Minister. Local authorities throughout the country have over this period implemented much of what appears in the old draft guidelines in their development policies. That is to be welcomed as are the meetings the Minister will hold with the local authorities and the general public on how the guidelines are to be implemented. I thank the Leader for arranging to have this debate on the Order of Business.

**Mr. P. Burke:** I wish to share time with Senator McHugh. I welcome the Minister to the House and I welcome the guidelines on rural planning. To start where Senator Brennan finished, 105 submissions were received. I was disappointed as I thought there would be more than this on an issue as major as rural planning. I welcome the guidelines, nonetheless, and I hope they go some way towards rectifying the anomalies involved with rural house planning. I hope it will achieve one thing, at least, namely, remove the incon-

sistencies. People are rightly irritated when they see others getting planning permission for similar developments for which they have been refused. Councillors are fuming as well. Nobody can explain why this happens. Planning officials just want to move on to the next application, regardless. No answers are given as to why permission was granted or refused for a particular development while the converse has happened in the case of a similar proposal for a location beside it. People are infuriated.

The Minister has not alluded to ribbon development in his speech. Some rural areas with small holdings of land have limited access to county roads, yet there is a considerable amount of ribbon development in places. There are arguments for and against this. The Minister says that road safety etc. must be taken into account. If people living in rural areas have only limited access to county roads, I do not have a problem if we are to be even-handed as regards rights, even if it means ribbon development in some areas.

I am delighted the Minister has included guidelines for roof types and roof colours and the types of windows which may be used. Some planning authorities have been far too rigorous as regards those issues and in many cases have refused planning permission for the proposed type or colour of the roof or window. This should not be a major problem as regards planning. The Minister said that in the stronger rural areas the guidelines call for development plan policies to strike a balance between accommodating proposals for individual houses and stimulating new housing development in smaller towns and villages, in order to ensure a balanced range of options for new housing development. I presume this is to be inserted into every county development plan. As we all know the county development plan is the main benchmark to be adhered to by the planning officials. How realistic is that part of the Minister's speech? Will the planning authorities use that broad statement to grant or refuse applications? I appreciate and welcome the Minister's assertion that he will hold seminars around the country. All too often we have seen how a majority of planning officials are as one when it comes to refusing certain types of application. The proposed seminars will be helpful, but as regards this aspect of the Minister's speech, I believe it leaves planning officials with an option to refuse applications in rural areas on the grounds that there may be a more appropriate cluster or village development in which to live — against the wishes of the particular rural community or applicant.

**Mr. McHugh:** I welcome the Minister to the House. I acknowledge his contribution in accepting that there is a tradition of dispersed planning patterns in rural Ireland. Rural people want to continue to live in rural areas. Particular areas have suffered greatly from population decline in the last 20 years. In Glenvar, where my mother was born, the national school has closed

[Mr. McHugh.]

down and there has been severe population decline. It is an indictment of the rural planning process that existed in the past. We had a tradition of clachans in different parts of Donegal, whereby clusters of five and six houses were built together. This is mentioned in the document on rural planning and is accepted. A young couple, living in Dublin, want to return to Glenvar in Donegal. They are entering an area suffering from serious population decline, yet their planning application was turned down. They have been facilitated and they have worked with planners and public representatives to come up with a solution. However, they have still not been granted planning permission.

Rather than just noting that Glenvar is a place of population decline, there must be a building plan for such areas. The planners may have a problem with building in Glenvar, but the plan for the area is driven by the applicants, who do not have a template from which to work. There should be a focused plan for different areas and more than words are needed to develop them. There should be a medium to long term effort to get the school and the post office going again.

The Minister made a point about expediting planning applications in a courteous manner. There is word on the street that applicants are not given due consideration and do not have access to planners. I believe that the proper resources are not in place in certain places. In my own electoral area of Milford, 1,400 applications were processed last year by only two planners. Rather than noting that there is no courteous service, the reality is that there is an inadequate supply of planners and staff.

The electronic measures introduced in the guidelines are working. The Minister will get some positive feedback from Donegal. People can go on-line and watch the planning application come through the system. It is a very transparent way of processing the applications. In conclusion, I hope the Minister takes the story I mentioned about Glenvar into account. It is parochial, but it would be remiss of me to mention it as my mother lives nearby.

**Mr. Roche:** I hope the application is not on her land.

**Mr. McHugh:** Certainly not. I was under strict instructions to mention it. I feel there should be increased resources to planning departments, especially in areas where many decentralised offices are up and running.

**Labhrás Ó Murchú:** Go raibh maith agat, a Leas-Chathaoirleach. I compliment the Minister on his pro-active role in bringing this process to a very successful conclusion. He set the tone of the debate by pointing out that we will all win if the guidelines are observed and implemented. As a co-founder of the Irish Rural Dwellers Association, I have been at the coalface of this process

for many years. Initially, I found that there was an absolute intolerance on the part of some people to the voice of rural Ireland. We have now reached a stage where there is much more transparency on this issue. Some of the unproven myths put forward by those who oppose rural development have been put to rest.

Much of the debate has been based on very inadequate research. One of the main pieces of research put forward by those who do not favour rural development was based on a thesis by a graduate in a university. That is not right. We met with the managers' association and we pointed out that it was necessary for the managers to go back and carry out research and not to accept the newspeak of those opposed to rural development. We also met with the planning institute and I was pleasantly surprised at the reaction of the planners. When people engage in megaphone diplomacy, much misunderstanding arises, but when they sit across the table and put forward points in a reasonable manner, much common ground is achieved. The planning institute was prepared, with the Irish Rural Dwellers Association, to take a joint approach on issues surrounding rural development.

