



# SEANAD ÉIREANN

---

*Dé Céadaoin, 7 Deireadh Fómhair 2009.*

*Wednesday, 7 October 2009.*

---

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

---

*Paidir.*

*Prayer.*

---

## **Business of Seanad.**

**An Cathaoirleach:** I have received notice from Senator Fidelma Healy Eames that she proposes to raise the following matter on the Adjournment:

The need for the Minister for Education and Science to clarify if Coláiste na Coiribe, Galway city, will be included in the next public private partnerships bundle and when that is likely to be in order that the school may proceed to meet the large pupil enrolment on waiting lists for accommodation.

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

The need for the Minister of Finance to expand the amenity that is Corlea project, Kenagh, County Longford.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to approve emergency funding to Donegal County Council for the replacement of defective water pipes in Crolly, Glasserchoo and other parts of Rosses regional water supply pipe network.

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

The need for the Minister for Communications, Energy and Natural Resources to make a statement on how the future development of the River Foyle can be co-ordinated and maximised across all possible marine uses under one possible cross-Border agency.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Healy Eames, McFadden and Ó Domhnaill and they will be taken at the conclusion of business.

## **Order of Business.**

**Senator Donie Cassidy:** The Order of Business is No. 1, Industrial Relations (Amendment) Bill 2009 — Second Stage (resumed), to be taken at the conclusion of the Order of Business and conclude not later than 2 p.m., if not previously concluded, on which spokespersons may speak for 12 minutes and all other Senators for seven, on which Senators may share time, by

[Senator Donie Cassidy.]

agreement of the House, and the Minister shall be called upon not later than 1.50 p.m. for concluding comments; No. 2, Planning and Development (Amendment) Bill 2009 — Order for Second Stage and Second Stage, to be taken at the conclusion of No. 1 but not earlier than 2 p.m. and adjourn not later than 5 p.m., on which spokespersons may speak for 20 minutes and all other Senators for 12, on which Senators may share time, by agreement of the House; and No. 28, Private Members' motion No. 35 re national transport regulator, to be taken at 5 p.m. and conclude not later than 7 p.m.

**Senator Frances Fitzgerald:** Recent disclosures of excesses at FÁS and yesterday's events involving the Ceann Comhairle and ministerial expenses can only be described as a line in the sand as to how the Oireachtas and Ministers should do their business and how hard earned public money should be spent. The issue of reform must be on the agenda. The Ceann Comhairle has reached the correct decision to resign. He is the third highest officeholder in the Oireachtas and his position was untenable. Fine Gael believes he should step down today rather than wait for a week and we need to get on with the serious business of dealing with the challenges facing the country. It is important that the Ceann Comhairle's position is not seen in isolation. It is symptomatic of the culture of waste and lavishness of the years of the Celtic tiger.

I spoke yesterday about the new FÁS legislation. While we need to see signs of reform we cannot see it in that legislation. Will the Leader invite the Tánaiste and Minister for Enterprise, Trade and Employment into the House to explain how we will get value for money from FÁS, why she will not have a more open process for the appointments to its board, and why she will not use an Oireachtas committee to consider the appointees rather than rely on ministerial decision? This is the wrong approach. If the Government were serious about reform it would take a different approach. This is just one example of an opportunity for reform which has not been taken.

We are asking members of the public to tighten their belts. Yesterday Senator Alex White asked a very reasonable question about the Government's approach to the McCarthy report and the taxation report. We have not seen leadership in respect of the hard decisions that must be taken. The workers in Aer Lingus who are about to lose their jobs will get no golden handshake or deferred resignation. There were scenes of great distress at Intel among the employees who were told yesterday they were losing their jobs. I said we need a debate on job protection, job creation and support for employers. I call again for the Tánaiste to come to the House for a serious debate on those unemployment queues and the proactive decisions the Government needs to make to help those on those queues which are increasing daily.

**Senator Joe O'Toole:** I wish to raise a point of order which is no way a challenge to the Cathaoirleach's ruling on the incident that occurred on the Order of Business yesterday. There is some confusion which I can understand from all points of view. I do not think that Senator Harris's initial contribution contravened the laws of the House. Will the Committee on Procedure and Privileges, CPP, consider this? The convention was that if somebody outside the House was attacked it was unfair because he or she could not defend him or herself and it would be correct to intervene. We often congratulate people outside the House, which we might not like but which we accept. There is, however, a rarely used constitutional entitlement to privilege in these Houses to name somebody or something outside the House in a way that would not be appropriate outside the Chamber. I do not wish to challenge the Cathaoirleach and I do not seek an immediate response but it would be helpful for the CPP to discuss and clarify this issue because there is genuine confusion about it.

In the course of his second intervention Senator Harris, whom I have known for 30 years, in defending one public servant managed to have a go at another one in this House. I have watched the Clerk of this House operate over the years and know that she has done so without fear or favour to any group although sometimes to our irritation. She is an extraordinary resource and has our full confidence.

**Senators:** Hear, hear.

**Senator Joe O'Toole:** I do not blame the Cathaoirleach in any way but the initial issue needs to be sorted out because the uncertainty has grown over the years. Afterwards yesterday people discussing the matter wondered what exactly is the position. We need to discuss this matter.

Taking up the issue raised by Senator Fitzgerald, we need to have a broad discussion on the economy. We need to hear another view on the tax reform group and the McCarthy report, issues which we have not discussed. We must discuss how we deal with this society. It is not just an economy, it is a society of people. We must achieve a balance between getting the economy right and treating all the people fairly. We need to recognise that people cannot be steamrolled. I resent and reject the media question about whether the Government has the bottle. It is very easy to have the bottle to steamroll over people who cannot articulate their points of view, do not have a voice or solid representation. It is not a question of bottle but fairness and equity and considering the issue from all points of view. It would be very helpful to have a general debate covering the tax reform report, the McCarthy report and related matters so that people can say how they see the economy going.

The Government cannot afford to do business sitting in an ivory tower in Merrion Street talking down to people without getting its hands dirty. It needs to get down and dirty or else we can rent the space outside the Kildare Street gate from now until Christmas because there will be some group out there every week and that will grow and grow. We need to head that off at the pass.

**An Cathaoirleach:** In regard to Senator O'Toole's point about yesterday's Order of Business, we can take this matter up at the CPP. It is a well-established precedent of both Houses that references to people outside the House, including public officials, are not permitted. The Chair has always ruled that persons outside the House should not be referred to by name or in any way that would make them identifiable. Even where a Senator wishes to pay tribute to a person outside the House, or an official, there may be other Members who wish to express a contrary view.

In brief, there are two issues on which those rulings are based. Contributions made in the House have absolute privilege and it is the responsibility of each Member and the Chair to ensure there is no abuse of this privilege. Members should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable as he or she is defenceless against accusations made under privilege of this House.

**Senator Alex White:** The Cathaoirleach's comment fortifies Senator O'Toole's statement about the necessity for the CPP to consider this.

**An Cathaoirleach:** That is a matter for the committee.

**Senator Alex White:** I will not dwell on the issue now because it is more appropriate to the committee. I sit on that committee and will make my views clear there. It is absurd to suggest that a Member of the Parliament, duly elected to this House, cannot comment on persons

[Senator Alex White.]

outside. The whole country is talking about particular individuals and it is nonsensical to suggest that this the only place in which there can be no reference to them. It beggars belief.

**Senators:** Hear, hear.

**Senator Alex White:** I have respect for the Chair and for his ruling and we will all follow it. We all understand our position here and that we are covered by absolute privilege. We understand the responsibility given to us and we all, generally, observe that. My colleague, Senator Hannigan, said yesterday that he did not think Tony Blair should be made president of the European Union. Nobody in their right mind would suggest that Senator Hannigan cannot refer to Tony Blair. It would be beyond belief. With respect to the Cathaoirleach the ruling has been too generally articulated and must be revisited. I agree that we should protect people who cannot defend themselves, who cannot come in here or do not have a forum, from charges, but the rule that we cannot refer to or comment on people is too wide and will have to be revisited soon.

**An Cathaoirleach:** It is a matter for the CPP which will deal with it at the earliest opportunity.

**Senator Alex White:** That should happen because neither I nor my party will agree to such a broad restriction on Members. It is nonsensical. I do not mean that the Chair is nonsensical but such a restriction would be nonsensical. I maintain absolute respect for the Chair and for this forum but that kind of restriction is too onerous.

I did not receive a response from the Leader to a question I put yesterday about the €4 billion in savings that the Government says are required this December. I thought my question yesterday was clear. The Cathaoirleach always tells us to confine ourselves to questions to the Leader. This is the question to the Leader. I know where the €4 billion came from so he should please not tell me that.

**Senator Donie Cassidy:** Why did the Senator ask then?

**Senator Alex White:** The Leader was not listening to the question. The Leader either was not listening or chose for his own purposes to answer an easier question, which he does from time to time.

*(Interruptions).*

**An Cathaoirleach:** Please, no interruptions.

**Senator Alex White:** I have the question so that it may be absolutely clear.

**Senator Frances Fitzgerald:** He has years of practice.

**Senator Alex White:** In April this year the Government made it clear that €4 billion must be found in savings in December. We can tick that box because we know it. The Government stated also that this figure would be broken down into €2.5 billion in expenditure cuts and €1.5 billion in taxation measures. In August, out of the blue, the Minister for Finance, Deputy Brian Lenihan, said the entirety of the €4 billion must be found in expenditure cuts. My question is simple. When and why was that decided? That is pretty clear.

**Senator Joe O'Toole:** Hear, hear.

**Senator Alex White:** Can it be made any clearer?

**An Cathaoirleach:** The point is made.

**Senator Alex White:** That is my question.

**An Cathaoirleach:** Yesterday I missed calling a number of Senators. I now call on Senator Bacik.

**Senator Ivana Bacik:** Yesterday I wanted to say a word of thanks to my colleague, Senator Norris, for his kind words about me on the Order of Business. I am very grateful to him and I look forward to working with him and Senator Ross in representing our constituents in Dublin University. I also wanted to congratulate Senator Norris on his recent acclamation as Gay Icon of the Year by the National Lesbian and Gay Federation in its first annual awards——

**Senator Liam Twomey:** He is finally recognised.

**An Cathaoirleach:** Questions to the Leader, please.

**Senator Ivana Bacik:** ——if I may be permitted to do that, as I am speaking about a Member of this House. I echo the words of Senator Alex White in that it does seem absurd in the extreme if we cannot comment on any individual outside the House. Clearly, we do it all the time as a matter of routine and this must continue.

I also welcome the outcome of the Lisbon treaty referendum which I hope will usher in new potential for workers' rights with the implementation of the Charter of Fundamental Rights. I ask the Leader for a debate on the implications of the Lisbon treaty, particularly for workers' rights, and for the improvement of work conditions through implementation of the charter. Not only was the result very welcome for Ireland generally, and for the protection of human rights for all of us, but it was also very welcome in that we saw the defeat of a group that might be described as the armed or paramilitary wing of the Catholic Church, namely, C  ir. Perhaps now that the Catholic Church has disowned C  ir it might better be described as the dissident wing, or "Continuity Catholics". It was very welcome to see that organisation defeated. Its posturing and the manipulation of the truth in its posters backfired on the whole campaign against the Lisbon treaty. I say that, knowing there were very many people who voted "No" for very good and rational reasons whom I do not denigrate in any way. The C  ir campaign was dishonest in the extreme.

Now we are back to real politics with a vengeance. People outside are not only discussing the resignation of the Ceann Comhairle last night — which I believe was a correct decision — but there is an ongoing debate about NAMA. I ask the Leader to give time in this House for us to debate NAMA properly and in an informed manner, with answers to the questions that need to be asked. I refer, in particular, to the question Fintan O'Toole, if I may mention his name, has been asking, namely, why we are spending billions of euro propping up a zombie bank, Anglo Irish Bank. That must be the most burning question because it raises doubt about the Government's plan to implement NAMA. NAMA clearly has many flaws as a whole. Many of us have questioned the very idea of it and have suggested alternatives. However, Anglo Irish Bank is the bank or institution that perhaps exposes most drastically the extraordinary flaws and the extraordinary gamble the Irish taxpayer is being asked to take with NAMA. We need that debate in an informed environment where we will get answers to questions.

**Senator Joe O'Reilly:** It has become accepted wisdom that more than €4 billion must come out of this economy in the upcoming budget or there will be €4 billion in cuts. I would like a debate on these specific issues. Two points must be made clear and this must happen in advance of any such drastic cutbacks. First, it must become clear there is a new system of governance

[Senator Joe O'Reilly.]

in this country, namely, that value for money and elimination of waste will become an article of faith. In other words, there can be no repetition of the FÁS scenario. This repeats itself all over the place but has not been exposed. I want the Leader to organise a full debate on how we can establish this in the first place.

Second, there must be a clear commitment that the weak and vulnerable people who depend on rural transport and frontline services will not become the scapegoats for the years of waste in this economy. We need to discuss the elimination of waste and this cannot be sorted out on the backs of the weak and the needy. We need a clear commitment on both principles. There must be a full rolling debate in this House, and the backdrop to any set of drastic cuts must be first to establish the elimination of waste — there are many areas to do this — and, second, to establish the rights of the vulnerable. We must establish those principles or there is a danger we will exploit and make victims of the poor and needy in our society. The people outside these gates will not accept anything else.

To pick up a theme of Senator Norris yesterday, we will have a revolutionary situation in the country next spring if we do not get these matters right now.

**Senator Marc MacSharry:** I join others in welcoming the fact the Committee on Procedure and Privileges will look at the issue of naming people. As possibly the most regular offender, while never wishing to offend the Chair, the Clerk or the Assistant Clerk of the Seanad, it is important we deal with the issue. It is simply impossible not to name certain people in the course of trying to represent the public interest.

Following on from a matter I mentioned last week, I ask the Leader to arrange time, perhaps Private Members' time, between now and the budget to be set aside so we can give our views, under the various ministerial voting areas, on where cuts should be made and from where the €4 billion can best be cut. We will need to do that in a proactive way so that we can have our say. Perhaps if the various group leaders were prepared to put Private Members' time aside to allow for two subjects each week, for example, education or agriculture, we could come forward with actual suggestions. Obviously, none of us want cuts anywhere but on the basis that we must have some then we might focus on those particular areas.

In the main I ask that time be set aside to debate a report which I and other non-political people from relevant backgrounds prepared during the summer. The report deals with what we believe to be the imminent problem of home repossessions as the inevitability of interest rate rises comes upon us and the obvious inevitability of further savings adjustments and cutbacks to the public. As we saw yesterday in the ESRI report, 35,000 families are projected to be unable to pay their mortgages next year. I believe that is a conservative figure and that we are faced with an imminent social disaster. On that basis we prepared a report with tangible and informed recommendations and suggestions that could form a legislative basis for improvements that could be implemented to protect families who, temporarily and as a direct result of the economic crisis, will find themselves unable to pay their mortgages. We must differentiate clearly between those who are genuine in such cases and those who, because of wilful neglect, refuse and do not pay. I intend to make that report available to all Members today and ask that we might debate it for an hour or two next week.

**Senator Paul Coghlan:** There is no doubt, as speakers have noted, there is considerable ongoing concern regarding expenses. In respect of ministerial expenses, it has been alleged in some quarters that there is a lack of uniformity. There is a question of standards involved which is very important for everybody, especially for the office-holders. How does the role of

the Departments and the accounting officers interplay, if at all, with the Oireachtas Commission? I understand the commission has presented proposals to the Minister for Finance. I do not wish to go further into it but there are questions here and perhaps inconsistencies. The Leader might wish to comment briefly on the matter.

Regarding FÁS, to which Senator Fitzgerald referred, I cannot accept and do not believe any of us accept that the Minister is refusing, apparently adamantly, to allow any vetting of people to be appointed. If the people to be appointed are worthy, which I am sure is the intention, there is nothing to fear. They should be prepared to come to a joint committee meeting.

I support what Senator O'Toole said with regard to the House being allowed to discuss the McCarthy report and the report of the Commission on Taxation.

When, if at all, will Committee Stage of the Property Services (Regulation) Bill be taken? There is a growing belief that it is the Government's intention to allow the Bill to go by the wayside with this Parliament, when it falls.

**Senator Jim Walsh:** I ask the Leader to arrange a debate on the recent OECD report which highlighted the high salaries in the public service. There are also high salaries in the private sector. For the past 12 months I have felt that we must collectively resolve the question of the inflated salaries and wages being paid throughout society. If we try to protect them, as trade unions appear to be doing, the outcome for the economy and for everyone will be so disastrous it does not bear thinking about. When the International Monetary Fund assisted the Latvian Government when it was on the verge of bankruptcy, the IMF imposed a condition that public service salaries should be reduced by 35%. Trade unions, which appear to be gearing up for a period of unrest, could destabilise the economy. No one in the public service or anywhere else will thank the unions when the IMF comes and sees that our salaries are between 30% and 40% higher than those in the rest of Europe and says that unless a correction is made we will not get money from the fund. We could be faced with this within the next 12 months.

Yesterday, comments were made about politicians picking up messages while campaigning for the Lisbon treaty. I heard one clear message while campaigning. It was that people want politicians of all creeds to get together and tackle, in a cohesive way, the serious problems which the country and they as individuals are facing. We owe it to people to do that. We did it for the Lisbon treaty campaign. We need to do it in this instance as well.

I commend Senator MacSharry on his call for a debate on a very difficult social issue which is pending and will increase. We must have some scheme to deal with those who will find themselves unable to meet mortgage repayments on their homes. It behoves us to look at this matter. Senator MacSharry has done a good paper on this issue, which he will circulate. I hope the programme for Government will focus on such major issues as this.

To those who are preoccupied with the headlines of expenses, I say the issue of expenses will be dealt with but I am not sure if they will be happy with how they are dealt with. The country is going down the Swanee, fiscally and economically. Unless we all put our shoulders to the wheel we will live to regret it and we will not be thanked.

**Senator David Norris:** In your statement on privilege, a Chathaoirleach, you indicated that you would tolerate no abuses of privilege. That is appropriate. However, as you spoke it seemed to me that you are allowing no use whatever of the privilege. A privilege that cannot be used is meaningless. I have used this privilege. It must be used sparingly and judiciously. I used it, within the term of this Parliament, on the Adjournment and I was successful in righting a serious wrong against a citizen. I propose to use it again when the immigration Bill is brought before the House if the Government persists in the most extraordinary course of naming some-

[Senator David Norris.]

one to an office about whom I think the House is entitled to raise doubts. I serve warning that I will do so. It is important we have this freedom.

We should debate the McCarthy report. Mr. McCarthy has taken a scattergun approach. He is like someone who brings a machine gun to a coconut shy. He gets a couple of bull's eyes but the place is wrecked and some personnel are injured. The idea of scrapping the Irish Film Board is insane. It has yielded money and led to the development of an industry. We need to value-for-money test every proposal in the McCarthy report.

Yesterday, I agreed with Senator Fitzgerald who objected to the idea of mere nomination to the board of FÁS. That is not appropriate and does not allow for transparency or accountability, which we need to have in these circumstances. I was astonished to hear Mr. Tom O'Connell of the Central Bank say the economy was bubbling along on the bottom, as if this was satisfactory. People are losing jobs and are under pressure. There are difficulties in Aer Lingus and in other places. Against this background we must be very careful.

I wish to raise two brief matters. Can the Leader give the House a date for the introduction of a Civil Partnership Bill? In the previous Lisbon treaty referendum, the misallocation of 3,000 votes was discovered as a result of a random sample of 10%. A citizen in, I think, Donegal asked for an explanation of this from the Minister, the returning officer and the Garda Síochána but has been met by silence. He was concerned because a referendum could be won or lost by a small margin of votes. In this case it was not. The margin was overwhelming. Nevertheless, the position remains. We must be able to have trust in the effectiveness and fairness of the ballot.

**Senator Cecilia Keaveney:** I agree with Senator Walsh that the issue of expenses will be addressed. I also note that the press gallery is empty again today. When we talk about expenses it is important to look at what we do to incur those expenses. Too often we do not sell the message about what we are doing. Regarding the Ceann Comhairle, I agreed with the stance taken by Fine Gael at the beginning of the week that natural justice would be allowed and people would be enabled to give their say. I am disappointed that this changed. I am a member of the Houses of the Oireachtas Commission and I was looking forward to natural justice and to people giving the other side of the story. When the cloak spreads further, as it undoubtedly will, I hope we will get the same justice from the media in explaining what we do for our expenses.

**Senator Eugene Regan:** The Senator can explain it at the next general election.

**Senator Cecilia Keaveney:** Some months ago, I raised the issue of the mosquito device. I am a member of the Council of Europe, which has tried to introduce a ban on this device. A draft report on it is ready and I ask that we discuss the device in the House. Many young people are in the Visitors Gallery at present. Many adults do not understand this issue and its importance. Young people came to the council and asked us to do something about it. The mosquito device is a high-powered sonic device designed to stop people under 20 from gathering in public and private places. It discriminates against them and makes them all appear to be bad children who are up to no good. Those over the 20 to 25 age range do not hear the device. If we debate this issue, I ask that all Members be given a set of headphones and exposed to the noise to which young people would be exposed so that we understand the issue. The issue is specific to young people and is discriminatory against them. We are not taking the device seriously because we do not hear it. This is a health and safety issue. It is also a measure of discrimination, against which the Council of Europe battles in every forum.

Money will be wasted through our failure to comply with EU directives. Can the Minister for the Environment, Heritage and Local Government give an update on water and sewerage

schemes in towns which are in breach of European directives and will incur large costs as a result?

**Senator Fidelma Healy Eames:** Yesterday, the Economic and Social Research Institute said that 35,000 families face the prospect of not being able to pay their mortgages. We are talking about people's homes. Like Senator MacSharry, I have raised this issue on previous occasions. What is the Government doing? While Nero fiddles here, Rome burns outside. If people lose their homes, the country will fall apart. Of the 35,000 at risk, more than half will be in negative equity if prices continue to fall. This makes a mockery of the proposals in respect of property tax and NAMA, through which we will bail out banks which could be foreclosing on homes. The House must get serious. I, therefore, welcome the prospect of a debate on this issue. For some time I have been working on a proposal to assist people to keep their homes.

Before the weekend, will the Minister for the Environment, Heritage and Local Government, Deputy Gormley, reconsider his ludicrous proposal of an 80% NAMA tax on lands that have been compulsorily purchased for road projects? Farmers never wanted to give up those lands, yet family farms have been split. How ludicrous and unjust is this? The N6, N17, N18 and outer city bypass projects will decimate Galway's farmers who were given no choice but to have their lands compulsorily purchased for the greater good.

I asked the Leader a question yesterday, but he should excuse me, as I did not hear his answer. Will he ask the Minister for Finance to justify the excessive salaries paid to CEOs in the public service? Packages worth €400,000 to €700,000 are awarded in the ESB, the HSE, Bord Gáis and RTE. Public broadcasters are being paid up to €800,000 a year. Let us get real and take it from the top.

**Senator Ann Ormonde:** I endorse the points made on expenses by many of my colleagues. The issue should be settled once and for all. I am ashamed by the bad press we receive. It is as if we have all been selected or elected to be corrupt and abuse the system. The way the media are treating us is wrong. I do not care how, but it should no longer be said everything we do is shady. All I want to be is a public servant and to do my job to the best of my ability. I am not in it for the money. Neither I nor my family wants to be tainted in this way, but the message I am picking up from the media is that either I must answer every time I move inside and outside the House or else I am doing this for my benefit alone.

I support the request for a debate on taxation reform and the McCarthy report. I agree with many of the Opposition's points, in that there has been colossal waste. FÁS is an example; its management has worked from the top down. This hierarchical concept of society must change. I am not asking for a reversal to a bottom-up approach, but we should at least have a discussion. Many fine people in FÁS knew nothing about what was occurring at the top. It is a shame that they have been grouped together as if they were all guilty for the way in which the top layer managed its business.

Society is changing and we must discuss how business is done. The vulnerable must be protected. I support Senator MacSharry who cited many examples of vulnerable mortgage holders. My job is to protect the vulnerable in society. I am not interested in society's top layer but its bottom layer.

**Senator Dominic Hannigan:** I ask the Cathaoirleach bear with me. Yesterday we lost a fine servant of the Houses who resigned because of the expenses regime in place. I pay tribute to him for his work and applaud his integrity. To avoid confusion, I am referring to Mr. Tom O'Higgins, chairman of the audit committee, who resigned because he believed the Houses were not doing enough when it came to the transparency of expenses. He wrote to the Commission of the Houses of the Oireachtas about the matter but has been waiting months for a

[Senator Dominic Hannigan.]

response. At this stage, we cannot afford to delay further. I must disagree with those Senators who claim the process is in train. The Minister for Finance, Deputy Brian Lenihan, must act now, as we must restore some credibility to the Houses.

I refer to last night's "Prime Time" programme on which a professor of economics at Columbia University, a Nobel prize winner in economics, was interviewed by RTE. I will not name the gentleman in question. He was concerned that NAMA was a criminal issue because taxpayers were being robbed. He suggested that if the Minister did not like the phrase "temporary nationalisation", he could use another term, namely, "pre-privatisation". Would that suit the Minister? Clearly, another expert has come out against NAMA and told us that we are taking the wrong approach. The Government needs to listen and we should debate the issue.

**Senator Liam Twomey:** Perhaps those who have been Members for longer can tell me, but I have no recollection of a Member of either House resigning over the excessive spending of taxpayers' money. It is an historic first. We must recognise the considerable and palpable anger of the general public. It is like an open sore. This is not just a question of a senior Member on the Government side resigning over excessive expenses. Rather, there is a sense that the matter goes even wider. We should be seeking the establishment of a commission along the lines of the Office of the Comptroller and Auditor General to examine expenses across all Departments. When matters move on, there is a sense that yet another Minister will be on the firing line. Many Senators know of a few Ministers who are predisposed to excessive spending of taxpayers' money, be it on haircuts, meals or international flights. Unfortunately—

**An Cathaoirleach:** Is the Senator seeking a debate?

**Senator Liam Twomey:** Yes. It is like an open sore for the public. We will all get it in the neck, even though many of us have legitimate expenses. The body politic is being destroyed because people are sticking their heads in the sand and not prepared to face up to how the public is thinking. Through the commission or a separate and new Oireachtas committee along the lines of the Office of the Comptroller and Auditor General, we must examine the expenses incurred in all Departments. We must deal with those Ministers who have been spending in recent years as if they own the country or show the public that, while some of the spending may have been excessive, the expenses were genuinely incurred while looking after the affairs of State. Our discussions will not matter unless we do something quickly, as we will lose all public respect when debating the economy, the budget and politics.

**Senator Feargal Quinn:** As we listened to the radio and read the newspapers this morning, we were all concerned about events at Aer Lingus. According to the airline, it needs to employ fewer staff, is running short of cash and needs to eat into its cash reserves. The similarity between Aer Lingus and the nation is such that the same words could be used. We have a serious problem. Yesterday Senator Alex White asked for a debate on the McCarthy report and the report of the Commission on Taxation. It seems Aer Lingus is the evidence of what is occurring in the State. We are running short of cash and must eat into our cash reserves, as we are losing money every week. We must do something about the matter. Aer Lingus's solution is to employ fewer staff. Given the similarity, the House is the place in which to hold a debate on the issue. We should not wait until the Government makes its decisions.

I was impressed to read that Ireland is ranked the fifth best place to live in the world on a number of different measurements, one of which is length of life. A child born now is likely to live 79.7 years. In Niger and some other countries in the world life expectancy is less than 50 years. We have a great deal to be thankful for here but we have the responsibility of main-

taining that standard. We have the responsibility also of helping the Third World but we cannot do that unless we get our economy right and manage to identify the solutions.

I want to make one other point which Senator O'Toole has made in the past. Last Sunday week an election took place in Germany yet our referenda and elections take place on a day when the schools have to be closed. It would be logical for us to decide in future to hold our elections on a Saturday or a Sunday, as is done elsewhere. Keeping the schools open would ensure we achieve democracy as well as education.

**Senator Fidelma Healy Eames:** Hear, hear.

**Senator Eugene Regan:** I wish to refer briefly to the issue of expenses which has been raised by many Senators. The Ceann Comhairle has resigned because of an inappropriate level of expenditure at taxpayers' expense. I do not wish to go over that ground but in his defence, particularly regarding his ministerial portfolio, he stated in a press release that the provision of the services he enjoyed were arranged in accordance with standard procedures, that the relevant Departments reviewed all of this expenditure, that the accounts of the Departments were audited and that all of the costs incurred were in compliance with Department of Finance guidelines.

We have established that the level of expenditure is inappropriate. Otherwise, presumably, the gentleman in question would not have resigned. I believe those standards and auditing procedures are inappropriate. What is the Minister for Finance doing about that? Are other Ministers incurring inappropriate levels of expenditure in accordance with the same procedure and guidelines? I ask that the Minister for Finance come into this House and explain the current procedures that apply in terms of ministerial expenses and if there has been any change from the time the Ceann Comhairle, Deputy John O'Donoghue, was Minister and incurred those expenses.

**Senator Ciaran Cannon:** I raise an issue which will inform the debate I hope we will have soon on the report of the Commission on Taxation. In 2001, a family based near Cashel, in Tipperary, a mother and her two children, was involved in a horrific traffic accident in which the mother was left with 5% of her sight, her young five year old daughter completely paralysed and her other son badly injured, although thankfully he has recovered in the interim. That family sought to avail of the use of an apparatus called a Lokomat machine of which there is only one in the country located in the NRB facility in Dún Laoghaire. They were not allowed gain access to the machine for any considerable period of time to ensure the appropriate therapy could be given to this young girl who was completely paralysed.

Rather than taking what I would call that neglect lying down, they sought to examine how they could acquire such a machine and set up a properly constituted charity based in the mid-west to try to do that. They liaised with the company in Switzerland that supplies the machine and through fund-raising events raised €300,000 to buy the machine. Not alone have they bought the machine and put it in place but they have made it available to any other family in a similar position who wants to avail of this valuable therapy.

The insensitive approach taken ultimately by the Department of Finance but at first by the Revenue Commissioners to impose a €60,000 VAT bill on that charity is indefensible. I worked at the helm of a charity that cares for special needs children for six years and I always found it galling that we had to pay back a huge amount of the money we raised, and we raised every cent we needed to run our charity through fund-raising events without any support from the Government, to the Government in VAT.

[Senator Ciaran Cannon.]

I ask the Leader and his colleagues who hail from southern and western areas to examine this incidence of a very unfair VAT bill being applied to this charity and this family. They are now considering the option of having to raise an additional €60,000 to pay for this machine. They should not be asked to do that. The bill should be waived immediately. Also, I ask the Leader if we can explore the issue of VAT being applied to charities that should not have to pay it and cannot afford to pay it in these stringent times.

**Senator Jerry Buttimer:** Would the Leader facilitate a debate as a matter of urgency on the Ministers and Secretaries Act in light of the revelations of ministerial expenses and the revelations regarding spending by the Ceann Comhairle? Will the Leader indicate who is responsible for signing off on the expense sheet? Will he agree with me, and if he does not will he explain the reason, that Government spending in terms of the expenses of Ministers, Ministers of State and their entourage is excessive and gone beyond the bounds of acceptability? It is extraordinary that a Minister who has a State car can get into a plane and land in Cork, Knock, Galway, Waterford or Dublin where a driver is waiting to collect him or her. They have a plethora of constituency staff. They also have a plethora of advisers who in some cases are paid more than Members of this House. That is extraordinary and it must stop. Would the Leader agree with me on that?

I ask for a debate on the economy. The point I made yesterday is that the most important issue currently is job creation and job retention. As Senator Healy Eames said earlier, what will we do for the people who cannot pay their mortgage or the small and medium enterprise holder who is in trouble? The banks will not give them liquidity. They will not even give them overdrafts.

Three times since I came into this House I have asked the Leader for a debate on the aviation industry. The revelation by Aer Lingus this morning is catastrophic and has far-reaching implications in terms of job and service cuts. We could soon find ourselves the only peripheral island nation without an airline other than Ryanair and if there is no competition in this country, we will in time be forced to pay higher air fares to leave this island.

