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**Tuesday,
7 March 2006**

DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Tuesday, 7 March 2006.

[illegible]

SEANAD ÉIREANN

Dé Máirt, 7 Márta 2006.
Tuesday, 7 March 2006.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for Health and Children to outline progress on the proposed adult autism centre in Myshall, County Carlow.

I have also received notice from Senator Feighan of the following matter:

The need for the Minister for Agriculture and Food to outline when the new on-farm investment grant will be available to farmers.

I have also received notice from Senator Finucane of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to outline when the Shannon Estuary water supply scheme will be extended to supply Loghill, Ballyhahill, Glin and Shanagolden.

I have also received notice from Senator Coghlan of the following matter:

The need for the Minister for Communications, Marine and Natural Resources to address seriously the severe lack of telephonic capacity in a large area of County Kerry known as the Black Valley and other similar black-spots scattered throughout the country.

I regard the matters raised by Senators Browne, Feighan and Finucane as suitable for discussion on the Adjournment and they will be taken at the conclusion of business. I regret I have to rule out of order the matter raised by Senator Coghlan as the Minister has no official responsibility in the matter.

Order of Business.

Ms O'Rourke: The Order of Business today is Nos. 1 and 2. No. 1, motion re Diseases of Animals Act 1966, was referred to the Joint Committee on Agriculture and Food, which has com-

pleted its deliberations. The legislation amends and extends the Diseases of Animals Acts 1966 to 2001 and its provisions enhance the Minister's ability to deal with all animal disease circumstances, and also with criminal activity in respect of animal health. The motion is to be taken without debate. No. 2, the Planning and Development (Strategic Infrastructure) Bill 2006 — Order for Second Stage and Second Stage — is to be taken at the conclusion of the Order of Business until 6.30 p.m., with the contributions of spokespersons not to exceed 15 minutes and those of other Senators not to exceed ten minutes. The Minister will be called on to reply not later than ten minutes before the conclusion of Second Stage. No. 2 will not conclude today.

Mr. B. Hayes: Last Saturday evening a young mother was brutally murdered as she attended a birthday on the north side of this city. This case highlights again the control gun culture has over this country. It is the responsibility of the Government to ensure security for all our citizens and that the legislation it deems appropriate is in place and effective. The Minister for Justice, Equality and Law Reform stated this morning that it takes time to bring in legislation. Why has the Criminal Justice Bill, which was first published in July 2004, not yet reached Committee Stage in the other House? Why has the Government not even published the promised amendments to the Bill, which would outlaw gang membership and allow for an amnesty in respect of firearms, despite a commitment by the Minister that this would be done last year? This is a case of Parliament falling behind the times, not doing its job and not implementing laws that need to be made to track down and prevent the activities of those who are high on a cocktail of drugs and guns. The Government, which produced this measure nearly a year and a half ago, has responsibility to pass it in the Houses and implement it.

My colleague Senator Feighan spoke regularly over the past three months about the rise of cocaine use throughout the country. The well-to-do coke-snorting set should realise that their use of this new drug over the past five years — their double life — is ensuring that gun crime is spiralling out of control. We have a responsibility to say this is unacceptable to all sections of society. Last night, gardaí caught a driver on the South Circular Road with €500,000 worth of cocaine and a young girl was in the car at the time. This seizure shows the epidemic nature of the problem we face. The Government has a responsibility to introduce the Bill it promised a year and a half ago, to stop lecturing the judges and the Garda and to do its job in both Houses.

Senators: Hear, hear.

Mr. O'Toole: My point is related and similar to that made by Senator Brian Hayes on the erup-

[Mr. O'Toole.]

tion or great expansion in the use of cocaine in the better-off areas of Dublin and, consequently, in other parts of the country. We should discuss this problem, and I have asked that we do so on previous occasions. Others share the Senator's views on it. Although we may not be able to circulate our message to all the people all the time, we certainly want to make it absolutely clear to the so-called sophisticates who are using cocaine at the weekend that they are paying for a racket and system that maintains the gun culture. We know for a fact and have evidence that some of the cocaine being sent to Ireland comes with a number of unasked for guns thrown in. It is normal that guns, as well as drugs, are given to gangs to be used in continuing their reign of terror. It is absolutely a fact. We may have lost some of the battles in this regard, but we should not tolerate the activities of those who think it is smart or sophisticated to use guns.

I asked the Leader last week to arrange a debate on the problems at Marino Institute of Education. The report on the matter that has been published rubbishes the college's staff, anyone who has tried to sort out the difficulties and the Department of Education and Science. It seems that everyone is wrong except for the trustees of the college. It is time to consider this matter. The consultants were directed not to talk to the person with the main grievance, who was the main source of evidence, or to other people who had resigned for the same reason. The consultants found no evidence because they did not talk to the people who made the complaints. There is a reign of terror at the college. I would like a debate so that we can talk about what is in the report and deal with the political issues. The Minister for Education and Science recently said that the college's hard-working staff are producing teachers of a quality that is unmatched in half of Europe, despite all the pressures on them. The staff of the college need the support of the House and a vote of confidence. I would like a debate on the matter to be arranged at an early stage.

Ms Tuffy: I support the calls that have been made by Senators Brian Hayes and O'Toole for a debate on gun culture, in light of the murder of a young mother on Saturday night. It is obvious that we need to consider, as part of that debate, the introduction of an amnesty for illegally held weapons which have not been used to commit crimes. We should then discuss the introduction of harsh penalties for people who are illegally in possession of guns. We also need to reflect on the question of legally held guns. Are the systems which are in place in that regard being monitored properly, etc.?

I would like a related issue to be debated in that context. I have examined the statistics for headline offences in recent years. I noted that in 2005, there was a significant increase in the number of murders in my local area. While there

were just one or two murders in previous years, the number of murders in my local area increased to five in 2005. I have also examined the national figures, which indicate that the number of murders in the country as a whole increased by approximately 50% last year, from 37 in 2004 to 54 in 2005. It is too early to tell whether last year's increase constitutes a trend, but it is obvious that there was a substantial increase in the number of murders in 2005. If things continue as they are at present, there may well be similar figures for 2006.

When the House debates this issue, it should consider the measures which are in place. We need to examine the issue of sentencing, which has been raised by the Taoiseach. We need an audit of the sentences which are being given, the proportion of those sentences which are being served and the extent to which the people in question get involved in repeat offences. The worrying thing about crime statistics is that just one third of the crimes which are committed are detected. The rate of detection of crimes, including murders, is approximately 30%. Perhaps I am being controversial when I suggest that we should undertake an analysis of the Criminal Assets Bureau legislation, which has been quite successful. It is obvious that it is right that ill-gotten gains should be seized by the State. However, many of the criminals from whom we are seizing assets are still on the streets, controlling their drug empires in local communities. We need to consider whether the Criminal Assets Bureau legislation is working. Do gaps need to be filled in that regard? Do we need to introduce further legislation to ensure that we are detecting crimes, convicting offenders and punishing them appropriately?

Ms Ormonde: I would like the House to debate the horrific murder that took place on Saturday night. We need to consider where society is going. While we might be looking for more legislation, we should bear in mind that legislation cannot reverse what happened on Saturday night, which was the straw that broke the camel's back. I am calling for the involvement of the community and the education system. This is an issue for the whole of society. If we do not address the issue, it will crumble around us and no legislation will bring it back. While I congratulate the Garda for doing everything in its power and for bringing in a haul last night on the South Circular Road it must be asked where will this stop. We need an urgent debate on the issue.

I support Senator O'Toole's call for an early debate on the breakdown of communications between the staff and the trustees of the Marino Institute of Education. Having listened to the debate this morning, I feel there is still an authoritarian aspect to the report that was published. It seems from the report that everyone is out of step except one group. It is very important that this issue does not go away and it requires a full debate. Why are so many lecturers and members

of staff resigning from their positions? They do not resign that easily so they must have a reason for doing so. That must be brought out into the open. I do not care what the trustees say, because there is more to this than what has been revealed in the report.

Mr. Finucane: I support the statements made by Senator Brian Hayes. I listened to the Minister yesterday and I thought he was in Opposition because a year ago he stated he was going to introduce much longer sentences. The recent callous murder of an innocent person has again brought the issue sharply into focus. It is easy to criticise the Judiciary, but legislation is passed in both Houses. While the 1999 Act provided for ten-year sentences it also gave judges latitude in exceptional circumstances to impose lesser sentences. The legislation we enacted has given them the latitude which seems to dominate their thinking when imposing sentences, because sentences seem to be for five to six years, rather than the ten year maximum.

The Government stated last November that it had approved the strengthening of the Act. It should get on with it and implement the legislation. We can see the reality on the ground with the break-up in law and order. Objectively, it would appear we are losing this battle. The Minister seems to be engaging in the politics of the last soundbite.

Mr. B. Hayes: Hear, hear.

Mr. Finucane: This issue requires prompt action on the part of the Minister, with less megaphone action so that he can do the practical work.

Mr. Kitt: I condemn the horrific killing on Saturday and I commend the work of the Garda, especially in the area of drug confiscation. I hope that the Garda also acts on the gun culture, which is linked to drugs culture. I welcome the suggested amnesty on guns.

With an election due next year, it is important that we compile the register of electors accurately. I have been told by local authority staff that it is difficult to call on people when they are at home, due to the amount of people working nowadays. We should have a debate on this. Just like the census of population, staff should leave a form in every household so that the names of those in the house can be recorded. The form could be collected within a couple of weeks and could provide information on those who are aged over 18 and eligible to vote. There are many suggestions on this and a debate would give us an idea on how to tackle what the Minister called an accurate recording of the register.

Dr. Henry: We are approaching yet another anniversary of the invasion and occupation of Iraq by American, British and other forces. According to Amnesty International, the human

rights situation is worse than it was under Saddam Hussein, with thousands of people being incarcerated in prison, tortured and murdered. The Leader has organised debates on this before and I ask her for another one in the near future. Apparently, near Basra, about which we hear nothing, the situation is so serious with the infiltration of the police by Shi'ite militia that there is an operation called "white duck" whereby cars drive around in the evening and citizens are murdered if they have objected in any way to anything the police are doing. I, and I am sure other Members, would be grateful if the Leader could organise a debate on this issue in the next few weeks.

Labhrás Ó Murchú: It was recently announced in the media that the original copy of *Amhrán na bhFiann*, our national anthem, is for sale. It is feared that it might end up in a private collection outside the country. This document is an important part of our heritage and history. In the past, we have purchased such items to ensure they remain in this country, for example, the Joyce manuscripts. It is important that the State consider purchasing this document. However, perhaps we could recommend that a wealthy benefactor who has benefited from Ireland as a tax haven might consider purchasing it and presenting it to the nation.

Mr. Bradford: The leader of the SDLP, Mr. Mark Durkan, suggested to the Government and the political parties over the past few days that the Forum for Peace and Reconciliation should meet to discuss a number of issues, including reconciliation, the concept of justice and the ongoing difficulties in the peace process. Mr. Durkan's suggestion should be taken on board. Over the past 12 to 15 months in this House a number of speakers have suggested that the resumption of the Forum for Peace and Reconciliation would provide a vehicle to debate current issues in the peace process. Of all the groups, bodies and associations with which I have been involved politically over the past 20 years, the Forum for Peace and Reconciliation stood out as a forum where real progress was made and all sides listened with respect to different arguments. This vehicle is again required so the issues of the day, be they difficult or easy, can be addressed and, hopefully, progressed. The House should call on the Government and all political parties to support Mr. Durkan's fine initiative.

Mr. J. Walsh: In view of the comments that have been made about the current crime situation, I seek a debate on the criminal justice system. I do not fully subscribe to the suggestion that more legislation is required, although specific Bills might be desirable. In general, however, there is sufficient legislation in place to bring many of these people to justice. It is interesting, with regard to the case under discussion, that the

[Mr. J. Walsh.]

alleged perpetrator was accused anecdotally of various other serious crimes but because these cases were not pursued by the Director of Public Prosecutions, the person was still at large.

There have been other such instances. We need to debate the evidential thresholds that have been set because they are undoubtedly leading to a situation where serious criminals are walking the streets without fear of prosecution or incarceration. This must be examined with a view to getting the balance right.

We should also discuss the implementation of legislation. The legislation providing for mandatory sentences for those in possession of drugs, for example, is now being interpreted by the Judiciary as providing for maximum sentences, not mandatory sentences. This has led to a situation where sentences are now lower and of less significance than they were previously. There is a need to examine this issue and a debate in this House could be most helpful.

Mr. Norris: I support Senator Ó Murchú's suggestion that the original copy of the national anthem be purchased. It would also be good if, to celebrate 1916, we put it to one side and commissioned somebody such as Seamus Heaney to write an anthem that would be less revoltingly bloodthirsty. It would be more appropriate for the 21st century. While it is a very important historic document, we have moved on and it would be very good to have a less gruesome song to sing. I strongly support the call for a debate on Iraq, but I will not go into the matter. While we have talked about it many times, it is important.

I wish to speak about a matter which I have raised before. I ask the Leader to discuss with the Minister for Justice, Equality and Law Reform or perhaps arrange a debate about the publication of the names, addresses, occupations and photographs of accused persons before the courts. Such publication constitutes an immediate punishment before a case is heard. In cases where the person is found innocent he or she can never recover. Such people are punished in the wrong and I do not believe that is right. Their right to a good name, which is supposed to be constitutionally guaranteed, is undermined, as is the right to integrity of their families and the right to be presumed innocent. This was highlighted by last week's case of a solicitor who had been charged with having child pornography. He was not only acquitted — he was found not guilty — but his business is ruined and his family needed to be educated abroad, which represents injustice.

I wish to comment on the Donna Cleary murder. I agree it is appalling that life is so cheap now. We are into an age of contract killing — it is possible to have somebody bumped off for €2,000 or €3,000. However, I believe that pious exhortations to the middle class to stop taking cocaine will have no effect. I would support them and a war on drugs, and all such other rubbish, if

it ever in any country showed the slightest chance of success. It never has and it never will. It will not do so until we get a realistic drugs policy to include destroying the financial base by licensing drugs and making them available. I have heard that suggestion not only from this side of the House, but also from a former Minister for Health on the other side of the House. While it is the only way to go, we cannot do it alone. If pious exhortations would work, I would favour them all the time. They do not work.

Mr. Glynn: I support the comments of Senator Kitt on the register of electors. Despite the best efforts of my local authority, Westmeath County Council, to compile the register of electors in an accurate way, many people deliberately avoid going on the register. I believe they should have a legal obligation to be on the register. I strongly support Mr. Ó Murchú's proposal that the original document on which Amhrán na bhFiann is written should be purchased by the State. This should not require debate and should be done as a matter of urgency.

Almost two years ago I asked the Leader of the House to organise a debate on diabetes, which has been recently described in a national newspaper as the silent epidemic. Recent figures published clearly indicate that 250,000 people suffer from diabetes of whom 90% suffer from type 2 diabetes. A further 25% of those are unaware they have the disease. It is time we had the debate and I ask the Leader whether she has recently requested the Tánaiste and Minister for Health and Children to come to the House for such a debate, which should be held as a matter of urgency.

Mr. Browne: I suggest that the register of electors should be put on-line to allow people to check whether they are on the register. People often think they are registered and discover afterwards they are not. If the register were on-line, it might help resolve the problem. We should also have an on-line application facility to allow those discovering they are not on the register to apply.

At lunchtime I listened to a Senator explaining the new Fianna Fáil and Progressive Democrats website on GP-only medical cards. We have discovered that only 5% of people have received such cards. The Government parties have now launched a website encouraging people to apply for those medical cards, about which I have grave reservations. I regret that the Government parties omitted to mention on their website that they have broken a promise to grant an additional 200,000 medical cards in the period.

Senators: Hear, hear.

Mr. Browne: Some 100,000 fewer people have medical cards now than in 1997, a fact that is also omitted from the website. It would be far better

if the Government parties were honest with the electorate, reminding it of broken promises in the area and carrying out genuine work in allocating medical cards for longer than the six months for which some people are getting them. Those with long-term illnesses must reapply consistently every six months, a ridiculous practice that is both time consuming for the patient and a waste of officials' time. This website is a very worrying development. No doubt, in the run-up to the election, we will see many more joint efforts from members of the Government to camouflage the truth.

Ms White: I ask the Leader urgently to raise the matter of incineration, particularly the plans for an imposed incinerator on the Poolbeg peninsula in Dublin.

Mr. B. Hayes: It is obviously not over yet.

An Cathaoirleach: Senator White without interruption, please.

Ms White: I travelled the roads in the Sandymount, Merrion and Irishtown area for 15 years, morning, noon and night, on my way to our company on the East Wall Road. I therefore know the area extremely well. There is no way that those roads can take 400 extra trucks a week on their way to the new incinerator on the Poolbeg peninsula. The peninsula is a cul-de-sac.

Mr. Dardis: That is why it is called a peninsula.

Ms White: It is a bizarre example of planning. Since the Dublin eastern bypass is not yet in place, with no plans to build it in the Government's ten-year road strategy, it is foolish to build an incinerator in the area. I have told the constituents of Dublin South-East that, regardless of whether I am on the ticket——

Mr. B. Hayes: Is the Senator talking about a DART ticket?

Ms White:——I will passionately support them in their efforts to stop the incinerator. I am a politician of principle.

Mr. Quinn: There is a natural outcry from all sides today against the outrage that happened in Coolock the other night. However, I am concerned that I hear calls for mandatory sentencing for firearms offences. People appear to be blaming the Judiciary for the fact that sentencing has in many cases been lenient. However, I understand that we have had mandatory sentencing for murder for several years. It is not the judges' decision whether to release people; I understand it to be a Government decision. If we are to take steps, let us not blame the Judiciary and call for mandatory sentencing as a solution. The Government must grab hold of this issue and say that, when we mean mandatory sentencing, we will not

relax our guard and take things easy. Instead, we should say that we mean it and are determined.