As we did not have informed debate, we found concepts in the planning code which were alien to Ireland and were not traditional. The Irish Rural Dwellers Association called the town planning agency in Britain to discover that agency had a special section dealing with planning in Ireland. We asked whether the agency had a section for other countries and were told that it did not. We asked why they had it for Ireland and were told it was because they did not regard Ireland as a separate jurisdiction. I will not go into the historical aspects of that, but it suggests to me that there has been an outside influence. I will not go into the university area, but it is worth looking at how the planning code was developed and built.

Many people have referred to our traditional concepts of rural housing such as the dispersed village, the baile fearainn and so on. These were taken for granted and were successful. If we look back in the historical sense we have an historical image of rural Ireland. My historical image, particularly of the west of Ireland and County Clare, was of small houses closed up and dilapidated. The story behind those was that the owners or their descendants were in the Bronx, Chicago, Manchester and London. For a long time people were saying rural Ireland was dead. People did not want to live there.

The wheel then came full turn and people wanted to live in rural Ireland. This indicated they not only had confidence in Ireland because of its progress, but confidence in rural Ireland. However, in many cases these people were met with a restrictive code of practice which was often contradictory. There was no justification for what was happening or for the arguments that came from organisations and people who, though small in number, were particularly vocal and had access to the airwaves and newspapers.



These people saw rural Ireland as a vast picnic area. They would come and enjoy it on a Sunday afternoon and then go back to urban Ireland and pontificate without engaging in proper debate. If they had focused more on urban planning, they might have served their people better. Everybody can see now that some of the outrages that have taken place in urban planning have presented us with some of the greatest difficulties with which the infrastructure of the country has had to contend. These people throw out glib comments and question who will pay for rural development, the Dublin Port tunnel, Luas, the DART and other infrastructure.

As I said on the Order of Business yesterday, I can still remember Monsignor Horan, go ndéan-faidh Dia trócaire ar a anam, defending the idea of an airport for Knock on the "Late Late Show". People of a political persuasion in Dublin actually went on the show and asked how we could possibly afford such an airport.

**Ms White:** Only for Mr. Haughey.

**An Cathaoirleach:** Senators should desist from interrupting.

**Labhrás Ó Murchú:** He said quite innocently, but coyly, that he was only an ordinary humble parish priest and not an accountant. However, he could say this much, that the cost of the infrastructure for the DART and maintaining a single carriage would pay for his airport.

**Mr. U. Burke:** The same goes for the corridors today.

**Labhrás Ó Murchú:** He was making a case for rural Ireland. Everybody can now see that people can get their flights in Luton and return to Mayo. They can come with their families from Britain and spend their money. My point is that if there is an urban-rural divide developing, it is not rural Ireland that is creating it. It is created by people who are opposing development in rural Ireland.

These guidelines are sensible and just. The Minister makes the point that we are not just talking about bricks and mortar, but about people. We are talking about people's civil rights. At long last rural Ireland has a voice. It has a voice in this House as was quite evident by the unanimity here, a voice in the Minister and in the vast majority of people as many people in urban Ireland have a rural background. However, it makes no sense to suggest that people who left Ireland because of economic deprivation, who helped the development of this economy by the money they earned in Queens, the Bronx or elsewhere, should not be allowed to come back and enjoy the fruits of that affluence.

The Law Commission has brought forward a report on discriminatory practice in the planning code; perhaps the Minister has seen it. The commission states it is almost certain that local authorities are breaking the law by discriminating in

favour of one family member against another. This is what is happening in the sterilisation of land. It will allow one family to build, but worse, conditions are being attached to that permission. It is not just a matter of discriminating in favour of one family member, but even that family member cannot dispose of the assets. This would not apply elsewhere.

I put a question to those who oppose what we have in these guidelines. Would the great houses of Ireland ever have been built if the current planning code operated in those great heydays of building? Obviously, they would not. The same people who object now would probably identify with those great houses and would give all the reasons they should be supported.

I am delighted this debate has not taken place in a vacuum but in the context of the guidelines. The one or two local authorities from which I have heard the message emanate that these guidelines will make no difference do not understand them. I suggest that officials from those areas should come to the seminars. We have a large number of non-Irish planners in this country, 25 from New Zealand alone. I am not against them, but they should take time out to understand the traditional concepts of housing development in this country. They do not understand it. That is why they must engage with these guidelines. They must not obstruct them nor be disingenuous.

Well done to the Minister and his officials. This is a good time for rural Ireland. We will all stand behind these guidelines to ensure they work.

**Mr. Bradford:** I welcome the Minister to the House. He is committed to this issue and I am sure it has taken up most of his time since he took over his current portfolio. Perhaps it has not just become a pet political project, but one through which he will make his mark. He will recall that one of our former Seanad colleagues, a member of his party, was also very involved in the issue of house planning and design. That person produced a book of house plans for bungalows, *Bungalow Bliss*, but the Minister may hope to be remembered differently.

When the Minister announced these proposals some weeks ago, the first thing I did was to reflect on the announcement last year of the initial guidelines by the then Minister, Deputy Cullen. While the guidelines have changed to a degree, the change is not major. The Minister is aware that throughout the country every local authority appeared to have a different view of proper planning and development, which is one of the difficulties.

