



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Luain, 28 Meitheamh 2021*

*Monday, 28 June 2021*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator Róisín Garvey that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Justice to make a statement on the issues highlighted in the internal Garda investigation into the cancellation of domestic violence 999 calls.

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

The need for the Minister for Agriculture, Food and the Marine to outline when Dunmore East will be included as a designated landing port for Northern Ireland and British-based fishing vessels.

I have also received notice from Senators Erin McGreehan and Vincent P. Martin of the following matter:

The need for the Minister for Agriculture, Food and the Marine to ban the importation of non-native honeybees into the Republic of Ireland.

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

The need for the Minister for Agriculture, Food and the Marine to make a statement on the harvesting ban on peat and the need to import high-grade peat to keep the mushroom industry alive.

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

The need for the Minister for Education to provide an update on the construction of a new school building for Gaelscoil Choláiste Mhuire, 4 Cearnóg Parnell, Baile Átha Cliath 1.

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

The need for the Minister for Health to put in place a fair and equitable compensation scheme for, and to make an apology to, the victims of thalidomide.

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

The need for the Minister for Education to outline the measures being put in place to support the leaving certificate class of 2022.

I have also received notice from Senator Gerard Craughwell of the following matter

The need for the Minister for Foreign Affairs to provide an update on the provision of an overseas allowance for Irish citizens who represent Ireland as secondees to the Organization for Security and Co-operation in Europe, OSCE, special monitoring mission in Ukraine.

I have also received notice from Senator Mary Seery Kearney of the following matter:

The need for the Minister for Health to make a statement on the progress of Drimnagh primary care centre in Dublin 12.

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

The need for the Minister for Transport to make a statement on the extension of vehicle life for taxis and the grant for electrical to hybrid vehicle upgrade.

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

The need for the Minister for Rural and Community Development to make a statement on her Department's plan to increase funding for rural recreational officers to enable the administration of the rural recreation and walks scheme in west Cork.

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

The need for the Minister for Social Protection to make a statement on her plans to extend the free travel pass.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Garvey, Cummins, McGreehan and Martin, who will be sharing time, and Senators Gallagher, Sherlock and Ward and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

## **Nithe i dtosach suíonna - Commencement Matters**

### **Domestic Violence**

**Senator Róisín Garvey:** I thank the Minister of State for coming to the House. She has pressing matters to deal with so I thank her for taking my Commencement matter. She is probably as shocked as me at the revelations from the internal Garda investigation into the cancellation of domestic violence 999 calls. When I got wind of it, I got really upset because I sit on the joint policing committee in Clare and we have seen domestic violence figures greatly increase during the Covid pandemic. We all know that existing supports badly need extra infrastructure

and funding. According to the internal investigation, calls are being treated with a lack of empathy or are not being responded to. Calls that are responded to are not properly documented or followed up on and the cancellations have had an effect on the collection of important data and statistics on domestic violence, which is a huge issue on every level of our society. Some 3,120 domestic violence calls were marked as cancelled. There were valid reasons for cancelling one third of those, but that was not the case with the other two thirds. It is just not good enough.

We need to look at why this happened in the first place and what is needed to ensure that it does not happen again. Are additional resources needed? Do members of the Garda need extra training so they know how to show empathy? A person in a domestic violence situation is very disempowered because he or she has put up with it in the first place. It takes a lot of courage to pick up the phone to lodge a complaint. Often, that happens at the very tail end of a long history of emotional and physical violence. Much mental anguish, disempowerment and lack of self-value comes with domestic abuse, so when someone is making that call the last thing he or she needs is somebody who is flippant, does not show empathy or does not follow up. It is great the Garda held the internal investigation but it has highlighted some serious issues. Those issues need to be rectified. I hope the Minister of State can answer some of the questions that have arisen. What do we need to do about this issue and about the greater issue of increasing levels of domestic violence?

**Minister of State at the Department of Justice (Deputy Hildegarde Naughton):** I thank Senator Garvey for raising this important issue. I am acutely aware of the vulnerable and often frightening position that callers suffering domestic abuse, and indeed anyone in a vulnerable position, are in. Any inappropriate cancellation of 999 calls is a very serious concern and falls significantly below the high standards the public expects of the Garda as well as the standards An Garda Síochána should set for itself.

I acknowledge the concerns voiced by victims and those who advocate for them in response to this recent news. I am particularly concerned that anyone experiencing domestic abuse or whose personal safety was otherwise at risk and who sought assistance via a 999 call may not have received it. The Senator will be aware that the Garda Commissioner has publicly apologised for this, and was correct to do so. An Garda Síochána fell short of the high standards the public expects of the Garda. The Garda Commissioner has assured me and the Minister for Justice, Deputy Humphreys, that when someone calls 999 now, he or she can expect and trust that An Garda Síochána will help. This must always be the case. I can confirm that the Garda Commissioner has put new processes in place, strengthening supervision and providing training to ensure this never happens again. I welcome these steps.

As the Senator is aware, this issue was initially identified in An Garda Síochána last October as part of its internal processes. The Department was informed by An Garda Síochána in December that it had commenced an internal examination of the cancellation of 999 calls. An Garda Síochána also informed the Policing Authority. Following discussions with An Garda Síochána, the Minister, Deputy McEntee, requested the Policing Authority to oversee the investigation by An Garda Síochána in February this year, and there has been ongoing engagement on this issue between the authority and the Garda Commissioner at both their public and private meetings. The Minister, Deputy Humphreys, has been briefed by the Garda Commissioner and the authority chairman, Mr. Bob Collins, on the progress of the ongoing internal investigation over the past number of weeks. The importance of having independent, robust policing oversight to respond constructively to public policing service concerns such as this is evident, and the authority will provide a report to me when its consideration of this matter is concluded.