Mr. Minihan: I ask the Leader to facilitate a debate on the medical card system. Perhaps Fine Gael might use its Private Members' time to table a motion to that effect. Senator Browne referred to a Senator from this House, whom I take to be me. As usual, he is misinformed, has not carried out any research, and is out of touch regarding the electorate and the system. That much was proven at the last election.

Mr. Feighan: Come off it.

Mr. Minihan: I make no apologies——

Mr. Finucane: The Senator is defending the Minister for trolleys.

Mr. Minihan:——for the fact that the Government has provided for 200,000 medical cards and found that the public has not taken them up. The two Government parties took an initiative today to communicate with the electorate.

Mr. Browne: I meant full medical cards.

Mr. Minihan: Just because Fine Gael is incapable of communicating with the electorate does not mean that we should stop doing so. Fine Gael might profitably use its Private Members' time by coming to the House properly informed to debate the issue.

Mr. J. Phelan: I do not want to get bogged down on the last issue, but Senator Minihan has completely misrepresented my colleague, Senator Browne. It is quite clear that the Government made a commitment——

An Cathaoirleach: Does the Senator seek a debate on the issue?

Mr. J. Phelan:——before the last election to have 200,000 additional full medical cards.

Mr. Minihan: The Senator should read the programme for Government.

An Cathaoirleach: Order.

Mr. J. Phelan: This is another broken promise.

An Cathaoirleach: I want some order on the Order of Business please.

Mr. J. Phelan: I wish to express my agreement with Members from the other side of the House who have raised the issue of the register of electors. There were some revelations last week and the system of compilation of the register of electors needs complete revision. While many rate collectors around the country do a fine job in keeping the register of electors up to date, for

[Mr. J. Phelan.]

many others, it is next to impossible, particularly in ever-expanding urban areas throughout the country. The Minister should come before the House to express his views on this topic as soon as possible and well in advance of any future election.

I also ask the Leader to arrange, if possible, for the Minister for Agriculture and Food to come before the House to discuss the sugar beet sector again. It is unclear at present whether producers will be asked to grow the crop for another year and what the subsequent implications might be with regard to compensation. As the Cathaoirleach is aware, this is a serious issue for farmers. While the sugar beet crop does not require sowing for another couple of weeks, those farmers who do not intend to sow sugar beet need to begin sowing other crops now. It is not good enough that the Minister signed up to an agreement in Brussels last year. She does not appear to be able to inform either House, farming organisations or farmers in general about what she actually signed up to. She should come before this House to clear this matter up as soon as possible.

Ms Feeney: I support my colleague, Senator Minihan, and agree with everything he said in respect of the medical card issue. I am sure the Opposition will agree that the fact there are fewer medical cards in the system today results from, and is an indicator of, the wealth and affluence experienced at present.

Mr. Browne: That is rubbish. It is a reflection on the guidelines.

Ms Feeney: It would greatly hurt Senator Browne to acknowledge these facts. However, perhaps it is now time——

Mr. Browne: The problem is with 200,000 full cards.

An Cathaoirleach: On the Order of Business, please.

Ms Feeney: Perhaps it is time that Senator Browne induced the parties to the Mullingar accord to knock their heads together and perhaps come up with something a little more constructive.

Mr. Browne: The Government has broken a promise.

Ms Feeney: On another matter, I agree with Senator Bradford regarding Mark Durkan's comments last weekend. I agree with the Senator's call for a recall of the Forum for Peace and Reconciliation to debate the fallout arising from the protest march on 25 February last. Much hurt and confusion, as well as misinterpretation of the facts, are in evidence. At this time, a debate held

under the auspices of the Forum for Peace and Reconciliation would be apt.

Mr. Feighan: I wish to amend the Order of Business. Following the conclusion of No. 2 on the Order Paper, namely, the Second Stage debate on the Planning and Development (Strategic Infrastructure) Bill, I seek an emergency debate for one hour. I want the Minister for the Environment, Heritage and Local Government, who will be present in the House until 6.30 p.m., to remain in the House for an additional hour. I refer to the barriers to proper development put in place by his Department. I also want to put on record that a small cabal of maverick civil servants within his Department are preventing the provision of, as well as investment and job opportunities in, leisure facilities in the west of Ireland. This has been evident in Lough Key forest park and many other projects in the west. This small group in his Department are now out of control and its actions run directly counter to Government policy. Finally, I have raised this matter on the Order of Business on numerous occasions, as well as on Adjournment debates. A full and frank debate is now required on the goings-on within this Department. The Minister is directly responsible for failing to stop this small group of misguided public officials.

Dr. Mansergh: On a point of order, is it in order to attack civil servants or public servants? I do not believe it is. This is a disgraceful attack as Ministers are responsible for their Departments.

Mr. Feighan: I have asked the Minister to intervene. This is clearly an embarrassment to the Government. When will the Government act?

An Cathaoirleach: That was a reply rather than a point of order.

Mr. B. Hayes: On a point of order, as Senator Mansergh should know, points of order are directed towards the Cathaoirleach rather than the Opposition.

Dr. Mansergh: I addressed the Cathaoirleach.

An Cathaoirleach: Order, please.

Mr. Feighan: I ask that the Order of Business be amended. This is an extremely serious situation. This sinister development must be dealt with by the Minister for the Environment, Heritage and Local Government sooner or later.

An Cathaoirleach: The Senator has proposed an amendment to the Order of Business, to the effect that an item be taken after No. 2. Is that correct?

Mr. Dardis: On a point of order, how can this matter be in order if the House is debating Second Stage of the Planning and Development

(Strategic Infrastructure) Bill? Surely it comes within the Bill's ambit?

Ms O'Rourke: That is the business of today.

Mr. Feighan: What I am referring to is that there is a small cabal of maverick civil servants acting out of control and I have asked the Minister to investigate this matter immediately.

An Cathaoirleach: Order, please.

Mr. Feighan: That is on the public record.

Dr. Mansergh: That is a disgraceful charge. Senator Feighan should withdraw it.

Mr. B. Hayes: A Chathaoirligh, may I help you on this? On a point of order, my colleague has raised this issue on numerous occasions. He wants a specific emergency debate on this issue concerning Lough Key. That is the point, which is totally separate to No. 2.

Ms K. Walsh: I add my support to Senator Glynn's call for a debate on diabetes. As a diabetic, I think there is much rubbish spoken about diabetes. The matter needs attention and needs to be debated urgently in this House. As my colleague stated, many diabetics do not even know they have the problem. I would welcome such a debate at the earliest convenience. I also support Senator Minihan on the medical cards issue.

Mr. Bannon: I second my colleague's amendment to the Order of Business.

I ask the Leader to invite the Minister for Arts, Sport and Tourism into the House to debate the Government's regional tourism plan because revenue and occupancy rates declined for many bed and breakfast accommodation and hotel owners throughout the country in the past 12 months. A hotel owner told me she had an 84% occupancy rate in June last year and a 90% occupancy rate in the previous year, and the occupancy rate is down considerably.

There is also less business travel from the Continent. We have failed to attract major conferences from the USA. Hotels are cutting costs by relying increasingly on part-time staff, a matter which needs to be addressed. More tourists are going to central and eastern Europe and there is a significant decline in the number of tourists coming from the USA. As we speak, the entire tourism industry is struggling. We must market the regions and our country better and there is an obligation on Government to do this.

The Leader might throw light on why the Ring-sand incinerator was excluded from the fast-track plan. Was it due to the intervention of Senator White or the Minister, Deputy McDowell?

Mr. Dardis: It was the subject of an application.

Mr. Bannon: The problem with the register of electors is the insufficient level of staff in local authorities. I spoke with local authority officers who are responsible for the register of electors and they have claimed there is a significant shortage of staff to deal properly with the register. This issue must be addressed. It is a staffing problem in most local authorities.

Mr. Callanan: I am quite happy to support the call by Senator John Paul Phelan for a debate on agriculture and for the Minister to come to the House to discuss the issue of sugar beet. However, it is important that we understand what is happening.

Mr. J. Phelan: The Minister, Deputy Coughlan, does not know what is happening.

Mr. Callanan: We should know that the Council of Ministers has agreed that the reconstruction fund would not be paid this year. We should know, and I would expect somebody from the other side to know, that the Commission has yet to finalise the related document. Members on the other side should also know that Commissioner Boel has gone off to bloody New Zealand and left the document unfinished.

Could I further state—

An Cathaoirleach: It depends on what Senator Callanan will say.

Mr. B. Hayes: Will Senator Callanan run that by us again?

Mr. Callanan: I also support Senator Ó Murchú's call for the State to acquire the original document of the national anthem. On behalf of the people, I reject Senator Norris's approach to it. It is he who is offensive and insulting to the people.

Mr. Norris: I thought it was a bloodthirsty ditty and if Senator Callanan knew it, he would know that I was right.

Mr. Coughlan: I am grateful to the Cathaoirleach for considering my request for an Adjournment debate.

An Cathaoirleach: I have ruled on that.

Mr. Coughlan: I know. The Cathaoirleach knows me well and he knows how much I respect his ruling.

An Cathaoirleach: Has the Senator a question?

Mr. Coughlan: I have a pertinent point.

Senators: The Senator is impertinent.

Mr. Coughlan: I am never impertinent. I do not question the Chair's ruling but I would appreciate

[Mr. Coghlan.]

a discussion with the Cathaoirleach following the Order of Business.

An Cathaoirleach: There will be no discussion now. Has the Senator a question relevant to the Order of Business?

Mr. Coghlan: The Minister replied to a question in the other House and, because of that, I request a discussion with the Cathaoirleach in this regard.

An Cathaoirleach: That is no problem at all. I said that earlier.

Mr. Coghlan: I thank the Cathaoirleach. Will the Leader arrange a debate with the Minister because he must be concerned about the ongoing discrimination against many people as a result of the lack of telephonic capacity?

An Cathaoirleach: That has been ruled on.

Mr. Coghlan: I appreciate that.

Ms O'Rourke: Senator Brian Hayes raised the issue of our disgraceful gun culture and, in particular, the sad murder of Donna Cleary. He asked where is the Criminal Justice Bill, which, as far as I can ascertain, is on Committee Stage in the Lower House. He also referred to the increase in cocaine use and stated everyone in authority should stop lecturing people and do something about it.

Senator O'Toole referred to the explosion in the use of cocaine and the so-called smart people who smoke it at weekends. The Senators seem to know quite a bit about that but I am not aware of it, although I read about these matters. Senator O'Toole also raised the Marino College of Education issue. It is like a comic opera and I cannot understand it. This is a teacher training college in receipt of significant funding from the State to train teachers but we have heard different versions of stories about it. A debate on the matter would be very useful.

Senator Tuffy also called for a debate on gun culture. She referred to the huge upward trend in the number of murders and she cited statistics regarding the murder rate in different areas and sentencing. She also stated an investigation should be conducted into the outcome of the activities of the Criminal Assets Bureau, which she praised. I do not talk about judges and what they do because that is their job whereas ours is to enact legislation. It is unhelpful to debate sentencing matters.

I agree with Senator Ormonde that we should have an urgent rounded debate on gun culture and murder. We have become almost numbed to the increase in the number of murders. When they occur, one says it is part and parcel of something and one does not become alarmed or

shocked. When we lose the ability to be shocked about something, it is getting bad.

Senator Finucane referred to criminal activity, judges, law and order and the politics of the last soundbite. He commended the Garda on its mammoth work in dealing with drugs offences. I agree with the Senator's comments on the inaccuracies in the register of electors. Anybody going forward for election will be alarmed because the votes one cannot get are always those one would have got if the people were on the register. Senator Dardis is correct that a national body should take command of the registers of electors and put a shape on them, as they are completely out of kilter.

Mr. B. Hayes: Absolutely.

Ms O'Rourke: Politicians try to update the registers. They give copies of the register to their cumann and when they know people are turning 18, they are put on it. However, it is chaotic, hit and miss, unstructured and it is not done correctly. The register will be updated once more following the recent update and that will be our last opportunity. A shape would need to be put on the registers over the coming months following the publication of the most recent version, which is the second last before the election.

Senator Henry referred to another anniversary of the invasion of Iraq and she called for a debate on this. We sought a debate this week.

Senator Ó Murchú suggested we should purchase the original copy of *Amhrán na bhFiann* immediately and that perhaps a wealthy benefactor who has benefited from business here would purchase it for the State.

Senator Bradford agreed with the suggestion of the leader of the SDLP that the Forum for Peace and Reconciliation should be reconvened. It was an excellent discussion forum. Perhaps it could discuss issues like the FAIR march that did not happen two weeks ago.

Senator Jim Walsh asked for a debate on serious crime and sentencing. I would not like to become involved in a debate on sentencing, but I agree we should debate the issue of serious crime.

Senator Norris suggested we should commission Seamus Heaney to write a new anthem for us. I am quite happy with the one we have.

Senators: Hear, hear.

Mr. Norris: Old bullets have been allowed, le gunna scréach faoi lámhach na bpiléar.

An Cathaoirleach: The Leader, without interruption.

Mr. Dardis: I suppose the Senator would like us to change the *Marseillaise* as well.

Ms O'Rourke: I particularly like the beginning of the anthem, "Sinne Fianna Fáil".

Senator Norris also pointed out that people are innocent until proven guilty, and I sympathise with that view. Publishing pictures of people before a trial is wrong. The Senator also seeks a debate on Iraq.

Senator Glynn requested a debate on diabetes and asked whether we had invited the Tánaiste to the House. We send a request to the Tánaiste's office every week to discuss some issue, but she has been extraordinarily busy recently. If the Senator would like to take on the job of asking her, that is fair enough. Senator Glynn also raised the matters of the register of electors and the national anthem.

Senator Browne suggested electoral registers should be on-line. Some county councils have their registers on-line, but perhaps there is not uniformity in this regard. The Senator suggested that applications to the register should also be made on-line.

Senator Browne also spoke about a Fianna Fáil-Progressive Democrats website with information on GP-only medical cards. I do not know about that website as all I have seen are advertisements suggesting people should apply and pointing out that mortgage and child care payments and travel costs would be taken into account. Senator Minihan was in feisty form and told us that he has spoken on the matter. He said 30,000 new medical cards were provided for, but only 15,000 were applied for. He also informed us that 200,000 GP-only cards were allowed for, but only 10,000 had applied for them. We thank him for that information. It tells its own story.

Mr. B. Hayes: People cannot hear the whole time.

Ms O'Rourke: The story is the same with regard to the family income supplement, which provides a top-up to low income families. However, when one asks people whether they have applied for FIS, they do not know what it is. It is good that the Department is conducting an extensive media campaign to inform families of the availability of the FIS. I am amazed at the low numbers applying for the medical and GP-only cards.

Mr. Browne: The Department is promoting them.

An Cathaoirleach: The Leader, without interruption.

Ms O'Rourke: I am amazed that only 15,000 have applied for the 30,000 available and that only 10,000 have applied for the GP-only cards.

Mr. Norris: The Government did away with so many of the offices of the Citizens Advice Bureau.

An Cathaoirleach: This is about the fourth time Senator Norris has contributed to the Order of Business despite being permitted to contribute only once in accordance with Standing Orders.

Ms O'Rourke: I would approve of websites or advertising which would empower people to know their rights and apply for them. It is proper to provide the information.

Mr. Browne: The Government abandoned the 200,000 full medical cards.

An Cathaoirleach: The Leader without interruption. Senator Browne should allow the Leader to reply.

Ms O'Rourke: Senator Feeney pointed out that there are more people in work. If there are, many of these would now be outside the exempted guidelines for cards.

Senator White asked for debate on the proposed incinerator on the Poolbeg peninsula. I suggest she should put that matter down for an Adjournment debate where it might flush out some interesting facts. I wish the Senator good luck with her add-on.

Senator Quinn referred to mandatory sentencing and not blaming the Judiciary. I agree with him. We allow for the Judiciary to look at exceptional circumstances and take their decisions. Whatever else I engaged in throughout my life, I never engaged in judge bashing. I think it is a foolish thing to do. The Judiciary is properly set up and is separate from us.

Senator Minihan spoke about the medical card system. Senator John Paul Phelan raised the matter of the register of electors and it is interesting that those who are talking about the register of electors are those who are hoping to be voted for by the electorate. He also wants the Minister for Agriculture and Food to come to the House to discuss the sugar beet situation.

Senator Feeney spoke about the medical cards and the Forum for Peace and Reconciliation. Senator Feighan proposed an amendment to the Order of Business and was seconded by Senator Bannon. The former spoke, although I shall not repeat his exact words, about a small group of people. I understand he raised the matter on the Adjournment previously but now he is proposing a more urgent debate. Senator Kate Walsh called for a debate on diabetes and if she, with her undoubted influence, can persuade the Tánaiste to participate, that would be very good.

Senator Bannon seconded Senator Feighan in calling for an emergency debate. He asked for a debate on regional tourism and also raised the matter of the register of electors, with which I agree. They will be my voters, though, not his, if we put them on the register.

Mr. Bannon: There is a debate about that going on in the constituency too.

Ms O'Rourke: Senator Callanan said that the European Commission document is not finalised yet and we should debate it when it is completed. He rather likes our current national anthem. Senator Coghlan was very exercised —

An Cathaoirleach: It was completely irrelevant.

Ms O'Rourke: I am not permitted to talk about that.

An Cathaoirleach: It was completely irrelevant and a ruling was made on it earlier.

Senator Feighan proposed the following amendment to the Order of Business: "That a one-hour debate be taken from 6.30 p.m. on the obstacles to development being put in place by the Department of the Environment, Heritage and Local Government." Is the amendment being pressed?

Mr. Feighan: Yes.

Amendment put.

The Seanad divided: Tá, 16; Níl, 30.

Tá

Bannon, James.
Bradford, Paul.
Browne, Fergal.
Burke, Paddy.
Coghlan, Paul.
Coonan, Noel.
Feighan, Frank.
Finucane, Michael.