**Senator Fidelma Healy Eames:** Hear, hear.

**Senator Jerry Buttimer:** We need a debate on the aviation industry as soon as possible.

**Senator Labhrás Ó Murchú:** I fully endorse the comments of Senator Cannon and compliment him for raising the issue. I am familiar with the issue and am close to the fund-raising efforts made in this case. I know the family and they have had a traumatic experience as a result of the accident. One is edified by the fact the family has responded in such a positive manner to the challenges they have faced. When I heard about the case Senator Cannon mentioned I thought it beggared belief that people went out collecting euro to fill a gap the State had not filled in this case. One can only imagine how the family and their supporters must feel at this time. I have spoken to some of the family's supporters and they have made it clear that they now must go out not to collect money to purchase this necessary machine but to pay the VAT bill. I add my voice to the argument that this is a specific case where, out of admiration for this family and what they have done, we should find a way to ensure that, first, they are not held accountable for this VAT bill and, second, to inspire other people who are prepared to come forward and fill gaps which exist. Never was that more important than in a recession. If the message came loud and clear from this House it would be listened to but if it is not listened to we will have missed an opportunity to show, first, how we identify with people

who suffer in this way and, second, that we also admire people who respond in such a positive manner when they meet such dreadful challenges in life.

**Senator Rónán Mullen:** Events have moved quickly in regard to the resignation of the Ceann Comhairle. I suppose it was inevitable when one considers the wave of public anger and also the unreasonable nature of some of the expenditure. I am concerned that the debate was led largely from the outside by the media, with politicians and political party leaders reduced to the role of vying for the job of dealing the fatal blow. The leader of Fine Gael ended up in the role of picador while the leader of the Labour Party got the job of matador. That we could not have had more civilised circumstances, in which the Ceann Comhairle would have stepped aside while an independent person carried out a proper, objective analysis of what had taken place, makes me despair of our political culture. I reiterate what I said yesterday, namely, that we need some distinguished independent person to examine the issue of expenses of Members of the Oireachtas. The person would not just report back to the commission, as was mentioned by Senator Feeney yesterday, but would be trusted to take on the task in respect of Members and Ministers and the particular roles of the Cathaoirleach and Ceann Comhairle, which are special positions. There must be a person responsible for signing off.

A person in a public role is entitled to know what he may spend and what is considered legitimate. The *post facto* shaming of the Ceann Comhairle not only diminishes him but also the process that is in place. It reflects on how badly we have prepared for such moments and on our failure to put together a proper system in which all could have confidence.

The new regulations that stipulate that foreign nationals on student visas cannot work for more than 15 hours per week is worthy of debate in the House. This stipulation will cause severe hardship to many who have been working here for years, including in catering and finance, and paying tax. For many, it will effectively mean having to leave. This is not becoming of Ireland of the welcomes, and effectively dumping on others is not the way in which we should be responding to the economic crisis.

**Senator John Hanafin:** Will the Leader arrange a debate on the role of FÁS? We are in a severe recession again but this is not something of which we do not have experience. Therefore, we are not working in a vacuum. The reality is that many people in difficult times were very happy to take up positions in FÁS and do work for the organisation. Despite this, because of the regulations within the organisation, they were restricted in that very worthwhile and useful work.

Consider the waste that took place in FÁS, namely, the €48 million spent on advertising. One wonders what was being advertised. What kind of publicity and self-promotion was necessary to warrant the spending of €48 million by a State board? In spite of this, we must not throw out the good in FÁS with that which is bad. We must now ensure all the money that is necessary goes directly to the people who can benefit most. We are back in recessionary times and do not want a repeat of the circumstances that obtained on the last occasion, in which people were stopped doing necessary and very worthwhile work. All the money available should be directed towards those who will benefit.

**Senator Michael McCarthy:** I am delighted Senator Quinn has told us we will live to be 79. Perhaps in my lifetime, therefore, I will see the interest being paid on NAMA.

I subscribe to the calls for a rolling debate on the economy, especially on the fact that the Government is obsessed with trying to get public spending in order. However, there is absolutely no policy on job creation and protection. While we are throwing that into the mix, we must realise it is absolutely appalling to hear, day in, day out, right-wing commentators and representatives from IBEC telling us all about the need of the ordinary worker to take a cut

[Senator Michael McCarthy.]

in pay. The public sector worker is being scapegoated by this Government to find an exit strategy out of the recession. The public sector employees have already been hit with an income levy, the health levy and a pension levy. From what we now hear, they are to be hit with a 4.5% salary cut in the upcoming budget.

Let us remain cognisant of what happened in FÁS and of the manner in which bankers behaved, and of the audacity of one banker to appear on national television three weeks ago and target single mothers on the basis of a nasty, vindictive school of thought. The bankers are the people who got us into this recession and they are they ones who should pay most as we try to find our way out of it.

I agree wholeheartedly with the points my colleague Senator O'Toole made consistently in the media, both last year and recently on "The Week in Politics". In the 1980s, when emigration and unemployment rates were very high and when interest rates were running into double figures, we were told we had to engage in social partnership to find our way out of the recession. Very wealthy people in the country were siphoning millions offshore although we did not know this at the time. Let us be aware of this and let it stand to us as a lesson on how to deal with the current financial difficulty. Let us stop scapegoating the public sector worker.

**Senator Donie Cassidy:** Senators Fitzgerald, O'Toole, Coghlan, Norris, Ormonde and Hanafin all expressed concern over FÁS. As we all know, the Bill the Minister for Enterprise, Trade and Employment announced yesterday will be before the House very shortly. I welcome the reduction in the membership of the board from 17 to 11. All matters pertaining to FÁS and its role can be discussed without a deadline when discussing any part or section of the Bill. I look forward to Members expressing their great concerns when considering the Bill. I join Senator Hanafin in noting the great work FÁS has done over the years. Never was it more needed for upskilling and retraining than at present. I agree that everything we do should take competitiveness and job creation into account. Fairness and the social implications, which could be overlooked under the difficult circumstances in which we find ourselves, must also be kept centre-stage.

Senators O'Toole and Alex White referred to the Committee on Procedure and Privileges. I look forward to attending the meeting of the committee with the Cathaoirleach. Everything should be done to be helpful to him in the Chair. His impartiality in the House is crucial and I compliment him on what he has done since he took office two and a half years ago. It is also a matter of meeting the concerns of the Members, such that they would not be in any way disadvantaged and would be allowed to discuss the views of the public in respect of our daily run-of-the-mill activities. It is a question of keeping the Seanad relevant and we must consider what we can achieve as Members of the House.

Senator Alex White asked far-reaching questions. He knows, as do all Members, that confidentiality is required by the Minister for Finance in respect of the content of the budget. We know that €4 billion in cuts has been mentioned. In order to know the percentage of this sum that will pertain to taxation or expenditure cuts, we will just have to wait until the budget is announced in December.

Senator Bacik and Norris referred to the implications of the Lisbon treaty for workers rights. I am pleased to inform the House we will have the Minister present to discuss matters pertaining to the Lisbon treaty next Wednesday. All issues can be discussed on that date. If further time is required for debate, I will have no difficulty in allowing for it at a later date.

With regard to the NAMA debate, time can be allowed to discuss at the earliest opportunity all the issues concerning finance and the MacSharry report. Senator MacSharry proposed this morning that, if the leaders of the various groups are agreeable, we could discuss two portfolios

each Wednesday night instead of Private Members' business, from now until the first week in December. I have certainly no difficulty in allocating Fianna Fáil's time next week to start the process. I will discuss this with the leaders after the Order of Business. It is a very worthwhile proposal and shows the bona fides of all political parties and groupings in the House in respect of our concerns regarding the forthcoming budget.

**Senator David Norris:** I take it——

**Senator Joe O'Toole:** The debate should be on Thursday.

**Senator David Norris:** ——rubbish for Wednesdays.

**An Cathaoirleach:** The Leader without interruption.

**Senator Donie Cassidy:** Senator Norris is part of a group and his leader, Senator O'Toole, represents him.

**An Cathaoirleach:** The Leader without interruption.

**Senator David Norris:** The Senator is a slow learner; we have tried to distil that into him.

**An Cathaoirleach:** Senator Norris should not interrupt.

**Senator Donie Cassidy:** I can see how disappointed Senator Norris is by Senator Bacik leaving the Independent benches. I know the great wishes the Senator extended to her yesterday were heartfelt and really meant.

Senator O'Reilly referred to rural transport, which is to be debated in the House this evening. As Members all know, this magnificent service was an initiative of the current Government. Some 151,000 passengers used the facility in 2003 and last year 1.2 million passenger journeys took place. We realise the importance of the initiative, particularly in rural Ireland, and recognise that it is a great facility. An increase in the number of services from 40,000 in 2003 to 140,000 in 2008 shows how it is worthwhile. There has been an increase in funding from €3 million in 2003 to €11 million this year. I look forward to the debate on it this evening.

Senators MacSharry, Walsh, Healy Eames and Buttimer outlined a difficulty to the House regarding home repossessions. I welcome Senator MacSharry's report and I will leave time for the House to discuss it at the earliest opportunity. I will see if it is possible within the next two weeks. It goes to show that when a team is put together by a Member of the House — Senator MacSharry in this case — there can be good work producing fine proposals which can be of assistance to the Government and the Minister for Finance in framing his budget. There are challenges facing our young couples who have a good track record over the past four or five years and have not defaulted on payments.

If one or both members of a couple have had their income diminished because of unemployment, we have a duty, as outlined by Senator MacSharry, to address the matter. We should suspend payments indefinitely — for six months, a year or two years — and have it added to the end of the mortgage period. Young couples should not be crucified, to put a word on it, so they are not able to sleep at night or know where they are going. They fear losing their home and family possessions, for which they may have saved over seven, eight or ten years. We must do everything possible to assist such people in their hour of need. I thank Senator MacSharry for bringing us the paper for our consideration and I will allow time for it to be debated within the next two weeks.

[Senator Donie Cassidy.]

Senator Coghlan spoke about the Property Services (Regulation) Bill 2009 and it has been indicated to me that this will be joined with another Bill. I will come back to the House in the morning on this as I have correspondence on it in my office.

**Senator Paul Coghlan:** I thought the Leader had forgotten me.

**Senator Donie Cassidy:** The Senator has moved seats. I was looking at where he had been sitting.

**Senator Paul Coghlan:** I am still here, I have not yet gone away.

**Senator Donie Cassidy:** I hope not. Senator Walsh raised the OECD report and matters of concern outlined in the House. We must take those into account. I have read the IMF report and we do not want to see proposals on what could happen in that regard. The IMF report is very supportive of many of the policies pursued by the Government currently and everybody should read that document in full as it is the alternative to what is now taking place. Irrespective of who is in power, there are challenges facing this country over the next two or three years.

Senators Norris and Ormonde called for the McCarthy report to be discussed in the House. I have already given a commitment to allow time for this to take place. I will make inquiries about the Civil Partnership Bill and revert to Senator Norris on the matter.

Senator Keaveney outlined issues to the House and everybody knows the commission is in charge of the running of the affairs of the House. Its budget is significant, in the region of €100 million over a period. There are Members of this House on the commission and they are answerable to the public in the same way as Members in the Dáil. Such Members are the best people to be trusted with looking after the affairs of finance. We saw what happened with the health board system, where we had good value for money in the eight boards. We were told there were too many local authority members on the health boards but now we see——

**Senator Fidelma Healy Eames:** Is the Senator admitting the HSE was a mistake?

**Senator Donie Cassidy:** ——where the waste is.

**Senator Fidelma Healy Eames:** The Senator agrees that the HSE is a mistake.

**Senator Donie Cassidy:** Who is answerable now?

**Senator Fidelma Healy Eames:** The Senator is correct. It is his Government who put it in place.

**Senator Donie Cassidy:** Senator Keaveney asked for an update on the water and sewerage position and I have no difficulty in leaving time aside for that. Senator Healy Eames outlined her concerns on constituency issues in Galway and I agree with her proposals regarding the putting in place of a salaries ceiling.

**Senator Fidelma Healy Eames:** It is a national issue.

**Senator Donie Cassidy:** Senator Hannigan also mentioned the “Prime Time” programme and I have already given my views on the IMF and NAMA. The Government is on the right road. Senator Twomey also highlighted issues and I again state that the commission looks after the affairs of the Houses of the Oireachtas.

Senator Quinn mentioned Aer Lingus and news that almost 670 staff are to be laid off there, which is to be regretted. It shows what is happening in the world of business. We are now approaching the winter schedule and everybody knows the downturn in traffic is plain to see. Retail business in Ireland generally is down 30% or 35% in some places. Aer Lingus will be no different to anybody else in the tourism and leisure industries, as airlines depend on the buoyancy in economies worldwide. I wish everybody in those industries well. Aer Lingus has been the flag carrier of our country and everybody has been very proud of its success through the years. It is a challenging time for the company and running short of cash and moving into reserves is a serious position to be in.

Now we are all going to live to be 80, we know the advantages of looking after ourselves. We have all been told that we are what we eat. Thank God we all have our health and are as good as we are.

Senator Quinn commented on having elections on Saturdays or Sundays. Elections now take place on Fridays and the counts take place on Saturday; years ago elections took place on Wednesdays, then they were moved to Thursdays and now they are on Fridays.

**Senator Fidelma Healy Eames:** We are getting there.

**Senator Paul Coghlan:** We are slow coaches.

**Senator Donie Cassidy:** Holding elections on Saturdays or Sundays seems logical to me.

**Senator Frances Fitzgerald:** The process is as slow as everything else in this Government.

**Senator Donie Cassidy:** The Minister can look at this in two and half years, when the next election is due.

**Senator Fidelma Healy Eames:** The Senator should be in Cabinet.

**Senator Donie Cassidy:** Senators Regan and Mullen expressed their views on expenditure in the House. The Goodbody report carried out a root and branch review of the operations of expenses of Oireachtas Members and everything pertaining to them. That report was carried out independently, thoroughly and professionally. I hope the new Ceann Comhairle and commission will consider it and spare the taxpayer any more money in acting on what needs to be addressed on the matter.

It was always my understanding that if a Minister or Minister of State went abroad, there would be security matters in the jurisdiction they were in. The equivalent here would be the responsibility of the Garda Commissioner. There are places where Members would stay — be they three star or four star hotels — and whatever the security arrangements at airports, in taxis or elsewhere, they would be taken care of by secretaries in Departments and embassies. A very good job was always done in holding the decorum and prestige of the office. We Irish are as good as any other nation or member of the EU and we participate at the same level. We have shown Europe and the world how it is possible to maximise the benefit of being a full member of the European Union. The factors to which I refer should always be borne in mind.

Many Members have travelled to destinations around the world in order to represent the country and its Parliament and committees. They were never involved in making the arrangements for those trips and had no knowledge of the costs involved. There may be some way that, with the assistance of all Members, a new system in this regard might be arrived at. Regardless of when Members are presented with details of the cost of trips on which they have represented their country — this may happen one year or five years later — they are sometimes

[Senator Donie Cassidy.]

surprised by what was involved because the money was never deposited with them. No real benefit accrues to Members who are obliged to travel long distances to attend events and represent their country and its Parliament from making these trips.

I am quite familiar with the case to which Senators Cannon and Ó Murchú referred. I congratulate the family involved on its initiative in raising €300,000. The family is in an horrific position. The irony is that if the HSE purchased the apparatus to which Senator Cannon refers, it would not be necessary for VAT to be paid. Surely Professor Drumm should intervene on a once-off basis in this case and, without creating a precedent, accept the €300,000 raised by the family and use it to purchase the necessary equipment. The family has lost so much. I question the charging of €60,000 in VAT. I have no difficulty, if necessary, in going with the two Senators to meet the Minister for Health and Children later this afternoon to discover whether something might be done about this matter.

**Senator David Norris:** What about meeting the Minister for Finance?

**Senator Donie Cassidy:** I did not hear that squeak.

**Senator David Norris:** What about Fianna Fáil's Minister? Fianna Fáil always targets its partners in government.

**An Cathaoirleach:** Senator Norris should allow the Leader to conclude.

**Senator Donie Cassidy:** This issue should be addressed in the budget. Senators should do everything possible to ensure——

**Senator Frances Fitzgerald:** Hear, hear.

**Senator Fidelma Healy Eames:** The Leader should bring the matter to the attention of the Minister for Finance.

**Senator Donie Cassidy:** I am saying it loud and clear——

**An Cathaoirleach:** Why do Members continue to interrupt the Leader?

**Senator Frances Fitzgerald:** To ensure he follows through on his promises.

**Senator Donie Cassidy:** ——that it is never the wrong time to do the right thing, particularly in the case of this family and many others.

The population of the country has increased by 1 million, most of whom are in the high risk age group. I refer, in particular, to those in the 18 to 35 year age group who returned to Ireland and have been in employment for the past ten years or so. These are the people who are abroad at night attending functions, etc. We all have friends who have sons and daughters awaiting admission to the NRB's facility in Dún Laoghaire. I am aware of a young man in Mullingar who was involved in an accident on New Year's Eve, who is in a coma and who has been awaiting admission to that facility for the past seven months. I hope he will be admitted in the last week in November. There are only three beds available in this marvellous facility. The Government could allocate a small amount of funding to correct the situation and provide immediate assistance for families which have been traumatised and subjected to such a level of distress. Members could also become involved in ensuring this matter is addressed.

Senators Buttimer and McCarthy requested a debate on the economy. I have already provided a commitment in this regard. I was also asked to make time available for a debate on the aviation industry. I am endeavouring to arrange such a debate.

**Senator Fidelma Healy Eames:** On a point of order, the Leader did not take the opportunity, either today or yesterday, to address the issue of the salaries of CEOs in the public service. I am seeking a response on that matter.

**An Cathaoirleach:** That is not a point of order.

**Senator Donie Cassidy:** I provided such a response. I agree with the Senator that there should be a ceiling.

**An Cathaoirleach:** Will the Leader clarify the position on No. 28, Private Members' motion No. 35 re national transport regulator, which is to be taken at the conclusion of the debate on No. 2? What will be the position if the debates concludes prior to 5 p.m.?

**Senator Donie Cassidy:** I apologise to the Cathaoirleach for the confusion. The debate on No. 2 may not conclude prior to 5 p.m.; it may continue for two or three days. Private Members' business will be taken from 5 p.m. to 7 p.m.

Order of Business agreed to.

### **Industrial Relations (Amendment) Bill 2009: Second Stage (Resumed).**

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

**Senator Ivor Callely:** I welcome the opportunity to participate in the debate on the Industrial Relations (Amendment) Bill 2009. I congratulate the Minister of State, Deputy Calleary, on his work on the Bill and also on his appointment to the office he now holds. I wish him continued success in everything he does.

The main purpose of the Bill is to strengthen the existing system relating to the making of employment regulation orders, EROs, and registered employment agreements, REAs, and to ensure their continued effective operation. The Bill also provides for the amendment of the definition of "worker" under section 23 of the Industrial Relations Act 1990.

I hope the debate on the Bill will lead to a number of practical outcomes that will be of assistance in meeting the current economic challenges and reflect what is occurring in the marketplace. I do not doubt that the decisions we make on the Bill will have a profound effect across the economy, particularly as certain of the matters with which it deals have an impact on our competitiveness.

Ireland's is a small, open, island economy which must survive by competing in world markets. As everyone is aware, the country faces the most challenging economic crisis in its history and there is a need for us to underpin enterprise and our capacity to trade successfully in world markets if we are to sustain jobs. Ireland is competing in a rapidly changing and uncertain environment and we must ensure we do not undermine our capacity to sustain employment by having unrealistic labour costs.

I had the opportunity to meet many representative bodies in the past couple of months. Each of them brought to my attention their concerns about labour costs and their level of competitiveness as a result of certain regulations in place. One such body, the Irish Small and Medium Enterprises Association, ISME, carried out a survey which found that 45% of its members' firms had been obliged to introduce pay cuts since the beginning of the year. The

[Senator Ivor Callely.]

average size of the reductions was approximately 13%. Mr. Mark Fielding of ISME stated 49% of member firms surveyed had put in place a pay freeze.

I have spoken to people involved in the marketplace who are not members of ISME, each of whom informed me that they had been obliged to conduct root and branch assessments of their costs and engage in the appropriate curtailment thereof. The Minister of State may be interested in hearing that in the recent past I invited a large number of people involved in business to attend a conference I organised. One of the main speakers at the conference stated people must “cut, cut and cut again” in order to survive. Members should acknowledge that this is the clear message from those whose fingers are on the pulse of marketplace developments when they get the opportunity to exchange views with me and others.

A number of Members have mentioned and rightly commended employer and worker representatives on both the hotel and catering joint labour committees, JLCs, on working together in recent months to find a satisfactory method of harmonising the formula for calculating Sunday premia. They have succeeded in reaching agreement on replacing the double time payment as these higher premium rates were having a crippling effect on the viability of services and the prospects for retaining jobs in the hospitality sector. Such sensible and pragmatic action by the social partners in response to changing circumstances makes sense at a time when the economy is losing thousands of jobs each week. We must explore new approaches to operating well trusted mechanisms for establishing minimum wages and conditions to protect workers in vulnerable sectors.

I have listened with interest to the comments of the Minister of State who has mentioned that adjustments must be made, by agreement, to the basic pay rates scheduled to take effect in the retail trade and agriculture sector. It is clearly acknowledged that Ireland has suffered a significant loss of international price competitiveness due to the appreciation of the euro, inflation and wage increases in excess of productivity. Our statutory minimum rates are high by international standards in both absolute and comparative terms. For example, Ireland has the third highest minimum wage in the European Union. If one considers further competitiveness issues, wage bills can constitute approximately 70% of one’s carrying costs. Consequently, when competing with our EU partners, having minimum wages that are the third highest in the European Union puts us on the back foot before we even begin. I cannot highlight sufficiently the importance of addressing issues that will encourage and assist the economy to be at the forefront in a real competitive sense.

It is reassuring that the employer and worker representatives in various sectors have responded to this challenge. They recognise what would happen were there blind adherence to the provisions of earlier arrangements made in different economic circumstances. They knew that sticking to an outdated series of regular wage increases would reduce further the ability of exposed lower wage sectors to respond through wage and price adjustments to changing economic circumstances. They knew that failure to adjust to new circumstances could have a detrimental effect in the form of increased unemployment among lower skilled workers. These developments constitute a welcome acknowledgement by the employer and worker representatives in these sectors of some harsh realities and are evidence of their willingness to find practical solutions.

The Bill will further assist that process of adjustment by updating the wage fixing procedures that have been in place for a considerable time, since 1946, through the introduction of the following important changes. It will introduce a set of principles and policies to which regard should be hand in making proposals for employment regulation orders, EROs. It will introduce a set of procedures to be followed when a joint labour committee decides to formulate proposals for an ERO. It will ensure Oireachtas scrutiny of EROs and registered employment

agreements, REAs. Moreover, it will introduce the power to amend the EROs within six months in the case of error and will set a fixed term of office for the chairman of a JLC.

Although conscious of time, I wish to touch on a further point, namely, the proposed amendment to introduce an inability to pay mechanism. This is highly important, given the need to find new approaches to modernising the existing machinery and ensuring it fits better alongside new developments such as the national minimum wage. I welcome the Minister of State's confirmation that he intends, following further consultations with the social partners, to frame an amendment to the Bill providing for the inclusion of an inability to pay mechanism in employment regulation orders and registered employment agreements. This is only right and fitting as there is no point in having such mechanisms in place when, at the end of a long process, there is a real inability to pay. Consequently, it is appropriate to have in place a mechanism clearly adopted and appropriately pursued on the basis of inability to pay. At present, an employer in Ireland who is subject to the statutory minimum terms of an ERO or an REA cannot avail, regardless of his or her commercial circumstances, of the possibility of either seeking cost-offsetting measures or pleading inability to pay in a manner consistent with such procedural arrangements as have been developed previously in Ireland by employer and trade union organisations at national level. I understand the Minister of State and his departmental officials have a good handle on this issue and already have entered into consultations with employer and trade union interests regarding the feasibility of devising a suitable inability to pay mechanism which could be adapted to the specific context of EROs and REAs, respectively.

Successive national pay agreements have included inability to pay clauses which have enabled firms experiencing difficult economic conditions to plead inability to pay the terms of the national agreement and to seek to have a dispute over the matters resolved through formal procedures. The mechanisms established under such agreements have featured a number of basic ingredients such as a requirement that genuine efforts be made by the parties at enterprise level to reach agreement. In addition, they include the opportunity for referral, if necessary, of a disagreement to the Labour Relations Commission for conciliation and the opportunity to have the expertise, if necessary, of an independent assessor who I gather is nominated from a panel submitted by the social partners made available to report on the economic, commercial and employment circumstances of the firm. They also include further opportunities for an attempt at conciliation and referral, if necessary, to the Labour Court for a binding determination.

In 1998 the National Minimum Wage Commission recommended that provision be made for an inability to pay clause in the context of the proposed introduction of a national minimum wage. Under section 41 of the National Minimum Wage Act 2000, it is provided that when an employer cannot afford to pay the national minimum wage due to financial difficulty, an application can be made to the Labour Court which can, following an inquiry, exempt the employer from paying the rate for between three months and one year. In other words, we already have experience of dealing with some quite sophisticated safety valve mechanisms that can address the plight of employers in difficulties. These mechanisms have been tried and tested under successive national pay agreements. In addition to having such tried and trusted mechanisms under successive national pay agreements, a particular model of such arrangements already has been incorporated in statute in the case of the National Minimum Wage Act. While the Minister of State, Deputy Calleary, and his Department understand and have a good handle on the matter, we must adapt such a mechanism to the current situation for small and medium-sized enterprises, in particular. It is important to listen to ISME and other representative bodies which make submissions to Oireachtas committees, directly to the Department or through the various mechanisms in place but we should not forget that many small enterprises which are

[Senator Ivor Callely.]

the lifeblood and backbone of some parishes in which they employ one or two people and which may not be affiliated to a national organisation are suffering. This is particularly true of the retail and catering sectors, some of which are covered by employment regulation orders. Construction and electrical contractors are covered by registered employment agreements. Representatives of electrical contractors made certain submissions to the Joint Committee on Enterprise and Small Business, with which I am sure the Minister of State and his officials are familiar. A raft of submissions have been made but there is consistency and continuity in each. I welcome the tones I have heard from the Minister of State and his officials in trying to address and adjust what we recognise as a sensitive issue in terms of costs, wages and survival. I refer to survival for both sides. We must recognise we are in a difficult and challenging time. We must identify the real challenges and opportunities available to ensure we shape our legislative framework to respond appropriately.

**Senator Alex White:** Although I am not recording a conflict of interest, I come from a background in which I am a legal practitioner specialising in employment and labour law, representing at different times employers, employees, trade unions and, occasionally, employer groups.

This is important amending legislation which, in its broad scope, the Labour Party will support. The Minister of State has indicated that it arises from a commitment made by the Government in the review of Towards 2016 that certain items of legislation would be brought forward to honour agreements made with the social partners in the course of that process.

The Minister of State made reference to the legislation introduced by Seán Lemass in the 1940s to address a particular issue at the time. In many ways, it is still evident and it is not just a matter of the necessity of ensuring competitiveness, to which Senator Callely referred, but also the scourge of very low pay which, I must remind my colleagues, is still a problem in this country. People are paid low rates of pay which does not always meet the statutory requirement of the minimum wage per hour. Abuses continue in the economy in pay and conditions. While we must take account of the importance we attach to competitiveness, particularly of the small businesses to which Senator Callely referred, we cannot lose sight of the necessity that we, as legislators, must bear in mind the needs of the most vulnerable in society. I refer, in particular, to those on low pay.

This is where the 1940s legislation comes from, particularly that relating to employment regulation orders which seek to address the situation faced by employees without representation. There is no representation for many working in this country. I must remind my colleagues that many people are afraid to seek representation. Many employers refuse to cooperate, meet or engage with trade unions, the representatives of their employees. When I hear colleagues refer to and criticise “the unions” in the context of the current crisis, they are quick to forget that unions comprise tens of thousands of workers with families who are seeking to make a living. When we talk about the unions responding to the resistance to cuts in public service pay, they are doing nothing more than representing the genuine problems facing people who work in these environments. It is not always a question of low pay, there are many workers, including in the public service, who are on relatively low pay. If we are honest with ourselves in this Chamber and have a debate on what constitutes high, medium and low pay, many would be surprised at the amount of money out of which many are trying to eke a living.

The joint labour committee system, dating back to the 1940s, was intended to address this issue. There have been advances in pay and the protection of terms and conditions. The minimum wage is one of these elements and vitally important. It has changed the landscape to a considerable extent. However, I am glad to see the Government accepts there is still a need

for the system of registered employment agreements, as well as the joint labour committee system. I happily acknowledge there is no suggestion from it that this should not be so. This legislation strengthens the system, particularly in ensuring orders made by the Labour Court are taken on by the Minister and made by ministerial order as a matter of course. Undoubtedly, this will fortify orders in respect of challenges that have been made and may be made in the future. It is entirely appropriate that this is the case.

Some still refer to the trade unions and employer groups as social partners. Sometimes I ask myself with whom are they partners. Perhaps they are partners with each other but it looks increasingly clear that there is little partnership between these groups and the Government. It seems there is little or no engagement.

The president of SIPTU made a speech at his party conference some days ago which some thought was a fiery contribution and a call to arms. I suggest people read it. It was robust and vigorous in its defence of his members but I picked out his appeal to the Government to engage with the trade union movement on the current crisis. If there is to be a sense of confidence, a point made by all sides, people will not make sacrifices on pay, taxation and public services if they are excluded from the process. They will not do so if they are characterised as being the problem rather than included in finding a solution. I do not believe there will be any genuine progress or resolution to the current crisis without genuine and serious engagement with the trade union movement. I do not say that in any sense as a threat, and nor should it ever be put as a threat by anybody, whether trade unions or otherwise, but simply as a statement of fact. All one has to do is look at the late 1980s, the last time we were in such a crisis as we are now, when the involvement of the trade union movement was crucial to turning around the economy. It will not happen without them this time either; that is a statement of fact. It is vital that the Government realises that genuine engagement needs to occur rather than an attempt in some quarters — perhaps not directly by Government but by its cheerleaders in the media and elsewhere — to scapegoat and seek to exclude as unrealistic the trade union view.

The Bill is important and the requirement that the orders be made by the Minister and laid before the Houses is good. I want to make a point on the inability to pay. I heard what Senator Callely stated and I understand where he is coming from. The involvement of the employer groups in the determination of rates is already in the system. I am sceptical about the inclusion of an inability to pay clause, not because I do not think there are employers who are unable to pay but because the employer groups will have strengthened involvement in the determination of the rates. Attention should be given to ensuring the employer and trade union groups are involved in the closest possible way in the determination of the rates, taking economic conditions into account. The various categories have been set out in the amendment.

The Minister of State will have to make a strong case to me in favour of the inclusion of an extra layer of inability to pay in addition to that strengthening of the involvement of the employers and trade unions in determining the rate. I know it exists in other legislation but in this situation, where we are discussing a genuine engagement of the two sides in the determination of the rates, there is less of a case for an inability to pay clause. However, I will not close my mind to it. I will see what the Minister of State brings forward by way of an amendment. In general terms, I remind everyone that what we are dealing with is not just numbers, statistics and labour costs in the broad sense of what the term means but individuals who seek to make a decent living for themselves and their families. More often than not, in the particular context we are dealing with here, we are discussing low-paid employees.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Dara Calleary):** I thank the Senators who spoke on this issue today and on the previous occasion for

[Deputy Dara Calleary.]

their contributions. We are all agreed that the emphasis of the Bill is to protect workers, in particular the most vulnerable workers, and in doing so to ensure the existing mechanisms for making employment regulation orders and registered employment agreements operate effectively and that they are fit for purpose, especially in the current climate. I acknowledge recognition that the Bill is only part of a suite of measures which the Government will introduce. We were criticised for it at the conference to which Senator Alex White referred. However, this is just a part of the large number of legislative employment rights progressing through the Houses at present.

I will comment on a number of the issues raised during the debate. A number of Senators referred to the very severe competitive pressures operating in certain sectors and in sectors covered by JLCs. I welcome and endorse the comments of Senators on the work that went into every part of the JLCs from employers, trade unions and my predecessor in the role, Deputy Billy Kelleher, in particular with regard to the Sunday premium and the premium in the hospitality sector.