The Garda Commissioner has also confirmed that gardaí are now contacting people whose 999 calls were cancelled to apologise and to ask if they require help from An Garda Síochána. It is vital that the best interests of victims of domestic abuse and those of anyone else whose calls were cancelled inappropriately are the priority focus throughout this process. I will continue to remain in close contact with the Garda Commissioner and the chair of the authority over the coming weeks on this matter. On the conclusion of their investigations, the Garda and the authority will make recommendations and take appropriate actions to ensure that this vital emergency service responds in a consistent, compassionate and timely way to those who call upon it in times of danger and vulnerability.

**Senator Róisín Garvey:** I thank the Minister of State for her response. It is good that action is taking place. The Garda Commissioner had to apologise on behalf of the Garda Síochána. He was not personally responsible, but he is responsible for ensuring this never happens again. I hope we can retrieve the lost data to help to show the need for increased funding for the victims of domestic violence. I look forward to hearing with clarity about the training gardaí will be getting. It is not easy for a garda to deal with those situations and we cannot expect gardaí, just because they are gardaí, to understand even the language around it and how to listen to somebody. If one works for the Samaritans, one gets serious training for that, so we have to examine that and ensure it is done very well and as soon as possible.

**Deputy Hildegarde Naughton:** I thank the Senator for raising this matter. I wish to reassure victims of domestic abuse and other callers who have experienced concerns about their personal safety or the safety of others in their care that this issue is being taken extremely seriously, and that the Minister, Deputy Humphreys, will maintain regular communications with the Garda Commissioner and the Policing Authority chairman on the matter.

In acknowledging and welcoming the Garda Commissioner's apology, it is important also to acknowledge the effectiveness of Operation Faoiseamh which the Garda established in the early days of the Covid-19 pandemic to proactively support and protect victims of domestic abuse and to ensure that domestic abuse incidents received the highest priority response. Operation Faoiseamh has resulted in a 24% increase in criminal charges brought against perpetrators of domestic violence in 2020 versus 2019. This is an ongoing Garda operation and, despite the concerns which victims will understandably have following the revelations, I urge any member of the public who is experiencing domestic abuse and who has yet to contact the Garda for support to do so. I am assured by the Garda Commissioner that when the person does, he or she will be provided with the utmost support.

**An Cathaoirleach:** I thank the Minister of State for coming to the House to give that response to that important issue.

### **Fishing Industry**

**An Cathaoirleach:** The next item relates to the landing of fish at Dunmore East by trawlers from Northern Ireland and Britain. It is being raised by Senator Cummins. The Minister of State, Senator Hackett, is responding on behalf of the Minister for Agriculture, Food and the Marine and I thank her for coming to the House. Senator Cummins has four minutes.

**Senator John Cummins:** I welcome the Minister of State. It is unique to have a Senator responding to Commencement matters.

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At the outset, I acknowledge the recent announcement of €3.1 million for Dunmore East Harbour and other marine amenities in Waterford, including piers at Helvick, Tramore, Cheekpoint, Ballinacourty and the slipway at Bunmahon. This level of investment in our marine amenities is greatly welcome and the coastal communities across Waterford will benefit massively from it.

I will proceed to the main premise of my Commencement matter, which is the designation of Dunmore East as an official landing port for UK-registered fishing vessels post Brexit. Following Britain leaving the European Union, only two fishing ports were designated for landings, but last January five ports were added to the list. However, there is no designated landing port from Howth in Dublin to Castletownbere in Cork for UK-registered fishing vessels. This leaves the entire south east coastline without a designated port, which is an anomaly that must be addressed without delay.

This is a matter which I and my Waterford Government colleagues, the Minister of State at the Department of Health, Deputy Butler, and Deputy Ó Cathasaigh have taken up directly with the Minister for Agriculture, Food and the Marine, Deputy McConalogue, and he is on record as saying that this will be kept under review. While I appreciate that technical and regulatory protocols must be put in place to ensure that third country fishing vessels properly count and document what is landed at Irish ports, I believe this can easily be done as there are fisheries protection officers and facilities already in place at Dunmore East Harbour. I understand that there were only 24 landings over the 2018 and 2019 period but this amounted to 318 tonnes of fish, which had a positive impact on the port and secondary processors in the area.

Given the clear geographic gap between Howth and Castletownbere that I mentioned, I believe Dunmore East would become a popular location for UK-registered fishing vessels to land their catches. One must also consider the environmental impact of fishermen travelling from the south east to Howth and Castletownbere to offload their catches. The strategic location of Dunmore East cannot and should not be ignored. There is no question that opportunities are created and expanded by every fishing vessel that lands at a harbour. I implore the Minister of State to convey what I have said to the Minister, Deputy McConalogue, and to ask for urgent action on this matter.

Before I conclude, I will briefly mention the farcical situation that now exists at Irish ports across the State following the decision of the European Commission to remove the derogation that existed heretofore on the weighing of fish at factories, due to a three-year-old report which stated that manipulation of the weighing system was taking place. This is a very serious matter which has far-reaching consequences for the fishing sector and calls into question the integrity of every fisherman. That is unacceptable. To my knowledge, no evidence of this practice has been provided, yet the entire industry will suffer as a result. Asking fishermen to take fish out of ice boxes to weigh them at harbour walls in what can often be warm temperatures is nonsensical and will have an impact on costs, time and the freshness of fish. I ask that this is taken up directly with the Commission and the Sea-Fisheries Protection Authority, and that the appropriate reassurances are given to them to reinstate this derogation without delay.

**Minister of State at the Department of Agriculture, Food and the Marine (Senator Pippa Hackett):** I thank Senator Cummins for bringing this matter to our attention. It is an important issue. I appreciate the Senator's recognition of the €3.1 million investment in marine amenities in his area.



The possible designation of Dunmore East as a landing port for UK-registered Northern Ireland fishing vessels is an important matter. As the House will be aware, in January 2021, the Minister for Agriculture, Food and the Marine, Deputy McConalogue, designated five additional ports for landings by UK-registered Northern Ireland vessels, having given regard to the level of landing activity by these vessels at these ports in the recent past. Dunmore East was not designated at this point as there has been a low number of landings by these vessels in the past two to three years.