What the Minister is attempting to do with these guidelines is, more or less, the norm in County Cork. In our recent county development plans we have tried to give emphasis to local and community development and to people from the local parishes and townlands. Therefore, the Minister's proposals may not have the same impact in County Cork as they will have in other



[Mr. Bradford.]

counties because we are already trying to implement much of his current policy platform. This is working quite well.

However, I would like to address a number of issues. Will the Minister explain how the planning Acts will be affected by these guidelines and what is meant by the famous phrase “proper planning and development”? Planners cite a failure to meet the proper planning and development criterion in almost nine of ten refusals of planning permission. The county manager and planners continually remind councillors that, regardless of representations, regulations and policy initiatives by the Minister, all planning applications must comply with the concept of proper planning and development. Will the planning Acts need to be amended to introduce a broader definition of “proper planning and development”? The Minister’s guidelines will have no impact in a number of counties if this concept overrules them.

Senator McHugh and others referred to expediting planning applications. The core problem is the lack of staff in local authority planning departments. I appreciate the constraints on the recruitment of additional staff but this issue must be examined. Cork is no different from other counties but planners are dealing with two or three times more files on an individual basis than was the case five or ten years ago. When I was first elected to the Cork County Council in 1985, it was easy for a public representative or an applicant to meet a planner.

The attitude of the planners has not changed in this regard. However, the number of applications has increased sharply while the number of planners has not and time is not on their side. It is most disappointing to discover the day before a planning application must be submitted that a problem has arisen. Applicants have no opportunity to meet the planner nor have they time to resolve what may be a minor problem. A little dialogue could resolve these issues. Sometimes public representatives can be too severe on planners but, when planning applications are turned down, the applicants are disappointed. If there was a little room for dialogue between the planning staff and the applicant, issues could be resolved in the majority of cases. However, that is not possible because of the volume of applications and, therefore, additional staff need to be recruited. The building boom will not last forever but more staff will be needed for the next five or six years. I ask the Minister and his officials to examine this issue.

The salary scale of planning staff is also an issue. Unfortunately, staff do not remain in their posts for a long time. When I joined the council, planners, engineers and managers were in their jobs forever but if a planner remains in his or her post for 12 months, it is as good as it gets because the salaries on offer to planners in the private sector are much greater than those local authorities can offer. It is difficult for a planner to get to know an area, the people and the issues in six to 12

months but, unfortunately, the turnover of planners means they have just about got to know an area before they leave for the private sector. The salary scale must be examined to attract good people and to retain them so that they can get to know the area for which they are responsible, the people and the issues. It is difficult for a newly appointed planner to make substantive planning decisions overnight. The Minister should examine the reasons planning staff are leaving local authorities in droves and do whatever is necessary to ensure they are retained.

The Minister’s document is a step forward. It is difficult to forecast when it will have an impact in local communities because I am concerned about the concept of proper planning and development. We could have a great philosophical debate about the standard of house design but, without blowing the Cork trumpet too loudly, the Minister will be aware of the fine document produced by my county council on rural housing design. It could become the template for other local authorities. It gives applicants information about what is appropriate to rural areas. I called for a document such as this for seven or eight years when I was a member of the council and, while I am disappointed it has taken so long for it to be produced, it is making a difference. It is only in Ireland that people will approach politicians for advice about planning before approaching other bodies but it is helpful that public representatives can give them this design booklet to point them in the right direction. I hope it will be adopted nationwide.

I support the Minister’s aspiration to allow people to live in their own communities. It is bizarre that a policy initiative is required to make that a reality. However, if it can be ensured that it will work in practice as well as in theory, that will be a positive step. Senator Ó Murchú referred to the issues facing rural Ireland and the entitlement of people to reside in and contribute to their own communities must be kept to the fore. The Minister is rural proofing his policies and it is important that other Departments should do likewise. Rural Ireland faces many issues, which could be addressed at no cost to the Exchequer by implementing common sense solutions.

I am in politics long enough to know a Minister has never produced a perfect document. It will not answer all the questions but it is a welcome step in the right direction. I would like the Minister to clarify the concept of “proper planning and development”. That phrase should not ruin the many positive aspects of the Minister’s guidelines.

**Mr. K. Phelan:** I welcome the Minister and his officials. The guidelines are comprehensive and well thought out. As a former member of Laois County Council, this was one of my hobby horses over the years. I am delighted the guidelines have been published, as they lay down the criteria for future planning. A number of the guidelines will

improve all aspects of the planning process, especially for members of the public who find the process confusing and full of red tape.

Planning issues annoy my constituents, who continually bring them to my attention. The guidelines, thankfully, include a renewed and strengthened emphasis to improve the service provided by planning authorities to applicants, with reference to improving the availability of and responses to preplanning consultations. The results of this will be to ensure applicants and planning authorities can work together. This will be much better because local authorities will be able to examine the necessary planning criteria and then select the best site and design solution for a house. Such consultation will save time and money and will permit applicants to work with local authorities within the planning guidelines. This will work both ways as members of the public who wish to build will have a better understanding of planning issues and regulations, and planning officials will listen and respond to the concerns of applicants.

With regard to one aspect of these new guidelines, concerning emigrants returning to Ireland, I was impressed to note the Minister's special emphasis. I hope the guidelines will ensure that returning emigrants, who were born and lived for a substantial part of their lives in rural areas before moving abroad and now wish to return to reside near other family members, to care for elderly relatives or to retire, have their housing requirements facilitated on their return.