One of the issues to which Senator Alex White referred was the inability to pay. The strong case — in which I genuinely believe — in favour of the inability to pay mechanism is to maintain employment because many employers find the rates agreed at JLCs prohibitive and they are in a temporary position of not being able to pay. By introducing this mechanism, which will be protected and not open to false claims, we may maintain employment. This is the strategy and wish driving my proposals in this area. I look forward to engaging with Senator Alex White on this issue.

The inability to pay mechanism is what gets the most headlines but the Bill contains many other measures. The general definition of the worker has been welcomed across the House. We are very conscious of vulnerable workers and we have established the National Employment Rights Agency, NERA. The Government receives much flak for the work of NERA but it inspects workplaces, particularly workplaces covered by JLCs and registered employment agreements, and in doing so it finds and highlights cases of vulnerable workers. If any Senator knows of any employer mistreating workers, be it in pay, conditions or anything to do with legislation, he or she has the right to contact NERA and engage with it. I ask all Members of both Houses to engage with NERA officials in their day to day work. They will find them to be a superb help.

Senator John Paul Phelan was concerned that we missed an opportunity to address the day-to-day machinations and workings of a JLC. In particular he was concerned about the existence of regionally differentiated JLCs. The key issue on uniform rates is the will of the parties involved in the JLCs. There were two separate JLCs in the catering sector: one for the greater Dublin area and one for the rest of the country. The parties involved in those two agreements have reached agreement to merge them. However, in advance of that amalgamation the parties involved in the two committees decided they would first ensure the implementation of a uniform set of terms and conditions throughout the country before agreeing to the amalgamation. Those rates, including pay rates and the Sunday premium, are now applied in the catering sector throughout the country and it is envisaged the amalgamation of the two committees in the sector will follow. I do not see any need for the Department to interfere in the process. It is under way and is being guided.

I also noted Senator John Paul Phelan's remarks, and remarks made by other Senators, on the chair of the JLC and we are examining the matter. However, I am not convinced that removing the casting vote of the chair will improve prospects for reaching agreement around

the table. I am aware of concerns about chairs and we have met many interest groups in recent weeks. We will take those concerns on board on Committee Stage. We must be careful because much of the disagreement on chairs comes from one particular side of the argument and there is a danger that if we move to diminish the role and scope of the chair, the entire process and the JLC system might fail to work and we might be back at square one.

Senator Quinn questioned the objective of the Bill and the system for setting a national minimum wage in addition to the mechanisms for fixing rates. He was concerned that these mechanisms, which as Senator Alex White stated date back to the time when Seán Lemass was Taoiseach, are no longer relevant to today's labour market. While I agree with Senators Quinn, Callely, John Paul Phelan and others who made the point that we must contain employment costs and make ourselves more competitive, we also have to remember the words of Senator Alex White and strike a balance on workers' rights. We are doing much work on competitiveness which will be painful as there will be a reduction in unit labour costs, but with this Bill we are trying to provide a mechanism whereby the reduction can be achieved in an agreed fashion through the JLC system.

We must have measures that protect vulnerable workers in situations where they may be unable to protect themselves or avail of their full entitlements. Workers are most at risk where they work in an environment where the risk of being denied employment rights is high and where workers may not have the capacity or means to protect themselves from that abuse. There are good and poor employers in every sector. The data provided by NERA suggests problems seem to occur more frequently in some sectors covered by the joint labour committees, JLCs. Retail, hotels, restaurants, construction, security and cleaning are particular problem areas. We must keep these mechanisms in place, keeping them under review to ensure vulnerable workers in these areas are protected and poor employers have a fear of sanction if they decide to mess with workers' rights. It is especially important with regard to the timing and frequency of adjustments made to minimum wages and conditions. It is also necessary, as will be achieved in this legislation, to review the way economic and social considerations are calibrated when adjusting minimum wage rates.

Senator Feargal Quinn failed to take account, unlike many of his colleagues, of the adjustments made to statutory minimum wage rates by the relevant JLCs in recent months. Agreements have been reached in the hotel, catering, retail and agricultural JLCs recently. I agree with the majority of Senators who considered the Bill's provisions will help sustain the spirit of realism which has informed efforts at the JLCs.

I welcome the general endorsement of the inability-to-pay mechanism. The Department is having consultations with employer and trade union parties on the best way to facilitate a form of temporary relief when an employer is facing a short-term financial difficulty. The mechanism is a once-off and time limited to allow everyone share the burden in getting a company over the profitability line. It is not a *carte blanche* and I give Senator Alex White my assurance on that. The mechanism will go some way to balancing the current demands of employers and trade unions in this area.

I thank the Leas-Chathaoirleach, Senator John Carty and other Members for their input. I look forward to Committee Stage when various provisions, particularly the inability-to-pay mechanism, can be examined in finer detail.

Question put.

The Seanad divided: Tá, 35; Níl, 16.

Tá

Bacik, Ivana.  
 Brady, Martin.  
 Butler, Larry.  
 Callanan, Peter.  
 Callely, Ivor.  
 Carty, John.  
 Cassidy, Donie.  
 Corrigan, Maria.  
 Daly, Mark.  
 Feeney, Geraldine.  
 Glynn, Camillus.  
 Hanafin, John.  
 Hannigan, Dominic.  
 Keaveney, Cecilia.  
 Leyden, Terry.  
 MacSharry, Marc.  
 McCarthy, Michael.  
 McDonald, Lisa.

Mullen, Rónán.  
 Norris, David.  
 Ó Domhnaill, Brian.  
 Ó Murchú, Labhrás.  
 O'Brien, Francis.  
 O'Donovan, Denis.  
 O'Malley, Fiona.  
 O'Sullivan, Ned.  
 O'Toole, Joe.  
 Ormonde, Ann.  
 Phelan, Kieran.  
 Prendergast, Phil.  
 Ryan, Brendan.  
 Walsh, Jim.  
 White, Alex.  
 White, Mary M.  
 Wilson, Diarmuid.

Níl

Bradford, Paul.  
 Burke, Paddy.  
 Buttimer, Jerry.  
 Cannon, Ciaran.  
 Coffey, Paudie.  
 Coghlan, Paul.  
 Cummins, Maurice.  
 Fitzgerald, Frances.

Healy Eames, Fidelma.  
 McFadden, Nicky.  
 O'Reilly, Joe.  
 Phelan, John Paul.  
 Quinn, Feargal.  
 Regan, Eugene.  
 Ross, Shane.  
 Twomey, Liam.

Tellers: Tá, Senators Camillus Glynn and Diarmuid Wilson; Níl, Senators Maurice Cummins and John Paul Phelan.

Question declared carried.

**An Cathaoirleach:** When is it proposed to take Committee Stage?

**Senator Donie Cassidy:** Next Wednesday.

Committee Stage ordered for Wednesday, 14 October 2009.

*Sitting suspended at 12.50 p.m. and resumed at 2 p.m.*

**Planning and Development (Amendment) Bill 2009: Order for Second Stage.**

Bill entitled an Act to amend and extend the Planning and Development Act 2000, to amend the Transport (Railway Infrastructure) Act 2001, and to provide for related matters.

**Senator Camillus Glynn:** I move "That Second Stage be taken now."

Question put and agreed to.

**Planning and Development (Amendment) Bill 2009: Second Stage.**

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

**An Leas-Chathaoirleach:** I welcome the Minister for the Environment, Heritage and Local Government, Deputy John Gormley.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am pleased to bring the Planning and Development (Amendment) Bill 2009 before the Seanad. If there is one clear point to be made about planning, it is that planning is about people, not buildings. Good planning can bring enormous benefits to individuals and communities. It allows them to prosper and develop in the long term. It ensures good quality homes are provided as well as areas where industry can thrive. It ensures that facilities are in place, from shops to schools and public transport.

It is often forgotten that people are also the first victims of bad planning. People are left in poor quality housing without the facilities they need and deserve. They are left travelling long journeys in congested traffic to their work places. They are also left most exposed to the ill-winds of economic recession.

Bad planning can be even more cancerous and can eat into the very fabric of our economy. The bad planning and overzoning we have seen in Ireland in the last decade played a significant part in our current economic recession and fuelled the property bubble. Fields that should have been left to the cattle were rezoned and then sold on for gargantuan profits to developers who borrowed heavily to buy them. We are dealing with that legacy now. Communities, especially in the commuter belt, which saw enormous growth without the necessary infrastructure, are now suffering most from the recession. We are now dealing with that legacy. National and regional planning guidelines were ignored, and in many areas we had uncoordinated development, which in turn caused environmental, transport and infrastructural problems that will cost tens of millions of euro in taxpayers money to resolve. We are dealing with that legacy too.

Planning is an issue that truly affects all of us in many aspects of our daily lives — our modes of travel, the way we power our homes and places of work, the delivery of clean water and the delivery of high quality and environmentally sustainable economic and social infrastructure. For all these reasons, I have taken a hands-on approach to improving the planning system since I took office. I introduced a suite of guidance on sustainable residential development and the integration of schools provision with the planning process. New guidance is in preparation in respect of local area planning and flooding and controlling development along national roads. I introduced new regulations last year to encourage the uptake of cleaner and cheaper energy from renewable sources in the industrial, business and agricultural sectors by providing exemptions facilitating a greater penetration of renewable technologies in these sectors. I have taken a strong stance with certain local authorities by issuing directions requiring them to amend their development plans where these have included excessive or inappropriate zonings. Indeed, the problems highlighted by this latter issue have been a strong motivating factor for me in developing this planning Bill.

I have long believed that if we can achieve greater certainty and innovation, and introduce greater participation at the forward planning stage, the vast majority of the planning issues that we face as a society, such as overzoning, inadequate provision for public transport, community infrastructure and amenity, and fluctuations in house and land prices, can be addressed and corrected. The zoning of land through the development plan or local area plan processes is the basic decision that determines the quality of individual planning decisions on the ground.

The lessons of the very recent past have shown that we are suffering from inappropriate and chronic overzoning. Instead of a virtuous circle of zoning decisions being taken for the common good and translated into improving the quality of people's lives on the ground, in some cases we have witnessed greed taking primacy over need when it came to planning. The evidence is there for all to see and it is a damning indictment of our system.

As I stated in my recent contribution to the Second Stage debate on the NAMA Bill, it is no coincidence that our commuter towns are now suffering the most from the economic down-

[Deputy John Gormley.]

turn. These are the towns where house upon house was built and field upon field rezoned but little or nothing was provided by way of community facilities or amenities. This is not my vision for sustainable communities. Scatterings of estates that are poorly linked by transport, distant from schools and dependent on transport by car must become a feature of our past. Sustainable, high-quality living communities are what this country needs to assure its development and competitiveness in the future.

There can be no doubt that, aside from the reckless banking practices which have been shown to have been so prevalent in our financial system, reckless zoning practices and soft touch regulation in our planning system have contributed in equal measure to the property boom and bust. The planning system has acted as a critical enabler for property speculation whereby the value of land was inflated beyond all reason by little more than putting a colour on a map. It is these zoning decisions, made on the basis of who you knew rather than on any proper planning justification or need, which have in no small part led us to where we are today, where very many of our citizens find themselves in negative equity and our banks cannot function in extending credit to businesses together with the long-term costs to society and future generations. It is for this reason that the Government will introduce an 80% windfall tax on all zoning decisions as part of a package of measures to ensure this will never ever happen again. The planning system could be described as being at best passively negligent or, at worst, actively complicit in the economic travails in which we find ourselves today. I am providing clear leadership on this issue and the strong action to deal with the problems I have mentioned is contained in this Bill.

The purpose of the Planning Act 2000, as stated in its Long Title, is “to provide, in the interest of the common good, for proper planning and sustainable development”. Before and since I have come into office I have had representations made to me expressing serious concern about how the system can be abused to prioritise private interests over the common good, often to the detriment of sustainable development. I have the greatest respect for the people in planning departments across the local government system who have managed to deal professionally, fairly and effectively with the large increase in the number and complexity of planning applications over recent years. I do not want their labours contaminated by that small number of people who use the planning system for their own gain.

I intend to strengthen further the wider ethical framework for local government. The Green Paper on local government examined the operation of the regime at local level and concluded that greater coherence could be brought to its operation. The White Paper which I intend to publish shortly will present a set of measures in that regard. I am also preparing a Bill to provide for a directly elected Mayor of Dublin in 2010. I intend to use this Bill to introduce statutory protection for whistleblowers in the local government system, building on the approach introduced in many other areas of the public service.

The Bill ranges over a number of areas in the planning code. There are three Parts which contains 36 sections. I would now like to refer in some detail to the main provisions.

As I said, a sound development plan is the key to ensuring good planning at local level. Decisions taken at the development plan stage affect all other planning decisions. A key element of the zoning reform is the introduction in section 5 of the Bill of a requirement for an evidence based core strategy in development plans which will provide relevant information on how the plan and housing strategy are consistent with regional planning guidelines and the national spatial strategy. The location, quantum and phasing of proposed development must be shown, as well as growth scenarios, details of transport plans and retail development and proposals for development in rural areas. This more strategic approach to zoning will allow development to take place at the right time and in the right place and will allow the State to

plan for the provision of infrastructure with much greater certainty. This is key to the economic renewal agenda.

Requiring tighter management of land zoning and ensuring the location and quantum of land zoned for development are in line with regional and local targets for growth over the period of the plan will help local authorities to prioritise the provision of their own infrastructure and services for those places most likely to be developed during the plan. We will have an evidence based rationale for future development: what needs to be done, where it should be done and why it should be done.

Where the amount of zoned land in an area far exceeds the likely demand, as quantified in the core strategy of the development plan, I encourage local authorities to consider using the existing down-zoning provisions in the 2000 Act. Alternatively, the development plan needs to make it clear that zoned land will be serviced and prioritised in local area plans, following a sequential approach, that is, developing within and out from existing urban areas using public transport corridors as far as possible. Development on “excess” zoned land will be regarded as premature until the need to develop such land is established in the core strategy of a future plan.

This section also provides that development plans will contain mandatory objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas, including appropriate measures to reduce greenhouse gas emissions. This mandatory objective recognises the crucial role local government plays in tackling climate change and builds on other initiatives I have taken in this area.

Section 6 provides for the scope of submissions and observations on development plans to be much more strategic in nature. The development plan-making process will be more transparent and move away from being distracted by proposals for zoning particular land parcels to a more strategic land use planning approach. As a general approach, I am strengthening the status of regional planning guidelines and the role of regional authorities in the preparation or variation of such plans. Development plans will have to be consistent with the relevant regional planning guidelines and regional authorities will be required to make submissions to planning authorities on the key issues which the regional authority believes should be considered in the preparation of a draft development plan. The ongoing review and update of the regional planning guidelines to be finalised in the middle of next year will be crucial to giving effect to this new legislative requirement.

Sections 7 and 8 dealing respectively with the making and varying of a development plan include a requirement that the manager’s report should address separately the issues raised by the Minister or the regional authority and that the report must include appropriate recommendations in relation to how these issues are to be addressed. This recognises the Minister’s responsibility in law for the planning system and, in relation to the regional authority, its role in ensuring regional planning issues are given due consideration in the shaping of the development plan.

I have listened closely to criticism regarding the introduction of new land zonings late in the development plan process without consultation. The existence of such a device in law is not appropriate and does not accord with the principles of fairness or transparency. I am changing the Act in order that the introduction of zonings late in the process without consultation will no longer be permitted. All land zonings will now have to be the subject of public consultation at plan-making stage or in a draft variation of a development plan. This is crucial from the point of view of ensuring public confidence in the zoning process.

Material amendments to draft development plans and variations to development plans will require the support of two thirds of the total number of members as opposed to a simple

[Deputy John Gormley.]

majority, as is currently provided for. Decisions on development plans, one of the most fundamental powers available to elected members, must involve the majority of the members. Similar provisions are also introduced under section 11 in relation to the local area planning process.

Section 10 provides that the mandatory population threshold for preparing local area plans is raised from 2,000 to 5,000 persons. The preparation of local area plans is resource intensive, involving consultation with both the elected members and the general public. Such resources are best used where an area is likely to undergo significant development on a greenfield site or redevelopment on a brownfield site. However, it also provides that the discretionary threshold for the preparation of a local area plan will be where the population is between 2,000 and 5,000 and where the relevant area is to be subject to large-scale development within the lifetime of the plan.

To ensure local area plans are comprehensively linked with the city or county development plan which are reviewed every six years, the lifespan of local area plans is increased to ten years, although where a local area plan is no longer consistent with the city or county development plan because the development plan was reviewed or varied, there is a requirement to vary or review the local area plan within one year. There is also provision made for the phasing of development within a local area plan, as provided for within a development plan, particularly given that zoning objectives are provided for in a local area plan on foot of the Planning and Development (Amendment) Act 2002.

Section 12 provides explicitly for the link between regional planning guidelines and the national spatial strategy. Under the Bill, regional planning guidelines shall be set within the policy framework of the national spatial strategy, including its population targets which are updated from time to time.

Sections 13 to 16 strengthen the status of regional planning guidelines in relation to development plans and also strengthen the role of regional authorities in the preparation or variation of such plans. Section 13 provides that a development plan must be consistent with the regional planning guidelines in force for the area to help achieve coherence between the hierarchy of forward plans.

Regional authorities are, through sections 14 to 16, inclusive, given an explicit role in pre-draft and draft development plan preparation. They are also given a role in the variation of a development plan. The key aim is to ensure consistency and coherence between local planning and regional planning guidelines. Sections 14 to 16, inclusive, also set a broader perspective for the areas to be covered in the regional authority's observations report. These can include co-ordinating development objectives across local authority boundaries and for the strategic infrastructure requirements within a region to ensure regional priorities are being delivered.

Section 17 provides that a planning authority must demonstrate, by way of a statement when preparing and making a draft development plan, how it has implemented the policies and objectives of the Minister contained in guidelines issued under section 28 of the principal Act. Equally, as the case may be, planning authorities must detail the reasons such policies and objectives were not implemented. This will bring much greater clarity to how key guidelines prepared at national level in relation to, for example, sustainable expansion of small towns and villages or the development of wind farms in scenic areas are being dealt with at local level.

Section 18 deals with the complex and sometimes controversial area of ministerial directions under section 31 of the Act. I have used the powers available to me as Minister under section 31 of the planning Acts on a number of occasions to address issues of inappropriate and excessive zoning and directed local authorities to make the necessary changes to their development plans to bring them into line with national policy. Planning decisions at local level cannot fly

in the face of wider regional and national interests, especially those agreed and endorsed by the Government.

For the sake of consistency, I am extending the ministerial powers to issue a direction to include local area plans, in which many zoning decisions are now made by planning authorities. I am also introducing new consultative arrangements for section 31 directions. Once the Bill is enacted and where the need arises to use these powers, a proposed or draft direction will be issued in the first instance to seek local views before a final direction is issued. These new processes take account of the recommendations of the joint committee in its March 2009 report. Section 18 also provides for a discretionary provision for the Minister to appoint an independent inspector to review the manager's report prepared on foot of the public consultation on the proposed direction.

Section 19 amends the principal Act to align the voting requirements on a motion deciding to grant permission for a proposed development that would materially contravene the development plan with the new voting thresholds for material amendments to draft development plans set out in section 7. I will give further consideration to this matter in advance of Committee Stage.

Section 20 proposes an amendment to section 35 of the Act to allow a planning authority to refuse permission where the applicant has carried out a substantial unauthorised development, including a development with no permission whatsoever, or has been convicted of an offence under the planning Acts, subject to certain conditions. Section 21 amends the principal Act by providing for the extension of cost recovery to pre-application and scoping requests related to environmental impact assessments for strategic infrastructure development cases under the Seventh Schedule of the principal Act, in addition to cost recovery in cases that proceed to full application and determination by An Bord Pleanála.

The amendments in section 22 are designed to remove any legal impediment to e-planning. To avoid doubt, the principal Act is amended to prescribe that a planning authority is authorised to display planning application documentation on its website. A further amendment provides that contact telephone numbers and e-mail addresses provided by or on behalf of the applicant will not need to be published. Recently, I encouraged planning authorities and An Bord Pleanála to make greater use of information technology in processing planning applications and appeals. This can enhance the level of service provided for users of the planning system, whether as applicants or as members of the public, and bring efficiency savings to planning authorities and statutory consultees. My Department is such a consultee in respect of heritage issues and we have developed pilot projects whereby planning applications can be referred to us electronically.

Section 23 amends the principal Act to provide for the extension of permission for a period of up to five years in circumstances where substantial works have not been carried out but where there are commercial, economic or technical considerations beyond the control of the applicant that substantially militate against either the commencement of development or the carrying out of substantial works. I will examine this issue further on Committee Stage.

Section 28 amends the principal Act to empower An Bord Pleanála to reduce the quorum for meetings from three members to two on the recommendation of the chairperson that such a reduction is necessary to ensure the efficient discharge of the business of the board.

**Senator Nicky McFadden:** That is interesting.

**Deputy John Gormley:** I am sure it is. The amendment aims to improve the throughput of An Bord Pleanála and secure a higher compliance rate with the statutory objective period of 18 weeks for appeals.

[Deputy John Gormley.]

Section 29 provides for an increase in the maximum fine to €5,000 for a summary offence under the planning Acts and an increase to €1,500 in the maximum daily fine for a continued offence.

Section 31 amends section 180 of the principal Act which provides that a housing or residential estate be taken in charge by the planning authority in certain circumstances on foot of a request from a majority of the owners or occupiers. The Law Reform Commission's report on multi-unit developments recommended that it should be owners of units only who would have the right to determine whether the estate was taken in charge. This amendment implements the commission's recommendation.

Sections 32 and 33 amend sections 182B and 182D of the principal Act, respectively, to provide powers for An Bord Pleanála to recover costs at pre-application and determination stage in respect of applications for electricity transmission lines and strategic gas infrastructure. Section 34 modifies certain provisions of section 212 of the principal Act as they relate to the functions of the planning authority regarding the development of land. The amendment is intended to extend the scope of the powers of planning authorities to allow them to take action to secure the creation, management, restoration or preservation of a site of scientific or ecological interest. Similarly, section 36 amends the Transport (Railway Infrastructure) Act 2001 to provide An Bord Pleanála with powers to recover pre-application and determination costs in respect of applications for railway orders.

At this stage, it is appropriate to signal some of the amendments that I intend to table on Committee Stage. Building on the action that I took last year to close the legal gap in planning applications for retention permission for developments that should have been subject to environmental impact assessments, EIAs, I intend to introduce specific provisions on Committee Stage that will remove the possibility of retention of unauthorised developments that should have been subject to EIAs, other than in exceptional circumstances. Allied with these amendments, I will also revoke the current seven-year time limit within which enforcement action may be taken in respect of unauthorised developments that should have been subject to EIAs.

The European Court of Justice has ruled against Ireland for our failure to implement and adequately transpose into law elements of the birds and habitats directives. It has become necessary to integrate the requirements of these directives into planning law. Two central issues need to be addressed. These are the screening and assessment of proposed land use plans and development proposals for their potential impact on European nature sites for the protection of birds and other species and habitats, collectively known as Natura 2000 sites, and measures to protect species of flora and fauna protected under Irish law from disturbance and destruction as a consequence of development. I am confident that the proposed reforms to be introduced on Committee Stage will address the recent European Court of Justice judgments against Ireland in this regard. I also intend to make proposals to provide for the mandatory objectives in development plans for the protection and listing of undisputed rights of way.

The necessary work is under way to integrate better the foreshore consent processes within the planning processes under the planning Acts in anticipation of the formal transfer of the foreshore functions to my Department. The initial focus is on integrating the foreshore consent process for major infrastructural projects with the consent process under the Strategic Infrastructure Act.

The Bill is about better enabling us to deliver competitive and dynamic cities, towns and regions which will help to improve our quality of life in economic, social and environmental terms and contribute towards the vision of a sustainable future for all. It will strengthen transparency, openness, democratic involvement and public participation in the planning system.

More focused land use strategies will also result in a more efficient use of taxpayers' money by allowing the State to target investment in essential infrastructure and services more accurately. I look forward to engaging on Committee Stage on these provisions and Government and Opposition amendments which I hope will be constructive and helpful.

I will not be able to stay, as I have a committee meeting to attend. However, I will stay for a period. I do not know how Senators can bear the heat in the Seanad.

**Senator Nicky McFadden:** It is roasting.

**Deputy John Gormley:** Yes. There is probably too much heat being used.

**Senator Camillus Glynn:** It is self-generating.

**Senator Nicky McFadden:** It is like wearing a cardigan made by my granny.

**An Leas-Chathaoirleach:** It is warm in here.

**Deputy John Gormley:** I commend the Bill to the House.

**Senator Paudie Coffey:** I welcome the Minister and his officials to the Seanad for the initiation of an important Bill and debate. While the Bill has been recently publicised by the media, it was also publicised prior to this summer's local elections.

This comprehensive Bill addresses the important matters of planning and development which will have a significant impact on how the country and communities will develop in the coming years. It is our job as an Opposition party to analyse, comment on, contribute to and debate the many contents of the Bill.

I acknowledge at the outset the Minister's sentiment that it is important we have good and sustainable planning. The Bill proposes to reform various aspects of the Planning and Development Acts from 2000 to 2007 and while I acknowledge there are some positive aspects to the Bill, to which I will refer, we in the Fine Gael Party have some concerns with regard to other aspects. We believe some undemocratic centralised control elements are being introduced to the planning area by the Department of the Environment, Heritage and Local Government and the Minister. We are also concerned, and the Minister alluded to it towards the end of his contribution, that the Bill is incomplete and that he intends to add many more sections and amendments. I suspect the Bill will be heavily amended by the time it reaches Committee Stage in this House and before it goes to the Lower House. We would have preferred a more complete Bill to debate here at the earliest possible stage. I understand there are many complexities to the Bill and that it is comprehensive but I want to record that view at the outset.

The Minister referred to lessons being learned and the legacy we have inherited from development plans in recent years. We all accept there are lessons to be learned but where elements of corruption exist, and there was and is elements of corruption in the planning process, the Fine Gael Party fully supports the idea that it should be exposed, rooted out and has no hand, act or part to play in the proper planning and development of our communities.

We must also learn from the recent property boom and the mistakes made in planning decisions and developments but I remind the Minister that was propagated by his partners in Government, Fianna Fáil, where we saw an explosion of property development due to ill thought out and unsustainable Government policies. The Government and local authorities were happy to propagate that development boom at an unsustainable rate due to the huge income from property related taxes such as capital gains tax, stamp duty, VAT and development levies.

[Senator Paudie Coffey.]

The Minister will be aware that local authorities have become seriously dependent on the income generated from development levies and we can now see the huge deficits local authorities are running in their current budgets because of the economic and construction slowdown. In other words, we put all our eggs in one basket for the past ten or 15 years and local authorities have become over-dependent on that income. They have prepared budgets in recent years based on this income and now that it has dried up we can see the cupboard is bare and the way services and local authorities are suffering. That is obvious to all. The infrastructure that was being developed is now at a standstill. While I expect the Minister to absolve himself of all blame for that, and this Bill may be his attempt to correct the problems created, I suggest the Bill is probably too little too late.

I do not want to go into the National Asset Management Agency debate but I am sure this Bill will have serious implications for lands taken under control by NAMA. We talk about transparency but it is important the implications of NAMA on zoned lands that will be taken over by NAMA are transparent and put into the public domain as soon as possible for all to see, whether it is the communities, the banking sector or whoever but more importantly for taxpayers because zoned lands that have not been developed and which are better suited to feeding cattle will be affected by the NAMA legislation and indeed this Bill.

On the Bill, section 5 is important and provides that evidence based core strategies will be the fundamental basis of the way we inform our new development plans, but how perfect is the evidence we are expected to use? I am reliably informed by sources that the statistics used by the Department are up to 10% out of kilter with the statistics on population trends. I do not know whether that is right or wrong but if the statistics are incorrect, it could seriously distort any future development plans. Regardless of the plans that are developed under this legislation, and I urge the Minister to focus on this area, it is essential that the information used as the fundamental framework based on population trends is correct. The statistics must be treble checked because if we intend to invest in infrastructure and set out development plans based on that information, it is essential that it is correct at the outset and beyond any doubt if development plans are to have the full support of the entire society.

Regarding the evidence based core strategies, it appears that a hierarchy is being established not only nationally but now also within counties and cities with regard to the way they will develop. Will that hierarchy be fair? Will it limit existing towns from developing and attracting new businesses or industry? Will towns suffer because under this legislation future development plans will be lower down the food chain, so to speak, within their county? Will towns suffer because they will not have the support of the Department or council officials because they are not seen to be important enough? Many towns and villages have not seen the benefits of the Celtic tiger or major development and they feel they have been left behind. I am concerned that as a result of this legislation they will be left behind in law because they will not benefit from any future incentives to attract business or development. There is a concern around that area. Every individual and, by extension, every community and town can aspire to developing to their full potential without being limited by a hierarchal type of planning process. Fine Gael has concerns in regard to that particular area. This Bill will limit the development aspirations of towns and stymie some development in areas where development is needed to regenerate towns and villages.

I am interested to hear the view of the Fianna Fáil representatives on this because I am aware that they, like Fine Gael, have councillors elected in all communities throughout the country. I appreciate the Green Party does not have the same levels of representation in towns and villages. In fact, in the main the Green Party reflects the views of dwellers in large urban cities to a large degree, and I do not say that lightly. That is a fact of life from someone who

comes from a small rural village. Much of the time I do not hear the views of the ordinary people I live among being reflected by the Green Party. I would be interested to hear what the major party in Government has to say.

I will give the Minister one example. I come from a small town with a population of less than 2,000. It is the fourth largest town in County Waterford. The town has always had a development plan every five years but under this legislation we are being told there will be no requirement on the local authority to have a local area plan because the population is under 2,000. That has been studied by planners throughout this country, the British Isles and the world because Portlaw, where I come from, is a planned industrial town built by the Quakers where an industry was set up and all the social fabric the Minister alludes to in the legislation such as educational institutions, societal institutions, industry and housing was built within a period of 20 years.

The industrial site in this town became a brownfield site because it degenerated through neglect, and it remains a brownfield site of over ten acres in the middle of the town, fully serviced and accessible. It is all very well to bring in legislation that is high in aspirations and ideas but to date legislation and planning has neglected towns and villages like Portlaw. The Department officials and the county councils have turned a blind eye to dereliction, neglect and contamination on that site for over 25 years. It is in the middle of a town in a zoned area with all the water services, roads, footpaths and lighting leading into it but it has lain derelict for 25 years with no interest whatever from Department and council officials. Only for the councillors in that area, it would have been forgotten altogether.

Let me outline another example, the seven-villages sewerage scheme in Waterford, a project in which the Minister's Department is directly involved. The seven villages, which are long established, have all the social services to which the Minister alludes. They are among the villages and towns in the two thirds of the country that are not in the commuter belt and they include Cappoquin, Stradbally, Kilmacthomas and Ardmore. They have been awaiting a foreshore licence for over seven years so their sewerage infrastructure can be installed. The reason for the delay is the unnecessary bureaucracy in the Departments and it is not because of councillors' decisions or bad planning. The Department of the Environment, Heritage and Local Government, the Department of Agriculture, Fisheries and Food, and the Department of Communications, Energy and Natural Resources have all held responsibility for foreshore licences, yet none of them is dealing with them or issuing them. As a consequence, the infrastructural development of seven villages is held up. We are trying to develop them in an integrated, sustainable way but, for seven years, they have not even been able to put water services in place. This is a question of bureaucracy, not of bad planning by councillors or local authorities.

It is important that we highlight both sides of the planning debate. It is not just a case of bad planning decisions on the part of councillors but of bad management of local authority areas by Department officials, the Government and local authorities.

Let me outline an example from a local authority adjacent to my own. I and the Minister are aware of a town in respect of which recommendations were made by town council managers and officials to zone flood plains for commercial development. This is on public record. It was not the councillors who were promoting the zoning but the officials. Therefore, it is not only on the councillors that we should be homing in.

Let us consider sections 7, 8 and 19, under which two thirds of councillors will be required to vote in favour of motions to sanction or materially contravene development plans. While I honestly do not know how frequently these motions arise or how often they are voted on, I suspect they are not as frequent as the reasons for introducing this legislation would suggest.

[Senator Paudie Coffey.]