To elaborate, in 2018, there were 15 landings by UK-registered Northern Ireland vessels into Dunmore East. This reduced to nine landings in 2019 and reduced again further in 2020. Over 2018 and 2019, the total volume of landings into Dunmore East by these vessels amounted to 318 tonnes, as Senator Cummins indicated. The Minister understands that these were landings of nephrops, mainly from the Smalls fishing grounds off the south-east coast. The Minister included Howth as a designated port at the beginning of the year because there were 26 landings by UK-registered vessels into Howth in 2018, increasing to 28 landings in 2019. In comparison with Dunmore East, over 2018 and 2019, the total volume of landings into Howth by UK-registered vessels amounted to almost 1,050 tonnes, over three times the volume of landings into Dunmore East. The designation of Howth provides a landing option for UK-registered Northern Ireland vessels fishing for nephrops in the large fishing grounds in the north Irish Sea and may also provide an option for vessels fishing in the Smalls or Labidine fishing grounds.

The Sea Fisheries Protection Agency, SFPA, has already undertaken significant work in putting in place the arrangements necessary to provide for the five additional port designations. As the Minister has previously stated in the Dáil, there are significant practical and cost implications for the State in the designation of EU ports for third country landings as, under EU regulations, such designations represent an entry point to the European Union, following which food is free to circulate within the full EU Common Market. On this basis, for any ports designated, Ireland is obliged to ensure that it has in place a meaningful control presence. I assure Senator Cummins that the designation of ports for landings does not preclude vessels from coming into ports for *force majeure* reasons such as the need to reach a safe harbour.

When the Minister made the designations in January, this was done in immediate response to the Brexit situation and in consideration of the various pressures on the SFPA, as well as the various landing patterns in different ports. The Minister is fully aware that Dunmore East's location is strategically appropriate for any additional designation and that there is SFPA infrastructure and offices in the port. He will consider these and all other factors during any future review of the designation of additional ports. Finally, I assure Senator Cummins that the Minister will continue to engage with stakeholders on all issues, including designation of ports, relating to the fishing sector.

**Senator John Cummins:** I thank the Minister of State for her response. I acknowledge what she stated, that Dunmore East is a location of strategic appropriateness and that it will be considered in the context of the ongoing review. I accept the lower volume of landings there compared with Howth, but given the fact that there is such a geographic gap between Howth and Castletownbere, in particular in terms of environmental impact, notwithstanding vessels being able to land at Dunmore East for reasons of *force majeure*, I ask that the review would be expedited without delay and that Dunmore East would be designated as an official landing port.

I also ask the Minister of State to raise the weighing of fish with the Minister. It is of the utmost importance and affects the fishing industry right across the State.

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**Senator Pippa Hackett:** I again thank Senator Cummins. He acknowledged the reasons behind the designation. There is quite a difference in the landing figures between Howth and Dunmore East, notwithstanding the geographically strategic importance of Dunmore East. As the Minister has indicated, the designation is open for consideration.

Regarding the weighing of fish at ports, although it is unfortunate, I am sure the EU had good reason to remove the derogation. I am not sure whether this can be examined further but I will speak to the senior Minister and see what can be done. In the meantime, the derogation has been removed.

### **Environmental Policy**

**Senator Erin McGreehan:** I wish to share time with Senator Martin.

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

**Senator Erin McGreehan:** The Minister of State is very welcome. I suppose one could say that Senator Martin and I have serious bees in our bonnets about this issue. We want a ban on the importation of non-native bees into this country. As the Minister of State well knows, it is not only us but many Irish beekeepers, bee enthusiasts and those of us who care deeply about our native biodiversity. I have spoken to the wonderful Martin O'Rourke from the County Louth Beekeepers Association which was established in 1910 and has more than a century of collected knowledge on how best to protect native bee stocks, biodiversity and what is in the best interests of our island's natural and native environment. We should listen to the people who know their bees.

It is time for some true ecological nationalism. A growing body of scientific research is proving what beekeepers have known for generations. A Limerick Institute of Technology scientist has proven beyond any doubt that the pure native Irish honey bee is not extinct as previously feared, but still exists on the island of Ireland. An applied science postgraduate student, Jack Hassett, has discovered that millions of the pure native species are living in at least 300 hives throughout the country. His study shows that while the black bee should be considered endangered, there are enough of the pure native honeybee in Ireland to not only ensure its survival with the proper support, but also enough Irish bees to repopulate northern Europe, where the majority of *Apis mellifera mellifera* has died out or been hybridised. It is too late to act once the horse has bolted. It is time for action.

I would be grateful if the Minister of State could provide an update on studies undertaken with the aid of the genetic research grant she spoke about previously. Where there is a will there is a way to find out how we can work within the current legal structures to ban the importation of the non-native bee.

**Senator Vincent P. Martin:** I welcome the Minister of State to the Chamber. Ireland is the last stronghold in the world of the native black honey bee, which as Senator McGreehan says, comes from northern Europe. This bee is under major threat. Beekeepers are not going to stand idly by. They are in negotiations with the Department for the past 50 years. Luckily, we now have a Minister who understands and is sympathetic. They want action not words. This is not a criticism of the EU, because the EU has the mechanism and the provisions under Article 36 to take measures which, in essence, would have the effect of restricting and prohibiting the



importation of non-native honey bees to Ireland.

The EU has in its treaty the precautionary principle, which allows for a higher level of environmental protection through preventive decision taking in the case of risk. There is the well-established habitats directive and there is significant regulation dealing with the prevention and spread of alien species. This is not new. This was challenged in the court about 20 years ago. The Danish decision to prohibit the importation of non-native honey bees was upheld. They wanted to retain the brown bee. The decision stated there was a high threshold and it must be justified and proportionate. We are convinced that we have the expert compelling evidence to make this move and we should do so sooner rather than later. I thank the Minister of State for her engagement to date with the beekeepers and I welcome the fact that she is going to engage further with them.