In drawing up the guidelines I am pleased the Minister accepted submissions from the relevant organisations that manage the development process in rural areas such as the planning authorities and An Bord Pleanála. Regardless of whether some people in Dublin like it, new homes must be built in rural Ireland. Many parishes throughout the island are only now beginning to see their populations increase after depopulation and emigration over the decades. On a practical level, our schools are now full and our GAA clubs fielding teams at all levels. Not everyone is forced to go to work in Dublin, Cork or Galway. Thankfully, there are wonderful employment opportunities in rural Ireland and the Government must ensure that those who wish to remain there are able to do so rather than be forced to move into towns with few green areas.

The Minister described the guidelines as a new era. I agree that planning authorities must respond more positively to the housing needs of rural communities and work to ensure that overall development is sustainable. I hope they will accept the guidelines as they set out in detail how Government policies on rural housing are to be implemented by them when they make their development plans. Local authorities should now take immediate steps to review their county and local development plans to incorporate the neces-

sary changes to ensure that the relevant policies are consistent with them.

Dublin-based Senators and those who live in urban centres know about overcrowding, traffic congestion and serious social problems. We cannot continue to expand in the greater Dublin region. The Government must be proactive to ensure that fewer people are forced out of their local areas. I have heard people say that this will destroy the landscape and ruin things for hill-walkers. That is nonsense. People need homes and roofs over their heads rather than just a nice view. This issue is not simply about building houses and apartments; it is about the life of our country. Without people in the countryside, there is no point in having rural villages or parishes. Perhaps some people want that, but I for one want my family, if it wishes, to be able to live close to home.

I compliment the Minister on taking the bull by the horns and producing these guidelines as he promised he would. For their critics, I have a few brief words. Do they wish for there to be no homes built in rural Ireland? Do they propose that only existing houses may be lived in? I find it ironic that some of the Dublin crew who write for the newspapers and complain about the destruction of the countryside have no problem with buying an apartment on the beach in Spain but object to Irish people building a home in their own county.

I wish the Minister and his colleagues well. I am pleased the Government has introduced these guidelines, which are most welcome. I hope that the local authorities and planners do not drag their feet in this regard. I want to see these changes implemented without delay. I support the comments of my colleagues, which reflect the views of people across the country in their various constituencies.

Senator Bradford mentioned the change in the number of planners in different counties. In my own county, we have a planner from South Africa. I am not saying that he is not good, but if he starts to deal with planning permission, having been in the place only two months, I cannot see how he can give a fair decision. Much must be done with the planners themselves.

**Mr. U. Burke:** I welcome the Minister to the House and thank the Cathaoirleach and Leader for providing us with the opportunity of discussing these new guidelines. In March 2004, the Minister's predecessor introduced the draft guidelines with all the usual fanfare that they were to be the answer to all the difficulties encountered by local authority members. However, I will echo what has been said by many other Senators in the House. For these guidelines to be successful and the proposed pre-planning meetings to take place within a reasonable timescale, the Minister must lift the embargo on the recruit-

[Mr. U. Burke.]

ment of planning staff. Throughout the country — Galway is no different, as I have seen this week — large numbers of applications have been rushed in as a result of the announcement that the guidelines were to solve all the previous problems. With the staff available to Galway County Council's planning section, it is impossible to deal with matters properly and carefully and give people time as suggested by the guidelines. In conjunction with many other Senators who have not spoken here today, I urge the Minister to lift the employment embargo. Otherwise it is an impossible task. When we talk about the sensitivities of the planners relative to customers we must realise the pressure that they are under, the demands on their time and the required throughput.

The County Galway plan introduced in 2002-03 was the first under the new legislation, and there were many difficulties in implementing it, since the draft of the officials at the time would have made it impossible for local authority members and the public applying in Galway to have a house built anywhere in the county. As councillors, we saw the frustration and hired our own consultant to go through it line by line at our expense, after which we produced a submission arguing for it to be changed. That was the final document. The guidelines that have been implemented are very close to what has been in vogue in County Galway for the last few years. Very serious difficulties have been highlighted many times.

Apart from the plan, the guidelines and their application by planners, one must add An Bord Pleanála, Dúchas, An Taisce, the NRA, and so on. They have a statutory right to involvement. I have nothing but support for An Taisce in many of its statements. People have branded it outrageous and anti-rural. I do not agree with them on that. Individuals in the organisation may have gone overboard on occasion, but when one has a county such as Galway with such variation in landscape and so rich in heritage, as well as the necessity for infrastructure, it is practically impossible for planners to make a judgment on individual cases without hassle for the applicant.

I hope the Minister will give serious consideration to fair play for the planners so that they can implement the guidelines as they were intended if it means improvement. They need time to assess applications. As Senator Bradford said, it is no use talking about it a day before. That is why we have a facility in Galway to give notice. A member of the council can attach a note to a planning permission so that the applicant will at least be told a day or perhaps hours before the refusal is issued that something must be changed. One of the greatest difficulties faced by local authority officials, especially planners, is that some of the people who present planning appli-

cations to them on behalf of applicants are not qualified to do so. Many architects have decided not to deal with planning applications any more because they take too much time. An architect of any worth will not get involved in the planning of an individual rural house because of the amount of time it takes.

If a basic matter like a sight distance is not included in a person's planning application, the entire application will be thrown out. Approximately 48% of the planning applications made to Galway County Council last year were returned to the applicants because they had been presented in a shabby manner. We cannot blame planners, most of whom are courteous, helpful and supportive in their dealings with applicants who make representations to them, because they have no choice but to make the decisions they make. It is right that planning officials are compelled by regulations imposed on them by the National Roads Authority to refuse a planning application if, for example, the application does not indicate an accurate sight distance in respect of a proposed location on a national primary route.