The Minister states this Bill will strengthen local democracy. However, I argue it will weaken the power of local councillors, who are elected directly by the people in the communities in which they live. They are accountable to the people and must put themselves before the electorate every five years. This Bill provides for new arrangements for adopting county and city development plans whereby two thirds of the majority of the council will be required to pass a plan or make a material contravention or change. My concern in this regard is that a rump can develop within a council whereby a small number of councillors can band together to halt a genuinely good development plan. This gives more power to a minority grouping within a council. Surely this measure is not improving local democracy.

If the Minister is concerned about the formulation of development plans, he should consider the Fine Gael proposal that was in the party's local election manifesto. It stated a register of lobbyists should be set up and be publicly accessible in local authority areas. Thus, elected members and council officials would be required by law to register any lobbying by developers or landowners regarding zoning issues. That would bring considerable transparency and accountability to the planning process and the creation of development plans.

In the Minister's recent contributions in the Dáil on NAMA, he has apportioned unfairly much of the blame for the property boom to councillors on the basis of decisions they made. I do not like this impression because there are other reasons the property boom occurred in the manner it did. The very fact land is zoned does not necessarily mean it can be built upon. It must obviously be subjected to stringent technical criteria during the planning application process, and a recommendation must be made by professional planners before a final decision is made by the relevant county or city manager. A decision can be appealed through An Bord Pleanála, if necessary.

Where large-scale housing developments did take place, more cohesive social infrastructure should have been developed in parallel. I acknowledge that this Bill attempts to address the social deficit attaching to large-scale developments.

Rather than restricting the powers of the councillor, the Minister could have examined ways to increase transparency and accountability in the local authority planning process, which includes planning departments, planning officials and elected members.

Section 10 increases the threshold in respect of which local authorities are obliged to develop local area plans. The relevant population is being increased from 2,000 to 5,000. Local authorities are being directed to leave smaller towns and villages without local area plans and without local democratic consultation and drafting. It seems towns with a population of 5,000 or more are those that the Minister wants to micro-manage centrally from his Department. The national spatial strategy has never been approved by the Oireachtas and has had no legal status up to now. Targets were established under the strategy without any strategic environmental assessment, which type of assessment should be required in respect of any basic large-scale development or development plan.

There are genuine concerns regarding the statutory power this Bill will transfer to the Department of the Environment, Heritage and Local Government and the Minister. Any new development plan or local area plan will be required by law to conform with the national spatial strategy and the regional development plans.

Every community, local authority area and city has unique strengths and weaknesses. Therefore, any development plan must identify these and address them, and it must exploit any strengths and potential. This Bill attempts to have a uniform type of development that conforms with national and regional plans. One size does not fit all and every town is not the same.

The national spatial strategy, when first introduced, was a document for guidance and co-ordination for State agencies and local authorities with regard to the priorities in the national development plan. When the strategy was drafted, there was no proper analysis or public consultation and there was no opportunity to comment on its content when introduced by the Government. In essence, it was a diktat from central government on how our country should develop. To date, the national spatial strategy has had no legal status and, as far as I know, it was not approved by the Oireachtas.

Under the Bill before us, the national spatial strategy, which was originally a guidance and co-ordination document, will be compulsory under law. Local authorities will be required by law to conform with its content and direction. The problem we have with this is that, whatever the merits of the national spatial strategy, there is nothing stopping the present Minister or any future Minister from redrafting a new one without proper local consultation or democratic accountability. The new strategy would remain, in law, the fundamental framework for any development plans adopted subsequently by local authorities. This is essentially an attack on local democracy. The strategy is simply a development plan handed down directly from central government, from the Department and Minister, and has the statutory status to require local authorities to conform with it.

The Minister referred to section 18, in respect of which the Minister had to get involved directly with county development plans in a number of local authority jurisdictions. He is fully entitled to do so as Minister. As a member of the Oireachtas joint committee, I listened to submissions from both sides expressing displeasure over the Minister's intervention. I am glad to say he has taken on board the need for further consultation at an early stage in the formulation of development plans where he feels they do not conform with the guidelines.

In Mayo, all parties represented in the local authority decided unanimously to adopt the county development plan. We must all accept local democracy and listen to what representatives are saying. The Minister intervened in this case but I felt the way he and his officials dealt with the matter was a bit heavy-handed. It could have been handled better. He is attempting to address this issue by way of the reference to a consultation process in this Bill.

Rural Ireland has always been inhabited. Our planning model is not the same as that in Great Britain where people tend to live in small hamlets, towns and villages. I would not like to see the day when we decide to emulate the British planning policy. Reference is often made to forced urbanisation. It seems this Bill will go a long way towards forcing urbanisation. It will require local authorities, when developing their plans, to establish population targets and trends and establish subsequently a hierarchy of settlement areas within individual counties. It is essential that these population trends and statistics are perfect before we develop plans based on that information.

There are some very good measures contained in the Bill, including enhanced e-planning and on-line planning applications. The legislation clarifies issues in that regard and ensures full information will be available to the public on-line, which is welcome. The position on the taking in charge of housing estates is also clarified. We have all seen the difficulties with unfinished estates for people around the country. I welcome the clarification to the effect that local authorities can take in charge housing estates and that they will have the power to refuse planning permission where an unauthorised development has taken place. That is very welcome.

I have outlined many of my concerns and those of my party but I do not want to sound too negative. There are good elements to the Bill and this is a good time to review the planning process because of the changes in our economic circumstances and the legacies to which the Minister referred. I do not disagree with cutting the number required for a quorum from three

[Senator Paudie Coffey.]

members to two in An Bord Pleanála, although it will not achieve a lot. As referrals to the board have slowed significantly, they should be dealt with properly.

Sections 24 and 25 deal with public infrastructure, schools and transport services integration. We agree with any measure to improve integration in all these areas. We also welcome the increased fines where people are in breach of planning laws.

At this early stage, the Bill is incomplete. From what I have heard from the Minister today, it will be heavily amended on Committee Stage. We agree with much of it but disagree with parts of it for the reasons I have outlined. In the main, we are concerned that it is a Bill to manage planning processes in local communities at a national level in a Department controlled by the Minister of the day.

**Senator Camillus Glynn:** Senator Hannigan has a pressing appointment and, if the Leas-Chathaoirleach and the House agree, I am prepared to defer to him. I will speak after him.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator Dominic Hannigan:** I thank Senator Glynn for his very gracious actions. I welcome the Minister and, as I must leave, will summarise my remarks. We welcome the Bill which is a fair attempt at improving the existing legislation. We acknowledge that it seeks to clean up the mess left behind by successive Governments.

I strongly welcome the incorporation of provisions dealing with greenhouse gases. The climate change debate, incorporating as it does the complexities surrounding the reduction of emissions and a move towards sustainable living, can seem very far removed from the experience in towns and villages across Ireland but it is at this level that real changes must be made. I have no difficulty in supporting provisions that will incorporate the promotion of sustainable and environmentally progressive practices into development plans.

Section 31 deals with the taking in charge process and it is good to see it included. I am glad to see an attempt being made to deal with the issue of multi-unit developments, an issue about which I have been speaking for some time in the House. We are glad to see action being taken on that issue. Residents in estates across the country will welcome the introduction of this legislation.

I reserve the right to table amendments at a later stage but in broad terms, we welcome the legislation and look forward to Committee Stage. I again thank Senator Glynn for allowing me to speak before him.

**Senator Camillus Glynn:** Ba mhaith liom fáilte a chur roimh an t-Aire agus fáiltíim roimh an Bille seo. I welcome the Minister and the introduction of the Bill. I would not be telling the truth if I said I was happy with all of the provisions of the Bill because I am not. The Minister would need to be the good Lord himself to bring forward a Bill that would find satisfaction on every side of the House, even the Government side.

One very pleasing aspect is that the Bill has been initiated in the Seanad, which is appropriate and important, given that the vast majority of our electorate are locally elected members of county or borough councils. I was nominated to stand for this body by town councillors.

The Planning and Development (Amendment) Bill 2009 is part of the Government's commitment to having a smart economy in Ireland. I welcome the stab in this direction. The Bill also provides a framework for sustainable economic renewal.

Reference has been made to corruption in the planning system and it is important to refer to it again at this stage. There may be a misconception that this corruption only involved local

and national politicians but it did not. Some officials were also involved, as has been proved conclusively. I would welcome any measure to eliminate corruption. I never had any problem in supporting zonings I thought were correct but which may not have found favour with officials. Officials are not always right but they are not always wrong either. Neither are local authority members always right or wrong.

The Bill introduces a number of key changes to the planning code with the principal aim of supporting economic renewal and promoting sustainable development. I hope it will bring to an end bad planning which has led to a deterioration in the quality of life for a number of people living in estates without facilities, schools or proper public transport services.

The new legislation will give the Minister of the day a greater legal role in the making of local authority development plans. Although the Minister has left, I have already made this point to him. I would be concerned about any measure that would in any way reduce the powers of locally elected members. Planning is mainly local under the auspices of a local authority; therefore, a locally elected member who is directly answerable to the electorate is the most appropriate person to make plans in that regard. I will comment further on this issue when the Minister is present.

There were zoning decisions made by certain local authorities which did not find favour with the Department or the Minister; they did not find favour with me either. In many local authorities it is Senator Coffey's party which is dominant and has a primary role in the preparation and bringing forward of a county development plan.

**Senator Nicky McFadden:** That was not always the case.

**Senator Camillus Glynn:** I said we were not always right or wrong.

**Senator Paudie Coffey:** There was control exercised from Dublin also.

**Senator Camillus Glynn:** I referred to that issue also. I have no problem in putting my cards on the table face up and it is a pot I hope to win.

There will be consistency between a local authority's development plan and the national spatial strategy with regard being had to regional planning guidelines and ministerial directives such as those issued to a number of councils. Senator Coffey has indicated one county council where the development plan had the support of the entire membership, which raised questions regarding ministerial directives. A Minister would have his or her view and locally elected members would have theirs and we do not always have to agree. At least when we discuss problems, a measure can be employed to solve them.

The Bill seeks to ensure development will take place at the right time, in the correct place and at a suitable pace to allow for the provision of necessary infrastructure. A major change to the planning process is that under the new Bill, two thirds of councillors, instead of a simple majority, will have to approve the county development plan. I will have to think about this. I am always conscious of the powers of locally elected members. The Minister might look at this provision again to see what can be done about the matter.

The Bill will also ensure that the powers councillors possess will be exercised in a responsible way in accordance with good planning practice. It will further ensure that public officials will discharge their responsibilities in an appropriate and lawful manner. Anything that can be done to eliminate the type of behaviour that has occurred in recent years must be welcomed.

The Bill will see an end to the type of bad planning that has led to a deterioration in some people's quality of life. I refer to those who live in estates which do not have facilities such as schools and from which there is a lack of access to proper public transport. I have been accused

[Senator Camillus Glynn.]

of being anti-developer. I wish to state, without apology, that I am opposed to bad developers. I am no friend of anyone who receives planning permission to proceed with a development in a particular area and who walks away without discharging his or her responsibilities. It is taxpayers' money which is used to complete estates long after developers have trousered the funds they were paid and bolted. That should not be the case.

In circumstances where appropriate infrastructure is not provided, planning permission should not be forthcoming. I have always held this view. When I was first elected to Westmeath County Council in 1979, the late, great Gerry L'Estrange of the Fine Gael Party and I cosponsored a motion to the effect that anyone who defaulted on the terms of a previous planning application should not receive planning permission in the future. At the time, there was no law in place to support our viewpoint in this regard. However, we were trying to send a signal to those intent on proceeding with housing developments in Westmeath that their activities would be closely monitored.

The Bill will require that in order to ensure greater transparency, amendments of draft development or local area plans which have been the subject of public consultation may only be changed in minor respects. I support public consultation. Westmeath County Council, of which I was a member for almost 25 years, has always discharged its responsibilities in this regard, and rightly so.

Under the new procedures in the Bill, the Minister is endeavouring to play a greater role and to take on greater responsibility. However, he should be extremely cognisant of the role of locally elected representatives.

**An Leas-Chathaoirleach:** Someone has his or her mobile phone switched on the in House.

**Senator Camillus Glynn:** I do not know whose phone it is, although it may be mine. I apologise.

We must protect the powers of locally elected representatives. However, I accept that the Minister is trying to ensure that such representatives discharge their duties in the proper way. I support him in that regard.

I am not satisfied with the way in which enforcement orders relating to planning matters are being applied. In some instances, they are not being applied. I am aware of a case where a shed was converted into living quarters. This structure was connected to the water and sewerage systems without, to my knowledge, the approval of the local authority. However, the ESB refused to connect it to the local grid. As I understand it, the relevant local authority and An Bord Pleanála have refused planning permission on two occasions but the enforcement order has not been put into effect. If a law is in place, it must be implemented.

I do not know why we bother introducing laws. Ireland is the best country in the world for introducing laws but it falls down in respect of enforcement. The Derelict Sites Act is not being enforced. There are many eyesores in rural areas and in villages, towns and cities. The legislation relating to dangerous buildings is also not being enforced and this has an impact with regard to the safety of communities.

The terms of the planning guidelines are in line with the Government strategy outlined in Building Ireland's Smart Economy: A Framework for Sustainable Economic Renewal. The current planning regime is based on the Planning and Development Act 2000, which consolidated and modernised our system, and the national spatial strategy, which was launched in 2002. Regional authorities have been responsible for regional planning guidelines since 2004. Development plans and local area plans are made by planning authorities.

The issue of over-zoning is one of the reasons for the introduction of the Bill. In the era of NAMA, it is clear that we need planning strategies that are much more focused. A “Prime Time” programme on this issue discovered that a town in my county has zoned enough land to cater for local needs up to 2069.

**Senator Nicky McFadden:** That is what the Minister said but it is not true.

**Senator Camillus Glynn:** There is no doubt that in some instances planning and zoning practices are inconsistent with national, regional and local planning guidelines.

The Bill aims to increase efficiency and improve the performance of An Bord Pleanála by up to 60%. That is a welcome development. The statutory quorum of the board is to be reduced from three to two people. I do not agree with this because it could result in deadlock. If there are three people involved, there is, at least, the chance that a majority decision might be reached. If it takes two thirds of a council to approve a variation, I fail to see why the quorum relating to An Bord Pleanála is being reduced. That is not a fair way to proceed and I ask the Minister to reconsider the position in this regard.

In view of the fact that there has been a decrease in the number of planning applications, surely the volume of work will automatically be reduced. As a result, the output of An Bord Pleanála should be substantially increased without there being a need to interfere with the quorum necessary to allow meetings to proceed.

The Bill also allows for the extension of planning permissions for a further five years. This provision is welcome, particularly in view of the slump in the property market. I am aware of a case where, in 1996, an application was granted in respect of a material contravention. However, the person who owned the property was suffering from the early effects of Alzheimer’s disease and was not in a position to make a decision on the matter. That is a great pity because there is an existing need in the local area which could be addressed if the planning permission to which I refer were extended.

Planning must allow towns, villages, cities and rural areas to develop. Rural development is extremely important. Members are aware of schools that have closed because local populations have declined. They are also aware of instances where local GAA and soccer clubs have been obliged to amalgamate because they cannot muster enough players to field teams. Post offices and churches have been obliged to close as a result of the declining number of people living in particular areas.

Rural areas are extremely important. There is a view prevalent among certain people — a member of my county council said this at one point — that one-off housing developments are a blight on the landscape. I was born and bred in the country. I live in a town but I am very proud of my country origins. It is important to have reasonable development in rural areas because this helps to sustain the population in those areas.

There are many more comments I could make but I will wait until Committee Stage to do so. I agree with much of what is contained in the Bill but I am sure the Minister and others will bring forward amendments to address the concerns I have raised.

**Senator Rónán Mullen:** Ba bhreá liom tosnú le fáilte a chur roimh an Aire. Bille tábhachtach atá sa Bhille seo. Cuirim fáilte roimhe agus roimh an cuid is mó de a bhfuil ann. Measaim go ndéanfaidh sé maitheas. Bhí an ceart ag mo chomhleacaithe a dúirt go bhfuil sé ró-dhéanach ar bhealach, mar go bhfuil an-chuid dochar déanta cheana féin maidir le cúrsaí pleanála. Bhí mé an-tógtha le línte ar leith ó óráid an Aire a léirigh cé chomh dona agus ar chaitheadh le cúrsaí pleanála sa tír seo le blianta anuas. Mar shampla: “Fields that should have been left to the cattle were rezoned and then sold on for gargantuan profits to developers who borrowed

[Senator Rónán Mullen.]

heavily to buy them.” A later example from the Minister’s speech is when he stated: “The planning system could be described as being at best passively negligent or, at worst, actively complicit in the economic travails in which we find ourselves today.”

It is sad that a ministerial speech must contain such lines. While the truth of such lines cannot be denied, how sad it is that in the midst of our prosperity, we lost sight of the essentials of good management. I listened with interest to the comments of my colleagues thus far, including those just made by Senator Glynn, but no one could state there was wise stewardship at either national or local level in recent years in respect of planning matters. No one could state that the common good was foremost in the minds at all times of politicians and policymakers. While I do not deny that good and ethical people were doing their best within the system, no one can state that the events of the past 15 years or so represented a triumph of the common good over petty individual interests. All Members know what went on.

For example, in 2004 I was canvassing for a friend who was running in the local elections. I will not reveal for which or any party the person in question was running. I recall being highly struck by and feeling angry about my experiences, having spent a day knocking on doors not far from here in a new suburban part of Dublin. When a door was opened, I found myself looking into a person’s living room because in some cases the new houses that had been built did not even afford people the dignity of a hallway. Consequently, one found oneself looking into the living room of a house. In another case, I remember that to drop in a leaflet, I was obliged to climb a rather steep flight of concrete steps to access the front door of a house. I found myself wondering whether the people who planned this arrangement gave the slightest consideration to persons with disabilities or to young mothers with buggies. It was quite clear, even on the basis of that brief and superficial experience, that the common good of ordinary people was not at the top of the list of priorities. I remember wondering whether this was a failure of legislation, whether there was an absence of effective building regulations or whether such building regulations were flouted. It was difficult to assess how things had come to that pass.

One has the Bacon report of 2000 to thank for a particular vision. While there was an economic argument for higher density housing, I question whether the same attention was paid to people’s need for quality of life and amenities. I acknowledge that some steps have been taken in recent years towards correcting this but Ireland certainly is far behind other countries. I think of the Netherlands as one possible example in which high density housing was achieved without losing sight of individual needs. My experience, then and subsequently, of poor quality planning and of unacceptable forms and styles of development made it clear to me that what was needed was careful legislation, as well as enforcement of whatever standards were identified. This also applies to architects because development at any level requires careful regulation of practitioners and, in this regard, the continued existence of unqualified cowboy architects, for example, is a source of concern. This matter may continue to require attention.

This Bill, with its emphasis on sustainable development and evidence-based planning, is to be welcomed by the House. In particular, the provisions that provide for increased transparency and for information in development and local area plans constitute a welcome step, as does the increased majority that now is required on the planning authority to make material amendments or variations to plans. This Bill addresses the thorny issue of the balance between planning on the one hand and the market on the other. This need for balance is manifest in the debate on the amount of land to be zoned for development. As Members are aware, excessive zoning leads to unsustainable development and weakens the capacity of the local authority to provide infrastructure. Equally, however, a shortage of zoned land pushes up the cost of hous-

ing and drives less well-off house buyers into less than optimal locations. When I refer to less than optimal locations, I mean places that are far from population centres.

I am proud to state that I come from east Galway, a rural part of Ireland, from which the Minister of State who is present, Deputy Áine Brady, also comes. I am sure we both are very fond of it and the protection of a sustainable rural way of life is a matter about which I feel strongly, as does the Minister of State. However, this way of life can only continue to exist if one maintains population centres that support the essentials of living, that is, shops, churches, post offices and even pubs. Section 24 allows the wider application of development levies to support broadband roll-out or flood relief and both sections 24 and 25 assist school building. Consequently, I welcome this provision regarding developers' levies, which provides for an extension of the potential application of the funds to come from such levies in favour of much-needed amenities.

On the question of school building, I refer to the McCarthy or an bord snip nua report. The only aspect nua about it is that it is the second such report. However, the idea of cutting is not new. I gather that an bord snip nua proposes saving approximately €25 million through the amalgamation of rural schools. While recognising the parlous state in which one finds the public finances, as someone who came from what was at first a two-teacher and later became a three-teacher school, I view such recommendations with concern. I believe rural schooling must be supported and that one must ensure the creation of that sustainability of population that will support student numbers and thus, by definition, support teacher numbers and school viability. This Bill and the wider sustainable planning ethos it supports is a welcome step forward in this regard.

Another element of the Bill which is to be welcomed is the new focus on the reduction of greenhouse gases. When local authorities create development plans, they must include a section on how climate change can be addressed with particular reference to man-made greenhouse gas emissions. This of course will have implications, which sometimes might be controversial, for issues such as one-off housing and so on, as well as the relationship between housing and transport. In general however, this initiative is to be greatly welcomed. Climate change-based reform is often misunderstood and it is easy for naysayers to promote the idea that reform is an urban agenda forced on rural communities. Elements of this Bill rebut that argument by giving local authorities a clear role in addressing climate change at a local level.

I refer to my earlier point about sustainable communities. The link between development and transport links is important. Greater availability of public and shared transport is good for both rural communities and the fight against climate change. This is related to the welcome, if belated, recognition of the importance of the national spatial strategy and the necessity to pay attention to its recommendations rather than the lip service we have seen thus far. This can be ensured by replacing the phrase "shall have regard to" with the much stronger "shall be consistent with". The Minister for the Environment, Heritage and Local Government courted controversy earlier in his term by overturning the county development plans of Mayo and Monaghan. The new consultation procedure contained in this Bill will ensure that issues such as this can be resolved in an affable manner and at an earlier stage of the process, without ignoring the fact that planning has national as well as local repercussions.

Notwithstanding the many positive elements of the Bill, I had some reservations about the provisions of section 28. This reduces the quorum for some meetings of An Bord Pleanála. I noted Senator Glynn's comments on this matter. An Bord Pleanála has a hard-earned reputation for being a champion of planning excellence. I was initially concerned on hearing the quorum was to be reduced, especially given that the rationale for the reduction was efficiency. I am glad to see that the Minister has struck a balance. It will be of some consolation to Senator

[Senator Rónán Mullen.]

Glynn, who worried about what might happen in the event of a tied vote, that the reduced quorum of two will only apply on occasion and is subject to some control. Decisions that are contentious and result in tied decisions can be resolved by the board in a meeting with the traditional triumvirate present.

I refer to planning permission and the possibility of the five-year deadline being extended. No doubt there are sound economic and financial reasons for this. We can contextualise it by reference to the important work proposed to be done by NAMA and the need to keep the market value of properties sufficiently high. This is a controversial area in which a balance must be struck and there are good grounds for saying that in some cases it would be desirable to extend the period of planning permission by a further five years.

I welcome this Bill as a step forward for sustainable planning in our State. In many areas, we face the threat of rural depopulation, a shortage of employment due to the lack of regard to spatial concerns and the continuation of behaviour that damages our fragile environment. This Bill is a step towards addressing these concerns and is to be welcomed.

Cuirim fáilte roimh an-chuid atá sa Bhille. Maidir le tábhacht na tuaithe, is minic go mbíonn díospóireacht ann ar chaomhnú shaol na tuaithe ar an taobh amháin agus polasaithe pleanála ar an taobh eile. Tá gnéithe sa Bhille seo a thugann réiteach agus a thuigeann an tábhacht a bhaineann leis an dá rud le chéile, go háirithe athrú aeráide agus an dualgas ar údaráis áitiúla go mbeidh plean acu i dtaobh astaíochtaí carbóin mar pháirt den phlean forbartha. Tá sé furasta bheith a rá nuair a bhíonn daoine ag plé caomhnú na timpeallachta go bhfuil agenda na cathrach á bhrú ar lucht na tuaithe. Is léir go bhfuil dualgais agus ról anois ar údaráis áitiúla dul i ngleic leis an bhfadhb maidir le hathruithe san aeráid. Tá nasc tábhachtach idir forbairt agus acmhainní iompair agus nasc eile idir caomhnú na timpeallachta agus caomhnú shaol na tuaithe.

Tá mé sásta go bhfuil an tAire ag cur leis an leas is feidir a bhaint as an cháin a leagtar ar lucht forbartha maidir le rudaí eile ar nós broadband a chothú in alt 24 agus 25 den Bhille.

Thar aon rud eile, tá mé sásta gur luadh na scoileanna anseo. Bhí mé buartha nuair a léigh mé an méid a bhí scríofa ag an mBord Snip maidir le ciorruithe ar scoileanna beaga le €25 milliún a shabháilt. Mar dhuine a d'fhreastal ar scoil náisiúnta a bhí beag, tuigim go bhfuil tábhacht ag baint le scoileanna tuaithe. Is breá an rud go bhfuil an leathnú amach anseo in alt 24 agus 25 den Bhille, a thugann deis úsáid éagsúil a bhaint as an cháin a ghearrtar ar lucht forbartha.

Tréaslaím leis an Aire agus leis an mBille agus tá mé ag súil leis an chéad chéim eile.

**Senator Ann Ormonde:** I welcome the Minister of State, Deputy Áine Brady, who is listening to the very fine contributions of everybody. That is how it should be at this stage of the debate. This is a very important Bill and I am glad it is being introduced at this time because it will have a huge impact on how we will develop. It is timely in light of the economic circumstances in which we find ourselves. I am also glad it has been initiated in the Seanad for the simple reason that most of us were county councillors and understand the workings of a development plan, how the drafting process begins with local consultation and how it moves through every stage before it becomes finalised. I am very pleased to listen to the debate and to many of the points made by the Opposition, particularly by my colleague from Waterford, Senator Coffey, to which I will refer; I am big enough to lend praise when it has to be given.

Planning is about people and the common good must come into play. We must examine where we went wrong in recent years. Was it developer led rather than planning led? Was there bad management? I am not saying there was or there was not; I do not know enough to

do so. However, a perception exists that things were not right during recent years and that was what created the property bubble and the commuter belts, as a result of which we have huge suffering. People live in houses which were very badly designed. One walks into a house and can hear all the activity in the next house, including conversations. Something went wrong with the various professional bodies and people involved in planning. We did not get it right professionally. I am not stating that any particular person is to blame but something went wrong. As a county councillor I could see this was happening, as I could in recent years as a Senator.

I am glad we are introducing an amendment to the 2000 Act to ensure this will never happen again. We need a hands-on approach and the Minister spoke about his core strategy, which is that the development plan and housing strategy must be consistent with the planning guidelines and the national spatial strategy. That is a wide statement but a simple one. It means that at policy level, whenever a plan comes up for renewal the national spatial strategy and the regional guidelines will be taken into account.

I am concerned we have become more urbanised in our thinking in recent years. We have many ghost towns throughout Ireland; they are lovely during the summer months but come October and November there is nobody there. There are no houses being built as families cannot build houses on their local farm, the public houses are closing because of the laws on drink driving and we also have an issue with rural transport. My vision is that we would have activity throughout Ireland. I do not want to be urbanised or ruralised; I want Ireland to prosper. My Ireland is one where all small towns prosper.

I am delighted to support Senator Coffey who spoke about seven villages in Waterford which I know very well. For years they have been crying out for a village sewerage scheme but nothing has happened. I do not understand why it is not activated. People are trying to build houses. The post offices and public houses are closing in these areas. Derelict sites exist everywhere. We have golden opportunities to upgrade our little seaside villages which have beautiful scenery but suffer from neglect. This must be taken into account when planning.

The Bill states that a population of 5,000 people is required for a local area plan, an increase from the requirement of a population of 2,000. The concept is great but what will happen to an area that does not have a population of 5,000 people but which wants a little development plan for the area? Is this urbanised thinking? Is this for a big development scheme of 500 houses? It is not for two or three houses in a small site or for where one wants to create employment by establishing a business in an area and so it is zoned for industry. I do not know enough about this but I am asking questions.

I am concerned about the majority rule for development plans as two thirds of county councillors will now be required. The role of the councillor is very important and councillors do great work. However, many of them have another job and if they have to be there for a plan to be passed by two thirds we may never have a plan passed. People objecting may form a group and the two thirds majority would not be reached. I am in favour of ensuring we have proper planning in an area, adhering to the regional guidance plan and looking after the little people but will it be possible to get development plans through with the demands on county councillors? Most county councillors want to be there to vote on development plans; it is one of the most important roles of a county councillor and is very important to them.

I will deviate and raise the issue of An Bord Pleanála, which may not be relevant to this discussion but perhaps it should be. This is with regard to the relationship between banks and developers and I will use the example of the Ballsbridge site which cost €379 million funded by bank borrowing. The question that needs to be asked is whether banks took planning considerations into account when making lending decisions to developers. Should banks be lending

[Senator Ann Ormonde.]

money where there is no hope of getting planning permission? We need to discuss these issues at policy level because the perception is that local authorities send out the wrong signals to developers leaving An Bord Pleanála to overturn or amend planning decisions on appeal. In a case where a local authority rezones land and grants planning permission because a developer obtained a large amount of money to buy that land why would An Bord Pleanála turn it down if the planners had stuck to the regional guidelines and national spatial strategy and followed all of the necessary examples? An Bord Pleanála plays a major role at policy level in large development schemes. There are many examples of land being worth less because planning permission was turned down and it is about to go to NAMA. An Bord Pleanála should have a larger role at the earlier stages of these developments. Let it come in at the end when there is an objection for other reasons. Why would it object if one has adhered to the planning guidelines? If an inspector's report states a planning application adheres to the guidelines, why should An Bord Pleanála turn it down? Why send an inspector to vet a development when his or her word will not be taken?

Why is the number required for a statutory quorum being reduced from three members of the board to two? Is it to speed up the processes involved? I welcome the provision for the extension of planning permissions for five years where a development cannot be completed in the time stated.

I welcome the Bill and have no doubt there will be many debates about its provisions on Committee Stage. I am concerned about certain provisions. At all costs, powers should not be taken away from county councillors. They are doing a great job and have good knowledge and experience of local issues such as broadband services and transport infrastructure which can assist the planning process.

I agree with Senator Coffey on the lack of water and sewerage schemes in many Waterford towns. These are ghost towns in the winter, a problem which should not have been allowed to happen. Rural as well as urban development is needed. We cannot become too urbanised. This is all about Ireland, not urban areas.

**Senator Nicky McFadden:** While some aspects of this legislation are worthwhile, overall, its timing is a joke, akin to shutting the stable door after the horse has bolted. It would have been useful during the property bubble, as the Minister referred to it. While Senator Coffey outlined Fine Gael's position on the legislation, I want to raise the issue of councillors being criticised by the Minister. I welcome Senator Ormonde's endorsement of county councillors. As Members elected by county councillors, we are acutely aware of the work they do. The Minister went to great lengths to say how much he respected those involved in planning departments across the country. However, he never spoke about how hard working many local authority members could be.

During the debate on NAMA the Minister spoke about the local authority in Athlone. Senator Glynn was quick to point out that there was enough land zoned in Athlone to cater for local needs up to 2069. The Senator plucked that figure from nowhere because I certainly do not have divine knowledge of how land will be developed and used in Athlone. I hope we will have more responsible and less reckless lending than in the past. The Minister criticised Athlone, even when his party was most welcome there at its conference. I was gobsmacked when he asked if the Mullingar accord had brought about a fair deal for the people of County Westmeath and their families. I was a member of the local authority when the national spatial strategy was first mooted. Athlone and Mullingar were given the welcome status of gateway towns. It is not that you are not welcome, a Chathaoirleach, but political involvement meant Tullamore had to be included. It was important that the three main population centres in the

region were connected. The Minister claims everything must come back to the national spatial strategy. We must bear in mind, however, that the plan has never been approved by the Oireachtas. Where the Minister is coming from just beggars belief.

The national spatial strategy recommended that enough land be zoned to meet developmental requirements. This was at a time when the population of Mullingar had increased by 18% and Athlone by 22%. While I agree with the Minister's criticisms about the way development has occurred, he did not comment on the Westmeath county development plan in the way he commented on those for counties Mayo and Monaghan. How dare he criticise our county, particularly when one recalls the shenanigans in the Dublin area with the Ray Burkes, Liam Lawlors and Frank Dunlops of this world, members of the party with which the Minister is now in government?