*11 o'clock*

**Senator Pippa Hackett:** I thank the Senators for bringing this important Commencement matter to the House. As they both know, I fully acknowledge the important contribution bees make not only to agriculture and biodiversity but also as an important activity for people. Indeed, beekeepers are very passionate about what they do. In this regard, the Department of Agriculture, Food and the Marine provides a range of supports and initiatives to encourage and assist beekeepers and the national beekeeping associations. These supports include funding to carry out applied research through the national apiculture programme, grants to national beekeeping associations and grant aid to fund capital investments for beekeepers. The Department is also a partner in the all-Ireland pollinator plan, which will run until 2025. The Department is supporting a farmland pollinator officer and a successful European innovation partnership project running in County Kildare. The Department is a member of the all-Ireland honeybee strategy steering group so we are very much fully aware of the concerns that exist. We have, as Senator McGreehan outlined, funded a number of studies under the genetic research grant aid scheme looking at various aspects of this honeybee species and specifically *apis mellifera mellifera*. In 2021, funding has been allocated for an innovative queen rearing project. The Department also supports the work of the Native Irish Honey Bee Society, NIHBS.

The importation of honeybees into Ireland is facilitated under regulations governing intra-community trade with other EU member states. The specific health requirements for trading in bees are laid out in Regulation 2016/429. All imports of bees must be accompanied by a health certificate issued by the country of export. The reason for this is to ensure that imported bees are healthy and do not harbour pathogens or parasites that may be harmful to our native bee stock. The health certificate also outlines the import restrictions that apply on regions that have confirmed cases of the small hive beetle. It is therefore very much built around protecting our own bee species from disease and ill health rather than safeguarding the genetic strength.

Regarding the protection of the native Irish honeybee, I recently met with the NIHBS. I thank Senator Martin for organising that. Following this meeting, officials in the Department are progressing avenues and have vowed to engage with the society as they do this. We are also engaging with the European Commission on the feasibility of the various options related to protecting our own species of bee. To this end, discussions are taking place with officials in the National Parks and Wildlife Service, NPWS. There are certain elements in place for native wild bees whereas native honeybees are more domesticated varieties so they fall under a different Department. The NPWS will look into elements such as invasive species that fall within its remit. In tandem, Department officials and bee associations in conjunction with the NPWS are

investigating and progressing options in relation to the query at hand. They are also working on matters related to education aimed at new beekeepers because there has been quite a bit of interest in beekeeping over the last while. It is important that beekeepers know the type of bee they are getting and what is the best bee for them. If that is the native Irish honeybee, all the better.

**Senator Erin McGreehan:** I was told there was told there was a great buzz about this today. The best bee for this country is the native Irish bee. The European Commission has stated, in a question about the protection of our native bee species, “Ireland can, however, decide at national level whether or not to give legal protection to this sub-species and to take the necessary conservation measures to protect it, for example in order to contribute to the attainment of the objectives of the All-Ireland Pollinator Plan.” This has therefore been addressed in a Commission report already.

**Senator Vincent P. Martin:** I have written to the Houses of the Oireachtas Commission to see if we can get our bees here in Leinster House. If they are in the grounds of Leinster House we must ensure we use the native honeybee which is less aggressive, so it stings less, and is also less prone to swarming. We do not want swarming or hybridisation. In a nutshell, every beekeeper organisation, North and South, east and west, wants this to happen. The organisations want it now as 15 years is too long. They will give this their best shot but this is their last stand. They do not want to go further with this but they will feel compelled to take the case further. They will no longer stand idly by and let the native Irish honeybee disappear off the face of the Earth.

**Senator Pippa Hackett:** I thank both Senators once more for bringing this to the House. Joking aside, this is a serious issue. We have had bees on the roof of Agriculture House. They are not there at the moment because we are getting the roof fixed but I understand they will be back next season. I look forward to it.

**Senator Vincent P. Martin:** Will they be native ones?

**Senator Pippa Hackett:** They absolutely better be. I will certainly make sure of that. We have made progress on this in the last couple of months, more so than what happened previously. As Senator Martin said, the beekeepers are a long time waiting for this. Hopefully the work between Department officials, the associations, the NPWS and whoever else needs to be involved will progress this. We just have to ensure that if we are going to do this, we get it right and do not leave ourselves up for challenge and have to backtrack. I wish the Senators good luck and hope they keep up the good work.

## Horticulture Sector

**Senator Robbie Gallagher:** It will not be easy to follow the buzz my two colleagues to my left have created in the Chamber this morning but I will do my best.

I thank the Minister of State, Senator Hackett, for taking time out of her busy schedule to be here this morning for this very important debate on the imminent crisis facing the horticultural sector due to the restrictions on agricultural peat harvesting. The mushroom industry is the largest horticultural sector in Ireland with a farm gate value of €119 million, of which approximately 85% is exported to the UK. It employs over 3,500 people. County Monaghan is well known for its indigenous industry. One of the most successful of these local industries is the

mushroom sector, which employs hundreds and hundreds of people and supports local farms and businesses and by extension, many local communities. The sector is crucial to the economy, particularly in the north of County Monaghan. However, the industry now faces a significant, and in my opinion unneeded, challenge at a time when it faces the consequences of both Brexit and Covid. A ban on peat harvesting will have a very serious impact on the mushroom industry in County Monaghan. The industry is heavily reliant on high-grade peat and there is currently no viable alternative to horticultural peat. If peat is not available here in Ireland, the mushroom industry will be forced to import it from the Baltic states or from northern Europe at a huge cost both in financial terms to the industry and in the form of the higher carbon footprint of transporting that peat into the country.

What sense is there in damaging a successful local industry for little or no environmental gain? It seems to be a case of cutting off our environmental noses to spite our face. To put things in perspective, there are 1.5 million ha of peatland in Ireland of which only 5,500 ha, approximately, are used for horticultural peat. That is less than 0.35%. Mushroom-casing peat represents a small fraction of this and probably as little as 10 ha to 15 ha annually. The Minister must introduce measures to ensure the resumption of the harvesting of horticultural peat for the mushroom industry to avoid a shortage this year, as well as a measures to financially incentivise the use of spent mushroom compost. We need a fair and efficient system which can allow horticultural peat harvesting to continue while the environmental alternatives to peat are researched and scaled up. I acknowledge the great work done by Monaghan Mushrooms on this, which is ongoing. All the sector is looking for is a just transition structure. The door is not closed to this but the sector needs time to assess the environmental, economic and employment benefits of such a measure. I urge the Minister of State to take these issues on board because the mushroom industry is hugely important to County Monaghan. If anything was to happen to it, or if it was to be damaged in any way, it would have serious consequences for the whole north Monaghan economy.