Hayes, Brian.
Henry, Mary.
McDowell, Derek.
Norris, David.
O'Toole, Joe.
Phelan, John.
Terry, Sheila.
Tuffy, Joanna.

Níl

Bohan, Eddie.
Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Cox, Margaret.
Daly, Brendan.
Dardis, John.
Feeney, Geraldine.
Fitzgerald, Liam.
Glynn, Camillus.
Hanafin, John.
Hayes, Maurice.
Kett, Tony.
Kitt, Michael P.
Leyden, Terry.

Lydon, Donal J.
MacSharry, Marc.
Mansergh, Martin.
Minihan, John.
Moylan, Pat.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Rourke, Mary.
Ormonde, Ann.
Phelan, Kieran.
Quinn, Feargal.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Tellers: Tá, Senators Feighan and J. Phelan; Níl, Senators Minihan and Moylan.

Amendment declared lost.

Question put: "That the Order of Business be agreed to."

The Seanad divided: Tá, 31; Níl, 15.

Tá

Bohan, Eddie.
Brady, Cyprian.
Brennan, Michael.
Callanan, Peter.
Cox, Margaret.
Daly, Brendan.
Dardis, John.
Feeney, Geraldine.
Fitzgerald, Liam.
Glynn, Camillus.
Hanafin, John.
Hayes, Maurice.
Kett, Tony.
Kitt, Michael P.
Leyden, Terry.
Lydon, Donal J.

MacSharry, Marc.
Mansergh, Martin.
Minihan, John.
Moylan, Pat.
Norris, David.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Rourke, Mary.
Ormonde, Ann.
Phelan, Kieran.
Quinn, Feargal.
Walsh, Jim.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Níl

Bannon, James.
Bradford, Paul.
Browne, Fergal.
Burke, Paddy.
Coghlan, Paul.
Coonan, Noel.
Feighan, Frank.
Finucane, Michael.

Hayes, Brian.
Henry, Mary.
McDowell, Derek.
O'Toole, Joe.
Phelan, John.
Terry, Sheila.
Tuffy, Joanna.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators Feighan and J. Phelan.

Question declared carried.

Diseases of Animals Act 1966: Motion.

Ms O'Rourke: I move:

That Seanad Éireann resolves that section 17A (inserted by section 2(1) of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966) shall continue in force for the period ending on 8 March 2007.

Question put and agreed to.

Planning and Development (Strategic Infrastructure) Bill 2006: Order for Second Stage.

Bill entitled an Act to provide, in the interests of the common good, for the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the State; to make provision for the expeditious determination of such applications, applications for certain other types of consent or approval and applications for planning permissions generally; for those purposes and for the purpose of effecting certain other changes to the law of planning and development to amend and extend the Planning and Development Acts 2000 to 2004; to amend the Transport (Railway Infrastructure) Act 2001 and the Acquisition of Land (Assessment of Compensation) Act 1919 and to provide for related matters.

Ms O'Rourke: I move: "That Second Stage be taken today."

Question put and agreed to.

Planning and Development (Strategic Infrastructure) Bill 2006: Second Stage.

Question proposed: "That the Bill be now read a Second Time."

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am pleased to bring the Planning and Development (Strategic Infrastructure) Bill 2006 before the Seanad. This

represents one of the most important Bills I will bring forward as Minister for the Environment, Heritage and Local Government. In terms of the provision of infrastructure, it is probably one of the most important items of legislation that will be introduced in this parliamentary term.

The purpose of the Bill is to amend the Planning and Development Act 2000 to provide for the introduction of a streamlined planning consent procedure for strategic infrastructure developments. The new procedure will be administered by a new strategic infrastructure division to be established within An Bord Pleanála.

The Bill represents a major evolution of the planning code to meet the demands of a modern State. It will use the experience and competence of An Bord Pleanála, which already deals with many major types of infrastructure, including motorways, and can be expected to give the same robust examination to the projects covered by the Bill.

The new legislation is needed to ensure the continued economic development of our country in a sustainable manner. Gaps in our critical infrastructure pose a real threat to Ireland's growth, the environment and the standard of living the people of this country have, quite rightly, come to expect.

The Bill is of fundamental importance to our economy. We cannot run a modern society or a modern economy on 20th century infrastructure or even on 19th century infrastructure. We need new and secure ways of powering our homes. We need ways to get millions of people to work and to school in the morning without having to spend hours in their cars. We have to have places where we can recover or dispose of our waste and treat our waste water for the good of our environment.

We plan to invest over €43 billion in our infrastructure over the next five years. That is committed in programmes this Government has already launched. Potential investors need to know, at the very least, the timeframe within which the planning system proposes to assess their projects. Every well-publicised delay and risk of delay increases costs to private investors and ultimately the taxpayer. Ultimately, we all pay heavily for these delays, from our pockets and in our lives.

Before describing the specific provisions of the Bill, I would like to state its objective and tackle some of the misconceptions regarding what is proposed. The Bill is very specific in its provisions

[Mr. Roche.]

and there is no hidden subtext. It proposes that specific types of infrastructure, which are listed in the Bill, be eligible to apply to come within a single-step application process to An Bord Pleanála. The board itself will decide if they are of strategic importance having regard to the criteria, which are listed in the Bill. It is proposed that the board will take over responsibility, from the Minister for Transport, for deciding on rail orders, for heavy rail, light rail and the metro. Major electricity transmission lines will be subject to a special consent process, which will also be direct to the board. I also intend to amend the Bill to include consent for strategic pipelines. All of these consent processes will build on the existing processes that have applied to large local authority projects and motorways since 2001.

The type of environmental, transport or energy infrastructure listed in the Bill would have been provided only by State bodies in the past. This infrastructure is generally recognised as bringing major public benefit to the whole State or to a region.

Nowadays, major infrastructure is being provided by many different types of developer, including the State, State-sponsored bodies and private infrastructure providers, and through joint ventures and public private partnerships. The new legislation will cater for that by applying a consent process based not on the person making the proposal but on the type of proposed development involved.

My proposals are aimed at expediting major infrastructure proposals and do not cover developments such as shopping centres or office blocks. I heard a few comments in this regard and am mystified as to their origins. I do not wish to anticipate the debate on the Bill but I do not propose to introduce amendments thereto to include those types of developments. There were some bizarre ideas in some public comments.

Under this Bill, any member of the public, any residents' group or any local environmental group will have a full opportunity to make his or its views known on a proposed strategic infrastructure project. It is important that this be emphasised. The Bill sets out for the first time a role for local authority councillors to express their views to the board on applications made under the proposed strategic consent process. Members of this House will appreciate more than anybody else that putting councillors into key positions, as I am doing in this Bill, is a very positive development in terms of local democracy. I am therefore at a loss as to how it can be argued by some that this represents an attack on local democracy. Anybody who understands Irish planning law knows that, since 1963, the person with whom power resides in this regard is the county manager. I am establishing a specific right and responsibility in law so the views of local authority members can be made known, recorded and

sent to the strategic infrastructure division of the board.

The objective of the Bill is to provide a streamlined process so all stakeholders, statutory bodies, members of the public and local residents' groups will have a degree of certainty on when a timely and comprehensive decision will be taken on an infrastructure application. Having a clear view as to when decisions will operate is beneficial to those on any side of the argument.

At present, it is normal for major applications for infrastructure to be subject to an appeal, even after lengthy consideration at local level. The Bill will shorten the period before a final decision is reached because one stage of the existing planning permission system will not apply to these projects. Many delays in the past have been caused by poorly prepared applications and environmental impact statements. The board will be able to tackle this directly. Infrastructure promoters will have to discuss their proposals in advance with the new strategic infrastructure division of the board. The board will, in this way, be able to ensure that an application it receives is in line with the proper planning guidelines pertaining to the area and has been put together properly.

It has been suggested that much of the problem with project delays lie not in the planning system itself but in the judicial process. I agree that unnecessary delays in the judicial system are unacceptable. I am pleased at the initiative being introduced in the High Court, which should improve the management of these cases through the process. Allied with the changes I am proposing to judicial reviews of planning decisions through the Bill, we should be able to achieve significant savings in legal challenges.

I am an admirer of the work the High Court has done, specifically in the area of the commercial courts. If that same efficiency is translated into planning, we will all be winners. Changes to the system of judicial review will benefit everybody, including the person taking the legal challenge, the infrastructure provider and, ultimately, the citizens of the State.

We cannot be complacent about difficulties in our planning system. It is very good and ideal when handling planning applications with a local impact in a local framework, but it does not work adequately for infrastructure that results in a major public benefit to a wider area or to the entire country. The national benefits must be balanced against purely local concerns to arrive at the best decision for the country as a whole.

I will now outline the content of the Bill. As I have explained, section 3 introduces a new strategic consent process through the insertion of a number of new sections into the Planning and Development Act 2000, namely, sections 37A to 37I. These sections set out the detailed procedures for the strategic consent process for the types of infrastructure falling within the classes listed in the new Seventh Schedule, inserted by

section 5 of the Bill. Any infrastructure provider seeking permission for those types of strategic infrastructure will apply first to the new strategic infrastructure division of An Bord Pleanála for a decision on whether the particular project is of strategic importance. Where the division decides the project in question is of strategic importance, based on criteria set out in section 37A, an application with an environmental impact statement can be made directly to it.

Section 37A sets out the basis upon which the strategic infrastructure division can decide an issue is of strategic importance. It will have to assess whether a project is a development of strategic or social importance to the State or the region in which it is to be located; a development that would contribute to the objectives of the national spatial strategy; or a development that would have a significant effect on the area of more than one planning authority. If the strategic infrastructure division decides that a project is not of strategic importance, then, under section 37B, it must write to the prospective infrastructure provider telling him or her to apply in the normal manner to the local authority.

Section 37B also provides that the strategic infrastructure division must enter into discussions with a prospective applicant to give advice on the proposed development. This advice will deal with both planning and procedural considerations and should allow the division to indicate to prospective infrastructure providers the issues that any planning application will have to address before being submitted. Better prepared applications and environmental impact statements should help to ensure that we put the right infrastructure in place without undue or unnecessary delay.

Section 37C provides for the avoidance of any doubt that any pre-consultations will in no way prejudice any of the functions of An Bord Pleanála or its strategic infrastructure division. In addition, written records will have to be kept of such consultations and made available if an application is made. This is very important to ensure transparency.

Section 37D allows a prospective applicant to seek information from the strategic infrastructure division on the information it would require to see included in an environmental impact statement. This is a standard scoping provision and a requirement of the EIA directive.

Section 37E sets out the application procedure. Before an application is made to the strategic infrastructure division, the applicant must publish notice of the proposed development.

4 o'clock The notice must, among other things, give details of the six-week consultation period for the public to outline its observations directly to the strategic infrastructure division. Copies of the environmental impact statement will be available at the office of the local planning authority for members of the public to read and copy. As with all important applications, many State bodies will have to be

notified of the application. The Department of the Environment, Heritage and Local Government will have to be notified in respect of heritage issues.

I wish to highlight sections 37E(4) to 37E(7), which set out the ten-week period within which local authorities and, more importantly, local councillors will prepare their views on the proposed development. As it stands, local councillors normally have no direct role in taking decisions on planning applications, other than in setting the policies for their areas in development plans. This provision gives them a new specific role whereby managers will be required to obtain and forward the views of the elected members of the council to the board. I suggest that it is a welcome change from the point of view of local democracy. I am sure Senators will welcome the changes being made to the roles of local councillors.

Section 37F enables the board to seek additional information, including revised environmental impact statements. An innovative feature of this section is that it gives the board the power to hold meetings with relevant stakeholders if it appears to the board that such meetings are necessary. This increase in the flexibility of the board in handling disputes should make it possible to achieve better outcomes for all.

Section 37G gives the board the power to grant permission for a strategic infrastructure project, with or without modification. The board may also refuse to grant permission for a project. It is hoped that projects which are unacceptable, for example because of their location or environmental impact, will be identified at the informal pre-planning stage. If a promoter wishes to pursue a case to the decision stage, the board will have to deal with it. Matters raised during the consideration by the board of the final proposal and the submissions made on the proposal will be considered as part of the decision-making process. The board must have regard to a wide range of issues, including submissions and objections made by local people and the local authority, the local development plan, the national spatial strategy and the national interest, before it makes its decision. The board will be able to balance local and national concerns and make the right decision for the country.

One of the most important aspects of this Bill is the enabling power under section 37G(7) that will allow the board to set conditions relating to the payment of development contributions and the provision of community gain in localities where infrastructure will be located. Communities will be deemed to gain from infrastructure if they will benefit from the relevant facilities or if other novel initiatives, such as scholarships, are provided for. This power, which will ensure that something is given back to the community, reflects what is happening in the development of certain types of infrastructure at present.

Section 37H sets out the notification procedures to be followed by the board on foot of

[Mr. Roche.]

decisions made by it. Section 37H(2) enables the board to recover from the person seeking permission its full costs and those of the planning authorities which participated in the decision-making process. Many local authorities have to carry huge cost burdens when they process planning applications. This section will give local authorities a much more equitable right to cover their full costs, particularly in cases of very complex developments.

Section 37J sets out for the board the statutory objective period of 18 weeks in which a decision is to be made, in line with the standard period that applies to all board decisions. Given the complexities of some projects which are submitted for approval, more than 18 weeks will sometimes be required. However, this section provides for matters to be finalised as expeditiously as is consistent with proper planning and sustainable development in such cases.

Section 4 of the Bill provides for the insertion of the new sections 182A and 182B in the Planning and Development Act 2000. The purpose of the sections is to provide for a single approval for electricity transmission lines requiring an environmental impact statement, or located in the functional areas of more than one planning authority. The notification procedures and decision-making roles of the board in these sections are similar to those provided for in the new strategic consent process. They allow for a regional or national viewpoint to be applied to lines which are critical to balanced regional development into the future.

As I have already mentioned, section 5 inserts a new Schedule to the 2000 Act which lists the range of environmental, transport and energy projects which can be considered under the strategic consent process. The board will decide whether individual projects within those classes will be dealt with under the strategic consent process. The types of infrastructure involved include gas and oil storage and production facilities, wind farms with an output of 100 MW or more, airports, harbours and ports, waste management facilities such as landfill and incineration facilities and water and waste water facilities. It does not include office blocks or retail parks, even though the myth that it does is already taking hold.

Nor does it include nuclear energy projects. Senators are familiar with my record in this area. I know that a Member in the other House has some views on this matter, although I do not know where they are coming from. Everyone knows I would never seek to introduce nuclear energy to Ireland, through the back door, the front door or any other part of the building. The provisions of the Electricity Regulation Act 1999 ensure that nuclear power cannot be used for the production of electricity in Ireland.

I have given an overview of the new strategic consent process. At present, most if not all of these projects are ultimately decided on by An

Bord Pleanála through the existing appeal process. The Bill provides that the board will be in a position to decide whether particular projects can go through a streamlined process, which is a new provision. I am taking the opportunity in section 34 to incorporate the decision-making process for railway lines and metros into the remit of the board's strategic infrastructure division, thereby replacing the role of the Minister for Transport in this area. This involves limited changes to the Railway (Infrastructure) Act 2001, mainly to align the timeframes and procedures with those used in the Bill for other consents.

I propose to highlight the main issues arising in the rest of the Bill. Section 8 proposes an amendment to section 34 of the 2000 Act. It will make it clear that planning authorities can impose conditions in respect of lands neighbouring a proposed development and owned by the developer, where such conditions are required to maintain an existing amenity which benefits the public. The need for this provision arose on foot of a recent Supreme Court decision which cast doubt on whether planning authorities or the board could do this. I am taking the opportunity presented by this Bill to close any gap that exists in that regard.

Section 9 provides for an important amendment to section 35 of the 2000 Act to allow planning authorities to refuse planning permission to rogue developers on the grounds of their past history of non-compliance with planning requirements. All of us are familiar with the trail of rogue developments in this country. It was a major problem in the past, although it died down for a while, and it is starting to reappear. Section 9 will give local authorities an opportunity to refuse planning permission to people who have bad track records on the basis of their non-compliance with previous planning applications. Applicants will have to apply to the High Court if they want such a decision to be overturned. I am sure Members on all sides of the House welcome this provision because it puts the onus on developers to prove they have good records. It reverses the burden of proof by putting it on the developer rather than the planning authority. The developer will have to prove that a decision to refuse planning permission is not warranted. This provision was included in a Labour Party Private Members' Bill, which I supported at that time. In this Bill, I am taking the first available opportunity to amend the 2000 Act.

Sections 10 and 11 deal with aspects of the judicial review provisions in the planning code. I am making two fundamental changes to the provisions. I am changing the way in which applications are made to the court for leave for judicial review. In future, they will be done *ex parte* rather than on notice, which should help to streamline the system and to expedite hearings. I am extending access to apply for leave for judicial review for major decisions to include environmental non-governmental organisations. This will ensure that concerned groups have access to the

courts in appropriate cases and will help meet Ireland's obligations under the Aarhus Convention on public participation.

The non-governmental organisations will have to meet certain standards. For example, they will be required to show that they have been operating for over a year. Other requirements, relating to membership or not-for-profit status, for example, can be prescribed. Environmental non-governmental organisations will have to establish substantial grounds for any challenge and will have to act within the eight-week timeframe.

Sections 13 to 18, inclusive, deal with the changes to the board to accommodate the new permanent strategic infrastructure division and other procedural matters. The number of board members will be increased to ten and the range of organisations from which members can be selected have been consolidated into four panels. The division will normally consist of five members, namely, the chairperson, the deputy chairperson and three ordinary members, with a quorum of three for its meetings. The chairperson can also call a meeting of the entire board to discuss a particular application if considered necessary. This division will deal with applications under the strategic consent process, with rail orders and electricity consents, and it will handle the infrastructure consents that currently go directly to the board, namely, major local authority projects and motorways.