If one applies for planning permission in an area of archaeological importance, one is forced to secure an archaeological report, at a cost of approximately €2,000. Depending on the number of difficulties which arise, the cost of acquiring planning permission can be between €5,000 and €10,000 in some instances. If one's application has to be resubmitted, for example, one will have to pay certain charges more than once. It has been said on many occasions that an adequate level of staffing is needed so that planning applications can be dealt with on a one-off basis. I agree with the suggestion that a process of pre-planning be put in place.

How does the Minister propose that planning authorities police and implement the provision that allows them to grant permission in cases of exceptional health circumstances? Who should decide whether planning permission is justified on such grounds? I welcome this aspect of the new guidelines, but I am not sure whether it is practical or workable. Planning officials do not know how to deal with it, although they may demand the provision of medical certificates, which can be acquired easily and readily. Perhaps some such certificates will not be accepted.

While it may be acceptable to require people to adhere to ten-year inurement clauses, as they are known in County Galway, when they are granted planning permission in pressure areas, it is wrong to use such clauses as a means of preventing people from acquiring planning permission in an entire county. Such clauses will be successfully challenged in the courts, sooner or later, and will then have to be removed from the planning equation. If we have powerful and properly implemented planning rules, there will be no



need for clauses of the type I have mentioned to be used in the planning system.

It is regrettable that enforcement clauses are being brought into effect to provide that if one wishes to build a new house in a Gaeltacht area, one must meet a qualifying standard of competence in the Irish language. I do not know how Senator Ó Murchú will interpret my remarks on this matter. It is a retrograde step to rely on the planning system as a means of encouraging the use of Irish and the maintenance of certain standards in Gaeltacht areas. This will be challenged in the courts sooner or later. Interested parties in County Galway have spent days and weeks considering this issue with people from certain organisations. The type of clause to which I refer has been introduced in the Gaeltacht area of the county. A recent test case, involving a developer in Barna, was decided in the courts. The relevant ratio in Barna is 60:40, but it varies throughout the county. The relevant ratio in parts of County Kerry is 75:25. Such irregularities have no place in the planning process.

I hope the important new planning guidelines can be implemented. We all hope they will be successful, but they will not be unless they are properly serviced and resourced. Additional manpower and financial resources are needed.

**Dr. Mansergh:** I welcome the Minister, Deputy Roche, to the House and I welcome the new planning guidelines he has published. I do not want to take issue with any particular aspect of the guidelines, so I will speak about the broad issue of planning.

Senator Ó Murchú made a valid point when he said that while it is important to have guidelines, it is more important to ensure they are applied. Some local authorities claim they have been implementing the guidelines for many years. That is true in some cases but not in others. As the guidelines offer significant scope for interpretation, the manner in which they are implemented will need to be monitored closely. The difference made on the ground by the guidelines introduced by the Minister's predecessor is a matter of debate.

I would like to declare an interest at this point — my brother is a senior planner with Cork County Council. It is natural, therefore, that I took some satisfaction from Senator Bradford's remarks about planning in that area.

I wish to endorse a point made by several Senators about the substantial increase in the pace of development in this country over the past ten years. When one considers the number of houses being built is reaching record levels every year, it is clear that significant pressures are being faced by the planning profession. As part of their work, conscientious planners need to visit certain places outside normal office hours.

It is unfortunate that the private sector is attracting many public sector planners. Such people need to be quite dedicated to public service to stay in the public sector, given that they could earn much more money by working in the private sector as consultants. It is tempting for one to be a poacher rather than a gamekeeper. It has been mentioned that there is a significant level of turnover of younger staff. It can be quite difficult to operate any set of guidelines when staff have not been in place for long enough to understand and develop the ethos of planning.

I understand both sides of the planning argument. As a public representative, I receive many representations about refused planning permissions, for example. Like all Senators, I have argued the cases of such people with the planning authorities. It is not realistic to be an extreme libertarian in this regard, however, given that we have to observe the groundwater directive, for example. We need to be consistent with such environmental standards when we decide to build certain types of buildings in certain locations.

I do not have much sympathy with the Dublin-oriented view that one-off houses represent a blister on the countryside. It is good to see signs of habitation, except in highly scenic areas, because such features enhance rather than diminish the interest of the countryside. As my wife comes from the west of Scotland I am familiar with the area. There are huge tracts of the Highlands completely deserted and that is a bit depressing. Many parts of this country do not have breathtaking scenery and one would welcome signs of human habitation. We must reorient towards a different developing situation. The population in this country is rising rapidly. I do not accept that people should live in tower blocks to make public transport viable. If people want to live in the countryside we have a lot of space to accommodate them. We have one of the lowest population densities in western Europe.

The value of agricultural land has decreased. Our agricultural production needs can be met efficiently on a small area of land. I am not in favour of pushing small farmers out of business. I fear small farmers on marginal land will go out of business which would lead to greater depopulation. One cannot blame farmers for seeking higher value for their land when there is a demand for rural housing. They may use some of the money for higher education, for their children or to keep the farm viable for longer.

The population of this country was 8 million 150 years ago. The response to that argument is that people did not all have to travel long distances to work. We need an effective and flexible planning system. The architects in Cork County Council have produced a guide to one-off rural houses. They have produced a couple of dozen models of well-designed houses which has created a lot of interest in other countries.



[Dr. Mansergh.]