**Senator Pippa Hackett:** I thank the Senator for bringing this very important issue to the House. I appreciate the importance of the mushroom sector in Ireland, particularly in the Senator's own area of Monaghan. My Department has no involvement in the regulation of peat extraction. This is a planning process under the remit of the Department of Housing, Local Government and Heritage and an integrated pollution control, IPC, licence process under the remit of the Department of Communications, Climate Action and Environment. It is important to point out that there is no harvesting ban on peat. Rather there is a requirement for compliance with regulatory frameworks for the abstraction, which requires both planning and IPC licensing depending on circumstances.

Regarding the future use of peat moss in the horticulture sector, last September, the Minister of State with responsibility for heritage and electoral reform, Deputy Noonan, published a report on the review of the use of peat moss in the horticultural industry. The review report was prepared by an inter-agency working group following on from the submissions from stakeholders. After the publication of this report, the Minister of State proposed the establishment of a working group to include representatives from relevant Departments and State agencies, environmental NGOs and industry stakeholders under an independent chairperson to examine the issues identified during the review. The working group has been set up and has met many times. It has addressed the key issues raised in the report itself, including future use of peat by the horticulture sector. The first meeting of the independent working group took place on 4 March. The group has met several times since then and has submitted an interim report to the Minister

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of State for his consideration. The Minister of State and his officials are currently examining the report. I understand the Minister of State wrote to the working group in the past week or so.

In addition to these developments, my Department is actively looking at alternatives to peat and has funded two research projects to date. It has also recently sought further research be conducted here to explore alternatives to peat-based growing media for horticultural production in this area in its latest research call for 2021. These must be available, affordable and sustainable and meet quality as well as increasing environmental requirements.

My Department also provides a support to the horticulture industry through the scheme of investment aid for the development of the horticulture sector. Financial support is available to assist growers and businesses through grant aid for capital investments in specialised plant and equipment, including renewable energy, as well as technology adoption specific to commercial horticulture production. The budget has increased to €9 million, which is a 50% increase, for 2021. This particular budget is always oversubscribed. It is really successful. This scheme is 100% funded by the Irish Government.

In addition, my Department administers the EU producer organisation scheme for fruit and vegetables, which allows growers to jointly market their production in order to strengthen the position of producers in the marketplace. This scheme is a significant support to the mushroom sector in Ireland.

**Senator Robbie Gallagher:** I thank the Minister of State for her comprehensive response. Again, I emphasise the importance of this industry to County Monaghan and the people involved in it. I have spoken to many people working in this sector and they are concerned about their livelihoods. I welcome the fact that there is dialogue, everyone is keen to the best they can, everyone is promoting a commonsense attitude to this and a realistic timeframe will be implemented so that businesses can get up to speed with what they must do. Basically, all they are looking for is a commonsense approach to tackling this problem.

**Senator Pippa Hackett:** I agree with the Senator. There is a strong understanding in the mushroom sector and the wider horticulture sector that in the future, peat will not play a major role in their production but we need that just transition. We need to be able to support the sector and move to that place where it is not so reliant on peat. Within the mushroom sector, the research has looked at spent mushroom casings, blending that with other substrates, reducing the amount of peat in casing and looking at possibilities such as coir. This is from coconut husk and would have to be imported but the environmental damage would have to be measured up. We could look at wood fibre while biochar is another option. The research needs to be done but at the end of the day, we all know that peat harvesting will stop. We must support the horticulture sector.

### Schools Building Projects

**Senator Marie Sherlock:** I thank the Minister of State, Deputy Madigan, for coming to the House. My question aims to get answers about the unacceptable and intolerable delay to the school building project for Gaelscoil Cholaiste Mhuire. Seacht mbliana déag ó shin, thosaigh an Roinn Oideachas ag caint faoi scoil nua do bhunscoil Choláiste Mhuire. Ag an am seo, ní raibh aon fhéidearthacht ag an scoil ach dul go dtí foirgneamh sealadach i gCearnóg Parnell toisc nach raibh a foirgneamh féin oiriúnach a thuilleadh. Bliain tar éis bliain, tá páistí,

múinteoirí agus pobal na scoile ag feitheamh ar fhoirgneamh nua. Rinneadh gealltanais tar éis gealltanais ach tá siad fós ag feitheamh. Is léir anois go bhfuil fearg dhocht agus fiordhíomá ar na tuismitheoirí, ar na múinteoirí agus ar phobal na scoile nach bhfuil aon dul chun cinn déanta dá scoil.

For almost two decades, this school has been getting assurances from Departments and representatives about a new building. Despite the amazing efforts of the board of management, the principal, the parents, all the school staff and the pupils, children are being educated in a building comprising four storeys over a basement. There are serious concerns about the plaster work in some of the classrooms, the car park has to function as a playground and there is no lift so any child with a mobility impairment finds it incredibly difficult to access the upper floors. Despite all that and the thriving and diverse school community, we have no progress on the long-promised school building for this school. What is really galling about this situation is that year after year the Department of Education is forking out €300,000 in rent for what is essentially a substandard building.

I want to raise two key issues. The first is the delay in progressing the new building and the second is the shameful manner in which the Department has treated the school. After a campaign late last year, the Minister for Finance gave a clear-cut commitment to the parents and school management that stage 2(b) would be completed within a matter of weeks at the end of 2020 and the start of 2021 as opposed to months and that construction would commence some time between July and September 2021. This was followed up by a reply to Deputy Ó Ríordáin that the stage 2(b) process would be completed and submitted to the Department no later than November 2020. It is six months on with no sign of stage 2(b) and no prospect of construction taking place next month. The children will get their school holidays tomorrow and we are facing into another September of the school having to operate in this building with no clarity as to when it will get its new school building. I can tell the Minister of State that the frustration within the school community is palpable.