Section 24 proposes the insertion of three new sections into the 2000 Act. The effect of these sections will be to allow the board to correct and amend a previously granted permission or consent. A similar power is already enjoyed by the EPA for licences that it issues, while the Ombudsman has indicated there should be a power to issue corrections.

There have also been complaints about the situation that currently pertains if a project has to be changed after the approval process is undertaken, such as when discoveries are made after excavations have begun. In such a case, the full consent process for the whole development must be followed with all the delay that that entails. This applies even where only a small part is affected in a minor way.

The new section 146(b) will enable the strategic infrastructure division to make substantive changes to infrastructure. The environmental impact of those changes will have to be assessed and, if necessary, an environment impact statement prepared under the new section 146(c). Every public representative will come across a situation where there is an error in a planning application. The Ombudsman made the point in her report that there should be some way of correcting this situation.

Section 33 amends the Acquisition of Land (Assessment of Compensation) Act 1919, by inserting an additional compensation rule to provide that the value of any land lying ten

metres or more below the surface of the land shall be taken to be nil unless the contrary is shown by a claimant. This provision reflects the fact that sub-surface works are increasingly required for today's road and rail networks, especially the forthcoming metro. This provision will remove existing doubts about the value of substrata lands.

On Committee Stage, I intend to amend the Gas Act 1976 to bring the consent process for the construction of strategic gas pipelines within the remit of An Bord Pleanála. I also intend to introduce some additional technical amendments to the foreshore part of the 2000 Act. Other amendments are intended to ensure that our planning process functions for the good of all.

This Bill will facilitate a more streamlined approach to decision making in respect of strategic infrastructure. It will provide a better service for all stakeholders, infrastructure providers, State bodies and the general public alike. This will happen through a single stage process of approval for projects, a rigorous assessment of all projects against sustainability and environmental criteria, full public consultation, including a statutory right for councillors to be heard, as well as a certainty of timeframes. My proposals are designed to ensure the correct balance between individual rights and the broader public and national interest. I believe that I have got the balance right. I look forward to discussing these provisions in detail in a constructive and helpful Committee Stage debate and I will listen with interest to the contributions on Second Stage. I commend the Bill to the House.

Mr. Bannon: I thank the Minister for coming before Seanad Éireann and I am glad that we are finally in a position to debate the contents of this important Bill. I welcome the fact that the Minister has amended the Bill to provide for strategic gas pipelines.

It is only a slight exaggeration to say that Ireland is a First World economy with a Third World infrastructure. There is an undeniable feeling that our cities are close to breaking point. Buses are overcrowded, roads are clogged and trains are non-existent. There is a sense that nothing works and that the Government is not working for its citizens.

My party has exposed the sleaze-driven culture of this sick and jaded Government and the amounts of money it has squandered over the years. In the countryside, we are presented with an infrastructural desert. We have a draughty, slow and incomplete rail network and a road network that is in a catch-up phase. Broadband penetration is very low which hampers businesses and causes inconvenience for householders.

In its programme for Government issued before the last general election, the Government highlighted the fact that it would be able to roll out broadband to the regions by 2006. The lack of progress in this respect is stifling development

[Mr. Bannon.]

in rural areas and there is a widespread discontent with the lack of interest shown by the Government in this regard. This point has been emphasised time and again at local authority meetings, BMW meetings and so on.

The Government likes to take credit — wrongly — for the booming economy it inherited. The groundwork for this was laid by a former leader of my party, Alan Dukes, to whom I pay tribute. For those who think there is no difference between political parties, I urge them to look at how the current Government has handled prosperity and how the Opposition would have done. The Government consistently mismanages public spending and taxpayers' money. It has been responsible for shameful fiascos such as electronic voting, PPARS and the health care crisis——

Ms O'Rourke: This is not in the Bill.

Mr. Bannon: — along with the lack of child care provision, all of which affects Senator O'Rourke's constituency as well as mine.

Ms O'Rourke: There are great child care facilities in Ballymore.

Mr. Bannon: For Fianna Fáil and the Progressive Democrats it is all about the present. It is all about very significant increases in spending, about the economy as a goal in itself and about living in the moment. The result has been a very significant increase in personal wealth, which is a good thing, but a massive waste in everything from the health services to education. After all the years of prosperity, there is very little of lasting value to show for it.

The Opposition parties take the view that prosperity should mean something. Far from being a fleeting imprint on the current balance sheet, that prosperity should be about making lasting changes to our country and its people. Examples include the following: a metro in Dublin; a rail link to every airport; an airport for the midlands; a motorway network that works; public transport that results in fewer journeys by car; an end to hospital waiting lists; an end to social housing waiting lists; improving Ireland's international reputation in order to attract foreign investment; and an end to poverty.

Laden down by the Fianna Fáil and Progressive Democrats approach, the country has none of the aforementioned. Rush-hour speeds in Dublin have fallen to an average of 10 mph, which is a drop of 12%. The time it takes to get from Malahide to the city centre has more than doubled between 1991 and 2004, from 30 minutes to 70 minutes.

Ms White: This has nothing to do with the Bill.

An Leas-Chathaoirleach: Senator Bannon, without interruption.

Mr. Bannon: I will deal with Senator White later.

Ms O'Rourke: I would not hold my breath.

Mr. Bannon: There are 100,000 individuals still waiting for a council house. An estimated 120,000 children live in consistent poverty. Over 230,000 children are living in relative poverty. There is no rail link to any airport anywhere in this country and after a decade of prosperity this simply should not be the case. The people of this country work hard. The Government should be spending better and investing smarter.

There is much to be welcomed in the Bill. The list of projects that have the potential to be fast-tracked is impressive. The projects relating to transport and the road network are crucial. These are the two areas where we must advance quickly. The Bill allows for a streamlined planning process for key infrastructural projects, including an installation for the harnessing of wind power for energy production with more than 50 turbines or a total output greater than 100 MW, or an installation for hydroelectric energy production with an output of 300 MW or more.

I am particularly glad that the Minister has adopted a Fine Gael policy and allowed for the fast tracking of wind farm construction to help Ireland increase electricity generation from wind. It is vital that we increase our output of electricity from renewable sources. Wind power is known as an "oil well in the sky". For its part, Fine Gael is committed to having one third of our electricity generated from renewable sources within 20 years. This is an ambitious target and one which will need this type of legislation if it is to be reached.

However, this Bill alone will not fast track anything. What we should concentrate on today is what is not in place. While welcoming the Bill, Fine Gael believes the total absence of judicial reform that came with the publication of the Bill will still see planning applications subject to inordinate delays. The fact that today's Bill is not accompanied by any reform of the judicial appeals process, where the real delays in getting these infrastructure projects up and running lies, shows that this Bill is about headlines rather than getting things done. With the courts taking almost two years to decide on cases of strategic infrastructural importance, there is little prospect of the Minister delivering on his promise to speed up delivery of these key projects.

Perhaps the Minister for Justice, Equality and Law Reform's ongoing dispute — Senator White referred to it this morning — with the Minister, Deputy Roche, over the Poolbeg facility is now having national consequences. Why was the Ring-send incinerator excluded from the fast track plan? Was it due to the intervention of the Mini-

ster, Deputy McDowell, or Senator White? She is displaying literature on the subject in the House as I speak. She is calling for the abandonment of the proposed incinerator in Ringsend—

Ms White: The Minister already knows that. I told him.

Mr. Bannon: Show the Minister the document you are presenting to Members today.

An Leas-Chathaoirleach: Senator Bannon should address the Chair.

Mr. Bannon: It is particularly disappointing that the Bill makes no attempt to equip planning bodies with the necessary health and safety expertise that would help restore public confidence in the planning system and ensure that planning decisions are made with public health as the primary interest. When an incinerator comes up for planning permission in this country, why is it that the issue of public health barely gets a mention? When serious concerns are raised by citizens about the health effects associated with incinerators, including the incidence of cancer, why have these never been dealt with or investigated properly by the Government to allay their fears?

I call on the Minister to appoint an independent scientific commission to investigate the health implications and the pros and cons of incineration to resolve public fears once and for all. If it is decided to locate an incinerator in a particular area, thousands of people will protest. They have genuine fears but the Minister has done nothing to allay those fears. The independent scientific commission could deal with this issue. Why are the representatives of the World Health Organisation not even allowed to address both the planning authorities and the general public?

I also have grave concerns about the burden this new legislation will put on An Bord Pleanála. The chairman of the board, Mr. O'Connor, addressed a joint committee meeting on this issue before Christmas. He outlined the current situation in An Bord Pleanála. There is an increased workload as a result of the huge increase in the intake of planning appeals, which are up 33% since 2004. The committee was also told that the authorised staff complement had been reduced from 138 to 136 and that the board continues to experience difficulties in recruiting and retaining professional planners. The average number of staff over a year is approximately 128. How can the Minister improve the quality of service when there are serious backlogs and under-staffing in An Bord Pleanála? This must be addressed quickly.

The Minister is providing the grand total of ten extra staff and the paltry amount of €251,000 in increased resources for An Bord Pleanála. This is

despite the fact that last October the board stated it was proving difficult to maintain the time taken to determine cases it already has on hand. Furthermore, major infrastructural projects come before the board either by way of planning appeals, where they are privately sponsored, or by way of direct approval, where they are local authority sponsored. The average time taken to decide on a local authority project is between 22 and 26 weeks. More of these cases are subject to the oral hearing process. With the resources provided by the Minister, will the board be able to discharge its functions regarding infrastructure projects within a satisfactory timescale? I do not believe it will have sufficient resources to handle its new functions. The Minister must address this problem.

Real planning reform is required. The Government should take a leaf out of the Dutch Government's book and decide at national level the regions in which large projects need to be situated and invite the public's opinion on its plans before instigating a swift planning and judicial process. That way, the process is characterised by transparency, fairness and speed — things which remain sorely lacking in our system of planning.

The latest major infrastructural announcement from this Government has been Transport 21. No strategic infrastructure Bill can hide the sham that is this particular piece of propaganda. It consists of 40 projects, almost all of which had been announced previously. The Government is unable to give any start dates or costing for projects. There is no comprehensive detail behind Transport 21. After 11 months of waiting, much pre-publicity and raised expectations, we ended up with a launch of four speeches, three maps, two lists of projects and one cobbled together wish list that has no credibility.

The Government's record on infrastructure has been appalling. In 1996, the rainbow Government planned for Luas by 2001, at a cost of €279 million. Fianna Fáil and the Progressive Democrats said in their 1997 programme for Government that they would "re-energise the Luas project". The Luas was due to be launched in December 2002 but the two lines did not open until September 2004.

Mr. Brady: That was because of objections.

Mr. Bannon: The national development plan in 1999 set aside €546 million for the construction of four light rail lines in Dublin to be completed during the lifetime of the programme, that is, up to 2006. The first two lines are already almost €200 million over this target and the Government has given no commitment to construct the originally planned further two lines.

Ms O'Rourke: The rainbow Government provided £1 million to CIE.

Mr. Bannon: Senator O'Rourke does not like to hear the facts.

Ms White: She knows what she is talking about. The Senator does not.

Mr. Bannon: The Government has spent——

Ms White: The Senator should stop reading his notes.

An Leas-Chathaoirleach: Senator Bannon without interruption.

Mr. Bannon: Give me your card and I will present it in the House too.

Ms White: You are partisan. Are you sticking up for him, a Leas-Chathaoirligh?

An Leas-Chathaoirleach: Senator White, the Chair is impartial in all it does. Senator Bannon without interruption.

Mr. Bannon: Thank you, a Leas-Chathaoirligh. Senator White should withdraw that insult to the Chair.

An Leas-Chathaoirleach: Senator Bannon has one minute left.

Mr. Bannon: The Government has spent €36 million so far acquiring land along the two Luas lines. The final cost of building the two Luas lines was €750 million. The Minister for Transport, Deputy Cullen, recently announced the proposal to link the two existing Luas lines, at a cost of €70 million. This is a U-turn on a proposal which the Government earlier rejected. Last month, the Luas was found to have significant structural defects, less than two years after it opened. The defects pose future safety risks to passengers and will cost €10 million to repair. The NDP road-building programme is another fiasco. It is expected that only 50% of the programme will be completed this year.

We support the Bill and wish it a speedy passage through the Oireachtas. However, we will have much to say on Committee Stage. The bulk of what needs to be done is beyond the scope of these Houses and lies in judicial reform, greater resources where they are needed and a total change of attitude by Government, which needs to understand that simply passing laws is insufficient and we must give those with the responsibility to implement the laws the tools to help them do so.

Mr. Kitt: I welcome the Minister to the House and I welcome the Bill. The Minister is correct in talking about the bottlenecks in the economy and his efforts to tackle them. He continued to say that we do not just have financial costs but also cost associated with lost time and opportunities. Although I live in rural Ireland and used to know

little about bottlenecks even travelling to Dublin in the past, we welcome the recent changes.

Senator Dardis has often spoken about his travels through Loughrea. We needed to wait for more than 40 years for a bypass, which, thankfully, was opened last November. While that bypass should have been completed years ago, there were many reasons for the delay, including many objections. We are glad it is open now. In recent years the roads programme has suffered increasingly from objections, which have been spurious to say the least. People often blame wildlife for delays, as was alleged to be the case with the bats in Ardahan in south Galway. I do not refer to these cases, as I have great respect for wildlife. I refer to new roads and motorways that went ahead without consultation or discussion with the farming community. That issue has improved greatly in recent times and the Minister's emphasis on local authority members being consulted is very important.

I am surprised that Senator Bannon referred to the railways. One of the best announcements made last year was the one about the western rail corridor.

Ms O'Rourke: Hear, hear.

Mr. Kitt: Many of us in the west have been fighting for the corridor for years. We have pursued the issue since 1982 with the help of Fr. Micheál MacGréil and the former Deputy and Senator Martin Joe O'Toole. We met the Leader, Senator O'Rourke, when she was Minister and she gave us great support. Successive Ministers gave us the opportunity to leave the line as it was. On many occasions the line was scheduled to be pulled up, as the Leas-Chathaoirleach knows. It is encouraging that we have received dates for the completion of stages of the corridor. It will come to Athenry in 2008, to Tuam in 2011 and on to Claremorris in 2014. The Minister has given those definite dates. The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has also taken steps to preserve the section of the line from Claremorris to Collooney, to be done later this year. A very definite commitment has been made after a long campaign by the Western Inter-County Rail Committee, which had members from five counties in Connacht. The councillors in County Clare also came on board, as the line will go from Ennis to Sligo.

I welcome the Minister's comments about recognising the rights of recognised NGOs to access courts as provided for in the Aarhus Convention. This issue has been raised in the Oireachtas Joint Committee on Foreign Affairs and in particular the Sub-Committee on Development Co-Operation. In their concern for the environment, NGOs have raised these issues on many occasions.

The Bill will provide for a single approval for electricity transmission lines requiring an environmental impact statement. Electricity sup-

ply has always been a problem in rural Ireland. Every small town and village has had cases requiring three-phase electricity supply to try to allow a small industry to be established. I would like to see such supply made available. We are always battling the ESB on another issue. ESB Networks should be more sensitive to where transmission lines are located, especially when they come close to schools and houses. They should be located further away and the technology should exist to allow them to be placed underground. While some of the tidiest towns and villages are now improving the life of the community by placing power lines underground, this should have been done years ago. I believe the same could be done with transmission lines. Many fine new houses are being built even on the smallest roads, for example, in County Galway. Unfortunately they are often surrounded by overhead wires that should not be there. We need to consider better ways to supply electricity and I suggest underground cabling as used in many towns and villages.

While providing water and sewerage systems seems simple, this is not always the case. However, such systems are vital for sustainability in rural Ireland. I have written to the Minister on the issue of providing water to Gort and south Galway. Providing water to a town should be quite simple. However, with a regional scheme as required by the planners we must be aware of the problems that exist. It seemed that it would be simple to take water from Lough Cutra to supply an entire region of south Galway. Galway County Council had just started on the work, when the unfortunate landslide occurred in Derrybrien. That landslide created many environmental problems in the region. While those have now been addressed, we have yet to deal with issues such as water abstraction orders and the liability of flooding in the area, which is a clear concern of local farmers. Such matters, which are issues for the local authority, should also be issues for the planning board. While the cost, €16 million, has been known for many years, many other issues need to be taken into account when considering a water scheme for this region. The other option would be to try to link with Oranmore near Galway city, where the water is supplied from Tuam.

I am also pleased the Minister referred to ongoing developments regarding the metro, since we have obviously carried out a great deal of work on the DART, for example. The Luas system is an excellent advertisement for what can be done in Dublin city. The Government has spent large sums on those developments, and I believe that we are now investing ten times what we did between 1994 and 1997, when the last Government was in power.

Of course, we will soon have the opening of the Kinnegad-Enfield-Dublin motorway. There have been complaints in the House about the cost of tolls, and many speakers have talked as if there were no other option to come to Dublin. One

mentioned four tolls from Galway city to Dublin, which is not true regarding the outer bypass in Galway. If one is talking about a toll on the M50, one is not heading for Dublin in the first place. There has been a great deal of misinformation regarding that development.

People in the west are very happy they have a motorway on part of the route, and I look forward to its ongoing development all the way to Galway city. If one travels through any county between Dublin and Galway, one will see the great work being carried out on the new road. The Loughrea bypass, to which I referred, is the start in County Galway. When we talk about such road works, we also emphasise to the Minister the need for further development. Galway County Council was very happy to receive funding for 2006. I have the figures before me, and although I shall not bore the House with them, there is a great deal of development of primary and secondary roads in the county, and I very much welcome that.

An Bord Pleanála has performed very well, given the substantial number of cases with which it now deals. At the end of 2005, I believe that the number of current cases was 2,063, and the percentage of cases being decided within the 18-week statutory limit stood at 78% for the year, with the average time taken to dispose of them being just 15 weeks. There has been a great improvement. Staff numbers were increased by 14 to cover the additional workload and the changing organisational requirements of the board. The Bill provides for an increase of ten staff, a very welcome development.