**An Cathaoirleach:** No names, please.

**Senator Nicky McFadden:** I am referring to honest to goodness councillors who until recently were not paid very well. They have worked tirelessly for their communities to develop proper infrastructure, amenities and water schemes, all for the greater good.

The Minister spoke about the need to have sound development plans in place with proper water schemes, cycle paths, schools and so forth. While I appreciate this, what about the provision of resources for such services and amenities? There are wonderful hotels and quality housing estates in Athlone but no sewage treatment plant. Raw sewage is still pumped into the River Shannon. The Minister then has the cheek to lecture us about how Athlone councillors have carried on their business. The blame must be laid firmly at the door of the Department of the Environment, Heritage and Local Government for not providing moneys for water services infrastructural projects.

The Minister referred to the taking in charge of housing estates, as provided for in section 31. It is important councils take in charge housing estates. In Athlone several housing estates require expensive improvements to lighting, water and sewerage schemes, footpaths and roads which would involve a massive cost for the council. How will the local authority find the moneys to put these housing estates right and take them in charge? In an ideal world that would be the right thing to do. Of course we should take them in charge but we need the money. The Minister, however, did not say where that would come from. He spoke in a broad general way.

He suggests that the manager report on the development plans and address every single issue. I do not know what happens in his local authority. Was he ever a councillor?

**An Cathaoirleach:** He was.

**Senator Nicky McFadden:** This must not have been the way in his time or perhaps he was asleep. In our local authority the manager addressed every issue and amendment. The same applied to the local area plans. He would have come back to the council with a report on every issue. Everything, that the Minister aspires to in the Bill, such as recycling and transport, has been included in our development plans. We went to great lengths sometimes going through the plans for six and seven hours to ensure we were happy with them.

The idea of reducing the quorum in An Bord Pleanála from three to two beggars belief. I do not know why the Minister is doing that. In my simple reckoning if three people sit around a table the process is more transparent. I look forward to hearing on Committee Stage why the Minister has come up with that idea.

I am really upset by the Minister's comment that Athlone is the tip of overzoning iceberg which contributed massively to the housing and development bubble. He also referred to 45

[Senator Nicky McFadden.]

towns and cities around the country. I do not know why he lays the blame fairly and squarely on Athlone when one considers what went on around Dublin and the cosy cartels between bankers and Fianna Fáil in the tent in Galway. These are Deputies with whom the Minister fraternised and with whom he is working in Government. The idea that he would lambaste councillors to the extent that he is doing is outrageous.

There are aspects of this Bill with which I agree. We all need proper planning. Renewable energy, which is so close to the Minister's heart, is very welcome. The part of the Bill dealing with offshore energy is very important. Wave power is the way forward and we must comply with the request for windmills in amenity areas. I also agree with the proposal to penalise people who apply for retention when they have already built houses or extensions that they should not have built. While I agree with many aspects of the Bill, it is incomplete and the Minister said he needs to table many amendments. For that reason Fine Gael cannot support it on this Stage. House prices increased 250% between 1996 and 2006. What is the value of a house, agricultural land or zoned land now? It is ridiculous to be debating this legislation now. It should have been introduced two years ago.

**Senator Mark Daly:** In answer to the Senator's question as to why we are discussing this Bill now, all legislation needs updating and there are some provisions in the Bill which are most welcome, such as section 23. I have come across several couples who received planning permission in recent years but whose economic circumstances have changed, for example, one or both spouses may have lost their jobs, such that they cannot go ahead with the development of their houses and their planning permission runs out. In rural Ireland if one's planning permission runs out there is no guarantee that one will get it back as planning codes and restrictions tighten. Many couples are paying off mortgages although in effect they own only fields with no value. That is why the provision in section 23 which amends the 2000 Act is most welcome.

This ties into NAMA because, amazingly, the Government will end up owning a great deal of property, some of which has planning permission but which it is not economical to develop. If the permission runs out, however, the value of the land will disappear. For the Government to re-establish value on the land it would have to seek planning permission at enormous cost in architects' fees and levies and so on. That provision is most welcome. The rub, however, is that couples have already lost value in their property where the planning permission has run out and need to seek permission to re-establish value and build a house in the future but may not get the permission.

This Bill was published last May and had it been passed then, some people would have been able to apply for an extension of up to another five years under section 23 without having to go through the entire planning permission process. The Government will also take over planning permission that has run out and will have to spend millions re-applying for permission. I have written to the Minister to ask him to backdate the legislation, if not in the interests of those couples who cannot develop their land and see its value disappear, then in the Government's self-interest so that it does not have to apply for planning permission on properties it will own or take charge of through NAMA. I will table an amendment to backdate the legislation. The Minister has said he wants amendments. All Bills can be improved before being enacted.

I am also concerned about the siting of mobile telephone masts. This Bill is the ideal place in which to regulate for this. There was a problem in Annascaul when Tetra, through Eircom, wanted to place a mobile telephone mast in the middle of the village. There is growing evidence from the European Environment Agency, EEA, about the dangers of mobile telephones and masts. Although the council said that the mast should not be sited in the middle of the village

and that there were alternative sites, An Bord Pleanála ruled in favour of Eircom, the mobile telephone mast and the service provider, as it always seems to do. In Kerry there is a 1 km rule for the siting of mobile telephone masts near schools, hospitals or residences. I have asked for a version of that rule to be implemented. It took years to establish the link between smoking and cancer. If a similar link is proven with mobile telephone masts it will be incumbent on the Government to take account of what the EEA calls the precautionary principle. It would have to establish a principle whereby all mobile telephone masts would be situated as far away from the population as is practical. This was the case in Annascaul where alternative sites were available. However, An Bord Pleanála's plan states the committee numbers can go from three to two. God knows what would happen if they disagreed. They would probably end up tossing a coin.

We must look at this issue because it is unsustainable. Mobile telephone companies seem to be getting away with a great deal of irregular behaviour by putting communications devices on existing masts without applying for planning and subsequently applying for retention.

A councillor in Galway, Jim Cuddy, raised the issue of how landowners can have their lands rezoned from development to amenity without being notified. I realise there is a process but surely we could bring it about that where land is being rezoned, as is proposed in parts of the Bill, there would be a right to be informed correctly and with due process. We could amend this point.

Increasing numbers of agricultural buildings could be used for small enterprises as distinct from light industry — I am not talking about a mini version of Harland and Wolff. We could try to get those going in rural areas where, because farm buildings are involved, planning issues would not apply and there could be a simplified non-bureaucratic process. God knows we are great at red tape in some cases but this could be done in a way that made it as easy as possible and we would create jobs at this time when we need them. Councillor Pat Doran in County Wicklow raised that idea. There are great ideas being put forward from local people who deal with planning regularly. This is especially so in the case of rural planning.

Banks have a role to play too. Where a couple is forced to sell their property which contains a residency clause stating it cannot be used as a holiday home and that the buyer has to prove a need to live in the area, if that couple, who may be in County Louth, for example, intend selling their property to a person from Dublin offering €300,000 to buy it and

*4 o'clock*

commute to work, the council can refuse to allow that purchaser to buy the property on the basis that they live in Dublin and do not need to live in Louth.

The bank will then repossess the house, that same person from Dublin can go to the bank and say he or she was trying to buy the house but the council would not allow the sale because of the residency clause attaching to the owner of the property, and the bank, which might have loaned only €225,000, will ask for €250,000 in return for calling it a day. The problem is that the original owner of the property will then be at a loss because of being unable to sell it on the open market although it appears the bank can sell it to whomsoever it wishes.

At this time banks should not have any advantage over an individual who is trying to maximise their price in selling the property into which they have put their heart and soul but on which, because of financial reasons, they cannot maintain the mortgage. A person may not be allowed to achieve market value because of the residency clause. I ask the Minister to take into consideration in the Planning and Development (Amendment) Bill that rather than the residency clause being specific to named individuals, it would just be a residency clause and the person who would take possession of the property would have to have it as his or her principal private residence and that it would not be subject to the €200 levy which we have now established.

[Senator Mark Daly.]

There is natural justice involved in this. If banks can repossess houses to which residency clauses apply and sell them to anyone, and councils say they can do so, how is it that the people who owned the properties originally are not allowed to achieve maximum value because the residency clauses apply and restrict those to whom the houses can be sold? My main concern is that when a bank takes over a property on which its loan is €225,000, all it cares about is covering the debt. The bank does not care that a different buyer might have offered €300,000 but did not qualify under the residency clause. This situation leaves the person with the debt and who was subject to the foreclosure at a significant financial disadvantage. The last thing with which I would wish to be associated is maintaining a financial advantage for banks because they have proven themselves unworthy of it.

This is a timely Bill. Senator McFadden pointed out that it is too late but I entirely disagree. There are many provisions which are very necessary at this time. My main emphasis concerns section 23 which we might backdate to allow a person to apply for an extension to his or her permission period without having to go through the entire planning process again.

**Senator Feargal Quinn:** With the permission of the House, I wish to share time with Senator Norris.

**Acting Chairman (Senator Fiona O'Malley):** Certainly. I assume that will be six minutes each.

**Senator David Norris:** I do not need six. I shall take Senator Quinn's leavings.

**Senator Feargal Quinn:** I was so impressed to hear yesterday that life expectancy in Ireland is 80 years for children born today that I raised the matter on the Order of Business. Life expectancy in other parts of the world, for example, in southern Africa and Niger, is only 50 years. We have a much longer life expectancy. We are not top of the world — the Japanese are some years ahead of us — but we are nearly there.

I mention this because I believe urban planning should promote an active lifestyle so that we can give ourselves a healthy life in the future. This Bill calls for local authorities to show how their future planning strategy aligns to national and regional policy and how the provision of land for residential development aligns with population projections. That is where I am coming from.

As obesity levels increase in Ireland we must pay more attention to how our planning strategy impacts on the amount of physical activity in which we engage. We have not done enough in this regard or given enough attention to it. There have been numerous studies into this area but one report in 2007 by the World Health Organisation highlighted evidence of the link between physical activity and health and the need to create opportunities for active living in urban environments. I do not see much sign of that in the Bill in which the subject is only just mentioned.

There are some extraordinary statistics. Physical inactivity causes an estimated 600,000 deaths per year in Europe and leads to a loss of 5.3 million years of healthy life expectancy per year due to premature mortality and disability. The WHO study argues that several characteristics of the residential environment such as access to physical activity facilities, land use mix, active transport opportunities and perceived safety in the neighbourhood, have an impact on people's physical activity levels and, therefore, on their life expectancy. Increasing obesity rates are a serious public health concern not only in this country but around the world, especially in the western world. Lack of physical activity is a major determinant of the modern disease of obesity. Although the importance of where a person lives has been recognised to be linked to how much of an active lifestyle he or she leads, there is still a lack of integration when it comes to

urban planning. This is a vital subject and one that must be promoted in any new planning strategy. This Bill, which is aimed at a wide area, including the rezoning of land for commercial development, should take other factors into account. It does not take sufficient account of healthy lifestyle.

We must ensure more access to sports facilities close to homes. This is fundamental to promoting activity, especially but not only in children, while public facilities must be within walking distance for older people. We have all visited towns and areas where it is very attractive to go out and walk or participate in sports. We have seen others where such spaces have not been allocated. We must stress the importance of developing physical and social environments which are conducive to physical activity and healthy exercise. I would like to hear the Minister's views on this and to see if it is possible to include these measures in the legislation. If not, perhaps they could be included elsewhere.

Physical activity, its link to diseases and its interaction with urban planning are not addressed nearly enough in the Bill. I hope to table an amendment or introduce a separate Bill so that specifics are set out when a town is planned. For instance, there should be a specific amount of land dedicated to healthy living. That may be vague but healthy living is a good enough term. Incentives should be provided for developing vacant and run-down areas into green and-or open spaces. We must ensure our future planning strategy is based on quality of life. It must allow access to work, school and shopping but also encourage people to exercise and participate in sport and provide facilities to do so. Exercise has been proven in the past to be beneficial in countering health problems. In the future, we could solve many health problems which we had in the past and relieve some of the stress on our health service in the future. This would be a win-win situation. We can win by ensuring we have healthier living and, therefore, a less costly health service. I believe this has not been taken into account. I would like to see it taken into account, either in this Bill or in similar legislation.

**Senator David Norris:** I thank Senator Quinn for allowing me to speak in his time. Planning matters are very important, particularly as they impact on housing. The Minister of State, Deputy Finneran, has been in the House on a number of occasions dealing in a progressive manner with housing developments. We have had very interesting and useful debates.

I am not as big a fan of An Bord Pleanála as some of my colleagues. It should be subject to criticism. It has made some very bizarre judgments in the past. I would be concerned were we to allow serious major decisions on planning with really significant implications to be taken by a meeting attended by only two people. Such decisions affect people's lives and livelihoods, welfare and social circumstances, and they affect the environment. Two people should not make such decisions. Three is already a pretty small number.

There are certain things in the Bill of which I strongly approve. I compliment the Minister of State and the Minister, Deputy Gormley. We hear much in this House about how marvellous local authorities are. I do not share that unalloyed enthusiasm. The Minister, Deputy Gormley, made a significant contribution to this area when he reversed decisions in counties Monaghan and Mayo. In Monaghan there had been gross overdesignating creating an enormous area around the town multiplying the population without any provision of services.

There has been mention of flood relief schemes. In human terms, one must sympathise with people who are in difficulty because their homes have been flooded. In certain areas, such as Clonmel, people have suffered from this sort of thing for many generations. However, we are still allowing people to build on flood plains. Why should the taxpayer be forced to rescue the victims of developers who build, with planning permission, on areas where they should not build? That is quite extraordinary. I hope the Department will follow the lead given by the Minister in addressing this issue.

[Senator David Norris.]

I am glad some of the recommendations of the Law Reform Commission are to be implemented. There is one in particular of which I heartily approve. Power is to be given to planning authorities to refuse planning permission where the applicant has previously carried out a substantial unauthorised development or has been convicted of an offence under the planning Acts.

One of my colleagues referred to unqualified architects. I think that situation was addressed in a Bill in the last year. During the debate on that Bill I instanced a situation which arose around the corner from my home where a man, who is a scoundrel, described himself as an architect. No one could stop him. He had a series of 18th century houses which he had completely desecrated. He was convicted of planning violations in the front of a house while on the very same day was given permission by the planning authority to do even worse things at the back. That is one of the reasons I do not respect An Bord Pleanála. I am glad this power is given and I ask the Minister and his officials to supervise it and ensure it is clearly enacted. This is the kind of thing which gives planning a very bad name.

Another person submitted an application for a development of town houses near me. They were very beneficial as they protected the back aspect of some of the houses. Someone from the area objected and delayed the entire development. The objector talked about the impact on, essentially, my house. The town houses were not within an ass's roar of my house. The whole development was stymied and the scheme was redrawn. I am living with the new development but it is not half as good as the first one. It is outrageous that planning authorities can intervene because of some nousey parker and that as a result of the planning process one gets a less good development. That is crazy.

I endorse what Senator Quinn said about fitness. The development for schools is very good news. Section 25 is to provide for the possibility of a supplementary development contribution scheme to help finance the provision of new schools that might benefit a particular community or area. I will not hold my breath in the present financial circumstances but at least the power is there. There is also reference to the creation, management and restoration of sites of scientific or ecological interest.

The Bill is a compendium which addresses a series of things. I looked through it to see if there was any reference to railways. I am in favour of anything that makes our planning efficient, clear and fair, respects the environment and the ecology and leads to sustainable development. When I was a member of the Joint Committee on Transport I discovered that we are miles behind countries like Spain. In that country it was possible to develop a metro system because the planning laws had been adjusted to secure rights to land underneath houses and it was not necessary to go through endless and fractious compensation tribunals. I see nothing about this in the Bill. Perhaps I missed it. If not, can we continue to promote the development of railways? One of the areas where planning has an impact is in the provision of public transport.

Last weekend, I spoke to a meeting of the House's favourite group, An Taisce. I told them the paint almost comes off the ceiling in the Seanad when An Taisce is mentioned because Members are all gung ho in favour of one-off housing development in the countryside. I told them I have been telling this House that An Taisce warned about this matter. Were its members not right? Planning permission has been given for houses with no provision for services or consideration of water pollution. Instead of a knee-jerk attack on groups like An Taisce that sound a warning, we should be trying to take into consideration their legitimate concerns regarding our planning legislation.

**Acting Chairman:** I knew Senator Norris would fill the time allotted to him.

**Senator David Norris:** I apologise. I did not think I would.

**Acting Chairman:** The Senator did.

**Senator Labhrás Ó Murchú:** Cuirim fáilte roimh an Aire. Tá cúrsaí pleanála thar a bheith conspóideach sa tír seo agus tugann éinne a bhíonn ag plé cúrsaí pleanála faoi deara go bhfuil freagraí ag teastáil ar an-chuid de na socrúithe atá déanta in áiteanna éagsúla. Tá súil agam go gcabhróidh an Bille seo maidir le daonlathas áitiúil agus go mbeimid sásta éisteacht le daoine áitiúil ag a bhfuil an t-eolas maidir leis an gceantar. Caithfimid smaoiniamh freisin ar chúrsaí eacnamaíochta mar, chomh maith le dea-phleanáil, tá siad thar a bheith tábhachtach agus tá sin i gceist sa Bhille.

Planning is controversial. One can accept that a part of the controversy may emanate from the fact that someone is not happy to have received a refusal, even a deserved one. It is important that much of the mystique of the planning code be lifted and that logic be attached to the decisions. Several times, I have visited locations where planning had either been granted or refused. Finding logic in the refusals proved difficult when permission was granted for something else that seemed more questionable. I will bow to professionalism and accept that we might not fully understand the intent, but that argument can be stretched too far and local knowledge, common sense and an area's social and economic requirements could be ignored. In this regard, I hope the Bill, which deals with economic renewal and sustainable development, will achieve the right balance.

Every Member knows of instances in which economic opportunities were obstructed because someone opposed a development for obscure reasons. I am prepared to be generous and admit that some arguments concerning a development's potential for economic renewal were not sustainable. However, one could attribute much more than sense to many objections. I have heard of cases in which objections emanated from 50 or 60 miles away. One could argue that we are all entitled to consider the totality of our environment, but there is more than that involved. We must confront the perception that rural Ireland is only a single, large picnic area that people from urban Ireland can visit on Sundays and say is wonderful to visit without realising that the lives and livelihoods of others depend on those areas.

I welcome the greater legal protection for ministerial orders. In many cases, such orders in respect of one-off rural housing need not have been issued because they have been ignored, although not in all counties. That last reverts to the point on contradictions. While I do not want to use the privilege of the House and be unfair to any profession, people in some cases are determined to oppose the ministerial guidelines.

Tens of planning officers have come from abroad. While they are welcome and have received their respective countries' professional and academic qualifications, an awareness of traditional Irish planning and development values is required. Often, this awareness is not a part of their training. I am sure they have much to contribute, but it might be a good idea to bring county managers and planning officers together for a seminar or conference to discuss what the Government is trying to achieve through the Minister's guidelines. Sometimes, they are left too open to interpretation. If the local planning authority does not show goodwill and have a positive attitude towards such guidelines, they will usually be ignored.

The main question concerns the Bill's task of achieving economic renewal while ensuring sustainable development. I am not sure whether balancing the books is possible through legislation alone. If the Government makes its desire evident and dots the i's and crosses the t's where its ambition is concerned, finding a mechanism to achieve a balance would be worthwhile.

[Senator Labhrás Ó Murchú.]

Looking for scapegoats in any issue is easy. While I do not intend to look for them, An Bord Pleanála has considerable power and a question mark could lie over the manner in which its board is appointed. People who have been a part of a debate, such as the Irish Rural Dwellers Association — I declare an interest, as I am a member of that body — should be represented on An Bord Pleanála. Such bodies represent the whole of the country in terms of rural planning and requirements, yet they are not represented on the board. Often, those on the board come from the professions. Therefore, the difficulties I have mentioned concerning local knowledge, requirements and traditions, all of which are important, are being perpetuated. That the board does not represent such people is a snub which has been noticed with a great degree of hurt. An Bord Pleanála should be examined in this respect.

I can understand the Bill's recommendation that the quorum for a meeting of the board be reduced from three members to two, given the amount of work involved and the requirement for speedy decisions, but it will sound alarm bells with people who have questions to ask of An Bord Pleanála. These questions do not relate to matters of integrity or fulfilling duties, but we must attend to these issues if we are to negate the types of controversy arising. To suggest that the required quorum for An Bord Pleanála can now be two instead of three means the Minister is putting the decision process into the hands of two people. I query that and ask that we get some explanation in that regard.

It is vital that we assist people who want to build their houses and live in rural Ireland. I have seen more cases than I have seen days in the week where the next generation of a family with their own farm could not get permission to build a house. I ask the Minister to consider two issues. First, we used to talk about rural Ireland dying and the empty homesteads but people now have a confidence in rural Ireland and they want to live in those areas. We need only consider the social aspect of it in terms of a young married couple with children living on the same land as their parents. The parents, who are the grandparents, can help look after the children and the young couple can look after their grandparents as they get older which means there is less need for hospitalisation and nursing home care. We are also helping the young couple who must go out to make a living, pay their mortgage etc. There are too many refusals of planning permission for reasons that are obscure and we must have the courage, wisdom and, above all else, justice to help those people. If the Bill has anything in it that will do that, it is most welcome legislation.

**Senator Paul Bradford:** I commend the previous speaker on his concluding remarks about the redevelopment of rural Ireland. Senator Ó Murchú presented a picture of how issues could be improved in rural Ireland by virtue of proper planning policy development and rural sustainability. Most of the debates on planning matters in this House in recent years have focused on the difficulties faced by many people in rural Ireland in obtaining planning permission. I appreciate there must be guidelines and rules and regulations in place but as far as ministerial directives will apply I hope the Minister will use those to ensure rural Ireland will remain alive, that the practice of refusing planning applications in rural areas, which has become prevalent throughout the country, is investigated and addressed and that we will aspire to ensure the majority of people who wish to build their homes on family land holdings or neighbours' land holdings will be facilitated. As Senator Ó Murchú said, it is a win-win situation from a planning, development and social perspective and that is something we must ensure is at the heart of this legislation.

Notwithstanding that concern and doubt, I welcome the Bill brought forward by the Minister because it allows us an opportunity to speak on the significant issue of planning and development. The debate on planning and development can sometimes be philosophical but the end

result is bricks and mortar. It is something we must get right and change to address the new problems facing the country.

I welcome the fact that we are debating the legislation in the Seanad. As with the previous legislation which got major attention in the Seanad, namely, the nursing homes Bill, I hope Members will get the opportunity to have a serious input into this legislation and make the changes we believe are necessary.

The Minister said that if there is one clear point to be made about planning it is that planning is about people, not buildings. I agree with that. It is about people, not development plans or planners. We must try to approach the issue from that perspective. There is an equation we must balance. We need rules, regulations and guidelines but we also need flexibility and common sense.

We are told that as a result of this development, and it sounds right, there will be closer alignment of development and local area plans with the national spatial strategy. That is a good starting perspective but in regard to another aspect of the work of the Department of the Environment, Heritage and Local Government, namely, waste management, we have national plans in place. We have a national waste management strategy but virtually every local authority throughout the country has its own plan. In some counties landfills are being provided, others are involved in waste reduction while some are considering incineration etc. Within the Department of the Environment, Heritage and Local Government's remit of waste management we have a national strategy but across the Twenty-six Counties of the Republic the Minister appears to have 26 different strategies. If we are to have a national strategy on planning and closer alignment between national and local plans, there must be an enhanced level of co-operation and one side of the equation must know what the other is doing because what is good planning in one county is generally good planning in another county.

One of the difficulties we as local politicians in particular and county councillors in general have faced is that planning developments granted permission in one county appear to be the sort of development which is turned down in another county and in some cases it is difficult to explain to neighbours in adjoining parishes the reason what is acceptable in townland A is not acceptable in townland B. If the Minister is to have this closer alignment it must work in practice as well as theory.

The ministerial directions are necessary but on the other hand the proposal is being introduced by a Minister from the Green Party, a party which talks about having powers devolved at local level wherever possible and having the decision making process done locally rather than nationally. In that sense, we must try to ensure we are cautious and careful in regard to ministerial directions. The planners, the local politicians and the national politicians representing County Cork are probably the best people to try to put together a worthwhile planning policy for County Cork. While occasionally there may be a need for ministerial directives we should in so far as possible try to have the decision making process applied more frequently and effectively at local rather than national level.

If there is an area where ministerial directives could be helpful it might be in regard to design guidelines. Those of us who were involved politically at local authority level are aware that even within a county a house design which is deemed acceptable to one planner may be deemed inappropriate by another planner. Arising from those difficulties in County Cork a number of people, myself included, had some success in getting the county planning people to put together a design booklet which has worked very well and is a good general guide to the type of house that is and is not acceptable. If the Minister wants to be hands on in regard to directions, he could do some work on the question of design guidelines to ensure there is something reasonably standard across the country, obviously taking into account the various geographical con-

[Senator Paul Bradford.]

siderations etc. It can be difficult for us to explain the reason a type of house in one county is desirable while in another that same type of house might not be even considered. If we could remove those anomalies that would be welcome.

I note the Bill deals with the inefficiency or otherwise of An Bord Pleanála. There is a clear role for An Bord Pleanála but I would be concerned by the idea of slimming down the number of personnel at An Bord Pleanála level required for decision making, as some of my colleagues have said. The more people involved in taking the decision at An Bord Pleanála level, the better. All of us will be aware of a minimum number of cases whereby the board will overturn the decision of its own inspectorate. That causes major difficulties and confusion and in so far as access to information is available, planning applicants are able to obtain the full file of their own planning decision and read the comments, views and thoughts of the planners, engineers and council manager. We do not have the same access to An Bord Pleanála comments and reports and considerations. It would be helpful if the file on each An Bord Pleanála decision was made fully available to the applicants in order that we could discover exactly why each decision was made.

Although we will be referring to the issues raised by the Bill in much more detail on Committee Stage, let me refer to the wider distribution of development levy moneys. This may not be as important a question in coming years as it has been in the past few. We hear evidence from council colleagues across the country indicating a substantial drop in the number of planning applications. I, therefore, presume the amount of development money available to local authorities will be slimmed down for quite some time.

Upon the introduction of the levy, there was general satisfaction at the concept of moneys being spent in the local community from which the levy would be extracted. I refer to individuals who had to pay €5,000, €10,000 or €15,000 in planning charges or levies for their houses. At least, they were consoled somewhat by the fact that the money would be spent in their own local council areas. I hope the moneys collected through the levy will be spent locally on the improvement of local services and that they will not be used to replace other council budget allocations. We will try to tease this out further on Committee Stage.

Let me address the refusal of planning permission in cases where a developer has a history of unauthorised development. I have heard the comments of some of my colleagues in this regard. Where a developer has a track record that is less than admirable, it is appropriate, necessary and welcome that county managers and planners have the authority to take this into account when making a decision. A problem will arise where the developer is not a sole trader and where the development is being sponsored by a company. Company ownership can be changed and it is not always possible to apply the law as it is meant to be applied. Company personnel make-up will change and new companies will be formed. Where a group of people has a track record of poor development or failing to comply with regulations or planning conditions, this should be taken into account by the local authority when considering planning applications.

I welcome the provision on the taking in charge of estates. This matter was of great concern during the local authority election campaign some months ago. Every second or third estate across newer towns had not been taken over and issues had to be addressed, generally by the developer. The Bill will put in place new regulations on the taking in charge of estates. However, the other side of the equation involves trying to ensure sufficient pressure will be exerted on the developer to allow the development to be taken over in co-operation with the local authority.

We will return to all these issues. The Bill is substantial and I welcome the fact that the Minister is introducing it. There are many issues on which we want to reflect but planning and development are important. We have made many mistakes in recent years and the Celtic tiger brought out the worst of greed in many of us. Our planning laws need to reflect not only the new reality but they must also set better and higher standards for planning and development. The Bill will play a big part in that regard but it will require change. Members on both sides will be asking the Minister to amend some of the sections and listen to their proposals.

**Senator Terry Leyden:** I welcome the Minister of State, Deputy Finneran, who is responsible for housing. It is interesting that we were both on Roscommon County Council dealing with planning issues and county development plans. It is nice to be discussing today a new Bill that incorporates many measures which I believe will be supported by most Members of the House. Given the involvement of the Minister, Deputy Gormley, and the Minister of State, Deputy Finneran, I believe that where there are reasonable requests for amendments, there is no reason they will not be considered seriously in the House.

The Minister and the Minister of State have developed their Department very well. Deputy Gormley, as leader of the Green Party, is achieving a lot within the Government and would not achieve much out of it. That he is Minister for the Environment, Heritage and Local Government is an indication that the trend will continue. We all hope the Green Party-Fianna Fáil Government will continue with the support of the former members of the Progressive Democrats and other Independents. The Government is facing very serious difficulties but it has the capacity to deal with them led by the Taoiseach.

I circulated to all councillors nationally a request for their input into the Bill and received quite a number of submissions. I am not being personal in stating Councillor Orla Leyden sent me a very detailed document on the issue based on seminars she and I attended and further meetings with councillors. Councillors regard the issue as very important and have expressed reasonable and very well researched opinions on the legislation.

The Minister of State is aware that broadcasting masts should be located at least 100 m from a residence and 500 m from a school, for example. At present there is no such legal provision. This provision is mainly included in county development plans but is not referred to in any planning Act as such. It remains a local preference rather than national policy, which is why Roscommon County Council turned down the application for the erection of a mast at Oran outside Roscommon. It was to be located 30 m from a residence, contrary to the policy outlined in the Roscommon county development plan that stipulates masts should be a minimum of 100 m from a residence. An Bord Pleanála overturned this decision because of the national policy to roll-out emergency services Tetra radio infrastructure. There is nothing in the planning Bill stipulating the minimum distance from a residence. That is why the Bill presents an opportunity for the Minister to consider the whole question of broadcasting masts. We accept there is a need for infrastructure but it does not really suit to place masts beside private dwellings, schools and hospitals.

We could consider the circumstances that obtain where an individual continues to apply for planning permission after being turned down. I believe there is a provision in the Bill in this regard which should be examined very carefully.

Many Senators have commented on section 23 which is very worthwhile, particularly in the present climate. It inserts the following phrase in the principal Act: "On application to it in that behalf a planning authority shall, as regards a particular permission, extend the appropriate period by such additional period not exceeding 5 years ...". This is an essential provision. The Minister of State has been very conscious of this and has made submissions thereon. He has heard many cases on the matter.

[Senator Terry Leyden.]

The provisions are very open and it is up to a local authority to make a decision based on the merits of individual cases. The Bill is urgent and Committee Stage should be taken very quickly. While we can debate all the issues involved, we cannot afford to spend too long on Committee and Report Stages because the Bill must be considered in the Dáil as quickly as possible and passed. Consider the case of applications being finalised and in respect of which the five-year period in which work should commence is due to end in December, for instance. I have advised clients that they will have to make substantial efforts to ensure work is commenced on their sites before that month. The Bill refers to the circumstances that will obtain if substantial work has been commenced before the expiration of the appropriate period sought to be extended. This should be examined very carefully. It is a well worded section of the Bill and there is not much room for many amendments thereto.

Will the Minister of State indicate the timeframe for consideration of the Bill in the House? If it is debated for a very long period, people could be affected detrimentally.

Section 31 deals with the taking over of estates through a majority of the qualified electors who are owners or occupiers of the houses involved. This could be a retrograde step as the people living in an estate, and long-term residents in particular, should have a say. Landlords may not necessarily have the same involvement in an area as some tenants, so that issue should be considered.

There is a proposal to amend the current exemption given to forestry development, when the development is providing, maintaining or improving a road which is not a public road or is providing access to a public road. Where the road serves forestry and woodland, planning permission will now be required.

There is also a question relating to zoning, with section 6 dealing with types of submission or observations regarding review of a development plan. Some councillors have expressed views on that. Sections 7 and 8 deal with rural housing, which is very important. The Minister of State, Deputy Finneran, has been very supportive of housing in rural areas, as he comes from a rural area himself. I come from Castlecoote and there have been tremendous developments there of one-off housing in rural areas. The Minister of State has seen his area going down over the years but now many houses are being built which bring families into the area and have kept schools and shops open etc.