As already stated, the second key issue relates to how the school has been treated. We have had to resort to submitting freedom of information requests to understand the engagement between the Department and the owners of the building adjacent to the proposed school building with regard to right of way, a flue vent and other matters. It is disgraceful that the Department has been less than forthcoming with school management. We need to hear four key things in the Minister of State's reply today. When is the stage 2B process going to be completed and submitted? Have all of the issues with the adjoining building been resolved? Will clarity be provided to the board of management as soon as possible? What commitments can now be made to the children, parents, school management and staff with regard to the date of construction? I understand that there are 357 schools on the list of prioritised school projects. Will the Minister of State give a personal commitment today that she, as Minister of State at the Department, and the Minister, Deputy Foley, will prioritise this school project? We cannot have this torturous process go on any longer.

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I thank Senator Sherlock. Yes, I am a Minister of State at the Department of Education but my responsibility is for special education so this matter does not fall under my remit. I will, however, take the Senator's concerns back to the Minister, Deputy Foley. I hope I will be able to give the Senator a comprehensive response which will address some of the issues she has raised.

As the Senator knows, this project is included in the Department's construction programme,



which is being delivered under the national development plan. The brief is to provide a new 16-classroom school on a site being purchased by the Department from Dublin City Council. This new school building will abut and be directly connected to the listed building on the neighbouring site. Planning permission was secured for this project on 28 May 2020 on the basis of a proposed amended right of way. Discussions have been ongoing with the owner of the neighbouring property with a view to finalising an agreement in respect of the proposed amended right of way and matters arising from the abuttal of the two buildings.

The major building project for this school is currently at an advanced stage of architectural planning. As the Senator mentioned, this is stage 2B which involves the detailed design work. This includes the applications for planning permission, a fire certificate and a disability access certificate as well as the preparation of tender documents. All statutory approvals have been secured but amendment to these approvals may be needed if there are changes agreed in relation to the right of way which impact on them. The design team is currently working to complete the stage 2B report which, upon completion, will be submitted to the Department for review. However, it is not possible for the design team to complete drawings and costings relating to the final design until such time as final agreement between all parties in relation to an amended right of way has been agreed. In parallel with this work, any consequent statutory approvals or compliance issues will need to be addressed and the legal position relating to the right of way will be addressed.

In order to expedite the progression of this project, in January of this year the Department authorised the design team to commence the pre-qualification process to select a shortlist of contractors for this project in parallel with the completion of the stage 2B report. The design team is in the process of completing the pre-qualification process. Upon receipt, review and approval of the stage 2B report and completion of the pre-qualification process the project will progress to tender and construction stages.

I understand the Department has met with representatives of the school on a number of occasions in recent months and I have confirmed the Department's commitment to the delivery of this project. The Department and the design team will continue to keep the school fully informed regarding the further progression of this project. I understand that a progress review meeting with the school authorities, the patron body, the Edmund Rice Schools Trust, and the design team leader is scheduled for today. The current position and next steps will be discussed at this meeting.

The Department has told me that it is committed to the progression of this project and will endeavour to assist the school in every way possible. I have heard what the Senator has said with regard to the rent being paid, the delay, communications from the Department of Education, the building of four storeys over a basement in which the school is situated, the plasterwork, the lack of a lift and the lack of clarity and progress. She can rest assured that the Department will be aware that she has raised these matters in the House today. All of her concerns will be brought back to the Minister, Deputy Foley. I will personally let her know about them.

**Senator Marie Sherlock:** I thank the Minister of State. I am conscious that she is a Minister of State in the Department, that her responsibility is for another area and that she has had to be provided with the detail of this today. However, a clear message must go out. The answer I have got in this Chamber today shows that the project has taken a step backwards. How is it that last December assurances were given that construction would commence between July and September of this year when, in the response I have got today, we have been told that the



final design is awaiting final agreement between all parties, that the process is ongoing and that meetings have yet to take place with regard to the completion of stage 2B? That is a very sorry state of affairs. It is most regrettable that this school, which is just over 200 m from where the Department of Education is located, is not being prioritised by this Government and the Department.

**Deputy Josepha Madigan:** Planning permission for the 16-classroom building, which is to be built on the site procured by the Department of Education from Dublin City Council, was secured on 28 May on the basis of a proposed amended right of way. The right of way has been the subject of much discussion with the owner of the neighbouring property, discussion which is ongoing. That two-pronged process with regard to the pre-qualification stage and the stage 2B report being carried out in parallel will expedite matters. There is a meeting with the school today. The issue of communication about this project needs to be sorted out. The meeting today with the school authorities, the Edmund Rice Schools Trust and the design team leader will help the school to understand the processes involved, why there have been delays and, more importantly, what work can be done to expedite the project to get the school up and running as soon as possible.

### **Thalidomide Victims Compensation**

**Senator Barry Ward:** The Minister of State will be aware of the situation with regard to thalidomide. I ran in Dún Laoghaire in the general election of last year and I was surprised to find that the issue of thalidomide was raised at three or four doors as I went about campaigning. I was further surprised to find, when canvassing for James Geoghegan, the Fine Gael by-election candidate, in Sandymount last week, that one whole road of people raised this issue with me as well. When I speak to colleagues, people ask whether thalidomide is still a thing. It is important to realise that it is very much still a thing.

The Minister of State will be aware that thalidomide was a drug issued by a German company which was available in Ireland in the early 1960s and late 1950s as an antidote to morning sickness for women who particularly suffered with it. In 1961, the manufacturer became aware of concerns about the effect the drug had on the unborn child. In November 1961, it made that clear and, in January 1962, warnings were sent out to pharmacies and doctors in Ireland. However, the Department of Health did not issue a public warning until June 1962. This means there was a period of approximately six months in which women continued to take thalidomide without being aware of these effects.