I welcome the Bill, and I am glad that Senator Bannon has expressed similar sentiments, although he was critical regarding other issues. When I read the EPA report on Ireland's environment, I saw that its stress was on greenhouse gases, the eutrophication of water, which we discussed last week, waste management, and integrated environmental planning. The conclusion is that the environment is a dynamic arena, and its problems are not amenable to quick or easy solutions. As one priority is addressed, another appears, something of which the Minister is very much aware, and I wish him well in his work. In particular, he has acted very quickly to deal with rogue developers. He promised that he would do so in the Dáil, something the Labour Party also proposed.

Mr. Quinn: I too am pleased to see the Minister for the Environment, Heritage and Local Government, Deputy Roche, in the House, since he speaks in a language we can understand, explains his points and is willing to argue them.

There is little doubt of the need for something to be done. I travelled to Galway this weekend for the first time in a while and was very impressed by the roads. That we have such roads should be appreciated. Our memories are often short. I remember a Deputy from Dundalk saying

[Mr. Quinn.]

to me that when the Dundalk road was built, people very much recognised and appreciated the benefit. We must remind people that we can get such things done with the help of the European Union, since it allocates funds to help us do so.

Mr. Kitt: I heard that Senator Quinn spoke very well in Galway.

Mr. Quinn: I thank the Senator.

Mr. Dardis: The Senator speaks well everywhere.

Mr. Quinn: My point is that we do not always appreciate what benefits we get from Europe. It is worth our while ensuring that we do so, even as we take credit for doing things ourselves. One of the annoyances is that other countries seem to get things done much more quickly than we, and I can therefore understand the need for this Bill.

Let us call a spade a spade. I have no doubt that the Bill represents a curtailment of democratic rights that we have enjoyed in the planning process for the best part of 40 years. At a stroke, it removes an entire layer from the existing process of securing planning permission for a project. It also removes the local element of the planning process completely, the principle that all projects are examined by the relevant local authority before being considered on appeal by the national body. I hope the Government, which shares its predecessors' habit of spinning everything, will not obscure those facts.

The issue is not that we are curtailing democratic rights, since that goes without saying, but whether such a curtailment is necessary in the national interest. The Minister will argue that it is such. If so, we must face the fact that we are treading on ground many consider sacred. That should not prevent us from doing so if it is the right thing. However, we should acknowledge the seriousness of the issues. If we are grown up about this, we should admit that people never like to have removed from them something to which they have grown used. We once understandably criticised the Unionists for their slogan "What we have, we hold". The truth is that the attitude in question is a natural and human reaction to a situation that is all too common.

I remember when my company introduced loyalty cards. Their great benefit is that one can identify good customers and their habits. There is a great temptation to give very good customers gold cards, not so good customers silver cards, and others bronze ones. I experienced that with British Airways many years ago. One year when I did a great deal of flying, I ended up with a gold card and was very pleased with myself. The trouble was that the following year, having been demoted, I did not get a gold one.

Ms White: That is interesting.

Mr. Quinn: I felt annoyed at the airline.

Mr. Dardis: Then the Senator decided to buy his own jet.

Mr. Quinn: That is the difficulty whenever we have had something for a while and it is taken from us. We must strike a balance and decide whether the benefits outweigh the disadvantages. The lesson I learned was to be careful about removing things from people. If one gives something, one must consider the possibility that one may wish to take it away at some point, rowing back on that generosity. If the down side of taking away what one has given people outweighs the up side of giving it in the first place, one must think long and hard before deciding what one wishes to do.

An Cathaoirleach: Senator White, it is not in order to read books.

Mr. Quinn: My speech is so interesting that I assumed that it would fascinate the Senator.

An Cathaoirleach: Whatever it is, reading is not in order.

Mr. Quinn: The Government's dilemma in the case before us is that no one foresaw in the 1960s, when the planning process was first created, that we might ever need to row back on it. At the time, it made perfect sense to build the scheme on two pillars, the first being a local application process, and the second a national appeals procedure. In practice, over the last 40 years, the two-pillar approach has seemed to fit the bill a great deal of the time. Over that period, some have come to view the two pillars as inflexible and immovable features.

I expect that the Bill will run into strong opposition. I was interested and pleased to hear that Senator Bannon does not seem to be showing the opposition that I thought he might naturally have shown. People who object to the change will see it as an attempt by an impatient Government to short-circuit democracy. Many will view it as the second part of a two-pronged attack by the Government on the whole planning process.

The first prong of the attack was the National Monuments Act 2004, which moved the goalposts on environmental matters right out of the arena and locked them up in a place where no one but the Government could reach them. Consequently, how should Members consider this Bill? Should they pay attention to these objections and refuse the Government the leave which it seeks to abridge our democratic rights regarding planning? Instead, should Members admit that the national interest demands the abridgement of those rights, if the range of necessary infrastructural projects are to be delivered within a reasonable timeframe? In this context, one should consider the length of time it takes to get through

that planning process. In respect of many such infrastructural projects, it has been interesting to note that in recent years, having eventually passed through the planning stages, they were put out to competitive tender and were completed ahead of schedule and within budget. While I am impressed by the speed with which things can be done once all red tape has been removed, its removal appears to interfere with the democratic rights to which we have become accustomed.

In support of this second approach, the Government argues that the present system creates unnecessary delays which present a barrier to our catching up in respect of infrastructural development, as we clearly need to do. It asserts there is a need to balance the thirst for democracy with the need to get things done. In addition, it points to another problem regarding the present manner in which we balance the planning process between local and national bodies. This arises from the NIMBY, not in my backyard, principle, whereby no one wants anything which is even vaguely detrimental to take place in their own backyard. I understand that the Minister has had some experience in this respect, given the criticism he has received. This natural desire undermines the entire local focus of the planning process because it means that no local body will ever approve a controversial project. It will almost always allow such a project to be imposed on it by the national body and the local authority's members will then assert that nothing could be done, as the decision was taken from their hands. This assumes that the national body in question could gather the support to so do.

On which side of this argument should Members come down? While this is a very difficult decision, when all matters are taken into account, the balance of the argument goes to the Government. Therefore, I am prepared to support this Bill, although I do so while regarding it as a necessary evil.

Ms White: Hear, hear.

Mr. Quinn: The Minister appears to hold similar views in this respect.

I also support it on the questionable assumption that it will deliver what it promises. In that regard, the omens are not good, as the fact it has taken so many years to introduce this Bill should lead Members to question the depth of the Government's commitment on the delay issue. Another point that might lead Members to doubt whether this Bill will deliver on its promises stems from its introduction by a Government which has consistently, the longer it remains in power, sought to close down criticism of how it operates and has sought ways to provide itself with the easiest possible ride. This is not an unfair comment because traditionally, when Governments remain in power for a long time, this tends to happen.

Given these reasons, I foresee that the efforts of those who oppose the infrastructural projects

envisaged in this Bill will be redoubled, even within the narrower frame of operation left to them. I would not be overly surprised if, ultimately, this legislation fails to deliver the speeding up of the planning process which is its main justification in the first instance. I reluctantly support this Bill and wish the Minister the best of luck with it. I appreciate that it was introduced to this House, which provides Members with an opportunity to discuss it. I recognise that it will not solve everything.

Recently, I spent some time in Galway, not having visited there for some time. I accept the points raised in the House earlier as I went to Spiddal on Sunday morning and was disappointed. In such beautiful countryside, the ribbon development that has taken place there is certainly unwelcome. However, such development is not envisaged by the infrastructural legislation under discussion and is in the hands of the local people. Throughout the country, the local authorities must take some steps to ensure that those parts of our country of which we are proud and which we like to visit and live in are protected in the future. I wish the Minister well.

Mr. Dardis: I welcome the Minister for the Environment, Heritage and Local Government, Deputy Roche, and his officials to the House and welcome this legislation. The only minor criticism to be made is that perhaps it should have been introduced sooner. All Members are aware of the importance of infrastructural delivery generally. As the Cathaoirleach is aware, various aspects of national and local infrastructure have become regular features on the Order of Business. The frequency with which this matter crops up on the Order of Business and this legislation are both manifestations of intense demand from the people for improved roads, services and facilities. As all Members are aware, this demand is derived from the recent and rapid development within the country which has almost been breathtaking.

One may ask questions about our capacity to respond speedily to this rapidly changing economy and society. Hence, it is correct for the Government to take a fast track approach to these matters in regard to major construction and infrastructural projects. As Members are aware, many have been stalled due to difficulties in the courts and within the planning process. The State is correct to respond in an appropriate manner because, as I have learned from my time as a member of a local authority and as Members are aware, timeliness is not a concept that is widely found within many such administrative bodies.

Another point concerns the matter of democracy and the rights of people to protest and object. The Bill actually curtails the rights of people who have sought to subvert the planning process, the democratic will of the people and the national interest, in pursuit of their own narrow agendas. Most frequently, this has been done by individuals although organisations have some-

[Mr. Dardis.]

times been responsible. While I do not claim that people should be denied the right to object or to protest about such matters, there must be some balance within the system. Although due regard should be given to those rights, they should be adjudicated upon speedily and effectively, so that a project's appropriateness may be decided. In this regard, the central difficulty encountered has probably not been with the decision itself. Rather, it has been with the time taken to reach that decision and to reach the culmination of the exercise that allows the project to go ahead or not.

A recent report stated that few would quibble about the need to avoid excessive delays and vexatious obstruction with regard to major structural developments because of costly experiences in the past. However, it went on to state that it was important that the public at large should continue to regard the planning process as being fair, transparent and responsive. This is the essential requirement for this legislation, namely, that people should be confident their views will be heard. Members have heard the Minister discuss the manner in which members of local authorities and others can have an input into these discussions.

I wish to deal with two aspects of this subject. The first is the need for timely delivery and the other is the matter of public confidence, as both are extremely important. As for the need for timely delivery, to put it into context it is important to note that the policies which were devised by the Progressive Democrats and Fianna Fáil while in Government have helped to transform this society and economy. We now have lower taxes, higher employment, net emigration and higher standards of living compared to those which pertained a few years ago. Inevitably however, development of that scale implies significant change, which presents us with challenges and rapid economic development has presented the country with specific infrastructural challenges. As I have noted, all Members are aware of them.

With a population of 4 million people, Ireland is incredibly centralised, both geographically and administratively. Undoubtedly, more will be said in this respect tomorrow, when the House discusses public service decentralisation. Approximately 1.5 million people live in the greater Dublin area and the wider areas around Dublin, as well as Cork, Galway and Limerick are experiencing rapid development. This is the result of economic success and the nature of that development has created acute pressures in areas such as housing, supply, traffic congestion and service provision. However, Members must be mindful of the challenges which have been traded. When my party, the Progressive Democrats, was founded 20 years ago unemployment stood at 17% and we experienced both mass unemployment and mass emigration. This self-perpetuating problem hurt

many communities such as my own. Even in Kildare, where people were relatively prosperous, there was significant hurt and difficulty for people.

Of course much has changed in the past 20 years. Our recent economic prosperity has positively transformed our local communities and towns. Employment has risen from 1.1 million in 1991 to over 1.9 million in 2005. It is predicted that 2 million people will be employed in 2006, which is a matter we should celebrate. We are now creating more jobs than we can fill and many of us never thought we would see this happen.

Our low unemployment rate exists beside the welcome presence in Ireland of thousands of foreign people working on job permits and more than 100,000 PPS numbers have been issued to citizens of the EU accession states. Employment grew by 96,200, or 5%, in the past year and nearly 71,000 of these were additional full-time jobs. Thus, the population has grown and there are more people at work, more people buying houses and cars, more people travelling, more cars on the roads and more people in need of water, electricity, energy and all of the other services and facilities that go with modern living.

Development is such that, in reality, my county of Kildare forms part of the greater Dublin area and this may be said even of the most western parts of the county. My county is the gateway to Dublin for most of the country. Proximity to the capital has meant my county has benefited to a significant extent. Jobs and new prosperity accompanied the arrival of Intel, Wyatt, Hewlett-Packard and other significant companies in the area.

The other side of all of this is the need to cater for the population and the surplus growth from Dublin. Location and development has been a double-edged sword for Kildare and other areas, but one I would gladly have traded for the utter despair of which I spoke which existed in the 1980s.

Being one of the fastest growing counties since the early 1990s has placed great pressure on the physical and social infrastructure of towns in Kildare like Newbridge, Leixlip and Maynooth. The same has been the case in towns across the country, such as been the pace of development. It poses a risk to our natural and built environment, a risk of which the Bill is cognisant.

The population of Kildare rose by over one fifth between 1996 and 2002, or an extra 29,000 people. The population is now 124,000 plus, and is predicted to be 203,000 by 2011. That is the context for this Planning and Development (Strategic Infrastructure) Bill. The Bill is essential to how we, as a society, manage the implications of our development on physical and social planning and on the delivery of infrastructure and public services.

On the matter of timely delivery, the Minister has correctly stated that we cannot emphasise

enough how badly Ireland needs new and improved infrastructure, not just to tackle bottlenecks in our economy but to enhance our competitiveness. Overarching both of these considerations is the basic need to improve the quality of life of families and communities while protecting our priceless environment. We cannot ignore the cost in time and opportunity, or indeed in financial or environmental terms, of not carrying out some of these major infrastructural projects. The Government is right to state bluntly that every moment's delay in the delivery of an infrastructural project increases the cost of providing that infrastructure and that cost falls to each of us.

The Bill provides for a one-step strategic consent procedure for certain types of major infrastructure, including major environmental, transport and energy projects. I welcome this move, particularly in light of each project being subjected to a strategic consent process by An Bord Pleanála. The board is to be restructured by way of including a dedicated strategic infrastructure division. There is an important point here addressing the necessity to go through the same procedure twice. It has always been the case that, irrespective of the outcome of the decision of the local authority, the matter is passed to An Bord Pleanála and the entire procedure is gone through a second time. That does not make much sense provided one has, as I and many others have, confidence in the independence and ability of An Bord Pleanála to make decisions in these areas. This primary move to a one-stage process is to be welcomed and it is accompanied by three crucial elements: rigorous assessment of all projects, including their environmental impact; full public consultation; and certainty of timeframes. All of these elements are vital in ensuring that the public at large continues to view the planning process as fair, transparent and responsive.

On the matter of public confidence, the proposed new division of An Bord Pleanála will handle all major infrastructural projects, for example, major local authority projects, motorways, strategic infrastructure consents, major electricity transmission lines and railway orders. The public can have confidence that these matters will be dealt with properly by the board.

Under the provisions where An Bord Pleanála determines that a particular project is of strategic importance, an application with an environmental impact statement can be made directly to the board. Obviously these types of major projects will draw major public interest and in some instances understandable concern. I am encouraged that under the Bill, interested and appropriate stakeholders will be consulted and their views taken into account. The Government and the Minister have been careful to ensure that the public and the local authority, as the Minister explained to us, including the elected members, are properly engaged with. I commend the Minister for providing for extensive opportunity for all the stakeholders, whether local communities,

residents' groups, environmental groups or ordinary citizens, to comment on applications to the board.

The Progressive Democrats have produced a document on local governance which states clearly our commitment to and ideas for better local government in our communities. Local government must work in local communities in a way that keeps it both accountable to and in touch with the electorate. During our recent Private Members' motion on local Government, we stressed the importance of the link between the local authority, the community and developments. In that context, I particularly welcome the unique role for elected representatives envisaged under the Bill to express their views on applications made under the proposed strategic consent process.

Local authorities, as an extension of the will of the people via elected representatives, must be able to act in the public interest. That is a key point in all of this because local councillors represent accurately the views of the local communities and some of the more far-fetched objectors who can emerge in some of these cases must be counterbalanced by the will of the local authority, which reflects the local community.

The amendment of section 35 of the planning Act is another important step in this regard. The Bill recognises the fact that it must be easier for authorities to reach a decision to refuse a consent without recourse to the High Court. Under this legislation it will be a matter for the applicant who is refused permission to seek confirmation from the High Court that the planning authority must reconsider its initial decision. The developer will have to show that past performance does not warrant a refusal of permission and the Minister has emphasised that key point. People who misbehave should not be able to come back a second time without proving their credentials. In this regard, my concern is that the principals will remain the same and merely change the company name. I hope that can be dealt with effectively under the legislation. I welcome that aspect of the Bill in so far as the provision makes it easier for local authorities to tackle bad performance by so-called rogue developers.

I want to deal with a matter raised by Senator Bannon.

Mr. Feighan: Senator Dardis should not be hard on him.

Ms White: Senator Feighan should have been here.

An Cathaoirleach: Senator Dardis, without interruption.

Mr. Dardis: One could never be hard enough on Senator Bannon. It is worth putting on the record just what has happened on road, water and sewerage infrastructure. Some €36.3 billion has

[Mr. Dardis.]

been set aside for major capital investments up to 2009. In 2006, capital spending will top €6.6 billion, three times the 1997 level. In 2006, €1.6 billion will be invested in major roads programmes. In 1997, only €294 million was invested in national roads by the Fine Gael, Labour Party and Democratic Left Government.

Some €4.4 billion has been invested in water and sewerage facilities between 2002 and 2006 and the results are there for everybody to see. Since 1997, some 185 km of new motorway, including 66 km in 2005 alone, and 385 km of new dual-carriageway and single carriageway have been built. The M50 C-ring has been completed. There is 155 km of motorway from Rathnew to Dundalk. The Luas is up and running, the DART has been upgraded and rail systems have been revamped.

Dublin is one of the few capital cities in Europe that has blue flag beach status and people can swim in the River Lee in Cork for the first time in 50 years. Whereas in 1997 less than 20% of waste water met EU waste water directive standards, in 2004, 90% of waste water met EU standards. There has been considerable progress and the same is true of public transport.