Sometimes planning is presented as a black and white issue but I do not think that is the case. We have an interest in proper planning that is responsive to people's needs. It should not be overly *dirigiste* or overly ideological. It may be that building houses in the countryside is more expensive per head than building a tower block. We live in what we hope is a reasonably free society. We have to accommodate reasonable demands to live in the countryside. Many amenities and social facilities such as the small local creamery have disappeared from the countryside. The reflux into the countryside is a welcome development. If one can guide it constructively I would not be against that process. I wish the Minister well in the implementation of his guidelines and compliment him on them.

**Mr. Browne:** I welcome the Minister and his official to the House. I did not lose too many night's sleep over these guidelines. There was a furore in response to the guidelines issued by the former Minister for the Environment, Heritage and Local Government, Deputy Cullen. Those guidelines made no difference in Carlow. Perhaps they made a difference elsewhere. In Carlow the previous guidelines made planning more restrictive and I suspect the same will occur with these new guidelines. The only new aspect of these guidelines concerns the medical history of applicants. This aspect will be almost impossible to police. I have spoken to officials about this issue. I do not know how they are going to implement it. Carlow County Council set up a working group to consider the former Minister's proposals. It will now be interrupted in that work and will have to consider the current Minister's proposals.

Planners currently work under significant pressure. I would have preferred to hear the Minister was allocating more funds to local authorities to appoint planners. They could also have been given increased resources and better facilities. That would lead to lower turnover in staff in planning departments.

The area of planning is a nightmare at the moment. The main difficulty is that planners are coming and going. There is no continuity or consistency. I ask the Minister to increase the budget for hiring planners so they would stay longer in local authorities. Unfortunately many good planners are leaving for the private sector because of the considerable pressure they are under in local authorities. I would have been the first to congratulate the Minister if he had taken this step. That he has not done so is a big mistake.

The problems people encounter in the area of planning make life very difficult for them. They have a preliminary meeting with a planner who tells them to take certain measures. Invariably the planner has moved on by the time the planning permission is submitted. Therefore, the appli-

cation is refused on other grounds and this is the most frustrating part of planning. People do what is suggested and then their application is refused because a different planner may look on the plans differently. If working conditions were improved the situation would be much better for planners and the public.

**Ms O'Rourke:** They have very good working conditions. They do not make good decisions.

**Mr. Browne:** The situation is far from satisfactory at present. We should provide serviced sites. In Rathoe, Carlow, a developer has sold serviced sites which have been greatly appreciated by young people. They can buy a site with services provided and build their own house. That was the norm years ago.

We need a balance, rather than building huge estates in urban areas and one-off housing in rural areas. We should also provide serviced sites and consider the use of hamlets. These would facilitate proper planning. Unfortunately people sometimes start complaining about farmers spreading slurry or the lack of footpaths and lighting soon after getting planning permission. These are the disadvantages to living in the countryside but there are also many positive aspects. People need a greater choice, including villages with serviced sites and hamlets.

The beautiful county of Kerry has been ruined by one-off housing. The planning process in the county is a disgrace.

**Ms White:** The Senator is exaggerating.

**Mr. Browne:** If Senator White goes to Dingle she will know exactly what I mean.

**Ms White:** For the weekend.

**An Cathaoirleach:** When is it proposed to sit again?

**Ms O'Rourke:** As the Dáil and Seanad have discounted Tuesday, we will sit at 2.30 p.m. on Wednesday, 4 May 2005.

### Adjournment Matters.

#### Child Care Services.

**Mr. Bannon:** I thank the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, for taking this motion on the Ballynacargy child care service. The Ballynacargy child care committee urgently requires funding to extend and develop their existing child care services which are situated on the main street of Ballynacargy village, County Westmeath. This service is managed by

the pre-school committee which consists of parents of the children attending the play group. They are responsible for decision making and the employment of staff, which currently consists of a play leader and two assistant leaders. Located eight miles from Multyfarnham and ten miles from Mullingar, the Ballynacargy child care service provides pre-school services to a wide area. It prepares children for Sonna and Ballynacargy national school, the Milltown and Empor national school and other areas including Moyvore, Grange, Baronstown and Slanemore. Ballynacargy and surrounding areas have been fortunate to have access to a play group facility for the past 13 years. This has been widely acknowledged by parents and teachers to be of significant benefit to children and the entire community.

Originally based on one room of the parochial hall, the play group moved to a ground floor consisting of four rooms and a walled garden in 1997. It opened a room at the rear of the building in 2000. This was followed by the development of a playground in 2001 which provides an ideal outdoor environment for children. This well established play group currently provides a facility for 20 children but it is essential that this service be extended to cope with the increasing demands for places in this area, which is designated as disadvantaged and which faces all the problems associated with high unemployment.

Research has shown that children who are exposed to a high quality of early care and education with active parental involvement are more likely to remain in education, secure employment and avoid delinquency and are more likely to break the cycle of educational disadvantage which leads to unemployment and deprivation in a never ending and self-perpetuating cycle. Current educational thought promotes early intervention at the source of deprivation rather than pouring money into solving problems at a late stage. Early intervention is vital and should be the main route of attack on disadvantage.

All children benefit from a structured learning environment which allows them to learn and develop at their own pace. This is particularly pertinent in disadvantaged areas where such well documented benefits should be open to all children regardless of parental means. Similarly, long-term benefits accrue to parents who, while their children are being looked after and educationally stimulated, may pursue employment and further educational opportunities, thus developing and extending their lives and those of their families and the wider community.