The effect of this is still to be seen today. It is difficult to estimate the exact number of thalidomide survivors in this country. Officially, the Department says there are 29 because there are 29 people involved in litigation. Depending on how the effect of the drug is categorised, there are either 36 or 37 people in this country who survived the effects thalidomide had on them before they were born. The associated disabilities, the effects this drug had on them, range from a missing or disabled limb to substantial incapacitation. Some of these people require 24-hour care. They are in their early 60s, they have borne these problems and disabilities throughout their lives and they and their families continue to bear them.

What is, perhaps, most striking about this whole process, based on the conversations I have had with people involved with the survivors of thalidomide, is that the mothers of those people, the women who took that drug, bore guilt notwithstanding that they were not at fault and made

no mistake because they were not told. Many of those mothers are no longer with us but they bore a great burden of guilt right up to the moment of their death for what happened to their children before they were born. This is an appalling situation. The Irish Thalidomide Society and the survivors of thalidomide in Ireland are looking for three simple things. First and foremost, an apology. There is no doubt to my mind, reading the documentation and looking at media reports, that the Irish Government failed in its duty to its citizens by not issuing a warning in advance of June 1962. I am aware that there is litigation in place and that the Minister of State may be hamstrung, to a certain extent, by that. It is not about apportioning blame; it is about accepting responsibility. In modern times, one of the things that the State has actually done is to confess to its crimes and failings of the past. I have seen that in this Chamber since I have become a Senator, as well as over the last number of years. It is appropriate. The very least that these people could expect from the Department of Health is that they would get a heartfelt and sincere apology.

Second, they are looking for compensation. In the course of the litigation to which I have referred, I understand the State has asserted that the discovery process alone will cost €24 million. I do not know how that figure is arrived at. I cannot conceive of how much documentation must be involved. If we are dealing with about 30 people, €24 million cannot be far off what they would be getting in compensation anyway, if successful. We need to set aside the bureaucracy and look at a fair and equitable compensation scheme for these people.

Third, we need to look at a medical scheme for them. Yes, they have received a medical card and that is right and proper. However, we are dealing with people, some of whom have significant incapacitation, and many of whom do not know how bad their condition is going to get in the coming 20, 30 or 40 years. What is the effect going to be on them? How are they going to support their medical needs? The State needs to step in. I am looking forward to hearing the Minister of State's response.

**Minister of State at the Department of Health (Deputy Mary Butler):** I thank Senator Ward for raising this most important issue. I would also like to assure the Senator of the Government's commitment to the ongoing support of Irish thalidomide survivors.

The Senator will appreciate that as there are a number of cases concerning thalidomide before the High Court at present, as he has stated, it is not possible to comment on matters that are *sub judice*. However, I am glad to take this opportunity to set out the supports currently provided by the Government to Irish thalidomide survivors.

Following an Irish Government decision in January 1975, the Government granted an *ex gratia* sum, equivalent to four times the German lump sum and an *ex gratia* monthly allowance for life, equal to the German monthly allowance, to each of the Irish children found to have thalidomide-related injuries. There are currently 29 Irish people in receipt of *ex gratia* monthly payments from the Department of Health. The annual figure for the Irish monthly payments ranges from €6,175 to €13,313 for each individual. The rate of payment is related to each survivor's level of thalidomide-related injury. The German monthly payments are made by the Contergan Foundation, which is established under the foundation Act. All thalidomide survivors entitled to benefits are entitled to a lifelong monthly pension ranging from €8,928 to €100,765 annually, annual special payments since 2009 of between €460 and €3,600, and annual specific needs payments since 2017 of between €5,676 and €14,700. I am aware that I have listed a lot of figures, but the information is available in the note that has been circulated to Senators.

Both the German payments and the Irish *ex gratia* monthly payments made to survivors are exempt from tax, including deposit interest retention tax, and are not reckonable, or in other words, assessable, as means for the purpose of Department of Social Protection payments. In addition, each Irish survivor is provided with health supports, including a medical card on an administrative basis, regardless of means, in addition to appliances, artificial limbs, equipment, housing adaptations and access to a full range of primary care, hospital and personal social services.

In April 2010, the Government decided to provide additional financial assistance and other supports for Irish thalidomide survivors to meet their needs into the future. The measures included an offer of an additional one-off *ex gratia* individual payment of €62,500. This offer was subsequently accepted by a number of the survivors. A senior manager in the HSE was also designated to liaise with survivors in relation to meeting their ongoing health and personal social service needs. I wish to inform the House that work is under way in the Department of Health to bring forward legislative proposals on health and personal social services for Irish survivors of thalidomide on a statutory basis.

It is important to note that the German Contergan Foundation has confirmed that since 2013, it is accepting applications from individuals for compensation for thalidomide-related injury. It is open to any Irish person to apply to the foundation for assessment of his or her disability as being attributable to thalidomide. Any Irish person who establishes that his or her injury is attributable to thalidomide will be offered appropriate supports by the Irish Government, commensurate with those currently provided to Irish thalidomide survivors.

I trust this clarifies the issues raised by the Senator.

**Senator Barry Ward:** I understand where the Minister of State is coming from and the restrictions of the *sub judice* rule, but there is not very much new in the document provided by the Minister of State. It has been the subject of questions and discussions in the other House. For example, the document does not address the need for an apology. I have discussed this with Councillor Geoghegan. We cannot see why we are not settling this case. There is a real danger, as we have seen in other cases, that the Department of Health will understandably defend the taxpayers' perspective, because that is what is involved here, and fight these cases. However, it seems to me that the type of fighting that is going on is unnecessary. These people are in their early 60s. Many of their parents are now deceased. The time has surely come for us to take a step.

I want to know, first, can we give them an apology? It is the least they can expect. Second, there was a meeting arranged with the Minister for Health, Deputy Donnelly, last January. I understand why it was postponed. God knows, the pressure on the Department of Health is huge. Can there be another meeting? It is the least these people could expect. It would be a fair thing to do.