There has been much concentration on the environmental downsides of major infrastructural projects but there is a major environmental upside, which has to do with fossil fuels. If people could travel more quickly, efficiently and safely to work, both they and the environment will benefit.

I am glad the legislation addresses the installation of overground aqueducts with a diameter of in excess of 1,000 millimetres and which are in excess of 500 m in length. While 500 m is not long, I still look forward to the proposed pipeline between the River Shannon and Dublin, which will bring drinking water to the city and save all the poor fish trying to live in the little water remaining in the River Liffey after it has all been taken out at Ballymore Eustace.

Mr. Feighan: I welcome the Minister of State. The Bill lists the projects that must be fast-tracked, which is welcome. We must work together to ensure these projects are implemented quickly. The legislation provides for a streamlined planning process for key infrastructural projects, including installations for the harnessing of wind power and energy production such as wind farms with more than 50 turbines or a total output greater than 100 MW or installations for hydroelectric energy production with an output greater than 300 MW. This is welcome in the context of the provision of renewable energy.

I have no difficulty with wind turbines and it is reassuring that they do not harm the environment but wind energy production should be increased. As I flew along the coast of Wales recently, I noticed wind turbines, which had been con-

structed offshore. The Government is examining this possibility and improvements could be made in this regard.

It is vital that the State should increase electricity generation. Many people are considering the provision of gas and other options but electricity is convenient and clean and we tend to forget how good and valuable it can be and consider alternatives too quickly. However, the construction of gas pipelines and the erection of electricity pylons have been thorny issues. I appreciate pylons are needed but perhaps it is time to invest in delivering electricity underground. Pylons cause unease in communities and many people are afraid of living too close to them. A number of house sales in my area did not proceed because the buyers felt the houses were too close to pylons and overhead electricity lines. While medical evidence has not proven they are dangerous, it would be good practice on the part of various Departments to ensure infrastructural projects are implemented underground.

Ireland has a stable economy but our infrastructure is not what we would like. To describe it as a "Third World infrastructure" is going a step too far, as improvements have been made over the years but they took too long. I recall marching on Dail Éireann many years ago to save the Sligo-Dublin rail line and, thankfully, investment was provided. For example, two new services were added prior to Christmas increasing the number of daily services from three to five and new rolling stock was added. While this was welcome, it should have been happened sooner.

I drive to Dublin each week rather than take the train and the new Kilcock-Kinnegad motorway helps but it is being tolled. I do not want to be a begrudger but tolling is not the way forward, as it is an extra tax on motorists. Many lorries do not use the new road but take the old road, driving through towns such as Kinnegad and Enfield. Drivers say they lose five minutes but they save between €6 and €10. The issue of tolling should be revisited because the tolls are too expensive.

The Luas was due to open in 2002 but, finally, we have a light rail network in Dublin city. Whenever I leave a foreign airport, instead of taking a taxi, I challenge myself to use public transport to travel to my accommodation. A metro or rail line is needed between Dublin Airport and the city centre. The first dual carriageway in Ireland was built between the airport and the city. In communist countries years ago, the nicest parts were between the airport and the city centre hotels while the rest of the country was a shambles. While that is the not the case in Dublin, there is room for improvement.

The Dublin Port tunnel project is estimated to cost €558 million and it is expected to open in April 2006. I look forward to its opening, as it should significantly relieve traffic congestion on the quays. Mistakes were made resulting in leaks and the cost of the project has run over budget but we should learn from our mistakes.

Planning applications are subject to serious delays but the Bill has not been accompanied by reform of the judicial appeals process. I do know whether the Government can get around this but the courts take almost two years to decide on cases of strategic infrastructural importance. I am a little concerned that the legislation may not speed up the delivery of key projects.

The national roads programme is unlikely to be completed before 2013. It is reassuring that I can travel from Longford to Dublin in an hour and a half but the dual carriageway should be extended to the north west. A dual carriageway is in place between Dublin and Belfast and Dublin and Galway, while the area between them is not serviced by such a road. It takes the same time to travel between Boyle, County Roscommon, and Edgeworthstown, County Longford, which is relatively traffic free, as it does to travel between Edgeworthstown and Dublin. The journey time between Boyle and Edgeworthstown will increase.

An Bord Pleanála will recruit ten additional staff under the legislation. The board said it was proving difficult to make decisions within specified deadlines but Ministers need to lead in this regard. We live in a politically correct era and many politicians are afraid to intervene. I do not want to cast aspersions on officials. Many decent officials see their work as a vocation and give sterling service. However, some officials in Departments, including the Department of the Environment, Heritage and Local Government, are almost mavericks and the Government does not seem able to or want to deal with them. This is a serious situation.

I raise the issue now and want debate on the matter of Department officials who bring their personal view to bear on various issues and stop investment and prevent job opportunities. I want to ensure the environment is protected, but there is a cohort in the Department who more or less tell us what is good for the area. Ministers need to look at their Departments' decisions more carefully, without interfering politically, to check out the nature of the decisions and see exactly how they were made. It is an area where the buck may have been passed to mandarins who decide what to do.

Mr. Brady: I welcome the Minister of State, Deputy Noel Ahern, to the House and welcome the introduction of the Bill. Both before and since I came into the House, I have been struck by the number of times infrastructural improvements have been raised as an issue, whether when canvassing, here in the House or on television and radio programmes. Communities have cried out for improved infrastructure on one hand, and on the other small vocal minorities have prevented improvements going ahead.

The Minister and Minister of State have tackled the issues facing us head on through the manner in which they have framed the Bill. One of the cornerstones of the Bill is the provision for the inclusion of a development. The Bill provides for the insertion of a new section 37A into the principal Act, which in subsection (2) will read:

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute significantly to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in force in respect of the area in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.

When we consider the plan and aspirations of the national spatial strategy, this legislation fits in completely with them. Both sides of the House agree that we need new and improved infrastructure in a number of areas.

The Bill deals with particular areas, namely, improving the quality of life and protecting the environment, issues that are at the top of any political agenda. It introduces a single stage process for the three areas of energy, environmental protection and transport. We have invested significant sums in putting together programmes such as Transport 21. Vast sums of taxpayers' money will be spent over the coming years and it is only right to protect this money. We have heard a call for value for money many times and this legislation will ensure this happens.

The Minister pointed out that the legislation underpins the functions of local authorities and their members by giving them the opportunity to have a direct input into decisions made by An Bord Pleanála under the Bill. We have all come across situations in our constituencies where issues have arisen because of rogue developers. These developers can have a devastating impact on a community, but in many cases they just walk away from the problem. They go away and set up under another name and are back in business again in no time. The inclusion of this section in the Bill is very welcome.

There is significant investment in infrastructure in the country. The water services investment programme caters for 889 individual schemes, 193 of which will begin this year and 197 of which will begin next year. These programmes affect people's lives directly and it is unfair that in some cases an individual or small vocal group can prevent progress. Several Senators have mentioned the Luas. When the Luas was first mooted in 1990, we spent four years trying to convince a small group that it would be good for their area.

[Mr. Brady.]

The area of Mount Brown in Kilmainham comes to mind. The people there objected strongly to the Luas and their objection entailed a change of the route. The argument went on for four years. Mount Brown is now a declining area because the Luas line does not go through it. The Dublin Port tunnel is another example of how small groups can prevent progress. Approximately 12 years ago we had a public consultation process on the tunnel and it has taken until now to get to where we are.

This Bill will prevent a recurrence of this sort of situation. As the previous speaker said, we must learn from our mistakes. In my area and further north in Dublin, the metro link to the airport and beyond is probably one of the most crucial pieces of infrastructure needed. Another is the extension to the Luas line. Senator Bannon is not usually right, but he was right with regard to the time lost as a result of traffic. This morning, a wet morning, it took an hour and 40 minutes to drive four and a half miles from Donaghmede to Drumcondra. It is not right that this should be the situation. As well as people's time being wasted and the stress put on them, we end up with more emissions from cars and streets while roads become car parks for hours at a time.

Some of the previous delayed infrastructure projects demonstrate to us the waste of taxpayers' money as a result of the lack of legislation such as this, for example, the Carrickmines extension to the M50, where it took five years to get a small section through the planning process. The M3 is another example. It is still under discussion although the past four years have been spent trying to get approval to proceed. There are opinions on both sides, but when we were canvassing in Navan during the by-election, the majority of those we canvassed wanted the M3 to go ahead because they are tired of spending three or four hours commuting to Dublin to work. For the wider good we must tackle this issue.

I am glad the legislation will apply to public and private bodies. I welcome the changes that have taken place with regard to High Court proceedings and judicial review. A number of major projects, although perhaps not of strategic importance, have been held up. For example, the O'Connell Street development plan has been held up for the past six years in judicial review. As a result, there is a decline in the surrounding areas from Parnell Street to Moore Street. We must ensure that whatever process is in place, people have the right to object, to express their opinion and be heard. However, somebody must make the decision and say a project should go ahead or not and whether it is in the public good.

We have reached a stage now, not just in Dublin but throughout the country, where local authorities will not make the necessary decisions

and while the Local Government Act dealt with some of that, this Bill is a further extension. The fact that the Bill allows for direct input from members of county councils and corporations and officials is welcome. Consultation with the public is a crucial aspect of this Bill. In fact, the entire consultation process built into the Bill is its most important aspect, particularly with regard to environmental impact statements. Pre-discussions about what should be included in an environmental impact statement will cut back on the time wasted going back and forth between local authorities and An Bord Pleanála.

I welcome the Bill, although more could be included in the Schedule. That being said, I welcome it and wish it speedy passage through the House.

Dr. M. Hayes: I welcome the Minister of State to the House. It is quite clear that the Bill has a general fair wind and I will not dissent from that but I wish to make a few general points. It is important that we are able to deal with great infrastructural projects in a timely and reasonable way. I think of the great programmes of public works carried out in Victorian times. A large mental hospital was built in every county in Ireland within a period of 20 years. Those hospitals would have been objected to if they were being built today but most of them are now listed buildings. I think also of the railways, the great viaducts and so forth. One can look at France, which is hugely democratic country but was able to push through great auto route schemes and other projects. We need to be able to deal with these issues.

I was struck by the thoughtful speech by Senator Quinn regarding the necessity for reassurances and built-in guarantees of quality. We have all seen great schemes which have been held up for years, sometimes for trivial reasons, but very often for very good reasons. It is important that the people who have very good reason to question particular schemes are given the chance to do so. It is an improvement to have a central competence developed for dealing with these great subjects. It is very difficult to get any level of quality control when a county council or local planning authority is dealing with one of these great schemes only once in its lifetime. It is much better to build up centrally the competence, knowledge and experience to deal with these schemes. That will tend to give one a better quality of decision, examination and presentation of the issues. It will also give one a better consideration of all of the environmental concerns. For that reason, we should ensure that the people working on the planning appeals board have the competence and the capacity to deal with such schemes.

The Minister of State might provide reassurance if section 22, where it states that the requirements which must be followed including the Government's strategic plan, directives and so on, also included a requirement to respect European standards on environmental protection as set out in directives and guidelines. It should also require that the board should provide itself, either directly or by hiring international expertise, with people of competence to deal with subjects which may be arising in Ireland for the first time. There is no point, if one is dealing with an application for an under-sea pipeline or to bring natural gas ashore, in having a principal officer in the planning section searching for results on Google. One must have international expertise available. Of course, the board will build up its own expertise in dealing with these matters over time.

The Minister of State might be able to disabuse me of a notion, but it appears from the legislation that the board processes the decision and then hears the appeal. It may be necessary to make it clear that the same people should not be involved in making the initial decision and hearing the appeal. This quite often happens with boards of this nature and it is easily dealt with by simply saying that the people involved in the first part of the process should not be involved in the second.

Some of the applications will straddle several counties and planning authorities and therefore, it is sensible to deal with them centrally. Some of them might even straddle the Border. There may be strategic infrastructural projects with which it is preferable to deal on an all-island basis. It may be that this is provided for under the strategic planning legislation but, if not, the Minister of State might consider giving the board power to hold joint hearings or joint processes with a comparable body in Northern Ireland for projects which might have an important cross-Border impact.

The explanatory note indicates that ten extra staff will be made available, which seems a rather mean provision given the sort of things we expect these people to do. I know it is not easy to direct moneys or to secure cross-accountancy between local authorities and central Government but there will surely be a saving of staff in some local authority areas. If this is to be made to work, it must be a Rolls Royce operation, but it will not be that with ten people slaving away. That aspect requires further consideration, but on the broad basis of the Bill, subject to the remarks I have made, I wish the Minister of State well. The Bill is timely and necessary.

Mr. Bradford: I join the majority of my colleagues in welcoming this legislation. I welcome the Minister of State to the House and I hope the Bill will be debated in a very full fashion here. Traditionally in Seanad Éireann, we give legis-

lation balanced and reflective analysis and I hope that will also be the case with this debate. In his initial comments the Minister of State said it will be one of the most important Bills he will bring forward on behalf of the Department of the Environment, Heritage and Local Government and I agree with him in that regard.

The word that is most appropriate to the legislation and our consideration of it is "balance". It is a question of getting the balance right between the urgent, ongoing need for development and the requirements of environmental propriety, sustainability and ensuring the public has its say. I hope the Minister of State is getting the balance right here. We will be in a position to reflect on that more carefully on Committee Stage.

The country has seen enormous development over the past 30 years. We simply cannot say "Stop"; we must keep advancing. If we stand still all the progress we have achieved will be lost. Infrastructural progress, whether it is an air or sea port or a road, has been painfully slow. Traditionally, we have not been good at initiating and completing projects in a manner that has resulted in speedy progress. For example, the Cork-Mallow road runs for approximately 20 miles. For half a century, there was a demand that the road be rebuilt or widened and improved. I was taken by school bus on the first stretch of the improved road when I was doing my intermediate certificate. By the time that little 20 mile road project was completed, I had been elected to Cork County Council, Seanad Éireann and Dáil Éireann on two occasions. That was how long this mini-project took. The country cannot expand and develop as it must if it takes ten to 15 years to plan, prepare, fund and develop a 20 mile stretch of road. That example is replicated across Ireland.

We must ensure the infrastructural progress we require is made quickly and whatever bottlenecks are removed. It goes back to the question of balance. If people feel the need to object to a project or they have genuine concerns, we must ensure there is a forum for their concerns to be addressed. Side by side with that, we must keep the idea of infrastructural progress and development firmly in our minds.

In the emerging large economies of China and India, the rate of infrastructural development is notable. Those economies have a lack of a planning system that we could not accept. I recall a major player in the Glen Dimplex company talking about how road projects are developed in China. Entire towns and communities are moved almost overnight if they are in the way of a new road or infrastructural development. We cannot support such an approach. We must ensure, however, where major infrastructural projects are required that we listen to concerns but adjudicate on them quickly.

[Mr. Bradford.]

It must be possible to adjudicate on concerns over pollution, large traffic volumes or that communities could be devastated or even nominally affected by a planned infrastructural project in weeks and months rather than the current system of years. I would welcome such an outcome from the Bill. Across the country, delays have been the common denominator in the provision of major road projects, motorways, airports and landfill sites.

A landfill site for Cork County is located in my parish. It is a development that was neither welcomed nor wanted by the parishioners. What is in place was announced seven years ago. It then took five to six years to go through the planning process. It would have been to the advantage of everyone concerned if the serious fears and concerns were addressed in a shorter timescale. I hope the legislation will achieve that. Balance must come to the fore.

I noted the Minister's point on staffing. It is vital and if the board is to work well, it must have sufficient resources. In local authorities, due to the lack of sufficient staff numbers, there is no guarantee that the most minor planning application, say a small extension to a side of a house, can come through the process in the prescribed three month timescale. If it goes to the next rung on the planning process ladder at An Bord Pleanála, it is the norm that a decision will not be made within four months due to the lack of staff. If the proposed board is to work, it is vital that staffing resources are put in place to ensure decisions are made in the appropriate timeframe.

Strategic infrastructure must be considered in the context of the country's ongoing and increasing economic development. However, the other side of the equation, such as communities that will be most affected by an infrastructural project, must also be considered. The landfill site in my parish, from a Cork county point of view was necessary, but from the parish's point of view it was a threat and a concern. We must strike a correct balance in an open democratic fashion but also in a way that does not have an endless list of deadlines. We must be precise. If the correct answer is "Yes", it should be possible to determine that answer within a reasonable timeframe. It should be similarly the case, if the correct answer is "No". Drawing out a community and a developer is a recipe for misery for all concerned. Targets must not only be published but met.

I welcome the Minister's proposed amendment to section 35 of the Planning and Development Act 2000. It will enable a planning authority to refuse permission to a rogue developer on a past history of non-compliance with planning regulations. The amendment will be fully supported by the House. Across the country communities have had difficulties with certain developers. The

same developers often come forward with a new project, promising they have changed their ways. Often communities suffer once again because a planning authority cannot take into account the past lack of performance on a developer's part. I welcome the commonsense change under section 9. Although it should have been in place before, hopefully, it will be of assistance to communities and individuals.

I cautiously welcome the Bill. On Committee Stage we will consider in more detail how to ensure general, community and environmental concerns are addressed. The bigger picture must be kept centre stage. If Ireland is to develop further, maintain its economic strength and meet the challenges from emerging economies, our infrastructure must be improved as quickly as possible in a planned, environmentally-friendly fashion. This legislation can play a key role in that respect. I look forward to hearing all sides of the argument and in particular the Minister's contribution on Committee Stage. I hope we will ensure that when the Bill is finally passed it will strike the important correct balance.

Mr. MacSharry: I join with other Senators in welcoming the Minister to the House and welcome the opportunity to make some points on the Planning and Development (Strategic Infrastructure) Bill 2006. I am particularly pleased to see the Bill come before the House because in July 2001, having co-written a report on the infrastructural deficiencies of the north west region, I had the privilege of presenting the report to the cross-departmental team on infrastructure. Our recommendations in the report included what we described as a higher echelon within An Bord Pleanála who would deal with critical infrastructure Bills. Having got over the embarrassment of most assistant secretaries, of whom there were approximately 25 in the room, laughing at me, we began to explain what we had in mind. In five short years I am delighted that far from laughter there is legislation before the House which proposes to do what many people envisaged. We were one of a group of chambers of commerce from the north west region, and credit is due to them for their vision at that time.