A balance is required but my experience in general with Roscommon County Council has been particularly good. It takes each case on its merits. Where developers have not completed or carried out their duties in a development, their permissions will have to be refused. There is a provision in this Bill where developers have not completed their developments or carried them out properly.

There is opportunity in getting this Bill through the Oireachtas. Generally, many amendments are proposed or even required. For example, some people have concerns about the quorum for An Bord Pleanála being reduced to two members, as they feel it would be a better approach to have three people as a quorum. That is a matter of judgment. The taking in charge of estates is very worthwhile, and we have fought such cases locally and been successful in having estates taken over by the local authority. It is essential for estates to be taken over by local authorities and in fairness to our own authority, where residents have indicated their majority support for taking over estates or where councillors have made a case on their behalf, it has been done.

I commend the Minister, Deputy Gormley, and the Minister of State, Deputy Finneran, on this vital legislation. Section 23 is the kernel of this Bill because as a result of the current economic downturn, developments may only go ahead in two years when the economic climate

improves. The officials can check this but I believe that where people have paid contributions, they will not have to renew that contribution for planning permission; in essence, what was paid as a planning charge will stand. This will allow developments to take place when economic circumstances change.

This is a very pragmatic view taken by the Minister of State, the Minister, Deputy Gormley, and the Government. I appeal to all sides of the Houses to allow this Bill go through as quickly as possible. There may be minor amendments and other issues can be dealt with in further legislation. This legislation deserves the full support of the House and I commend it to the House. I thank the Minister of State for coming here to listen to the views of Senators.

**Senator Jerry Buttimer:** I welcome the Minister of State, Deputy Finneran. I concur with much of what Senator Leyden has said and I compliment the Minister on publishing and bringing the Bill to the House. The Planning and Development (Amendment) Bill 2009 is not the complete document or perfect, however, and changes are required.

On this side of the House we would welcome any efforts made to enhance the planning process. In this Bill the Minister has brought forward a number of initiatives to bring about change to planning and development in this country. A buzz phrase from the past five or six years has been the creation of sustainable communities and the support of economic renewal.

I am disappointed the Minister, through the Bill, has questioned the role, integrity and responsibility of county and city councillors. We must examine the role and responsibility of county councillors, along with planners, in the effort to build a core planning strategy in any local authority area. As Senator Paudie Coffey said in his remarks, one size does not fit all and each county, town and city has a unique development plan which is a blueprint for the future.

Power in county councils cannot be diluted. Members opposite understand the importance of county councillors in the election process as well as I. I am worried this Bill will erode the powers of county councillors. Are we to say today that local democracy does not really matter and the centralisation of the planning process is what the Minister, Deputy Gormley, is proposing? If this Bill is passed as it has been presented, will the Minister allow the centralisation of the planning process in a “one size fits all” manner, taking away the voice of the local councillor? That would be the wrong move.

I absolutely agree that in some cases, the planning culture that prevailed was not good and ran contrary to good governance and sustainable development. As Senator Bradford rightly stated, the combination of the lure of the euro and greed meant people went berserk and lost sight the overriding principle of what communities should be about. The Minister was correct in saying that bad planning “can be even more cancerous and can eat into the very fabric of our economy”.

We are dealing with the legacy of bad planning and the cosy relationship between the Minister of State’s party and developers.

**Deputy Michael Finneran:** That is not true.

**Senator Jerry Buttimer:** I know the Minister of State does not agree with me because he is embarrassed. He should be.

**Deputy Michael Finneran:** I am not embarrassed.

**Senator Jerry Buttimer:** Communities, in our commuter belts and urban areas in particular, have been let down by Fianna Fáil-led Governments over the past 12 years, which the Minister of State knows well. We are now at the edge of the precipice, partially because of the relationship which Fianna Fáil had with developers. Not all developers are bad but if we are serious

[Senator Jerry Buttimer.]

about creating sustainable communities and good planning, we must consider the role of local councils and their councillors.

Officials do not always get it right and as a result planners must be held accountable. There should be a relationship between city and county councils, planners and people applying for planning permission. Devolution of power is the way forward. Senator Coffey spoke about dissidence in councils with regard to other proposed changes.

Debate adjourned.

### **Public Transport: Motion.**

**Senator Jerry Buttimer:** I move:

That Seanad Éireann,

noting:

- that the continued provision of public rural transport links is essential to the social and economic health of rural life;
- the withdrawal of these services will plunge homes all over Ireland into isolation, loneliness and expense;
- that huge fear and worry has been provoked by the threatened withdrawal of rural transport links, particularly the pilot evening rural transport scheme which is a crucial service for many elderly people living in isolation;

and considering:

- the CSO indicates that 50% of rural families experience difficulty in accessing public transport;
- an estimated 21% of rural families experience great difficulty in accessing basic services such as shops, post offices and GPs due to a lack of public transport;
- nationwide bus routes are currently under review and it is likely that a large number of services on routes in rural areas will be withdrawn;
- the proposal in the McCarthy Report to cease funding for the Rural Transport Programme;
- the comparatively low cost of the Rural Transport Programme in the wider context of transport expenditure;

calls on the Government to:

- introduce a national transport regulator responsible for opening up transport networks to new competition and to facilitate better targeted subsidies that protect transport options in rural areas at least cost;
- pending the introduction of a transport regulator, do everything possible to ensure existing rural transport services are maintained; and
- reject attempts to damage the social fabric of rural Ireland.

I welcome the Minister of State, Deputy Áine Brady. This is the second occasion in three months on which we have debated rural transport and the issue of rural life. This is a timely and important debate, not just as it relates to rural transport but also in the context of the type of society we want to obtain in Ireland in the future. I place my comments in this regard in the context of the current economic recession, the issues relating to the Planning and Development (Amendment) Bill 2009, which the House has just been debating, and the very real threat that services will be withdrawn from rural areas.

At the core of everything we, as politicians, seek to achieve must be the creation of sustainable urban and rural communities. We cannot do anything which might accentuate the divide that already exists between such communities. It behoves each of us to bridge that divide. Of central importance in the context of everything we might do in this regard is the provision of services, such as those relating to rural transport.

It is vital that we should engage in a coherent debate which focuses on the long-term viability of rural areas and on the communities that live therein. The Government appears to have lost focus in this regard. One need only consider the position in respect of agriculture, the findings of successive OECD and CSO reports and the way in which rural society has been decimated to understand what I mean.

Senator Ó Murchú, who is an extremely good advocate for rural Ireland and for Irish culture, knows what I mean. There is a growing divide between urban areas and rural areas. Sometimes those who live within the Pale tend to forget that rural Ireland does not just begin or end at the boundaries thereof. We must engage in a debate on how we might create a sound and vibrant rural Ireland. The latter is the key for the future prosperity of our country. Linked to this is the issue of connectivity, particularly as it relates to people. The words or phrases I would use in this regard are “county”, “country”, “town”, “urban” and “not so urban”. Job creation is another key component in protecting rural communities. In the absence of the link which public transport can offer, the opportunities in this regard will be lost.

The Planning and Development (Amendment) Bill 2009 which the House debated earlier relates to how we might encourage people to engage in strategic land use. Rural Ireland is suffering from an infrastructural deficit. This is evidenced by the condition of some secondary roads. The Minister of State, who came from Galway originally but now lives in Kildare, will be aware of the position in this regard. Earlier today, county councils complained that they do not have the money to repair these roads. In fact, funding in this regard has been frozen. In addition, access to social services and broadband roll-out has been almost non-existent. If such access to broadband services does exist, the speed is poor and the quality is not great. There is also the issue of people not wanting to do business.

When we debated this matter on 23 June last, I used a quote from the Farrell Grant Sparks report. That quote remains relevant, particularly in light of the CSO report which was published in the interim and which paints a damning and bleak picture of where matters stand with regard to rural Ireland. We appear to have forgotten that rural Ireland exists. The CSO report indicates that 50% of families in rural areas experience difficulties in accessing public transport and 21% experience difficulties in accessing basic services such those provided by shops, post offices and GPs as a result of a lack of public transport.

Bus Éireann is carrying out a review of its bus routes nationwide. Members from both urban and rural areas will have witnessed the decline in the number of buses on our roads and the reduction in the number of services on offer. If a bus service which operates in the middle of the day in a rural area is withdrawn, people are obliged to leave home early in the morning and not return until late at night.

[Senator Jerry Buttimer.]

I look forward to hearing whether the Minister of State is sympathetic with the Tánaiste's view on the McCarthy report or whether she is of a different school of thought. In the debate on this matter on 23 June, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, admitted that the pilot rural transport scheme had been a success and that the implication with regard to costs was not really a factor.

Everything I have stated highlights the fact the withdrawal of the rural transport programme will have profound implications of catastrophic proportions for rural areas. The motion makes a number of straightforward and quite cost-neutral proposals. We are seeking that a national transport regulator, who would be responsible for opening transport networks to new competition and facilitating better targeted subsidies that protect transport options in rural areas at least cost, be appointed.

I accept there are vested interests involved which are afraid of competition. However, what has happened on routes from the airport and those which run to and from colleges shows that competition has a role to play in the area of transport. I appeal to Bus Éireann and the unions which represent its staff to consider this matter in the interest of protection of life in rural areas as well as that of employment within the company.

The motion also seeks that the rural transport service be maintained in order to curtail any attempt to damage the social fabric of rural Ireland. The core of the motion relates to that social fabric. I am disappointed by the amendment tabled by the Government. The motion is not in any way critical of the Government. It is positively framed, person-centred and community-focused in nature. We could have been much more critical of the Government.

In light of the remarks made by the Minister, Deputy Ó Cuív, on the previous occasion, will the Minister of State indicate whether the funding for this scheme, which expires in December, will be continued? There is uncertainty in respect of the future of the scheme. We recognise that the pilot scheme relating to rural transport has, in some cases, been a success. Clarification is required from the Government with regard to whether rural transport is going to continue to be provided. Accessibility is critical and if we say this is not the case, we will accentuate the divide that exists between urban and rural communities.

As already stated, the CSO report indicates that 50% of rural families reported difficulty in accessing public transport. By comparison, only 11% of people living in urban areas experienced difficulty. This constitutes an enormous deficit and gap that must be bridged. On the issue of education, the report shows that 21% of rural householders have had difficulty in accessing public transport for schools, while the equivalent figure for urban dwellers is 11%.

I now turn to the McCarthy report. At this point I feel as though I am acquainted with Colm McCarthy because I have seen and heard him so often. However, I wonder whether anyone has studied the McCarthy report's effects on rural Ireland and those who live there. It has been well documented by research and educated scholars that the benefit of transport to the vulnerable and those who most need it is immense. Although the report refers to an alternate transport system, it misses the fundamental point of rural transport, which is that it is of absolute benefit to both young and old. It has a multiplicity of uses and is not simply about bringing people to and from the pub. As all Members acknowledge, it is about much more than this.

The evaluation of rural transport should not simply be about pounds, shillings and pence. It must pertain to the benefit to people and how one can build a vibrant rural Ireland in which people will come to live, socialise and work. It is about placing people at the core and the centre. Ní neart go cur le chéile. However, were this scheme to lapse or one to allow the implications for rural Ireland of the McCarthy report to take root, we would have no agriculture or marine sectors. There would be no one living in rural Ireland, as everyone would end up

living in apartment dwellings between the M50 and Dublin, like Hong Kong or Beijing. We would have lost Eamon de Valera's comely maidens at the crossroads effect and might as well simply abandon ship and become an island nation of apartment dwellers.

This is the bottom line because the rural transport scheme offers a central lifeline to those who need it most. It is of critical importance and benefit to the isolated members of rural Ireland. If one takes the Lisbon treaty campaign as an example, Members should consider the number throughout rural Ireland who were afraid to open their doors, were one to drive into their yards at night to canvass. Alternatively, others were delighted to talk to, or converse with, canvassers. It was unbelievable. I visited a number of rural parts of my constituency, of which there are not many, and one Tuesday I met a gentleman in his 70s who had spoken to no one since attending mass the previous Sunday. If this is the rural Ireland one seeks, the Government has failed. We must promote policies to bolster the quality of the lives of rural dwellers, despite the cost factor, which in this case is not huge. The economic benefit of having vibrant communities in rural Ireland is unending.

Despite the protestations, the fortunes of rural Ireland and its people have been ignored by the Government. In its renewed programme for Government it should place considerable emphasis on a strong rural transport scheme. Such a scheme should be put in place. Moreover, I hope the night-time rural transport scheme will not be lost because the vibrancy, well-being and health of many depend on it.

I commend the motion to the House. Members on the benches opposite, behind and beside me should support it. It is a positive one, one about people and connectivity and, above all, creating an Ireland of equals. That is the reason I commend it to the House.

**Senator Joe O'Reilly:** Fáiltím roimh an Aire Stáit agus gabhaim comhghairdeas léi as a ceapachán mar Aire Stáit. I second the motion tabled by my colleague, Senator Buttimer, and in so doing congratulate him on his grasp of the issues in rural Ireland and the passion he displays for them. This is reflected in the motion, its considered nature and his exposition of the issues dealt with therein.

In 2005 I stood as a local election candidate in County Cavan. In contrast to candidates in national or European elections or participants in referendum campaigns, local election candidates visit houses in a thorough fashion and canvass virtually every house in a given catchment area. During such a canvas one gains a detailed knowledge of the community and how matters stand. The process is highly detailed and there is a focus on individuals and houses. If one misses people, one returns and so on. I need not explain this process to Members. However, after that election, I remember attending a local authority meeting at which I listed what I had learned during the campaign about what was needed in rural Ireland.

My distinguished colleague opposite, Senator Ó Murchú, also has a well tuned awareness of such issues. He will agree that the shocking discovery one makes when one travels through rural Ireland in a focused, detailed and slow way concerns the level of isolation one encounters. I refer to those who live in real isolation, are very lonely and whose only companions are radio and television sets. Such persons have minimal human contact, like the gentleman Senator Buttimer mentioned who had not spoken to another human being between attending mass on a Sunday and the following Tuesday. In many cases the position is even worse. One discovers this isolation and notes the importance to the people concerned of Irish music, culture, song and so on that can be heard on the radio. Members can discuss this point on another occasion. However, a number of people in rural Ireland live in isolation.

Without entering into a discussion on the merits or otherwise of what constitutes an appropriate level, the changes in breathalyser regulations, rightly or wrongly and no matter how one

[Senator Joe O'Reilly.]

evaluates them, also have had a great impact in this regard. Moreover, people in rural Ireland have difficulty in leaving their local area to visit town or even to go to church or get out to meet others. Some live alone and it is very difficult for them to do so. The CSO figures cited by Senator Buttimer which were included in the wording of the motion substantiate this point.

An economist, a sociologist or someone who comments on such matters might argue that the car population has increased greatly in rural Ireland. Moreover, it might be argued that a number of bus companies are now operating. However, while it is the case that the car population has increased and that, theoretically, there may be a number of competing bus companies etc., the reality is that a great number of those people who are the subject of this debate are unable to access cars. In some instances, they may be unable to drive. This frequently is the case. In other instances, although a family might own a car or two, they are used by younger members to go to work. Alternatively, there may be an abusive dimension to the family relationship, whereby the older people or disabled persons are ignored and left to fend for themselves, are not properly looked after and not given access to the car. While there are many ideal and happy situations, this is not what is being addressed. Consequently, it is important for Members to realise that the availability of cars or improved roadways does not necessarily solve the problem.

I met representatives of the Rural Transport Network at the special awareness day event it held in County Cavan. I presume this was replicated all over the country. I spent time on each of the buses and met the people there. There was a variety of people on them, including those who lived alone, those who could not drive, those who had some form of disability and those who had indifferent relations who were not bothered whether the people could travel. They needed the service and I could see the rural transport scheme meant so much to the quality of life of the service users. It is life altering to those people.

Although it is difficult to quantify this, it must save a considerable amount of money in the health service and in institutional care because it gives people dignity, quality of life and self-esteem that allows them to live in the circumstances they are in. This allows them to avoid institutional care and a higher level of dependency on the health services. It greatly improves quality of life because they can meet up with people, go to town and experience warmth, friendship and interaction with other human beings. This is what we all desire.

The great exhortation in our Constitution and the Proclamation of 1916 is to cherish all the children of the nation equally. These people must be cherished to the degree that every other citizen is cherished. They have the same rights and issues as others and have the same constitutional right to the equality of access to travel, shopping, meeting other human beings and quality of life.

It will resonate with the Minister of State that this is a women's issue. It is an issue for many rural women. I noticed this when I met people on the buses, which comprised two thirds women. When I was a Member of a previous Seanad, I was a member of the committee on women's rights and I raised this matter. The scheme did not exist at the time but I constantly raised the issue. Access and the potential for travel for rural women was a real issue and this scheme has addressed that matter.

I recognise that the proposals of an *bord snip nua* are merely proposals. I join Senator Buttimer in his call for an unequivocal statement from the Minister of State and a commitment to the continuation of the rural transport scheme. It is a good scheme that stands on its merits. I appeal to the Minister of State to flatter the Seanad, as the Upper House of Parliament, by stating that the scheme will continue, that it is meritorious and that it is not up for bargaining. There are certain core issues. I always try to say on the Order of Business that we cannot solve

the problems of the past and the years of waste and ineptitude on the backs of the weak, the disabled, the isolated, the lonely or the needy. These vulnerable people cannot become our way of dealing with this. It is easy to target these people because they do not have a great voice, they are not fit to have great marches outside the Dáil and they are not fit to have the press and a battery of public relations people presenting their case through multimedia outlets. Many people I met are not fit to hold marches on O'Connell Street but that makes the case all the more meritorious.

The scheme costs €11 million per year and its return is enormous. I commend the scheme to the Minister of State. I am not being glib because Senator Buttimer is correct. These people must be put at ease and a statement from the Government on this issue will not compromise the Government's ambition to save the requisite €4 billion. The Government could state that it will save what it must but will not do so at the expense of the rural transport scheme, which is vital to rural Ireland. The Minister of State must give us that commitment today. I appeal to Senator Ó Murchú to commit to the same principle in his address. We must protect this scheme and state that it is not up for grabs. Fiscal rectitude cannot be built on the backs of people I met on the buses during the transport open day.

**Senator Labhrás Ó Murchú:** Tairgim leasú a 1:

To delete all words after “Seanad Éireann” and substitute the following:

“congratulates this and previous Governments for their foresight in introducing and expanding the Rural Transport Initiative that has seen:

- it develop from a pilot scheme carrying 151,000 passengers in 2003 to 1.2 million passenger journeys in 2008;
- an increase in the numbers of services from 40,000 in 2003 to 140,000 in 2008,
- further development in 2009;
- increased funding from €3 million in 2003 to €11 million in 2009;

and acknowledges:

- the Government's commitment to the Rural Transport Programme as articulated in Towards 2016, the National Development Plan 2007-2013 and the Department of Transport's sectoral plan under the Disability Act 2005;

Seanad Éireann also:

- notes the high levels of current and capital expenditure that has been provided by the Government in its term of office to provide public transport infrastructure and to support public transport services;
- endorses the provisions in the Public Transport Regulation Bill 2009 which establishes a modern regime for the licensing of commercial public bus transport services and facilitates a national statutory framework for the procurement of public transport services by way of public transport services contracts;
- endorses also the provisions of the Planning and Development Bill requiring transport plans as an integral component of local authorities' development plans;

[Senator Labhrás Ó Murchú.]

- acknowledges the relevance for public rural transport of the Government's policy on sustainable travel, and
- recognises the mutual dependencies between the Government's rural development and local community support policies and effective and efficient public rural transport."

Cuirim fáilte roimh an Aire chuig an Teach. Déarfainn gur beag duine go bhfuil an t-eolas céanna aici agus atá ag an Aire maidir le cúrsaí na tuaithe, na buanna a bhaineann leis an dtuath agus na riachtanais a bhaineann leis chomh maith. Táim lán chinnte go bhfuil a croí san áit cheart agus go mbeidh sin soiléir amach anseo. Munar féidir linn é sin a léiriú inniu, táim cinnte go léireofar níos déanaí é. Senators Buttimer and O'Reilly have made a passionate and informed plea on behalf of rural Ireland. I have noticed that we have strong, articulate people undertaking advocacy on behalf of rural Ireland. Whether on the Order of Business or on more substantive debates on legislation, rural Ireland is never short of an advocate on both sides of this House. Long may that continue. Apart from business, as human beings we live in a competitive world and we are looking at a diminished treasure chest. We must ensure that each section of society is represented when we develop and distribute the fruits of the work of the nation. We should take off our hats to the organisations in rural Ireland. I am thinking of farming organisations, particularly Macra na Feirme and Macra na Tuaithe. These organisations help young people to enunciate the requirements of rural Ireland and to point to its needs and potential. The Irish Countrywomens Association, GAA and Comhaltas have been to the fore in this respect. We should salute them for this because much of the development that took place and the legislation passed came as a result of the research and exhortations of these organisations. As a result, we have a confident rural Ireland. Over one third of the population, a considerable amount, lives in rural Ireland. We should quote this statistic often.

**An Leas-Chathaoirleach:** Did Senator Ó Murchú move the amendment?

**Senator Labhrás Ó Murchú:** I did, as Gaeilge. Chuala an Seanadóir O'Reilly é sin.

When I spoke on the Planning and Development (Amendment) Bill earlier I made many of the same points as Senator O'Reilly made just now. It is vital that young people investing their confidence in rural Ireland, which is different to what it was 30 or 40 years ago, should be facilitated, particularly if they want to build houses on their land. The social dimension to this is that grandparents look after the grandchildren and children look after their parents. This keeps people out of nursing homes and hospitals. I agree with Senator O'Reilly in this respect. I hope the Planning and Development (Amendment) Bill we debated earlier and the upcoming ministerial guidelines will keep this aspect in mind.

I was particularly taken by Mr. Jack Roche, chairman of the Rural Transport Network. At a recent presentation, I heard him on the radio with a fine rich Cork accent and I was impressed with the common sense he spoke when he put emphasis on what the scheme meant to the lives of people, not just in terms of security but their overall quality of life. What came to mind was a famous debate on "The Late Late Show" when Monsignor Horan appeared on the panel, ar dheis Dé go raibh a anam dílis. It was put to him that we were spending much money on developing Knock Airport when the project seemed like a white elephant. I remember him describing himself as an ordinary, modest, humble parish priest and stating it would cost less to run Knock Airport than to put one carriage on the DART line and maintain and service it. The point he was making was that when there was an argument about something that benefited rural Ireland, we should not always feel it did not require the same attention as what happened

in the cities. Human beings are the same everywhere and people have challenges, whether they live in a built up or rural area. For that reason, when the pilot rural transport scheme was initiated in 2003, we immediately saw a demand for it because 151,000 journeys were taken. In 2008 that number had risen to 1.2 million. The amount of Government investment rose from €3 million at the beginning to €11 million in 2008 and further money was allocated in 2009. The pilot scheme proved beyond a shadow of a doubt the need for a rural transport scheme and that people wished to use it.

I know issues arise with regard to the rural transport scheme which we should not ignore. In some cases there is great value for money in the number of journeys taken but in others the administrative costs are particularly high with regard to output. Therefore, it would be wrong to generalise and state every aspect of the scheme is as it should be. We should examine the findings of what we can view as a five year pilot scheme and successful models should be exported to areas in which value for money is not given. This does not name or denigrate anybody; it just shows that in certain cases initiative was shown by some to ensure there was value for money and that the money was invested and used in the manner intended, which was to provide a cost saving, valuable and worthwhile rural transport scheme. I cannot speak on behalf of the Government on this matter but we should not take for granted that it will happen. On a previous occasion when the Minister, Deputy Ó Cuív, discussed the rural transport scheme in the House, he pointed out that there was more than one Department involved. While the scheme was rolled out by the Department of Community, Rural and Gaeltacht Affairs, it also seems to have a bearing on the Department of Transport. It is a matter of rationalisation, with which we would all agree.

We are living in an age when it should never more be said of us that we took for granted that if we provided money, any result was acceptable. However, in terms of human and social considerations, any suggestion the rural transport scheme can be done without — in whatever form it takes or whoever is responsible for running it — is not possible. It was bad enough when the amenity was not available but to have it and then have it removed would be a devastating blow to rural Ireland.

I know how well intentioned this Private Members' motion is because Senator Buttimer was 100% correct to state that as we canvassed on the Lisbon treaty the discussion was not always about the bigger issues; it was about the ordinary day-to-day facilities and amenities available and how necessary they were. I am not an advocate for drink or pubs but I know the new drink laws had a terrible impact on rural Ireland. People who went out for their usual pint of Guinness and drove home on a country road could no longer do so; to all intents and purposes, if they were elderly and living on their own, they were imprisoned. I do not state this is directly related to the matter but President McAleese made reference to the isolation felt by people in rural Ireland, which leads to issues of suicide, a sense of having no security in the home and no contact with the outside community. We are all aware and conscious of the issue of road safety but we must keep these rural issues in mind.

When the rural transport scheme was introduced, it was ridiculed to a certain degree, as if it were intended to bring people to and from the pub, but it was about much more than this. From the open day we held and the campaign we ran on the retention of the scheme, it is quite clear that a good infrastructure is in place which we must maintain. We must not take for granted that it will disappear and we should pool our ideas on how we can maintain and structure it in the future. The Minister of State, Deputy Áine Brady, knows the needs and strengths of rural Ireland and I have no doubt she listens to us with a willing ear and will bring our views to the table where they will matter.

**Senator Rónán Mullen:** Cuirim fáilte roimh an Aire don dara uair inniu. Tagann sé as mo pharóiste féin. Cé nach bhfuil sé iargúlta, tá sé cinnte go bhfuil sé faoin tuath. I strongly support the thrust of the motion and congratulate the Senators who tabled it. I endorse any sensible motion which seeks to support rural Ireland in these troubled times. The past year has been one of the toughest in living memory for farm families as rural Ireland has reeled from a series of economic shocks, any one of which would have been serious but arriving together they have had a devastating impact on farm incomes and rural communities.

When the property bubble burst, the economist Ronnie O'Toole predicted that it would have a far greater impact on rural Ireland than on urban areas and he was right. In many areas of the west off-farm income from working on building sites which had become the main source of income for many rural families disappeared overnight. Just a few years ago we spoke about how milk prices had increased dramatically, driven by, of all things, the Chinese discovery of the health benefits of milk and the less healthy delights of a newly acquired taste for cheeseburgers. However, in 2008 a contaminated infant milk formula scandal destroyed the trade and the global credit crunch caused a collapse in commodity prices, leading to farmers being paid less than what it cost to produce milk.

The global credit crunch also led to a 20% drop in the value of sterling, making Irish food exports to the United Kingdom 20% more expensive and putting the Irish food industry and particularly smaller Irish companies under a great deal of pressure. I mention this as a context for the crisis, with the near collapse of the Irish banking system, and how it has dried up credit and working capital at the worst possible time. We find ourselves in a difficult situation, which is why the McCarthy report makes its many radical swingeing proposals, including the recommendation that the rural transport initiative be eliminated to save the princely sum of €11 million. To put this figure in context, the Government overspends by €400 million a week. Taken in that context, €11 million is a modest sum.

By way of comparison, data centre expert Stephen McCarron of Dublin-based Hosting365 examined the number of computer servers being run by the Government. He estimates the Government could save the Exchequer at least €23 million per annum through virtualisation, reducing energy costs and carbon emissions but with no negative impact on services or employment levels in the public service. This is the type of issue we should examine when it comes to making cuts. Oscar Wilde's phrase about the cynic being the person who knows the price of everything but the value of nothing comes to mind when cuts are proposed for the rural transport initiative. There is a danger of seeing a scheme solely for its economic value and forgetting about its social importance and necessity.

I was delighted Senator Labhrás Ó Murchú referred to Monsignor James Horan, a man who exemplified the pioneering and can-do spirit, and his typical response in which he cleverly and craftily compared the differences in attitudes towards investment in urban areas and rural areas. I will not remind my Fine Gael colleagues about their comments about a "foggy, boggy site" in Mayo. Whenever I think of Monsignor Horan and his clever response, I am reminded of a similar one attributed to the late Pope John Paul II. When he decided to have a swimming pool installed in the Vatican, officials in the Curia were worried about how expensive it would be. To this, the late pontiff said it would be less expensive than another conclave. This kind of crafty logic served Monsignor Horan well when he argued the case for his much cherished airport project.

This is the type of spirit needed in rural Ireland that faces so many different challenges which many in urban areas do not understand. Accessibility of services, the near availability of schools and the availability of services for older people are taken for granted by many in urban areas. These can become more of a challenging reality in rural Ireland. We must examine expenditure

on facilitating the quality of life in rural Ireland through a different kind of lens than just the mere economic one.

The impact of cuts to the rural transport initiative will be out of all proportion to the amount of moneys saved. According to a Department of Transport report, transport is a serious unmet need for many people living in rural Ireland and it has been identified as a key factor underlying levels of exclusion in rural areas. Estimates derived from the 2002 national rural transport survey suggested as many as 380,000 people in rural areas perceive themselves as having unmet transport needs. Certain key target groups are also especially vulnerable to a lack of transport, including older people, young people, people on low incomes, and people with mobility, sensory or cognitive impairments. Combined, these groups alone account for an estimated 200,000 people of the persons reporting unmet needs.

Demographic trends, in particular overall population growth and changes in the age profile, suggest the numbers of people with unmet rural transport needs are likely to persist. Projections indicate an estimated 450,000 rural dwellers could have unmet transport needs by 2021, for example, including 250,000 people in key target groups. In short the McCarthy report is suggesting cuts at a time when the need for rural transport is growing and indeed is greater than ever.

The current rural transport is cost effective which frankly is far more than can be said of much expenditure figures in the Government and Oireachtas which has dominated debate in recent days. The rural transport programme received just €9 million in funding from the Department of Transport in 2008, with a further €2 million coming from the national development plan. Yet operators in the network provided over 1.2 million passenger journeys in rural areas where people have simply no other public or private transport options to go about their business.

The rural transport programme is also a critical source of local employment with 80 drivers directly employed by programme companies and a further 657 privately employed drivers. According to Pobal's performance and impact report, the programme met or exceeded all of its key performance indicators and targets.

It is not easy to cost the impact of social isolation on the elderly in rural Ireland. However, I would hazard a guess that it is far higher than €11 million a year. The editorial of one regional paper put it well when it described the rural transport programme as follows:

It is a vital link for elderly and isolated people in rural areas, a social outlet, something that helps them maintain their independence and confidence, something for them to look forward to once or twice a week and a reason to keep on living life to the full. For these people, many of whom would have worked hard all their lives and paid their dues, it is a deserved support and service.

I have no doubt the Government will need to make significant cuts to expenditure. We must, however, cut the fat rather than the muscle, cut the waste endemic in the system rather than modest and targeted programmes which deliver a significant return on investment. The elderly have paid their dues to society from years of hard work and service and should not be betrayed now. In a case study of the Meath accessible transport project, the social value of the project is evident. One user described it as the best programme introduced in her area, how if it were not in place she would not be able to collect her pension and how she hoped it would last for a long time.

Tá sé ró-éasca bheith soiniciúil — á rá nach bhfuil an t-airgead againn, nó nach féidir linn é a chur ar fáil a thiulleadh — faoin sórt dearcadh sin. Tá an eacnamaíocht ann chun cabhrú le daoine. Níl na daoine ann ar mhaithe leis an eacnamaíocht — is a mhalairt atá fíor. Caithfidimid díriú isteach ar tábhacht sóisialta na seirbhísí beaga seo. Nuair atáimid ag déanamh na ciorruí-

[Senator Rónán Mullen.]

the atá riachtanach, ba chóir dúinn bheith cinnte go bhfuilimid ag díriú isteach ar droch-chaiteachas agus ar cur amú airgead. Thug mé sampla maidir le ríomhaireacht. Luaigh mé roinnt earnálacha ina féidir linn airgead a spáráil. Is féidir €23 milliún a shábháil le athrú sa chóras ríomhaireachta agus le gearradh siar ar chaiteachas fuinnimh, srl. Má táimid ciallmhar leis na ciorruithe sin, beidh go leor airgead againn le caitheamh ar seirbhísí tábhachtacha, ar nós an chóras iompair tuaithe. Ní cheart dúinn grúpaí éagsúla sna áiteanna iargúlta a ligint síos. Ba cheart dúinn an dea-aidhm atá laistiar den chóras iompair tuaithe — seirbhís a sholáthar do dhaoine atá i gcontúirt aonarachas sóisialta — a choinneáil. Tréaslaím leis na Seanadóirí a chuir an rún seo faoin ár mbráid.