The Government has stated that the Equal Opportunities Childcare Programme 2000-2006, to which this group has applied for funding, is a key element of the national development plan's aim to increase the availability and quality of child care so as to support parents in employment, education and training. The programme now has

€499 million which must be spent within the duration of the national development plan or before the end of 2007. I am aware that many worthy projects call on these resources.

On the principle of the Lord helping those who help themselves, I ask the Minister for State to make funding available to Ballynacargy community child care service under the equal opportunities child care programme. This group has helped its community and has 13 years of experience in child care and after-school programmes. It has reached the point where help is needed to expand its excellent facilities. Purchasing its current accommodation from the VEC would allow it to expand its current play group and after-school services to meet the ever increasing demand for places. I strongly urge the Minister of State to help this worthwhile project by providing essential funding. The service has knocked on the Minister of State's door for a long time and he might consider meeting a delegation from the child care committee.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):**

I thank Senator Bannon for raising this matter. It gives me a welcome opportunity to update the Seanad on behalf of the Minister for Justice, Equality and Law Reform on the important issue of child care, which is a priority for the Government. The Equal Opportunities Childcare Programme 2000-2006 is a key element of the national development plan. It is a seven year development programme which aims to increase the availability and quality of child care to support parents in employment, education and training.

The funding package has been increased on a number of occasions to meet increased demands to develop this important sector. The Government is aware of the importance of providing child care to support the economy and to support social inclusion through labour market participation. It has also listened to requests from the many groups which seek to build child care facilities which will meet local needs. The Government has made additional capital funding available immediately in order to build on the momentum which has been generated by the EOCP in community groups throughout Ireland rather than await an additional programme under a new national development plan. The original funding package of €318 million set aside for the seven year programme in 2000 has now increased to just over €499 million and includes an increased provision of €205 million for capital developments. This sum includes part of the additional capital provision of €90 million made available by the Minister for Finance in budget 2005 over the period 2005 to 2009 to develop child care infrastructure. Since budget 2005 the Minister for Justice, Equality and Law Reform has announced

[Mr. M. Ahern.]

a record allocation of €67 million in capital funding for community based not-for-profit groups in two tranches in December 2004 and March 2005.

I understand that the Ballynacargy group in County Westmeath is currently planning a new child care centre to replace and expand its existing service. The Minister for Justice, Equality and Law Reform informed me that the group submitted a capital grant application for funding under the EOCP to his Department. The availability of additional capital funding will enable the Minister to make further capital grant assistance available to groups which address significant child care service gaps and where the project proposal represents good value for money. In light of this, Ballynacargy community child care service was advised in December 2004 that while their project had not been prioritised for immediate funding, it will be reconsidered in the future. The Minister hopes to make further capital commitments in 2005 and thereafter to child care projects which link clearly with the aims of the programme, which offer value for money and clearly demonstrate they would fill a service gap in their local area. The ongoing assessment of all capital applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity.

When the assessment on the Ballynacargy community child care services project is completed, the application will then be considered by the programme appraisal committee chaired by the Department of Justice, Equality and Law Reform before the Minister makes a decision. I assure Senator Bannon that the group will be informed of the outcome as soon as possible. The Senator may be aware that staffing funding under the EOCP totalling €195,000 was approved in June 2003 for the Ballynacargy community child care service. This provides the group with annual support of €65,000 towards the staffing costs for their existing service. The EOCP provides staffing grant assistance to community based not for profit child care services, which have a clear focus on disadvantage and can demonstrate that they are supporting access by disadvantaged parents to employment and educational training, as is the case in Ballynacargy.

Efforts are being made to achieve a good geographical spread through the appraisals and approvals process. County Westmeath has already been approved over €9.2 million under the EOCP, with 43 capital grants approved to establish either new or quality enhanced, community based, not for private or private child care facilities. The county has also benefited from 24 staffing grants to community groups that focus on disadvantage. This funding to child care providers in Westmeath is leading to the creation of over 1,100 new child care places and to the support of

over 1,100 existing places. In addition, Westmeath County Childcare Committee also receives on average over €200,000 annually to support its developmental work through the implementation of its annual action plans.

The EOCP is the Government's response to the need to develop quality child care infrastructure. It has contributed significantly to the progress made in that regard. I hope Senator Bannon will acknowledge the progress made to date in County Westmeath and be reassured that all possible steps are being taken to further develop the services in the area as expeditiously as possible. With regard to his request to meet the deputation, I will bring that matter to the attention of the Minister, Deputy McDowell.

**Mr. Bannon:** I thank the Minister of State.

### Schools Building Projects.

**Mr. Browne:** I welcome the Minister of State to the House. My Adjournment matter arises from the press statement issued last week by the Minister for Education and Science, Deputy Hanafin, which confused me and many other people throughout the country in terms of the type language used and its lack of substance. The statement referred to schools that would progress through architectural planning but those schools have been at the architectural planning stage for years.

I ask the Minister of State to clarify the press statement in regard to two schools in Carlow, one being Scoil Mhuire gan Smál in Carlow town. I remind the Minister that in 2000, Scoil Mhuire gan Smál celebrated 40 years in operation. The then Minister, Deputy Michael Woods, visited the school and made an excellent speech complimenting the present and past staff members on the great work they have done in the school. He announced that the school building programme would be going ahead for the school but, unfortunately, five years later I am raising it in this House. That says it all.