I have said here previously that when it comes to anything to do with planning, notwithstanding the fact that whoever comes up with the optimum planning system will probably win the Nobel prize for literature, peace and everything else, I believe there is a better way. I commend both the previous Minister for the Environment, Heritage and Local Government, the current Minister, Deputy Roche, and the Minister of State, for their efforts in attempting to achieve that optimum system.

I apologise for not being present to hear the Minister's contribution but I had an opportunity

to read most of it. I welcome the Bill. In each of our counties and communities there were infrastructural projects necessary for the wider community, not just one county, and the nation as a whole that dragged out over many years. The inner relief road in Sligo springs to mind; that took 22 years in all. I understand the funding to build it was granted by Cabinet around 1981 and it is open approximately nine months. I am not saying people were not entitled to object to that project but the streamlining of the process is what is needed to ensure that if it is inappropriate for a piece of infrastructure to be put together in such a way, it would be allowed go a different route. This Bill will achieve much of that.

There are many projects in the same position, the inner relief road is but one in terms of Sligo. The ESB pylons issue threatened to keep Donegal in the dark for a number of years. There is the 220 KV connection into Sligo, the gas scenario in terms of Mayo and many projects here in Dublin that are highly contentious also. The Bill is exceptionally welcome in that regard.

I welcome the Minister back to the House. I paid tribute to him in his absence and reiterate, although he may read it in the Official Report, that this Bill will help as we strive to have a better planning system, although the optimum one is still some distance away. It will probably take serious creativity on the part of many generations before we achieve that.

Senator Maurice Hayes alluded to the number of staff the Bill proposes, which is ten. That may be an inappropriate number. A few more might be necessary considering the level of work we will expect them to do. The projected budget is only an additional €256,000, or something to that effect. Perhaps we should make provision for additional staff and amounts of money considering what will be necessary.

The level of consultation that will take place is very welcome. The fact that elected county councillors will have a say is also welcome. I realise, however, it is a move from the executive function where only planning officials had a view. I would query the provision that the county managers should collect these views and send them to the board. Does that mean the council will vote and its collective opinion will be passed forward or will we have the individual views of, in the context of Sligo, 25 county councillors? It would be beneficial if the individual had the right to give their individual opinions rather than a county manager surmising or giving the general view, something I would not altogether support.

The right of somebody to object is not provided for in the Bill but it is something the Minister might consider because I have a major concern about it. The Minister referred to it when he said our planning system is very good at handling planning applications with a local impact in a

local framework, however, I have a difficulty with the fact that somebody who has nothing to do with an area can object to a project. Local people should have an input into local issues, people in a given region should do likewise in the regions while there should be a national input at national level. I say this because not everybody or all organisations are as forward thinking and visionary as the Minister. While I would consider myself a conservationist, I recognise the need to preserve representative examples of all aspects of our heritage — cultural, architectural and others — but there is no necessity or desire to try to preserve every aspect of that heritage. It is not realistic.

In terms of the democratic right of somebody to object, which I agree with, we must come up with a way of localising that to the individual issue or infrastructure project. Overall, 18 weeks is an appropriate amount of time, with the possibility to extend. We should not go too much beyond that. Perhaps six months in total would be appropriate.

I wish to refer to the Seventh Schedule, which I have read. The various types of projects the Minister outlined are excellent and important in terms of transport, infrastructure, energy, telecommunications, rail, etc., but coming from a region like the north west, I am aware of issues such as the forest park development, which was mentioned here earlier. There was a very large hotel development in Enniscrone, in County Sligo. These are strategic infrastructural projects for our region, which is playing catch-up and does not have these type of excellent tourism facilities. They should perhaps fall within the Seventh Schedule. I do not know whether we should limit it because with the new staff and the criteria the Minister has laid out and given the impact on the region and the nation, perhaps we should leave it to An Bord Pleanála to determine the strategic importance of these developments. In terms of the west and north west region, the forest park development and the Enniscrone hotel development would have helped the area greatly. If they had been able to apply directly to An Bord Pleanála——

Ms O'Rourke: Hotels do not come under the Bill.

Mr. MacSharry: The Leader is right but I am complaining about the fact that they do not. The Leader was talking to the Minister while I was mentioning that so I will reiterate it to the Minister.

We cannot make the sweeping statement that hotels are not included because every region is different. One size will not fit all. There are many things in the north west region we would consider valuable parts of our infrastructure, which would

[Mr. MacSharry.]

be strategic in nature. Dublin may be overloaded in terms of hotels but our region is not. We should leave it up to the board, therefore, to say that a region is under-serviced in that regard and we must then examine it. That would make a huge contribution in terms of employment and the tourism amenity among other aspects.

The role of An Taisce, an issue close the Minister's heart before he took up his present position, must be kept under constant review. I acknowledge its great work in many areas but at times I am unsure whether it involves genuine conservation or anti-globalisation. The organisation seems a little unsure and inconsistent at times. This relates to the individual's democratic right to object, which needs to be quite specific to the area in question.

One wonders about organisations that manage to lodge an objection at the last minute of the last hour of the last applicable day. This is done more to create maximum disruption than to engage proactively in the planning process. I ask the Minister to be aware of this.

I congratulate the Minister on the Bill and it is great to see it before the House. I look forward to Committee Stage, on which further improvements can be made and further streamlining can occur. I thank the Minister for taking so much time to discuss the Bill with us in the House.

Mr. Norris: I welcome the Minister to the House. I saw Senator Bradford's contribution on the monitor and heard him refer to the need for a balanced approach. He had a slightly mixed view and had some reservations. I fully support the Minister's intention to speed up the planning process because I recognise there have been unacceptable delays, especially regarding major infrastructural projects. There are various ways in which this can be addressed, not all of which are considered in this Bill.

I have some reservations about the Bill but also very much welcome certain of its provisions. My reservations concern the very difficult matter of public participation, which is extremely important. I am not sure the Bill really respects our obligations under the Aarhus Convention. The Minister is looking rather surprised and perhaps he will demonstrate in his closing remarks how fully the Bill is in accord with the convention. I am anxious that our obligations under the convention to allow for maximum public participation in matters concerning environmental decision-making be completely respected.

I know the Minister is not a friend of An Taisce because he has launched numerous attacks on the organisation, some of which were quite unfair. We have had a few battles about this.

Mr. Roche: The Senator misjudges me.

Mr. Norris: I would hate to do that because I know the Minister is so sensitive about these issues. I noted that An Taisce has spoken about the possibility of the Bill diluting public participation in the planning process. This would be regrettable. Deputy Gilmore indicated that most delays stem from objections by the public, often involving the statutory bodies. This misses the focus slightly because there are so many other causes of delay, including dithering by the Government and the Railway Procurement Agency as a result of their continually chopping and changing. It is very sinister to see the same old forces, names and faces from inside the transport establishment coming out at the last minute with their reservations concerning the metro. I hope this thinking will be strenuously resisted. The same idiotic, half-baked, stupid, exploded arguments are now emerging again and I hope they will be given very short shrift. These arguments do not stem from An Taisce but from those within the transport establishment, as I call it.

There is also the question of delays caused by the High Court process. The initial local authority process is to cease and greater difficulty will be experienced by private individuals. This is a problem. There is also a difficulty in terms of the perception of the Bill. It is noticeable and has been noticed by the public that there is one significant exemption from the process, that is, the incinerator at Poolbeg. The Minister indicated this has nothing to do with lobbying but it looks that way to the average member of the public. The fact that an important infrastructural development in a sensitive constituency should be exempted has a negative appearance and leads to suspicions. I regret that this development has arisen because it looks like it involves picking and choosing and favouring powerful political interests.

The Minister stated engagingly that the new legislation will use the experience and competence of An Bord Pleanála. The public has had much experience of An Bord Pleanála but by no means all of it has been good. The board has not always shown itself to be competent. In this regard, let me return to the case of Standish Sawmills. An Bord Pleanála is granting a retention to this known abuser although it was fined a couple of thousand euro for poisoning fish with pollutants, as I was informed at the end of last week. I keep receiving correspondence from all over County Offaly on this matter. The sawmill's management is being rewarded by An Bord Pleanála. If the Minister is serious about such matters, why does he not appoint an inspector? The provision exists for this to be done. I have reservations about An Bord Pleanála precisely because of its track record.

The Minister stated he is interested in sustainable economic development of the country. I agree that we need this, in addition to ways to

transport millions of people to school and work without their having to spend hours in their cars. I applaud the Minister's objective.

Has the Minister considered the experience of the Spanish regarding the metro? Legislation is required in this area. The Joint Committee on Transport was addressed by Professor Melis Maynar from Madrid, who indicated that, in Spain, there is no assumption of ownership if one digs below a certain depth. This could be considered.

Mr. Roche: It is in the Bill.

Mr. Norris: I am pleased to hear that and apologise for not having seen it. What blindness on my part. The Minister will have to excuse me because I have a cold. I congratulate him and warmly welcome the very important change in the Bill. Not making such provision ends in absurdity. I heartily approve of it because it will speed up projects such as the metro.

The Minister also intends to include gas pipelines. I hope the experience regarding the Corrib gas pipeline will be taken into account. It is in such areas that maximum public participation is important.

My colleague Senator MacSharry referred to a lack of clarity regarding whether people are interested in environmental conservation or anti-globalisation. I do not see any problem with being interested in both. There are many sinister aspects to globalisation and we are right to question it, specifically where it has an environmental impact and when one is dealing with very unsavoury groups such as Shell. These are dangerous, ruthless people and we should be very careful about the way in which we engage with them.

I am glad the provisions do not cover developments such as office blocks and these kinds of speculative areas — it is good they are exempted. However, I do not join in the paean of praise for the local councillors. I have always treated my electorate with a certain degree of detachment and have said whatever the hell I felt like saying. If my electors were councillors, I would say the same thing. Let us bear in mind the history of the past few years, in which we have witnessed the most appalling behaviour and corruption on the part of councillors in Dublin. They were selling out their country and selling planning permission. It has been a stinking shame and we should be careful about accepting their advice on planning matters, in which they have shown themselves to be corrupt. Like the Minister, I travel around the country and while doing so people often tell me abuses of the system have not only occurred in Dublin. I am told the sums involved may not be as big as in Dublin but that corruption has occurred. We should therefore be very chary.

I do not agree with Senator MacSharry regarding his worry about county managers collecting councillors' views and delivering them to the board. I would not like to have private access for councillors who have, generally speaking, shown themselves to be unworthy. Let them prove their track record again.

Mr. Roche: Can I be helpful to the Senator?

Mr. Norris: Yes.

Mr. Roche: Their reports will be debated in open council meetings, of course, so it will not be private.

Mr. Norris: That is good. I am very glad of that, but I am still suspicious. The public will not welcome the fact that councillors are being given these increased powers.

Mr. Coghlan: I think we should admire——

An Leas-Chathaoirleach: Senator Norris, without interruption.

Mr. Norris: I did not hear the interruption. Perhaps the Senator could put it in writing.

Mr. Coghlan: I was only being helpful.

Mr. Norris: One of my principal objections to the Bill relates to the role of councillors. I do not like the idea. I can say something positive about section 9, which will allow planning authorities to refuse planning permission to rogue developers on the basis of their past history of non-compliance. I congratulate the Minister on his inclusion of this terribly important provision.

Mr. Coghlan: Hear, hear.

Mr. Norris: I have referred previously to the case of a fellow who posed as an architect to savage a couple of houses at the top of Gardiner Street so that some unfortunate immigrants and refugees could be squeezed into ghastly and unsafe dormitories. Our lovely planning authorities were taking the man in question to court, while simultaneously giving him planning permission to undertake some more developments in the same area. I take it that the provisions of section 9 will affect cases like the Standish Sawmills case.

I accept that the Minister's intentions are good. I am pleased that difficulties such as those which were encountered with infrastructural projects like the metro will be addressed. I have grave reservations about the involvement of councillors in these matters. I do not give the Bill an unqualified welcome, although certain aspects of it are good. I hope this legislation will have the effect the Minister desires, but I have some reservations

[Mr. Norris.]

in that regard. We need to maximise public participation in planning matters. The Minister regards councillors as lily-white and pure and sees them as the best way of marking his cards in respect of planning, but I do not think that will work — not in my book, anyway.

Ms O'Rourke: I thank the Minister, Deputy Roche, for bringing the Planning and Development (Strategic Infrastructure) Bill 2006 to the House. We are pleased that he has given Senators an opportunity to debate this major and important Bill in full and that he will be present in the House throughout the debate. This far-seeing Bill was being mooted when I was a member of the Cabinet, which is some time ago. I am interested in this legislation, which has been advanced to the stage at which it can be debated in this House, because it has been needed for some time.

I recently spoke at the Colmcille winter school in County Donegal. Has the Minister ever heard of a winter school? We are familiar with summer schools, but this was a winter school. Mr. Colm MacEochaidh, who has represented An Taisce and other organisations, spoke at the school about lobby groups and the fine role he played in standing four-square against snails and all sorts of things on the Kildare bypass. I spoke at the school about the critical infrastructure Bill. It is actually called the Planning and Development (Strategic Infrastructure) Bill 2006, but it is the same thing. I am sure the Minister is aware that Mr. MacEochaidh is ready to do battle on the Bill. He is in favour of the legislation, in a general sense, but he has concerns about the lack of consultation.

The Bill ensures that for the first time, local councillors will have a say in planning matters. At present, they cannot contribute to the process apart from when county development plans are being compiled or reviewed. This legislation will ensure that their views will be taken into account and forwarded to the division of An Bord Pleanála that will deal with critical infrastructure. It is good that councillors who want to have a say will be able to do so. The Minister is well aware that despite the layers of consultation which have been built into the system, this tale will not end with everyone living happy ever after. It is proper that such layers are being put in place, because the Minister has to surround himself with the jargon and apparatus of consultation. I am sure the Minister genuinely means what he has said but this is a big step away from what has been the norm in planning matters. I welcome that move, which is not something I fear in any way.

We have all laboured long and hard to take the serious steps which are needed to allow the country to move forward. We were troubled by

the Kildare matter because we could see no end to it. Delays were also caused by people who were living up trees in County Wicklow. I am sure such people hold their opinions strongly, but they cannot be allowed to delay the progress of a small area but of the entire country, which is trying to improve an infrastructure that is many decades behind that of other countries. I always said when people were talking about infrastructural projects that we were galloping just to get up to speed. I never claimed that the Luas project, for example, would solve all our transport problems, but that did not prevent some people in the media from saying it would not achieve its objective of solving all our problems. I knew that to be the case, but it was a very fine step nonetheless.

I would like to respond to what Senator Bannon said earlier. In a proper debate, one should speak for and against the proposals under discussion. He claimed that Fine Gael would have completed the Luas project in jig time. I will not get into a rant on the matter. When Fine Gael was in power, the consultation process on the Luas project had not really started. The very good judge who was in charge of the process, who was kept on by me when Fianna Fáil took office, sat for just one day before the general election was called. Fine Gael had hardly started the consultative process. The judge in question gave a good example of how such processes should be undertaken. If a Mrs. White — I should not refer to a Mrs. Black — objected to the positioning of the Luas line because it would have impeded her clothes line or passed through her back garden, he listened to her case. He went to look at her back garden that night, before making a decision on her case the next day. The judge might have said that Mrs. White was making a fair point and deserved recompense, or that she was being absurd and had no case whatsoever. The interesting thing about the process of consultation was that everyone accepted the judge's rulings and decisions. I used to read the transcripts. It was the most amazing process I have ever seen.

The manner in which the determined judge oversaw the process in that instance was a foretaste of the provisions of the Bill before the House. People accepted his rulings because they believed he was fair. When each day's sitting ended, the judge travelled to the area in question to view it. When he returned to give his judgment the following day, it was invariably accepted by the people in question, regardless of whether it was in line with what they wanted. I am aware that those involved in the development of railways have the right to acquire lands and build lines under legislation from the 19th century, which was amended in the Transport (Railway Infrastructure) Act 2001. The original licences to build railways were issued under a wonderful Act

that was put through the House of Commons by anxious landlords who wanted their valuable properties to be bought by the great western, northern, southern or midlands railway companies.

I would like to speak about the general issue of planning, as distinct from the Bill before the House. I wish the Minister well with the Bill because I am sure that many people are sharpening their cudgels as we speak. They are preparing the attacks they will make on this legislation. When one quotes to the local authorities the general planning guidelines which were issued in 2004, they say that they interpret the guidelines in a different manner. Local authorities have chosen to interpret the guidelines in the way that best suits whatever they want to do. I was under the impression that sons or daughters of a landowner were entitled to planning permission to build on their parents' land, as long as they had a local job or interest. The county council claimed that was not the case. The interpretation of the earlier guidelines would have allowed it, but not the current guidelines.

The Minister laid great stress on the circular he sent out about courtesy towards those who are looking for information about planning permission. However, the planners involved sometimes claim that they have no time to deal with such requests because there are not enough people in the office. The Minister made a provision for a preplanning meeting which should take place before the planning application is made. Some planners are very good at it, while others claim to have no time for such meetings. When this legislation is passed, the Minister should revisit those guidelines again. Planning is the most contentious issue in which to get involved. I am not referring to developers when I say that; I am not into developers. However, I am concerned for the young couple who wish to build a house for themselves but who cannot get the permission to do so. They could build on their parents' land, yet they are not allowed to do so. That is amazing.