**Senator Ann Ormonde:** I wish to share time with Senator Brian Ó Domhnaill.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Senator Ann Ormonde:** I welcome the Minister of State, Deputy Peter Power.

Having read both motions, I am struck at how all parties are singing from the same hymnsheet. Some time ago in a paper I gave on vibrant rural community development, I pointed out how cogent reasons show the maintenance of rural populations and ensuring the growth of our cities is not at the expense of rural communities not only makes economic but also social sense. If there were no rural public transport network, our rural communities would as well be dead. We cannot marginalise or isolate our rural population. I acknowledge the Government has done much in this area and it is a policy contained in the programme for Government, the national development plan and the Department of Transport's sectorial plan under the Disability Act 2005.

However, after an *bord snip nua's* report, we all have heard how rural transport schemes may be snipped in the next budget. I do not want that to happen. Earlier on the Planning and Development (Amendment) Bill, I raised my concerns that our rural communities are being neglected. Rural transport should be incorporated into county development plans. It does not make sense in rural areas with a wide range of services including schools, health links or social facilities. If we do not have rural transport we do not have those services. There is talk of pubs closing because of the new licensing laws. I do not want ghost towns or urbanisation to that extent. I want every part of Ireland to be vibrant such that if I wish to live in a rural area I will have services.

One key aspect of those services is transport. It is very important that the Minister of State bring this message back to the Government and that it maintain rural transport at all costs. It is not up for bargaining. I do not want to see the weak and the vulnerable affected because those who have cars have transport. There are many old age pensioners who have made a significant contribution to society but do not have services. They do not even have the power to go out to campaign for this. They are the silent people in society and could be neglected. It is very important we do not marginalise those people.

I hope that in his reply the Minister of State will offer positive thinking on rural transport. It is so important that our vibrant communities are not further neglected through lack of these services. Rural transport is at the core of these communities. Enough has already been taken away; post offices, local Garda stations and local shops are closing. These places will be ghost towns from the middle of November. I do not want to see that. I want people to have transport at night if they want to go to play bingo, or to the local pub for a chat and to play a game of cards. I want action. The only way to get that is through rural transport. I hope that we will all sing the same tune on this issue.

**Senator Brian Ó Domhnaill:** I thank Senator Ormonde for sharing time. This issue affects the area in which I live in south west Donegal, a very rural area. The scheme introduced several years ago by the late Seamus Brennan who was then Minister for Transport was initially a pilot initiative to fill a gap between private and public transport providers in rural areas.

This debate arises from the McCarthy report which advises that €11 million would be saved if the scheme ceased. I and some colleagues attended a public meeting in Donegal at which approximately 450 people, the users and some of the operators of the rural transport scheme, were present. The theme at the meeting was that many of those who avail of the service do not have access to private or public transport and do not own cars. If the rural transport initiative was not available to them they would not be able to go to the post office to collect their pensions and do all the things that other Members spoke of.

The McCarthy report states “The availability of private sector bus alternatives, the high level of car ownership and the under-utilisation of synergies with other publicly-funded local transport services support the view that the level of direct Exchequer assistance can and should be eliminated particularly in light of current budgetary circumstances”. I find it hard to accept that recommendation because this initiative was part of the Government’s commitment to rural development. Cities such as Dublin, and towns, have bus corridors and public and private bus operators because it is economically viable for them to operate. This scheme was put in place because it was not economically viable for private operators to provide a service in rural areas where there was a need.

I commend my colleagues for tabling this important motion. I worked with Deputies from other parties who attended the meeting in Donegal and we shared the view that we need to try to protect this service. It is, however, only a recommendation in the McCarthy report and will save only €11 million of the total €5.3 billion savings outlined there. In the overall scheme it is not a great deal of money.

We must protect that service. I am strongly of the view that there should be no cutback in the rural transport service, including the evening service. I raised that issue here in July when we debated the extension of the evening service after 10 July because the funding made available in 2007 was due to expire on that date. The Minister for Community, Rural and Gaeltacht Affairs extended the service to the end of the year. I hope the rural transport and evening rural transport initiatives will run in tandem from next January and will not be cut.

We are protecting vulnerable people. The person sitting in the Mercedes does not avail of this service, but the person with the medical card or the pension book who needs access to the post office maybe to send a letter to a relative or friend does. He may need to go into the village. The postman is often the only person with whom many of those people communicate daily or bi-daily unless they can communicate with others by using this service to get to the village. If we are sincere about implementing a rural development strategy this service must be kept. McCarthy should have considered other areas if he wanted to recommend cutting expenditure on public transport. He could perhaps have found efficiencies in Dublin Bus without affecting the most vulnerable on the western seaboard who avail of this service.

Some of the other recommendations in the report affect other aspects of rural development, for example, the proposal to terminate the role of the Western Development Commission and transfer its functions to Enterprise Ireland, and the termination of the Clár programme over the next three years. Accountants and people in Dublin 4 may be able to write recommendations and find efficiencies and some of the contents of the McCarthy report make sense but proposals such as this make no sense to people living in rural Ireland, particularly in light of the small sum of money involved in this critical service. I support my colleagues’ views.

[Senator Brian Ó Domhnaill.]

These, however, are only recommendations contained in a report drawn up by an outside, so-called expert. The Government is scrutinising them and it will be the Government and politicians who will implement some of those recommendations if any are to be implemented. Having talked to the Ministers for Community, Rural and Gaeltacht Affairs and Transport I am confident they are cognisant of the reality in rural Ireland and the necessity to keep this scheme and to ringfence the small sum of money available to it.

**Senator Brendan Ryan:** Colm McCarthy and an bord snip nua have made several recommendations on where cuts in public spending may be made. It seems that the Government will implement some but not all of the recommendations in the budget. In general there is no point debating every potential cut recommended in the report. It is preferable to wait until the proposed cuts come close to reality. Some may not become a reality. The Tánaiste and a few other Ministers have indicated that some of them make no sense. There are several proposed cuts that I could not even contemplate, one being the proposal to cease funding the rural transport initiative. I was going to read out the reference in the report but the previous speaker has done so. It is an unfortunate paragraph, unclear in its general structure. The bottom line is that there is a proposal to cease funding the programme. Of the €4 billion the Government states it wishes to take out of the economy in expenditure savings, the proposal involves a sum of €11 million, a relatively small amount. I can only hope this is one of those suggestions the Tánaiste considers makes no sense. It is clear there is a major gap between the thinking in the McCarthy report on this matter and the situation on the ground for people living in rural areas.

There is a large rural area in my constituency, Dublin North, and I know the benefits of the initiative. Naul, Garristown, Oldtown, Ballyboughal and Balscadden are the rural villages of north County Dublin. Together with the townlands in between, they make up the rural hinterland of Fingal which is served by the North Fingal Rural Transport Initiative.

*6 o'clock* Passenger numbers in the area have risen, from approximately 7,000 in the first year to about 30,000 last year. Nationally, there were 1.2 million passenger trips last year, with 1,354 volunteers, 326 private operators and 737 drivers. It is and has been a success story. It has helped all members of society, including the elderly, schoolchildren, students, people with disabilities and others. One can ask the elderly population of Garristown, Oldtown, Naul and Ballyboughal who might be looking forward to their outing to bingo in Swords on a Tuesday night about the private sector alternatives. One can ask young parents from Naul or Ballyboughal who depend on the Friday shopping trip to Swords about the under-utilisation of synergies in other services. They would tell us where to get off.

The reality is the rural bus service would not be the success it is today if the motor car alternatives were available, as suggested in the McCarthy report. In the current recession a second runaround car is a luxury many can no longer afford and it is at times like this that there is a greater need for the service. In 2005 the Minister for Transport stated projects operating under the rural transport initiative had proved to be “a very successful, dynamic and innovative set of projects that collectively make a huge difference to the daily lives of thousands of people in rural Ireland.” I agree absolutely with that statement and find it hard to fathom why the Government can now consider scrapping such an important scheme that makes huge strides towards social inclusion. I hope it will not do so.

In its mid-term evaluation of the first National Development Plan in 2003 the ESRI described the then pilot rural initiative as successful in providing those living in rural areas with access to vital services. The Fitzpatrick Associates' report for the Department of Transport, published in 2006, estimated that 380,000 people in rural areas had unmet transport needs. These included older people, young people, those on low incomes and people with mobility, sensory and cogni-

tive impairments. The Government cannot now row back on progress for which rural communities have spent years fighting. They did the footwork in communicating the need for the service and surveying people in rural areas to understand fully their needs. The Government cannot now deny them the chance to get to the big town once a week to go shopping or to bingo, or avail of the opportunity to visit friends, neighbours or relatives once or twice a week.

It seems a special group is disconnected from rural realities and the benefits these transport services provide for people whose means are limited and who have no alternative transport options. The rural transport scheme is very important to the rural economy and is the lifeblood of the rural community. Its removal would be devastating for persons living alone in isolated townlands. An adequate rural transport service is required to ensure those at risk of social exclusion in rural areas have access to essential facilities and public services. It is widely accepted that the availability of transport is key to sustaining rural life.

This cut is deeply unpopular among Fianna Fáil backbench Deputies and Senators who view the McCarthy report as being biased against rural Ireland. I hope this view will finally prevail and that the Minister for Transport will be able to find elsewhere the savings he must make. The rural transport programme should be expanded, not downgraded or discontinued.

I thank the Fine Gael group for giving us the opportunity to debate this very important issue.

**Senator Cecilia Keaveney:** It is very difficult to come into the Chamber and say no to cuts and battle against the McCarthy report in so many respects. We object to this proposal today, will object to something else tomorrow, another item the next day and finally will run out of anything to cut because we will have no targets left.

I come from a peninsula, an area with a population of 32,000, where the biggest town has a population of approximately 5,000 and two other towns have a population of about 1,700. I was thinking about this issue while others were speaking and the phrase, "Romantic Ireland's dead and gone, it's with O'Leary in the grave," came to mind. County Donegal voted against the Lisbon treaty. Was it because people still went to Mass, or is it the case that activity in the county is still heavily based on fishing and farming and that people believed much of what had been said, whether it was true or false? We believed it to be false. These are fundamental issues in my constituency which is a rural one in which people have to be able to get around. The alternative is to sit at home. The lack of such socialisation leads to various issues concerning mental health and illness. Everybody knows that getting out and having a laugh with friends is one of the best forms of medicine available.

From that perspective, I object to or have a serious problem with the concept, based on what is contained in the McCarthy report, that not only the rural transport scheme but the Department also should disappear. I am partial because I support the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. I say this with due respect to the Minister for Education and Science, Deputy Batt O'Keeffe, who is present and also a very effective Minister. However, it was a different scenario to have to try to create a niche, which is what the Minister, Deputy Ó Cuív, did in rural and Gaeltacht areas. There is nothing he has not done for these areas. He has tried to get people to stay there, developing the CLÁR programme and providing supports. Why does the Opposition state the Government cannot remove this niche support now? Why do the people living in these communities say it cannot be taken away? It is because that in the past decade the Government put all of these measures in place and made the service important.

It is fascinating to speak straight after a Dub on the issue of rural transport. I never thought I would see the day because I would have thought rural areas in Dublin were well served in ways those of us living in rural Ireland might begrudge. We are driving other policies such tackling drink driving but, on the other hand, with this cut we say people cannot go to the pub,

[Senator Cecilia Keaveney.]

as they will have no way home if they have a drink. We say the same to those who seek access to mature student education courses which the Minister for Education and Science, Deputy O’Keeffe, has rolled out around the country in areas such as Clonmanny which is very well known for the high standard mature student courses delivered there. We are saying that unless people have cars, they cannot access these courses. The many people who do not have cars are the very ones we must bring into the system in order that eventually they will be able to run a car.

I am not blind to the other side of the argument. I know that there were many rural bus services which only three people were using. However, when they were to be removed, all of a sudden 400 people complained. The bus company might well have stated that if any of those 400 were using it, the service would not be removed. I understand there are arguments on many sides. From before 2003 I fought for Inishowen to be included as one of the zones for the pilot rural transport programme. I argued the case with the many Ministers who held the relevant portfolio. In my area a staggering amount of work was done to identify the right routes and the people who needed a service the most to ensure it was delivered. Now we can look at the statistics. We have talked about expanding the numbers from 40,000 to 140,000 in five years.

Let us look at rural transport but let us also look at how we can do it better. People speak about wasting money conducting feasibility studies. I do not want to see money spent in that way. People talk about school buses not being used from one end of the day to the other when they could be usefully deployed. The same is true of school buildings. Why are they closed at a certain time and not opened to the public?

This debate is bigger than rural transport. It is fundamentally about the need for a Minister with responsibility for rural affairs and a Department of rural and Gaeltacht affairs. Such a Department cannot operate on its own and the Minister does not do so. He wangles, if that is not a terribly bad expression, provisions from the Ministers with responsibility for education and the environment and other Departments to ensure that if another Department gives a euro, his Department will provide, perhaps, 50 cent.

The Department of Community, Rural and Gaeltacht Affairs has been very effective. Things must be run with a bottom-up approach. Someone cannot sit back in an ivory tower in Dublin and identify an easy way to save money. I challenge anyone who has engaged with the Minister, Deputy Ó Cuív, and his Department, at a local or national level, to say his is not the best operating Department.

I quoted the lines:

Romantic Ireland’s dead and gone

It’s with O’Leary in the grave.

Maintaining rural Ireland should not be a romantic notion. It should be a factual position to accommodate people in their own areas. I challenge people to continue to use rural transport, to continue to develop the service and to try to cut costs, where possible, by using other services in the area. However, we cannot cut off the rural transport service. It was only recently provided after a long battle and it is highly valued. Far from romantic Ireland being with O’Leary in the grave, rural Ireland could be dead and gone and put by McCarthy in the grave, which would not be to the benefit of anyone or any community. It is certainly not to the benefit of Ireland Incorporated.

The motion and counter-motion have the same thrust. There are challenges in the rural transport service but babies and bathwater should not be confused on this occasion.

**Senator Ciaran Cannon:** “Rural transport is a gift and a godsend that meets a huge social need in rural Ireland. The proposal on €11 million for the rural transport scheme does not seem to make sense, given the great and important good the scheme is doing right across the entire nation. Every Member of the House knows the value of rural transport. Under no circumstances will we stand by and allow rural transport services to be taken away for the sake of €11 million.” They are not my words but those of the Leader of the House when he spoke on the issue of rural transport on the Order of Business two weeks ago. Senator Cassidy was correct in every aspect of his contribution. The rural transport scheme meets a huge social need. It is a need that is very difficult to assess and quantify unless one meets, as many Senators have, the people who avail of this valuable service. One needs to speak directly with them and see the positive experience they have had.

I do not intend to vilify Colm McCarthy for preparing a report on behalf of the Government. He was simply carrying out an assignment given to him by the Minister for Finance. However, I am sure he has never sat in one of the buses served by this scheme. He has never listened to the stories of elderly people, many of whom live on their own in almost complete isolation. He has not spoken, as I did two weeks ago, to an elderly lady who looks forward every week to Friday morning and getting up on that day that is different from all others in the week. She recounted what that day means for her. She does her hair and picks out those nice clothes from her wardrobe that are not worn on other days. From the moment she steps on the bus she is with friends whom she will not see until the following Friday. She is brought to her local town to do all the things she might not otherwise be able to do. She is able to shop, collect her pension, post letters, get her hair done or simply sit with a cup of tea in the local café with her friends catching up on all the week’s news. This lady told me it was this interaction that often compensated for the loneliness she felt at times. It is this interaction that convinces her that life has not left her behind, that she is part of a warm and caring community that still values her as a human being and that the contribution she made to the State over many decades has not been totally forgotten.

I refuse to vilify Colm McCarthy for simply doing his job, but I will not hesitate in vilifying a Government which prepared the terms of reference for that job. The Government did not state, “Look Colm, go ahead and recommend to us where you can make savings, but we do have limits. We do have a conscience and are not allowing you to touch the elderly or the disabled.” Everyone, no matter how vulnerable, was a target in the Government’s quest for cutbacks. Nobody was spared, which is nothing short of shameful. If the recommendation in the McCarthy report to dispense with the scheme is implemented, we will send my friend and many others back into isolation and set back the years of the progress made. Senator Keaveney has said progress was made by the Government. I acknowledge this and congratulate the Government, particularly the Minister for Community, Rural and Gaeltacht Affairs, on making huge progress in the area of rural development and putting the scheme in place.

Having achieved so much and earned the respect of the elderly, why does the Government now choose to dispense with the scheme? Its removal should never have been included in the McCarthy report simply because it is morally wrong to do so. However, in the context of an economic assessment, the proposed axing of the service makes little sense in the overall scheme of things. In a *bord snip* report outlining almost €5 billion in cuts €11 million represents less than 0.25% of the proposed savings. That is the difference between treating the elderly with the respect they deserve and treating them with complete contempt. This €11 million, or 0.25% of the cuts proposed by Colm McCarthy, provides every year for over 1.2 million passenger journeys in rural areas. It provides for these journeys for people who simply have no other public or private transport options to go about their daily lives. It provides employment for 80

[Senator Ciaran Cannon.]

drivers directly employed by rural transport companies and a further 657 drivers privately employed.

Of course, the totally unquantifiable benefit accruing from the scheme is the saving in healthcare costs associated with the service. Many elderly people might end up in long-term care if they were subjected to total isolation. What other psychological problems might they have? We really do not know, but it is safe to assume there would be significant costs associated with dealing with the fallout of the axing of the scheme. Senators on both sides of the House have often praised the contribution of the former Taoiseach, Sean Lemass, to the life of the State. He was never willing to compromise on his values no matter what obstacle he faced. To this day, his values hold true. Given the contributions of Senators on both sides during the past hour or so, the majority of us retain those values.

It should be a matter of protecting the vulnerable.

**An Cathaoirleach:** The Senator is in his last minute.

**Senator Ciaran Cannon:** It should be a matter of not removing a service of value to the people of rural Ireland.

I will conclude with the words spoken by the Leader two weeks ago, when he stated: “Under no circumstances will we stand by and allow rural transport services to be taken away for the sake of €11 million”. Many of us have received handwritten letters from the self same elderly people asking us to campaign and fight on their behalf to ensure that the scheme is not axed. Tomorrow morning, they could all be put at ease and their concerns erased were the Minister for Finance or the Taoiseach to express how much the Government values the service and recognises its impact. Out of a mark of respect for the elderly, the Minister or Taoiseach could assure them that the scheme would not be included in the proposed cutbacks of the coming months or years.

**Senator Lisa McDonald:** I welcome the Minister for Education and Science, Deputy Batt O’Keeffe. I wish to speak to this motion on the rural transport programme, which was introduced by the Government in 2001 and has developed from a pilot project carrying 151,000 passengers to a scheme that carried 1.2 million people in 2008, as stated by Senator Cannon.

The scheme was introduced mainly to address the problem of isolation in rural society. It is noteworthy that President McAleese has put together a committee on rural isolation and brought GAA clubs and various rural clubs together to determine how to address the problem further. It must be acknowledged that organisations like the GAA, the Irish Countrywomens Association and so on have played a significant role in providing rural dwellers with something to do.

We have faced this problem previously in the context of rural post offices and the question of whether a school is required every five miles or whether a county hospital is necessary. At a recent meeting I attended in Wexford on the future of our hospital, it was suggested that maternity services were not required for a population of 100,000 people. Given Ireland’s strong rural society, such claims will not work in any shape or form and I would be reticent to support them.

Where rural transport is concerned, we are discussing the same issue of isolation. Some people do not even have footpaths on which to walk from their houses to the local pub. The rural transport scheme has provided those people with a means to visit their local towns, shop one or two days every week, meet friends, go for coffee and so on. The scheme’s value cannot be understood except in terms of loneliness and isolation, which is what we must consider when

making any decision on its future. Nothing deprives someone more than making him or her lonelier. Every Senator knows someone, such as an uncle or aunt who never married or does not have immediate family, who can no longer go to the local pub for a couple of pints. We are discussing making that person's situation more stringent.

When the issues of rural living and the fabric of rural society were raised last year, I suggested to the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, that he should consider using the rural transport initiative as a means to bring people to and from local pubs at weekends. This area of the scheme could be expanded in time. While I am not suggesting that we do this immediately, we are discussing saving a scheme that was introduced due to foresight.

Since money has already been spent on the buses and so on, the moneys that could be saved by cutting the scheme would not benefit society. When an *bord snip* sought ways to cut expenditure, it was considering the economy. As politicians, we must consider society. It is easy to view something through accounting or forensically and to cut X, Y and Z. However, cutting this scheme would eliminate a source of enjoyment and a lifeline for those who are isolated. They could end up in hospital or suffer mental health issues because they do not have the necessary connectivity with society. The cost of this would be immeasurable.

The scheme is great and we have all spoken with those who have written to our constituency offices in recent months seeking support. I support the scheme's retention. Although the McCarthy report put it on the table, I hope there will be no political will to worsen people's situations. We have mentioned splendid isolation, but the isolation that would result from this scheme being cut would be anything but splendid. Unfortunately, the issue has worried many people. A scheme that allows people to experience a bit of joy and excitement should be kept. If we cannot look after such people, we would be unmindful to seek those savings.

We must acknowledge that Government policy is to retain the scheme, as stated in the rural transport programme. We are in changing times, but the Minister can tell from today's debate that there is cross-party support for the scheme's retention. We all acknowledge how much it has given to the fabric of our unique rural society. Those of us who come from rural constituencies must acknowledge it.

**An Cathaoirleach:** Does the Minister wish to speak at this point?

**Deputy Batt O'Keeffe:** No.

**Senator Joe O'Toole:** With the permission of the House, I would like to share half of my time with Senator Doherty.

**An Cathaoirleach:** Is that agreed? Agreed.

**Senator Joe O'Toole:** In line with much of what has been stated previously, I wish to speak in strong favour of the scheme's retention. We have heard much about the rural landscape. The fine report put together by Senator Doherty earlier this year constituted a classic example of what needs to be done. The proposed cutback is a plan to denude rural Ireland of infrastructure and support and to isolate communities further. It follows along the lines of what happened to the western rail corridor. We needed to fight to bring it back into partial action. It was even more noticeable in the destruction of the fishing industry, particularly the salmon fisheries off the west coast. We have seen it go *minic cheana sna Gaeltachtaí* maidir leis an nganntanas *acmhainní faoina gcoinne arís agus arís eile agus gan amhras* it is now coming to the fore in the sort of Dublin 4 view of the world which is evident in the McCarthy report.

I support what has been said by previous speakers and the point made by Senator McDonald is important. I would like the Government to stand up and be counted because whereas people

[Senator Joe O'Toole.]

might have had a go at the Tánaiste about her comment that half the McCarthy report was not worth considering she was 100% right. When the McCarthy report was published we were told that if it were all put into operation it would take €5.9 billion out of infrastructure and public services, and we all said it will be taken out every second month, but as raised this morning by Senator Alex White it now appears the Government is considering putting the entire report into action. It is important to clarify that issue.

My understanding was that the McCarthy report was an *à la carte* menu which the Government would consider, in conjunction with the taxation report, and then make its judgments. This now appears to be the gospel according to Dublin 4. The idea that they can now decide how the rest of the country will be run and how we can save money here without taking any notice of the hardship and the pressure it will create for ordinary people in living their lives is wrong. There is enough isolation in the community. There is enough lack of support. People are lonely in their houses. The kind of support this initiative provides is invaluable. I defer to my colleague, Senator Doherty, because he has done a huge amount of work on this issue in the past year and even longer.

**Senator Pearse Doherty:** Gabhaim buíochas leis an Seanadóir O'Toole as a chuid ama a roinnt liom. I welcome the Minister of State. From the contributions I have heard so far, some of which I missed because I was attending a Council for the West meeting at which rural transport was firmly on the agenda, it is clear there is unanimity on both sides of the House on the issue of retention of the rural transport initiative.

I cannot support either motion. I agree with some of the contents in the Fianna Fáil amendment, and my report acknowledged that one of the success stories in the west is the rural transport initiative, but I cannot support the Fine Gael motion because of its call to open these routes to competition. Privatisation of our public transport system is not the best approach for communities. We should follow the examples of cost effective initiatives in Brussels and Stockholm where it has been shown that public transport services can be excellent. They would put our system to shame. I cannot support the motion but I support the spirit of the motion in terms of retention of the rural transport system.

I refer to the report I did on behalf of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs. People ask me what I saw as working well in the west. I saw a number of initiatives working well but particularly Shannon Development and the rural transport initiative, which opened up rural communities for the first time in many years. The Minister was commended in my report but at that time the single issue that arose as I met over 100 groups across the west was rural transport. My report called not just for retention of the scheme but its development into a better scheme.

There are examples of these schemes in other countries. The Netherlands, for example, has a dial-up service. It is one of the best regional development tools and was awarded by the regional development Commissioner in Europe as being one of the best examples in terms of these schemes. There are areas where we could do work like that here but, unfortunately, that is not what we are seeing from the McCarthy report.

It is easy for us to blame the McCarthy report but we must remember that the recommendations initially came from the Department of Finance. They were all appraised by that Department. The fingerprints of senior officials in the Department are all over those proposals and unfortunately they are the people who are writing the budget. I agree with Senator O'Toole that we are looking at the McCarthy report being implemented in full because given that the same officials in the Department of Finance got it so wrong in terms of tax receipts recently the Government's only strategy is to go deeper with the cuts.

I attended a meeting some weeks ago with approximately 500 users of this service and it was humbling to be in their presence and to listen to their stories. Some of the contributions earlier mentioned grannies living in isolation and so on but it must be remembered that this scheme is in place because there is no public or private transport in these areas, and people need to get from A to B. It is not about a granny bus or a bingo bus. It is an essential part of transport in rural Ireland. It helps not just elderly people but also young people and other commuters get from A to B. It should not be described as something it is not. From listening to the users of this service it is clear there is palpable anger at even the suggestion that the service be ended and the fact that the Government will not come out and say it is safe. It costs €11 million to provide for 1.2 million journeys. That is pittance in terms of what needs to be spent on this service but the thought of taking that away is wrong.

Sitting here listening to the debate I realised that over the lifetime of the Dáil and the Seanad the expenses drawn down by the 60 Senators and 166 TDs, and we are seeing our expenses being published on a regular basis, and rightly so, is probably in excess of €11 million in terms of travelling from our constituencies to Dublin. When we compare that to the 1.2 million journeys that will be denied if the €11 million funding per year is withdrawn it is an indication of the thinking of the Dublin 4 economists.

I will conclude on this point, which I have made previously and which other people have made to me. They raised the issue of the Ceann Comhairle's expenses and talked about the efficiency of the rural transport scheme and the little cost involved in getting somebody living in an isolated rural area from A to B. Those people would not have that service but for this scheme. They asked me how the Government can even consider abolishing the scheme while at the same time it acquiesced in terms of the Ceann Comhairle spending ST£799 on a limousine to travel from one terminal to a VIP lounge. That is the hypocrisy that exists at this level and it is the problem that must be tackled.

I welcome the statements from the Leader of the Seanad and from other Government Senators but I hope they will be put into action. We must put people at ease and tell them that this service will be continued. Unfortunately, I cannot support either motion.

**Senator Francis O'Brien:** I welcome the Minister of State, Deputy Finneran. This is my first opportunity since he became Minister of congratulating him publicly. The Minister of State is no stranger to this House. He served as a Member of this House and I wish him well in his portfolio.

If I may be parochial, Latton is a very rural area. It was the location of one of the first pilot rural transport schemes and it has grown through the counties of Monaghan and Cavan. The Monaghan-Cavan rural transport scheme is now one of the best in the country. I do not take credit for that. The credit is due to the people who run it, those who promoted it and the people who use it.

I listened to the debate on the monitor and as previous speakers said, this service provides so many people with a social life who would not be involved in such social activities. They are picked up by the bus at their homes or convenient places near their homes and are returned to their homes. They are brought to the different centres in the towns and the services available to them yet the McCarthy report has suggested this scheme be terminated. We do not want to see this service terminated. It would be dishonest to take that service from so many vulnerable people who look forward to the bus picking them up perhaps twice a week. The people who run the system in Cavan and Monaghan are contacting public representatives. Five Oireachtas Members from Cavan-Monaghan held meetings with the operators and they were very well attended. The operators are saying to us the scheme could be broadened to take in certain parts of the educational system and to facilitate centres such as nursing homes. Instead of

[Senator Francis O'Brien.]

having the rural transport system taken away from us, it could be enhanced. The amount of money required to run the scheme, €11 million, is very small. I am told that if the allocation were cut by a little, the scheme could still be run very efficiently.

It is not often that I come in to speak at the 11th hour. However, given that the debate was so good and that I know so much about the rural transport scheme in my area, I wanted to say a few words. I appeal to the Government and all concerned not to abolish the scheme but to enhance and broaden it.

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I thank Members for their contributions.

The reality is that, since 1997, successive Governments have done more than any of their predecessors to develop rural transport in general and the rural transport programme. We are delivering high levels of service because of ongoing investment and policy development for more than a decade.

I intend to set the record straight with regard to rural transport and review the legislative innovation that will provide a comprehensive modernised regulatory framework for rural transport. The policy framework for the provision of rural transport shows the Government wants to ensure that services are provided in a joined-up way. When the Department's present statement of strategy was being formulated, the magnitude of the economic challenge facing us was much less obvious than it is now. Paradoxically, the objectives set out then and the strategies to achieve them are even more relevant today in the face of our present economic and environmental challenges. The key objective is to provide public transport for an increasing number of people and to encourage them to use it. Very significant financial resources, capital in the form of Transport 21 investment and current subventions have also delivered significant improvements in public transport services, including rural transport.

The Government's commitment to rural transport is clearly stated in Towards 2016 and in the present national development plan. The development of rural transport is also a key objective in the Government's sustainable travel and transport plan, Smarter Travel — A Sustainable Transport Future, and in the Department's sectoral plan under the Disability Act 2005.

The rural transport programme was launched in February 2007. Its principal objective is to help to address rural social exclusion related to unmet public transport needs. Older people and people with disabilities form the core customer base of the programme. The rural transport programme was not established to provide regular inter-urban transport services. It is a principle of the programme to complement and not to compete with other existing public transport services.

The rural transport programme mainstreamed the former pilot rural transport initiative. The programme benefits from significantly increased funding compared to the former initiative. The bottom-up approach developed for the pilot rural transport initiative demonstrated the effectiveness of community and voluntary participation in the provision of rural transport services. The rural transport programme continues to rely heavily on the work of local communities for its success.

Pobal administers the programme on behalf of the Department. It works with 36 individual groups to provide local public transport. The programme is operational in every county and is working to maximise coverage on a phased basis having regard to the availability of resources.

The provision of services under the programme is for the individual rural transport groups. Local communities know the needs in their areas and how best to address them. The Govern-

ment's role is that of facilitator through financial and administrative support, but communities themselves have the lead role.

Funding for rural transport has steadily increased over the years. Some €3 million was provided in 2002, 2003 and 2004, rising to €4.5 million in 2005. Some €5.1 million was provided in 2006 and €9 million in 2007. A sum of €11 million is being provided from my Department's Vote for 2009, an increase of €1 million on the provision for 2008. This funding has led to continuing increases in the levels of service provided, rising from 40,000 services in 2003 to 140,000 services in 2008. Services are now extended to every county. The number of customers using the service has risen greatly. There were 151,000 passenger journeys in 2003, rising to 1.2 million passenger journeys in 2008. Further increases will be achieved in 2009.

Pobal works closely with the groups to maximise the impact of the funding in addition to value for money. In addition to benefiting from funding from my Department, rural transport groups benefit each year from funding provided under the free travel scheme. Some groups also benefit from local development funding from the Department of Community, Rural and Gaeltacht Affairs, while many also generate funds from their own resources.

In tandem with the rural transport programme, the Department of Community, Rural and Gaeltacht Affairs funds a pilot night-time rural transport scheme in seven areas around the country, namely, west Cork, east Cork, Meath-Cavan, Sligo, Roscommon, Donegal and Laois. The scheme has been in operation since 2007 and provides a great opportunity to evaluate the operation of evening and night-time rural transport services. This scheme is also overseen by Pobal, which manages the main rural transport programme.