In the case of Bennekerry national school, which I attended, it is still waiting for the building programme to proceed and has been for many years. The school is growing rapidly. As the Minister of State is aware, Carlow town is expanding rapidly and Bennekerry school takes in a large number of children from the local area, as well as some children from Carlow town. Bennekerry, Palatine, Kernanstown Terrace and all the areas in between are developing rapidly and that is putting enormous pressure on the school. In the case of Scoil Mhuire and Bennekerry national school, some might be concerned that by the time the new school building is built, it might already be out of date.

I hope the Minister of State will have good news for us today. I suspect he might be able to tell me these schools are proceeding to planning



permission stage but I want a guarantee that as soon as they receive planning permission from the local authority they will be fast-tracked on to the tendering process and so on. I understand that even if the schools were granted planning permission in the next few weeks, it will be at least three years before the school building is ready for use. That is intolerable for both the staff members and the current and future pupils.

I will illustrate a case to the Minister of State about the school building programme. He may not be fully aware of it with his accounting background but I am sure many representations have been made to him on it in his own constituency. In Athy, a neighbouring county, Athy community school had a pupil who was confined to a wheelchair. For some reason, the general purpose room in the school was upstairs, which in hindsight was a mistake. Instead of the Department putting a new lift into the school its officials said it would approve the building of a new school, which made perfect sense. The student in the wheelchair left that school two years ago and the new school has still not been built. That is an example of the delay in the school building programme.

I welcome the initiative taken by the Government on the devolved grants, which is the way forward. I do not understand the reason we have such a centralised system in terms of school building. If schools need extensions or refurbishment, they should be given the money because they know what to do best. Why must everything go through the school building unit in Tullamore, which slows down the process?

On devolved grants, I take this opportunity to inform the Minister that St. Mary's Church of Ireland school in Bagnalstown was given €500,000 as a devolved grant, which is all very well but the school needed €1 million. That school is now in difficulty because it has to raise the remaining €500,000. If the school does not accept the grant offered by the Department, it might have to wait years for a new school building.

These are real issues and I urge the Minister to put her weight behind the school programme and allocate funding. Devolved grants are the way forward. We should put an end to the centralised system and give autonomy to the principals and staff in schools. That would speed up the process, which is ridiculously slow. In one school three principals have dealt with the building programme. Three principals have retired and moved on in that period. That is an indication of the slowness of the process. I look forward to the Minister of State's reply.

**Mr. M. Ahern:** I thank Senator Browne for raising this matter as they provide me with the opportunity to outline to the Seanad, on behalf of the Minister, Deputy Hanafin, the extensive work being undertaken by the Department of Education and Science under the School Building

and Modernisation Programme 2005-2009 and to outline the current position on the proposed building projects for scoil náisiúnta Bhinn an Choire, Bennekerry, and scoil náisiúnta Mhuire gan Smál, Green Lane, Carlow.

Modernising facilities in our 3,200 primary and 750 post-primary schools is not an easy task given the legacy of decades of under-investment in this area as well as the need to respond to emerging needs in areas of rapid population growth. Nonetheless, since taking office, the Government has shown a sincere determination to improve the condition of our school buildings and ensure that appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. We have progressively increased funding for the school modernisation programme in recent years to achieve our goal with an aggregate total of almost €2 billion allocated for this purpose since 1998, the largest investment programme in the history of the State.

Since the beginning of this year the Minister has made a number of announcements relating to the school building and modernisation programme. This year alone, €270 million will be allocated to primary schools and €223 million to post-primary schools for building works. That represents an increase of 14% in the 2004 allocation. The range of projects being supported include the following: 141 major building projects already on site and a further 28 due to commence in the coming weeks; 122 major school building projects countrywide, which will prepare tenders and move to construction over the next 15 months; 192 primary schools which have been invited to take part in the small and rural schools initiative and the devolved scheme for providing additional accommodation; up to 120 schools which have been given approval to rent temporary premises pending delivery of a permanent solution to their long-term accommodation needs; 43 schools which have been authorised to start architectural planning of their major projects and 124 which have been approved to progress through the architectural planning process; and 590 schools which were given approval to complete essential small-scale projects under the summer works scheme.

The proposed projects for scoil náisiúnta Binn an Choire and scoil Mhuire gan Smál were assessed against the published prioritisation criteria for large scale projects which were revised recently following consultation with the education partners. The projects were assigned a band 2.4 rating to indicate that they require extensions of less than 50% of their accommodation and moderate refurbishment works. I am pleased to inform Senator Browne that the Department of Education and Science has included the schools among the 73 primary school projects authorised to progress through the architectural planning process during this year.



[Mr. M. Ahern.]

Further progress will be considered in the context of the school building programme as it goes forward.

I thank Senator Browne for providing me with the opportunity to outline the status of the school projects in question and to highlight the significant work being undertaken by the Department of Education and Science. The school building and modernisation programme is being implemented to ensure that infrastructure of the highest standard is available to the entire school-going population.

**Mr. Browne:** While I thank the Minister of State for his reply, I am still no wiser. What does the phrase “projects being authorised to progress

through the architectural planning process during this year” mean in layman’s terms? I do not expect the Minister of State to answer immediately, but perhaps he will find out for me. Does it mean the projects are authorised to seek planning permission? On obtaining planning permission, will the projects be allowed to proceed immediately to the tendering process or will they have to undergo a further waiting period? I would appreciate if the Minister of State would make a telephone call to find out. Can the projects proceed to planning permission stage?

**Mr. M. Ahern:** I will find out for the Senator.

The Seanad adjourned at 1.55 p.m. until 2.30 p.m. on Wednesday, 4 May 2005.