There is a dearth of good planners. They move from one county council to another, they are replaced by other people who then have to get used to their new jobs. UCD has the biggest planning school in the country and it should get more up-to-date on how its planners are educated and trained. Not all planners are like this, but there is a dearth of planners, which has led to a delay in the planning process for people who want to get permission. One makes an application and hopes to wait eight weeks. The day before the eight weeks are up, one gets a letter from the council demanding up to 25 different items, which delays the process for another two months. Something will have to be done about that. A person can be sweating on his planning permission and the

person who acts as his advocate, such as myself, calls the planning department every day, yet suddenly he gets a letter demanding 25 documents the day before the planning permission is due. That will take another two months. This is like a game of chess, whereby those who are looking for permission feel that others are seeking to outwit them all the time, rather than dealing with them in a courteous way. If the application is to be turned down, then it should be turned down.

This is a fine Bill. I like the consultative process provided for. I do not know what effect the views of county managers and councillors will have on the division of An Bord Pleanála where this is to be dealt with. It will satisfy those who feel that the process is happening over their heads and is a draconian plot to do away with anybody having a say on anything. We are not all uncivilised. We do not want 95-story buildings in the middle of rural Ireland. We want to be able to put normal infrastructure into place, so that life can proceed at a slightly less leisurely pace.

Mr. Coghlan: I welcome the Minister to the House and I also welcome the Bill. The Minister's enthusiasm is somewhat infectious and I have no doubt he will carry it through both Houses.

Infrastructure delivery is vital for our future because our success will largely depend on it. I was interested in some of the Leader's comments, especially when she said that the Bill was first mooted when she was in Cabinet. I presumed that the Bill was in gestation for quite a while, but I did not realise it was that long.

Ms O'Rourke: We discussed it at the Cabinet sub-committee on transport.

Mr. Coghlan: I am glad that the Minister is now bringing it before this House. One of the fundamentals in planning is to be fair, responsive, open and transparent and the Minister is making no changes in that respect. The right of people to air their views is sacrosanct. People accept the fairness and impartiality of judges within our democratic system. I have great faith in the members of the new division of the board which the Minister proposes to set up, especially its chairman, Mr. John O'Connor. I am confident the board's impartiality will be accepted. The Minister is increasing the number of members of the board to ten. As planning staff are very stretched and given the timescale involved for appeals to An Bord Pleanála, I am sure the Minister will keep this decision under review. The board will probably need more specialist staff to deal with everything that will come down the line.

I am glad individuals and groups will still have their say on these major infrastructural development applications. I also welcome the role being provided to local authority members to express

[Mr. Coghlan.]

their views to the board, under the proposed strategic consent process. This is important because local politicians are more aware than anyone of what is going on at a local level. I do not agree with the views of Senator Norris on this issue. We all know about the difficulties of the past, but these views will have to be given in an open forum at the council meeting and that is an important protection. However, there is a big difference between what Senator Norris raised, which nobody condones and which was largely confined to Dublin in the past, and what is happening now. Like Members of the Oireachtas, Councillors must now declare their interests.

Ms O'Rourke: That is correct.

Mr. Coghlan: That is most important because they can make or break people, in a sense, through their involvement with the local development plan, material contraventions and whatever other interventions they might make in the planning process, as provided for by the law.

Debate adjourned.

An Leas-Chathaoirleach: When is it proposed to sit again?

Ms O'Rourke: At 10.30 a.m. tomorrow.

Adjournment Matters.

Mental Health Services.

Mr. Browne: The Minister of State at the Department of Health and Children, Deputy Seán Power, is well acquainted with Myshall as his uncle lives in Newtown. The matter I raise has had a chequered history although, thankfully, it is now going in the right direction. The house for the centre is on the outskirts of Myshall village and was bought by the OPW in 2000 to be used as a refugee centre. That did not happen and the house was eventually given to the South Eastern Health Board. The health board did not want it but ended up with a property that has cost a fortune in maintenance and security in the meantime.

A group in Carlow is willing to establish a centre for adults with autism in the house. The Minister might be familiar with the Dunfirth centre in his constituency. I visited the centre recently with a group of parents from the Carlow and south-east area, along with Maria Dollard who is involved in the association. We saw at first hand the excellent work being done in Dunfirth with adults with autism. The adults work in workshops at baking, woodwork, ceramics and so

forth. People with an autism spectrum disorder have a great affinity with nature and animals. Dunfirth provides them with an environment that benefits them. It is planned to provide a replica of Dunfirth, which is on the Kildare-Meath border, in Myshall.

The HSE has been involved in this process for some time but it appears to be putting the onus on the parents to do the work. That is wrong because there are people in the HSE who are assigned responsibility in this area. In July 2003 an independent review of autism facilities in the south east was carried out. The review estimated there were over 3,000 cases of autism in the south-east region. At least 50 of these are suitable for the proposed facility in Myshall. If the centre in Myshall was up and running there would be no difficulty in identifying possible clients for it and it would be able to grow.

It is important that parents have a facility for children with Asperger's syndrome or autism as a follow-up to the great work being done by the Delta centre in Carlow and by other similar organisations. The Minister will be familiar with the work being done in Holy Angels in Carlow, as well as in the Delta centre. The problem is that once the children turn 18, there is no other place for them.

Despite two famous court cases, the Jamie Sinnott case and the Marie O'Donoghue case, the Department appears to have learned nothing. The review of services for autism in the south east clearly specifies the need to develop, as a priority, appropriate services for adults with ASD. The good news is that a site has been identified in Myshall and it is in the ownership of the HSE. The Minister for the Environment, Heritage and Local Government, whose Department is responsible for providing the grant to get the centre up and running, has indicated he will provide funding for the project. The HSE will be responsible for running the centre.

The project must be moved forward. Expressions of interest should be sought. That documentation has been ready since last August but it has not been progressed. The group involved with the project is interested in owning the property and developing it or in taking up a long-term lease, once it can get a guarantee that the HSE in 20 or 30 years time will not evict the residents. The group is happy to enter into any agreement that is acceptable to the HSE or the Department. Obviously, the group will link with local organisations such as the Delta centre in Carlow town and with the excellent work being done by BEAM in Bagenalstown.

Everything is ready to go. It is just a question of developing the site, which has turned into an eyesore and is falling into dereliction. There are seven acres with the house and the local community has indicated that there will be no diffi-

culty leasing additional land if required. I hope the Minister can give an update on the progress being made on this project. The parents have been waiting years for this facility. I hope the Minister will use his influence in the Department to prioritise it so we will see action on it within six months.

Minister of State at the Department of Health and Children (Mr. S. Power): I thank Senator Browne for raising the matter as it provides me with an opportunity to outline to the House the position regarding the additional funding provided for services for children and adults with disabilities in 2006.

Under the Multi-Annual Investment Programme 2006-2009, which is part of the national disability strategy, additional funding amounting to €51.5 million is being provided by the Government in 2006 to meet costs associated with the provision of certain specific high profile disability services. With regard to services for persons with intellectual disability and those with autism, this includes 255 new residential places, 85 new respite places, 535 new day places and the continuation of the implementation of the transfer of persons with intellectual disability or autism from psychiatric hospitals and other inappropriate placements.

In addition to the services mentioned above, further funding of €22.5 million is being provided in 2006. This funding has been allocated to enhance the multi-disciplinary support services for children and adults with physical, sensory and intellectual disabilities and those with autism and to address core underfunding and core staffing issues in services for people with disabilities provided by the voluntary sector. Capital funding amounting to €45 million has also been provided in 2006 to put in place the infrastructural supports associated with the above mentioned developments.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver or arrange to be delivered on its behalf health and personal social services. This includes the responsibility for the funding of new or enhanced levels of health and personal social services.

With regard to the matter raised by the Senator, the Health Service Executive has informed my Department that it has been proposed that an unused property and grounds, owned by the Health Service Executive south-eastern area, in Myshall, County Carlow, be used to facilitate the development of day and residential services for people with autism. To determine whether a service of this nature can be developed in Myshall, the Health Service Executive advertised recently requesting expressions of interest

from service providers to indicate service proposals for autism specific residential services. The expression of interest process and submissions must include an assessment by potential service providers of the option of using this property. Alternative options may be submitted but consideration of the use of the above property is a requirement.

The Health Service Executive further states that a short-listing process will take place following the closing date for receipt of expressions of interest. A more detailed consideration of the proposals will then follow. The final option for the use of the property at Myshall will be pursued as part of the Health Service Executive south-eastern area's multi-annual planning for service developments in the context of approved new development funding and the established arrangements through the regional consultative committee for intellectual disability.

Mr. Browne: Some people were deterred from giving expressions of interest, as they were required to have a proven record in the area. While many people would be interested in getting such a facility operational using Dunfirth as a model, they would not have a proven record in the area. Not having a proven record in the area should not debar applicants. It is more important that they show a commitment to do it, and learn from the Dunfirth example and improve on it if possible.

Mr. S. Power: It is a matter for the Health Service Executive when it comes to seeking tenders or expressions of interest. If we were to equate it to these Houses, many of us would never become Members if we were required to have experience before coming here.

Mr. Browne: Exactly.

Grant Payments.

Mr. Feighan: I welcome the Minister of State to the House. The recently announced farm investment grants are very welcome. However, many farmers are anxious that these grants be administered as quickly as possible. Many improvements require investment and this is the time of year when such works should be carried out. Farmers want to plan ahead in the knowledge of the finance they will be able to get before starting improvements on farmyards.

I am somewhat sceptical about schemes requiring approval from Europe. Officials from the Department of Agriculture and Food are inclined to say that the issue is being dealt with in Brussels or has not been signed off by the Minister. I sometimes wonder whether these announcements are made to coincide with a particular occasion. I know the Minister of State has the farmers'

[Mr. Feighan.]

interests at heart and I am anxious that these grants be administered as quickly as possible. Many people are looking forward to investing in their farms and developing various areas and the sooner the grants are available the better. I am sure the Minister of State will have good news for me.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I thank the Senator for raising this important matter. I am glad to be able to speak on a topic of such interest to farmers within the context of implementation of the nitrates directive here. The revised farm waste management scheme will provide a very satisfactory financial package for those farmers who are required to carry out investment works to comply with the terms of that directive.

As the proposed grant-rates are in excess of the regulatory limits applied to European Union co-funded schemes, EU state-aid approval was required prior to implementation of the scheme and such approval was sought for the revised scheme in September 2005. Since that time, ongoing negotiations have taken place between the Department and the European Commission regarding the approval of the state-aid application. These culminated in the Minister for Agriculture and Food, Deputy Coughlan, having a very helpful meeting with Commissioner Fischer Boel on 9 February 2006 during which the Commissioner recognised the importance for Ireland of the early introduction of the revised scheme. Following this meeting, the Minister is satisfied that EU approval for the revised scheme will be available very shortly.

Subject to receipt of the required approval, the scheme will provide the following measures. It will introduce a standard grant rate of 60%, with 70% being available in the four zone C counties, Cavan, Donegal, Leitrim and Monaghan, for both animal housing and slurry storage. The current standard grant rate for such work is 40%. In addition, top-up grants will be available for young farmers in certain cases. The scheme will provide for the extension of the maximum income unit ceiling for farmers from 450 to 650 income units, with no upper income limit being applied in the case of pig and poultry farmers. The maximum eligible investment will increase from €75,000 to €120,000 per holding. However, investments carried out under previous versions of the scheme are deducted from this ceiling.

The minimum income requirement from farming will be eliminated from the scheme so that all small farmers can participate in the scheme. At present, farmers must have a minimum of 30 income units, of which 20 income units must come from farming. The scheme will be extended to include horses, deer, goats, pigs and poultry,

and mushroom compost. These sectors have not previously been eligible for grant aid under the scheme. A new 40% grant rate will be introduced for specialised equipment with specific environmental advantages subject to a maximum eligible investment of €80,000 in the case of decanter centrifuge systems and dry feeding systems for pigs, and €40,000 in the case of specialised slurry spreading tankers and related equipment. Under the current scheme, all mobile equipment is grant-aided at a rate of 20%. Investments under these headings will be deducted from the €120,000 investment ceiling per holding referred to previously. The maximum eligible investment for standard mobile equipment will increase from €11,000 to €15,000 with the grant rate remaining at 20%.

Farmers should prepare for the introduction of the revised scheme by arranging for the necessary planning permissions, etc., as soon as possible. The prior written approval of the Department of Agriculture and Food will, of course, be necessary before work can be commenced. Application forms will be available in the local offices of the Department as soon as the scheme is launched.

In addition to the revised farm waste management scheme, it is also proposed, subject again to receipt of the required EU approval, to introduce a pilot waste processing facilities scheme which will provide grant aid to support the demonstration of new technologies to help the agriculture sector, particularly the pig and poultry sectors, meet the requirements of the nitrates directive. The scheme envisages the granting of financial support for up to ten projects throughout the country which would demonstrate the advantages of emerging technologies in reducing the volume of livestock manures or their nutrient content. Such examples could include fluidised bed combustion or treatment plants comprising anaerobic or aerobic digestion systems. The maximum investment ceiling per project will be €1 million and the total State contribution to these projects, at a grant rate of 40%, would accordingly be up to €4 million.

The combination of both these schemes confirms the continuing commitment of the Government to the farming sector and will ensure that a very significant and wide-ranging financial package is available to those farmers who intend to carry out investment works in order to meet the requirements of the nitrates directive.

Mr. Feighan: I thank the Minister of State for the valuable information he has given. However, does he know when this will be implemented? Will it happen in weeks or months?

Mr. B. Smith: We are not talking about months.

Water and Sewerage Schemes.

Mr. Finucane: I welcome the Minister of State to the House. When I raised this matter on 14 October 2004, I did not receive a very optimistic response. I was disappointed as the Shannon Estuary water supply scheme was intended to include many areas including Loughhill, Ballyhahill and Glin and parts of Shanagolden, which is a very wide area and would represent an extension of the existing scheme. Many group schemes and wells are included in that area. It is hoped that the scheme would be extended to embrace those areas.

In 2003 the local authority, in submitting its assessment of needs to the Department, placed a high priority on this scheme, which was ranked fifth. When I presented the case to the Minister in October 2004, while he was sympathetic he could not indicate what the position was at that stage. Apparently it would not have been included in the 2004 to 2006 water schemes. However, the Minister indicated he would take into consideration what I had said and reconsider the case. I have allowed a considerable period to elapse on the basis that the Department could give a firmer indication of the status of the scheme. When is it likely to be included in the water services programme?

Perhaps the Minister of State might also adumbrate a timeframe for it.

Mr. S. Power: I thank Senator Finucane for raising the issue. I make this reply on behalf of the Minister for the Environment, Heritage and Local Government, Deputy Roche.

Providing modern water services infrastructure to support social and economic objectives has been a major focus of Government spending over the past few years. There has been unprecedented investment by the Department under the national development plan in water and sewerage schemes, and that has made a key contribution to the economic growth that has benefited every part of Ireland.

The Department's Water Services Investment Programme 2005-2007, published in December, includes funding for more than 20 schemes throughout Limerick. Towns and villages such as Athea, Askeaton, Foynes, Glin, Shanagolden, Kilmallock, Dromcollogher, Hospital, Pallasgreen and Bruff can all look forward to new or upgraded sewerage schemes.

Many areas will also benefit from improved water supplies from the major upgrade planned for the Clareville water treatment plant, improvements to the Shannon Estuary water supply scheme and extensions of the Limerick county trunk water mains. In total, almost €158 million has been allocated under the programme for water and sewerage schemes in Limerick. It is clear from all this that a very large number of

towns and villages in Limerick are directly benefiting from the drive to bring our water and sewerage infrastructure up to a modern standard.

When selecting individual projects for approval as part of the water services investment programme, the Department takes into account the priorities identified by the local authorities themselves. In this case, an extension of the Shannon Estuary water supply scheme to Loughill, Ballyhahill and Glin was included in fifth place in the list of schemes submitted by Limerick County Council in response to the Department's request in 2003 for all local authorities to produce updated and prioritised assessments of new infrastructural needs in their areas. A water supply scheme for Shanagolden was included as a longer-term priority for the period 2007 to 2012.

The local authorities' assessments of needs are the main input to the approval of individual schemes by the Department. That process has resulted in Limerick County Council currently having a very extensive package of works for which formal departmental approval has been given and for which the necessary Exchequer funding is in place. The €158 million worth of projects to be completed over the next few years will transform the quality and coverage of the county's water and waste water infrastructure and deal comprehensively with the essential infrastructural requirements that the council has identified.

However, as far as the proposals for the areas referred to by the Senator are concerned, the Minister is afraid that, because of overall local and national priorities, along with the high level of competing demand for the available funding, it has not so far been possible to include them in the water services investment programme.

On the positive side, the Minister emphasises that the current water services investment programme, which covers the years 2005 to 2007, is part of an ongoing three-year strategy that has been rolled forward at regular intervals since the beginning of the current national development plan in 2000. New schemes will continue to be added to future phases of the programme in line with the prevailing priorities identified by the local authorities.

In that context, the Minister envisages that local authorities will be afforded a further opportunity in 2006 to undertake completely new assessments of their needs and to review their overall priorities again. The new needs assessments will be taken into account by the Department in future phases of the water services investment programme. The Minister can assure the Senator that what he has said will also be borne in mind when the next batch of new schemes is considered for approval.

An Leas-Chathaoirleach: Senator Finucane may speak again if he has a question.

Mr. Finucane: Of course. The reply is very similar to the response I received in October 2004. There has been no movement whatsoever, and the only commitment the Minister of State has given is that in 2006, if the council once again provides its assessment of water needs, the Government will re-examine the matter. I am bitterly disappointed at the response, since there has been no progress. I continually receive a thesis on

what the Government intends for County Limerick, but I would like to see a practical reality at some stage.

Mr. S. Power: I appreciate the Senator's frustration, but I am sure he has plenty of influence on the local authority. It is important to say that when submitting proposals, those prioritised by the local council naturally receive funding first from the Department.

The Seanad adjourned at 6.55 p.m. until 10.30 a.m. on Wednesday, 8 March 2006.