Earlier this year, my colleague the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, met representatives of the groups involved with the pilot and with Pobal to discuss the future of the evening and night-time rural services beyond the completion of the pilot project at the end of 2009. The groups now have the opportunity to examine options for increasing the efficiency and cost-effectiveness of the transport service. They will be able to prioritise routes, increase load capacity, re-tender to operators to seek cheaper quotes where appropriate, and focus more on generating income from passengers. It is intended that, by the end of the year, the seven groups, with support from Pobal, will prioritise routes that can be supported from existing resources, thus sustaining some level of evening services for 2010. The Minister has highlighted in particular the need in the current climate for the groups operating the evening rural transport scheme to do whatever they can to make these income-generating services as self-sufficient as possible.

Everyone with an interest in rural transport will know that the Report of the Special Group on Public Service Numbers and Expenditure Programmes recommends the termination of the rural transport programme, with an annual direct saving to the Exchequer of €11 million — the amount provided for the programme for 2009.

I want to make it absolutely clear that, at this time, no decisions have been taken with regard to the future of the rural transport programme or any other of the report's recommendations. Anyone now claiming that the rural transport programme has been discontinued is incorrect.

The Government is considering all the recommendations in the special group's report and decisions will be made by the Government in the context of the budget for 2010 and later years. To assist in that task, the Government has referred the report to the Oireachtas Committee on Finance and the Public Service for its views prior to the budget.

Bus Éireann is a very important provider of public transport services in rural areas. Since 2000, a total of €283 million in current funding and €125 million in capital funding has been paid to it to assist it in providing non-commercial services. The annual subvention to Bus Éireann has grown from €15.7 million in 2000 to €44.9 million in 2009. This funding has sup-

[Deputy Michael Finneran.]

ported the development of a countrywide integrated network of services. Bus Éireann operates a public service obligation fleet of 477 buses and it also operates a fleet of 223 buses on its commercial Expressway routes. Taken together these services enable Bus Éireann to provide a comprehensive national network of services carrying approximately 48.2 million passengers per annum. The integrated network enables Bus Éireann to provide linking routes, discounted through fares and ease of transfer, all of which ultimately encourage access to and use of public transport.

The economic downturn is having a severe impact on Bus Éireann's fare revenues despite sustained high levels of Exchequer support and a 10% fare increase earlier this year. Bus Éireann has therefore had to identify cost reductions through efficiencies and service adjustments to restore its financial position. Discussions on the necessary measures are under way under the auspices of the Labour Court. Meanwhile, Bus Éireann has deferred implementation of its cost recovery plan pending the outcome of those discussions. The objective is to ensure the financial viability of Bus Éireann while maintaining services at the highest possible level within the resources available.

A number of private transport operators are also providing public transport services in rural Ireland. Many of these provide commercial services in their own right, a number provided contracted services to Bus Éireann and, as RTP contractors many of them also make an important contribution to the success of the rural transport programme, providing services under contract.

A number of initiatives are under way around the country to look at possible innovations to extend the reach of the rural transport programme. They include the Louth County Council Age Friendly initiative, pilot projects in the north west and north east and the cross-Border community transport research pilot that is being overseen by the North-South Ministerial Council.

Bus Éireann, Pobal — in respect of the rural transport programme — the Health Service Executive and the Irish Wheelchair Association are now working together on two initiatives in the north east and north west with a view to devising a co-operative model for a more cost-effective rural transport service which could apply nationally. The outcomes of these pilots, together with the outcomes of the County Louth Age Friendly initiative, should provide the paradigm for rural transport in the future. The cross-Border pilot project is intended to examine the needs for cross-Border community transport and how these could be best met. The feedback from this project will also feed into considerations about the further development of rural transport.

The provision of public transport generally outside of the greater Dublin area will also be supported by a new legislative framework that is being promoted through the Public Transport Regulation Bill, which is the second phase in the Government's public transport legislative reform programme that commenced with the enactment of the Dublin Transport Authority Bill last year. The Bill builds on the enactment of that legislation and, together with that Act, presents a comprehensive framework for the future regulation and control of public passenger transport.

The Bill is on Committee Stage in this House and I acknowledge the constructive contribution from Members on all sides and the excellent progress which is being made. The Bill contains proposals for a modern regime for the licensing of commercial public bus transport services and facilitates a national statutory framework for the procurement of public transport services by way of public transport services contracts. Among other elements, the Bill promotes

integrated, well-functioning and cost-efficient public passenger transport services which will include the integration of rural services.

The Planning and Development (Amendment) Bill 2009, among other issues, aims to ensure a closer alignment between the national spatial strategy, regional planning guidelines, development plans and local area plans. A key element in the Bill, which was presented to this House on 29 May last, is the introduction of a requirement for an evidence based “core strategy” in development plans which will provide relevant information as to how the development plan and the housing strategy are consistent with regional planning guidelines and the national spatial strategy. The Bill requires that development plans contain mandatory objectives for the promotion of sustainable settlement and transportation strategies. Local authorities must therefore take account of transport issues when drafting development plans and local area plans.

This Government and its immediate predecessors have given more attention to institutional and regulatory reform of public transport than any Governments over the previous 50 years or so. We have to look back to the circumstances which led to the establishment of CIE for a period of comparable policy development and legislative activity. Not only that but we have put in place coherent investment strategies through the national development plans.

We are also planning for the longer term. High levels of current and capital expenditure have been made available by this Government to provide public transport infrastructure and to support public transport services. As recently as 1977 the Exchequer was investing little or nothing in public transport infrastructure compared with over €600 million today. Public transport subvention was less than half of what it is today.

Our bus fleet has been modernised and our railway system, including the rolling stock, has been utterly transformed in a very short time span. Bus and rail services have been improved and expanded. It can be clearly seen from the various initiatives that the Government is very conscious of the need for public transport services, in particular in rural areas, and continues to be proactive in that regard. I commend to the House the actions of this Government and its immediate predecessors on the development and implementation of rural public transport policy. This Government has done more than any other to reduce the effects of social exclusion in rural Ireland arising from previously unmet public transport needs.

**An Cathaoirleach:** Those proposing the motion can divide the six minutes remaining in half. Is that agreed? Agreed.

**Senator Paudie Coffey:** I acknowledge the Minister’s response to the Fine Gael motion and add my voice to the many from all sides of the Chamber which argued for the retention of the rural transport scheme. There is great concern about proposed cuts in the bord snip report, especially in the rural communities we represent. Every Senator in the House as I look around it has a large rural hinterland in his or her constituency served by rural transport links.

I acknowledge that the Government and its predecessors have built up this infrastructure in rural Ireland over the past number of years. It would be a great shame at this stage of the development of this infrastructure to diminish it in any way. Bus Éireann, due to budgetary constraints, has already had to cut services from rural areas; Lismore in west Waterford, where I come from, is being affected in that way.

I am also concerned that some of the Government policies and soundings we have heard of late are anti-rural. The Minister of State mentioned the planning and development Bill earlier and there are proposals in it for integration in transport, although it does not specifically mention rural areas. It is really about new developments in our towns, cities and villages, whereas what we are talking about with regard to rural transport is the isolated rural areas in

[Senator Paudie Coffey.]

many of counties. They are the real connections to communities, villages and services for many elderly and isolated people. They are also a benefit to the small shops or post offices in those villages.

I add my voice to those who have argued for the retention of the service. We cannot afford to abandon rural Ireland or our rural people. I appeal to Senators, Deputies and anybody else with great or small influence to act on this. All of us should protect what little infrastructure rural dwellers have; it should be developed rather than cut.

**Senator Paul Bradford:** I thank my colleague, Senator Coffey, for his generosity in almost evenly splitting the six-minute slot. I am glad to say a few words in support of this motion and I am disappointed the Minister of State's party colleagues have proposed an amendment. We have tried to frame this in a very inclusive fashion. Unusually for an Opposition motion it does not bash the Government, condemn or complain but requests that we, as a House, support the concept of rural transport and call on the Government and appropriate agencies to keep the system running.

It is ironic in a sense that we are discussing rural transport in the rarefied confines of Dublin 2 and Dublin 4. It is within a few miles of this privileged House that a decision is made on whether a person in the middle of rural Ireland will have a bus link service. Of all the lobby groups which have presented their case over the past number of months, those representing rural transport have made the most solid case. From an economic perspective, we have seen the outstanding value given for a minimal injection of Exchequer funds. If every other scheme could turn an €11 million investment into social capital similar to that realised by the rural transport scheme, this country would not be facing its current difficulties.

I have acknowledged on many occasions that we are in a state of extremely grave economic peril and that there is a need for economic restraint and a measure of common sense. Cutbacks will have to be made and there is no point in stating otherwise. However, we must examine in detail the proposed cutbacks across a broad range of Departments. The fact the McCarthy report contains a recommendation in respect of a particular scheme does not mean it is wrong to invest money in that scheme. The arguments relating to social value of the rural transport scheme must be brought to the fore.

Earlier today, the House debated the Planning and Development (Amendment) Bill 2009. When we discuss planning and development, "sustainability" is the buzz word to which everyone refers. If we want to retain rural Ireland as a sustainable economic and social unit, we must ensure there is a transport system for those who, in the absence of such a system, would not see certain of their friends, neighbours or relatives from one end of the week to the next. That is a measure of the importance of this scheme.

For a minimal investment on the part of the taxpayer, an outstanding return has been forthcoming from those who operate this system and for those who use it. I appreciate that the Minister of State, Deputy Finneran, was obliged to read his long script — which addressed many matters but not really that which is the subject of the motion — into the record. It is unfortunate that there will be a vote on this matter. Regardless of that fact, it is important that the Minister of State should impress on his colleagues in government that this scheme, which provides outstanding value for money, must be maintained. If every other allocation of Government resources produced the same results, the country would be much better off.

The Members of this House, which is located in a privileged part of this city, must try to ensure that those who live far from here in remote rural regions are not ignored. These people have their rights and we have a responsibility towards them.

**An Cathaoirleach:** Is the amendment being pressed?

**Senator Diarmuid Wilson:** Yes.

**Senator Jerry Buttimer:** The amendment should be withdrawn.

Amendment put.

The Seanad divided: Tá, 27; Níl, 22.

Tá

Boyle, Dan.  
Brady, Martin.  
Butler, Larry.  
Callanan, Peter.  
Callely, Ivor.  
Carty, John.  
Cassidy, Donie.  
Corrigan, Maria.  
Daly, Mark.  
de Búrca, Déirdre.  
Glynn, Camillus.  
Hanafin, John.  
Keaveney, Cecilia.  
Leyden, Terry.

MacSharry, Marc.  
McDonald, Lisa.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
O'Brien, Francis.  
O'Donovan, Denis.  
O'Malley, Fiona.  
O'Sullivan, Ned.  
Ormonde, Ann.  
Phelan, Kieran.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Níl

Bacik, Ivana.  
Bradford, Paul.  
Burke, Paddy.  
Buttimer, Jerry.  
Cannon, Ciaran.  
Coffey, Paudie.  
Coghlan, Paul.  
Doherty, Pearse.  
Fitzgerald, Frances.  
Hannigan, Dominic.  
Healy Eames, Fidelma.

McCarthy, Michael.  
McFadden, Nicky.  
Mullen, Rónán.  
O'Reilly, Joe.  
O'Toole, Joe.  
Phelan, John Paul.  
Regan, Eugene.  
Ross, Shane.  
Ryan, Brendan.  
Twomey, Liam.  
White, Alex.

Tellers: Tá, Senators Camillus Glynn and Diarmuid Wilson; Níl, Senators Jerry Buttimer and Paudie Coffey.

Amendment declared carried.

Motion, as amended, put and declared carried.

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

**Senator Donie Cassidy:** Ag 10.30 maidin amárach.

**Adjournment Matters.**

**Schools Building Projects.**

**Senator Fidelma Healy Eames:** I thank the Cathaoirleach and welcome the Minister of State, Deputy Finneran. I hope he can help me to achieve my goal this evening by liaising with his

[Senator Fidelma Healy Eames.]

colleague, the Minister for Education and Science, Deputy Batt O’Keeffe. He should ask him whether Coláiste na Coiribe, Galway city, will be included in the next public private partnership, PPP, bundle and when this is likely to happen in order that the school may proceed to meet the large pupil enrolment on waiting lists for accommodation. In order to paint a picture, I have to hand a letter the Minister has sent to the Minister who represents the constituency of Galway West, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív, to the effect that the school will be considered in the next round of allocations for a PPP project in November. My job is to impress upon the Minister of State the importance of ensuring the school is not just considered but designated as one of the aforementioned schools.

The Minister of State may be aware that Coláiste na Coiribe still functions in wholly inadequate temporary accommodation on the Tuam Road, Galway city. The conditions under which it is operating are incredible. It comprises an old primary school, ten prefabs, a converted industrial unit, as well as borrowed and shared rooms at other off-campus locations. The provision of a quality education in these circumstances is a strong compliment to the teaching staff. Moreover, loath though I am to say it, I read regularly that in many cases, children in the school achieve the highest points each year. I am loath to state this because that is not the only reason children are due a decent education in a decent building.

The purchase of Coláiste na Coiribe’s site in Knocknacarra for the new school has recently been completed but no date has been given by the Department of Education and Science for the next stage of the project, namely, the placing of Coláiste na Coiribe in the next available public private partnership bundle. The PPP will design, build and maintain the new school which will accommodate either 550 or 700 students according to the Department’s records. I note that the school has 1,400 children on a waiting list for enrolment between 2010 and 2021. It is imperative that the Department considers the school from the perspective of a 700-student, rather than a 550-student school. However, this is subject to the Minister’s final designation of school size. When the new facility is completed, the school expects to be in a position to accept either 90 or 120 first-year pupils each year but this is entirely in the hands of the Government.

It is wonderful that so many parents seek to offer second level education through Irish. During the recent Lisbon treaty campaign Members will have noticed how many used this argument as a means to hold on to our national identity. These parents are actively and genuinely doing so. While it is one matter to send one’s child’s to a gaelscoil at primary level, to continue doing so at second level is wonderful. My job is to convince the Minister of State and ask him to convince the Minister for Education and Science to include Coláiste na Coiribe in the next available PPP bundle in order that the school may proceed without delay to tender, full planning permission and construction stage for a school size of 700 pupils. I look forward to hearing his response.

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I thank the Senator for raising this matter as it provides me with the opportunity to outline to the House the Minister for Education and Science’s strategy for capital investment in education projects, as well as the current position on Coláiste na Coiribe, in particular. The allocation of funding for school buildings in 2009 is €614 million. This represents a significant investment in the school building and modernisation programme. This level of funding, at a time of great pressure on public finances, is a sign of the Government’s commitment to investing in school infrastructure and it will permit the continuation of progress in the overall improvement of school accommodation.

All applications for capital funding are assessed in the planning and building unit of the Department of Education and Science. The assessment process determines the extent and type

of need based on the demographics of an area, proposed housing developments, condition of the buildings, site capacity etc., leading ultimately to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large scale building projects. The criteria were devised following consultation with the education partners.

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project. Projects move through the system commensurate with the band rating assigned when they are ready to proceed. Under the published prioritisation criteria for large scale building projects, there are four band ratings overall, of which band 1 is the highest and band 4 the lowest. Band 1 projects, for example, include the provision of buildings where none currently exists and where there is a high demand for pupil places while a band 4 project makes provision of desirable facilities that are not urgent as mainstream accommodation, such as a library or new sports hall.

The proposed new building for Coláiste na Coiribe has been assigned a band rating of 1.1, the highest band rating possible. In determining the long-term projected enrolment of a school on foot of an application for major capital works, the relevant section in my Department must consider such factors as population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet demand for places. In that context a long-term projected enrolment of 550 pupils was proposed for Coláiste na Coiribe and a schedule of accommodation was drawn up and agreed with the school authorities. The school authority recently advised the Department of Education and Science that this long-term projected enrolment is no longer sufficient to meet demand.

The schools capital appraisal section in the Department of Education and Science intends to review the long-term projected enrolment of 550 pupils and will revert to the school authority on the matter shortly. The 2008-09 enrolment was 315 pupils. The school currently has a staffing of 26.75 whole time equivalent teachers. In September 2005 Coláiste na Coiribe was listed as one of the schools to be procured via public private partnerships but it was not possible to consider the school for inclusion in any of the three school bundles already under way as the purchase of a suitable site had not been completed.

City of Galway VEC identified a suitable site and funding for the purchase of the site was approved in February 2009. Contracts for the purchase of the site were signed in March 2009. The Department is now in the process of identifying what school projects are eligible for consideration in the fourth bundle. The other issues that must be considered in the timing and bundling of schools include outline planning permission being secured, geographical spread and the total committed cost of the proposed bundle. Over €1 billion has been identified under the national development plan for the provision of public private partnership projects at first, second and third levels.

The current public private partnership programme identified a total of 27 new schools and 16 new third level projects. The Department is responsible for all aspects of the assessment and approval of project bundles, including the decision to procure via public private partnership, the setting of project budgets, output specifications and other service requirements and agreeing the public sector benchmark compiled with the assistance of the National Development Finance Agency.

Once the Department has carried out these functions and handed a bundle over to the National Development Finance Agency, the latter is responsible for procuring the project. The National Development Finance Agency hands back the bundle to the Department after construction is complete and the schools are operational. The indicative timeframe for the delivery of a bundle of public private partnership schools currently stands at approximately four years from the date the bundle is announced. I thank Senator Healy Eames for giving me

[Deputy Michael Finneran.]

the opportunity to outline to the House how the Department of Education and Science intends to address the needs of Coláiste na Coiribe.

**Senator Fidelma Healy Eames:** I thank the Minister of State for his reply. I realise that no decision has been made on the allocation of the next bundle. My fear is that the revised long-term enrolment projections will be used as a reason to defer an allocation next autumn. Is there a possibility that this fact will be used against the school? The school has a band rating of 1.1 and is in the highest category possible. This is urgent.

**Deputy Michael Finneran:** The school has the highest possible rating and I understand there is interaction between the building unit of the Department and the college concerning the higher than originally estimated enrolment. Progress can be made between the authorities at the college and the Department.

**Senator Fidelma Healy Eames:** When will the Minister make a decision?

**Deputy Michael Finneran:** I am not in a position to respond to this. Estimates are being dealt with in every Department at the moment.

### **Natural Heritage Areas.**

**Senator Nicky McFadden:** I welcome the Minister of State. I recognise that he is from the midlands and is probably familiar with the area to which I refer. The Minister of State at the Department of Finance, Deputy Martin Mansergh, visited the site recently while his party was holding a think-in and was very impressed. For this reason I am sorry he is not in the Chamber but I am glad the Minister of State, who is from the midlands, is present. Corlea, and the major prehistoric trackway of large oak planks, was found in 1984 when Bord na Móna was harvesting peat near Keenagh, County Longford. The oak road is the largest in Europe and was excavated by Professor Barry Raftery of UCD. From tree ring analysis Professor Raftery identified that this great Iron Age road was cut down in 148 BC, which is a long time ago. The great road is the culmination of almost 60 tracks, or toghers, dating from 3500 BC at Corlea. The site is unique in that it is the only OPW heritage site in Longford and Westmeath. The OPW has done a magnificent job in building the Corlea trackway visitor centre. I advise anyone in the midlands to visit this area. It rises like a basilica in the bog. Inside the centre an 18 m stretch of the preserved road is on permanent display, specially designed to preserve the ancient wooden structure. There is a tiered auditorium that seats over 60 people with a video showing the excavation and preservation of the road. Other facilities include exhibitions, a tearoom that seats up to 50 people, toilets, a picnic area and a walkway to the bog. The centre is accessible for visitors with disabilities.

The centre is in difficulty at the moment. It seeks to complement the existing visitor centre and put Corlea on the map. As the Cathaoirleach is aware, Clonmacnoise is located in Offaly and while this is on a smaller scale it is extremely valuable. I propose starting a new archaeological dig. Very few artefacts were found in the original dig because there was only time to excavate lengthways and not sideways. Bord na Móna has promised four acres of cutaway bog. We should combine this project with the existing visitor centre and initiate accredited training courses supervised by archaeologists. Many archaeologists are looking for work at present and support for such courses is already received from archaeology schools in Ireland and Germany.

We have considered where the money could come from. Funding could be received from the Leader programme and a potential €500,000 is available from that source. However, there are legal implications as Corlea is part of the OPW and it would need to be established as a limited company to receive funding under the Leader programme. Precedents for this exist in Muckross House and the Teagasc centre in Wexford.

I feel strongly about this issue because Keenagh is a small and beautiful village and the area would benefit from more visitors because it would create jobs. The people there have contributed to preserving the environment and will continue to do so. The auditorium and tearoom are valuable facilities and much money has been spent on them. To get the value for this investment we should go the whole nine yards and extend the project. At present, the facilities are closed from October to March and this is a terrible waste.

**Deputy Michael Finneran:** I thank Senator McFadden for raising this matter which gives me an opportunity to put on the record a reply to her. In 1984, a major prehistoric trackway of large oak planks was discovered during Bord na Móna peat harvesting operations in the raised bog at Corlea near the village of Keenagh, County Longford. Wood samples from the Corlea track, when subjected to tree ring analysis, indicated a felling date of 148 BC, thus dating the track to the early Iron Age. This track was one of a large number of trackways investigated which range in date from the middle of the fourth millennium BC to the middle of the first millennium AD. Over the centuries, these ancient trackways had become engulfed and preserved by the formation of the raised bog.

Trackways differ in construction according to the immediate needs of the people and of the material available. The simplest consists of wooden planks laid end to end on the surface of the bog, which would only have been used by individual pedestrians. More substantial methods of construction consisted of laying logs and split planks transversely on a brushwood sub-structure. This great Iron Age trackway at Corlea is the culmination of this more sophisticated process. The upper surface of the trackway is made of split oak planks laid edge to edge on legs of parallel pairs of long straight stems. Many of the planks have mortises cut into their ends, and pegs of birch, hazel or oak inserted through the base to secure the planks in position. To make the Corlea track, a huge number of oak trees had to be felled.

During the second century BC, there are indications that significant tribal developments and re-organisations were taking place in Ireland. At this time, major centres such as Eamhain Macha in County Armagh, the capital of Ulster, were built. Connacht's focus at Cruachain, near Tulsk in County Roscommon, may also have assumed prominence at this time. The building of the Corlea track was another prestigious construction of the period. Unlike the earlier tracks, its significance clearly transcends the simple needs of the local farming communities, and may have been part of a network of major communications. We can also speculate as to where the Corlea track led. It could have been part of a dry land route leading to a Shannon crossing at Lanesborough, and may even have been part of a highway which had royal Cruachain as its destination.

The Corlea trackway visitor centre was opened in 1994 and is built on the exact axis of trackway in the bog. Within the building, 18 m of trackway is on display. This section of the trackway was exposed and excavated by archaeologists on its discovery. The exposed timbers were removed and preserved by means of a sophisticated dry-freezing technique and re-laid in their original positions. To preserve the last remaining 80 m of the great timbers under the bog, the eastern intact section of raised bog at Corlea was conserved. To achieve this, the water level in the bog had to be raised and retained at a higher level, by means of sheeting to enclose the area and the construction of small artificial lakes. In time, the bog will begin to regenerate, thus ensuring the long-term survival of the Iron age timbers which it contains for posterity.

The visitor centre contains an audio-visual presentation on the excavation and the preservation of the timbers of the Corlea trackway as well as interpretative panels and artifacts. A boardwalk across the bog and from the rear of the building follows the course and extent of the remaining trackway within the bog. From this boardwalk can be glimpsed many of the plants and animals of the bogland habitat. The Corlea trackway visitor centre is therefore unique in this country, combining as it does a number of distinct elements and disciplines, including history, archaeology, engineering, architecture and the natural environment. A visit

[Deputy Michael Finneran.]

engenders a most enjoyable and educational experience and I would extol the merits of this visitor attraction.

The Corlea trackway visitor centre was open from April to the end of September this year and attracted more than 5,000 visitors during those months. This is consistent with visitor numbers since admission charges were abolished at the site in the middle of the decade. However, it is as important as sites attracting many times that number given that the approach of the Office of Public Works to heritage is one of maintenance, preservation and presentation. The OPW has a conservation remit to maintain the built heritage in State care and an active role in facilitating presentation and public access. The heritage services of the Office of Public Works are in the first instance conservation oriented. The bulk of its resources are dedicated to conservation activities. The majority of properties in State care are presented to the public without specific visitor facilities such as guide services. Nevertheless, the OPW recognises the importance of heritage for tourism, which also provides a return on investment.

Management of areas of national importance for heritage, including visitor access, is underpinned by the overriding importance of conservation. Visitor facilities serve a dual role of providing for interpretation and public appreciation of the heritage while at the same time protecting the heritage resource. Interpretation is linked to a sense of place and therefore specific to a particular site. Our built heritage is a source of pride and inspiration for all our citizens who rightly demand that it is protected and celebrated. The job of the OPW is to ensure, through its work of identification, conservation and protection, that this heritage survives to be passed on to future generations. It is in this context that the Corlea trackway visitor centre should be viewed. It is a magnificent site and the trackway is now protected in the specially designed hall in the centre which houses the exposed timbers and in the conserved bog, thereby preserving *in situ* the remainder of the covered trackway.

Efforts are being made to promote further the Corlea trackway. The whole area of signage is being looked at, including signposting. It has been contended that the term “Corlea Trackway” referred to on signposting conveys nothing to the non-specialist visitor, and that the terms “Iron Age Trackway” or “Iron Age Bog Road” would be more appealing. Such suggestions have some merit and will be given serious consideration, although the significance of the Corlea trackway in both its method of construction and its usage far outweighs other Iron Age trackways or bog roads discovered in this region. The Corlea trackway is included in the OPW heritage website and in all heritage literature distributed locally and nationally. It has also been the subject of discussions with tourist interests, including tour operators, in an attempt to have it included on itineraries.

The remit of the OPW extends to the protection, conservation and day-to-day running of more than 750 national monuments and more than 20 historic properties in State care. It provides full interpretative facilities and guide services at 60 sites which attract more than 2.5 million fee-paying visitors annually, thus making a key contribution to sustainable tourism. All existing resources and moneys are fully committed to this remit.

The Corlea trackway project is at present self-contained. The portion of the trackway which survives is preserved, protected and presented, both in the visitor centre and the surrounding cut-away bog. A proposal for an extension of the Corlea trackway project has been made, principally to facilitate archaeological study groups which would make employment all the year round rather than seasonal, on what is claimed to be a self-financing basis with the support of the Leader programme.

These projections may, however, be over optimistic but the proposal is the subject of ongoing consideration in the Office of Public Works. Current commitments, severe budgetary constraints and pressing funding requirements at other sites in the heritage property portfolio

preclude any hasty decision on the matter. From that perspective, the visitor numbers, even if substantially increased, would not justify a longer season.

It is not clear why the existing length of season would not be capable of accommodating the needs of any specialist study groups, particularly as the winter months are less favourable for archaeological activity. While the Minister understands the desire, both at Corlea and elsewhere, to make the most of a fine local resource from a visitor and employment point of view, particularly in a relatively remote location, decisions can only be based on what is realistically sustainable.

**Senator Nicky McFadden:** I thank the Minister of State for his reply and appreciate the in-depth knowledge in it that was shared by the Department. My question, however, was how the project could be expanded. I believe the funding is available and while it may be over optimistic there is always a way to expand. I am focussing on getting value for money out of the centre and creating employment. Will the Minister of State ask the Office of Public Works to explore further ways of expanding the service, a gem in the bog so to speak?

**Deputy Michael Finneran:** I will certainly do that. I appreciate what has been achieved in this centre already. The Senator should keep up the pressure.

### **Water Quality.**

**Senator Brian Ó Domhnaill:** This issue relates to water quality in west Donegal. While County Donegal has 27 water supply schemes, two schemes, the Rosses regional and Gortahork-Falcarragh, are badly affected by defective pipes.

I acknowledge the funding of over €200,000 provided in 2008 by the Minister of State and the Department of the Environment, Heritage and Local Government to repair a stretch of pipe work in the Rosses regional supply scheme in Kincasslagh. Local residents and the council staff have informed me the funding went to good use. As a result of the improved pipe network, water quality has improved significantly.

I have, however, received a large number of representations from the Crolly area concerning water quality. In the past 48 hours, the water colour resembled a dark ale or Guinness as evidenced in these photographs I am showing to the Minister of State. Mothers had to wash their children in this type of water. To be fair, the county council has since scoured the pipes and the water has since returned to a more normal colour.

In the Rosses scheme, crystal clear water enters the pipe network from the Meenaweel filter station. The cast-iron pipes, however, in this network are rusted internally and corroded which often discolours the water provided to Crolly and other areas in the Gweedore parish which the Minister of State recently visited. Water quality is important and the consumer needs to be provided with potable water. EU directives set out quality standards for water.

Donegal County Council can fix this problem but it does not have the moneys available to it. Negotiations have been ongoing between senior staff in the council and the Department of the Environment, Heritage and Local Government for pipe replacement. The cost of such a project would be between €100,000 and €150,000, not a substantial amount. The public deserves good quality drinking water and I am seeking emergency funding for this upgrade project. From engineers I understand that Crolly's water quality is the worst in County Donegal.

In Glasserchoo, the pipes are constantly bursting. As a result council staff are constantly being called out. This is a cost burden to the council and affecting the water quality for local residents.

While I appreciate the Minister of State may not be able to give a definite response on funding tonight, I hope there will be a positive outcome soon.

**Deputy Michael Finneran:** I thank Senator Ó Domhnaill for raising this issue as it relates to water conservation works, which the Minister and I view as vitally important work and a key element of our Department's water services investment programme.

The main objectives of the water conservation programme are to reduce water loss in the public supply networks, to obtain value for money by deferring capital expenditure on new water supply schemes through improved supply and reduced consumption and ensuring environmental protection by deferring the need to develop unnecessarily new water sources.

There are three distinct stages to water conservation on public water supply schemes. First, a local authority must put in place a water management system that enables the authority to monitor water use and loss throughout the supply networks. Second, the authority must establish an active leakage control programme, finding and fixing leaks, and, based on the results of these two stages, must establish a prioritised pipe rehabilitation strategy for its area. The third stage is the rehabilitation and replacement of defective supply networks where repair has proven to be uneconomic due to the age or condition of the pipes.

As a general rule, the Department does not authorise a local authority to undertake mains rehabilitation works unless the authority has largely implemented the water management and leakage control works necessary throughout its functional area and has completed its strategy for mains rehabilitation on a prioritised countywide basis. To date, the Department has funded water conservation works in County Donegal costing almost €8 million and additional funding of €17 million for this type of work is proposed.

Some time ago Donegal County Council submitted an application to the Department to carry out pipe replacement works on elements of the Rosses regional water supply pipe network under the water conservation programme. The proposed work involves replacement of old cast iron watermains which the council has indicated are now encrusted, reducing flows in the pipes and, when large quantities of water are drawn through, leading to increased levels of colour in the supply. It, however, has yet to fully complete its water management and leakage control works and has not finalised its prioritised county-wide strategy for mains rehabilitation. In such circumstances, my Department would not normally authorise rehabilitation work.

At a recent meeting between my Department and Donegal County Council the council again stressed the need for approval to proceed with urgent mains rehabilitation works in the Rosses region. In view of the stated urgency expressed by the council, my Department has undertaken to re-examine its proposal. A decision on the matter will be conveyed to the council as quickly as possible. In view of the incident in Crolla village last weekend when large quantities of water were required for fire-fighting purposes in the village and the resulting problems with coloured water, I have asked my Department to expedite its examination of the issue.

**Senator Brian Ó Domhnaill:** I look forward to hearing some good news. The Minister of State's reply is positive, which is the way I am reading it. I hope the picture I gave him will be helpful to him and his Department. I have liaised in the past couple of days with council engineers. If the Minister or the Minister of State so requires, I will be happy to bring a sample of the cast iron pipe in the boot of my car to Leinster House next week to display its condition. I will liaise personally with the Minister about this suggestion.

The Seanad adjourned at 7.55 p.m. until 10.30 a.m. on Thursday, 8 October 2009.