**Deputy Mary Butler:** I would like to assure the House that the Government is committed to the continued support of the health and personal social service needs of Irish thalidomide survivors. The supports currently provided by the Government to survivors, including the monthly payment for life, the medical card and access to the full range of health and personal social services, are ongoing. I would also like to reiterate that work is under way in the Department of Health to bring forward legislative proposals on health and personal social services for Irish survivors of thalidomide on a statutory basis.

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In relation to the two issues raised by the Senator, specifically the apology and the meeting with the Minister that had to be cancelled in January, I will raise both issues directly with the Minister.

**Acting Chairperson (Senator Róisín Garvey):** I thank the Minister of State for coming to the House. It is always great to see Ministers taking the time to come to the House to answer questions directly.

*Sitting suspended at 11.37 a.m. and resumed at 12 noon.*

### **An tOrd Gnó - Order of Business**

**Senator Regina Doherty:** The Order of Business is No. 1, Public Service Pay Bill 2020 - Committee and Remaining Stages, to be taken at 1.30 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 3 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; No. 2, Planning and Development (Amendment) (No. 3) Bill 2021 - Committee and Remaining Stages, to be taken at 3.15 p.m. or 15 minutes after the conclusion of No. 1, whichever is the later, and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 6.15 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government, and the proceedings shall be interrupted after two hours for 15 minutes to allow for the sanitisation of the Chamber and the order of the debate shall resume thereafter; No. 3, Criminal Justice (Rehabilitative Periods) Bill 2018 - Report and Final Stages, to be taken at 6.45 p.m. or 15 minutes after the conclusion of No. 2, whichever is the later, and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 30 minutes by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; and No. 4, Private Members' business, Business Planning and Development (Solar Panels for Public Buildings, Schools, Homes and Other Premises) (Amendment) Bill 2021 – Second Stage, to be taken at 7.30 p.m. or 15 minutes after the conclusion of No. 3, whichever is the later, and the time allocated to this debate is two hours.

**Senator Lisa Chambers:** Last week, I had the great pleasure of attending the Irish College of General Practitioners, ICGP, webinar which focused primarily on women's health issues. One of the topics discussed was endometriosis. Senators will be aware that I have consistently raised this issue in the Seanad. I was very happy to play my part in bringing about an information session to bring to hundreds of GPs from throughout the country the most up-to-date information on this disease from an expert in the UK. The event went very well and I commend and congratulate the ICGP on arranging the webinar, bringing up-to-date information to GPs and helping us to take one step closer to having better menstrual and reproductive care for women and girls in this country.

I will briefly comment on the ongoing Common Agricultural policy, CAP, negotiations. I commend the Minister for Agriculture, Food and the Marine, Deputy McConalogue, on his engagement in the process. It has been difficult as there are a great number of competing interests and there is not, unfortunately, a uniform voice across the farming organisations. I come from a rural constituency, Mayo, where farm holdings are mainly small. Farmers in my community are asking for front-loaded payments, a higher degree of convergence and a cap on the single

farm payment. No farmer should be receiving more than €60,000 annually from that scheme.

I welcome that convergence is to be set at 85%, with the option for member states to increase beyond that if they so wish. I urge the Minister to consider that option of increasing the percentage further.

I also welcome that 3% of direct payments will be set aside for young farmers. A particular problem in this country is that young people do not view farming as a viable long-term career option because of the challenge farmers face in getting a fair price for their product and all of the demands we are placing on them, arising from climate change and everything else.

The proposed agreement will have to be signed off by all the EU agricultural ministers. There will also be a period of consultation and debate to consider what has been proposed. All in all, we are progressing towards a fairer outcome for small and medium-sized farmers, while still acknowledging and rewarding productive farmers.

There is much anticipation that we will see a delay in reopening, with a decision due possibly tomorrow at this rate. I make a special plea for those who are having their weddings in the next couple of weeks. I can understand the delay in reopening hospitality. While I may not fully agree with it, I can see the argument for doing so in terms of the sheer numbers. The small number of couples who are getting married in the two-week period in question have probably had to postpone their big day numerous times already and will have issued invitations, paid a deposit and made plans on foot of the plan we set out for them. In the event that the rug is pulled from under them for a couple of weeks, I urge the Government to take a flexible approach and rather than issuing a blanket delay to all aspects of the planned reopening, I ask that it consider each element on its merits and give special consideration to couples who are looking forward to their big day in the next number of weeks. They should be allowed to have the 50 guests we promised they could have.

**Senator Seán Kyne:** I marched in November 2016 in support of the €850 million Apple data centre in Athenry. I still believe that if data centres are needed, as I believe they are, they should be spread regionally and in terms of the grid connection. It should be noted that the Apple data centre project has been granted planning permission by Galway County Council for some time. It was granted by An Bord Pleanála and that decision was upheld in mid-2016. That decision was also upheld by the High Court, the Court of Appeal and the Supreme Court. I have spoken previously on the issues and problems with our planning process and more so on the legal challenges to and judicial reviews of planning decisions that have taken place, which are too prevalent. I, therefore, welcome comments by the Attorney General and the Minister of State at the Department of Housing, Local Government and Heritage, Deputy Peter Burke, on the Government's plans to speed up the planning process. The plans being considered include a dedicated planning court, which I called for in 2017 in the midst of the debate on the Apple data centre project. As well as construction and permanent jobs in the data centre, having Apple, the world's largest company, with a centre in Galway, would be a major incentive to more and continued multinational investment. The spin-off of having an Apple data centre in Athenry would be major. The area from Athenry to Oranmore has been designated as an economic corridor in the Galway county development plan for some years. With water, grid, rail and motorway connections, the area is well suited as an economic driver for the county. Because of the issues in Athenry we changed legislation to categorise data centres as critical infrastructure but in May 2018 Apple announced it was not proceeding with the development. However, it is important to note it still has planning permission. I, therefore, welcome the decision of Apple to apply to



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Galway County Council for a five-year extension to its planning permission. If granted, I hope Apple will be able to proceed, at speed, and as soon as possible. It gave an absolute commitment at the time it would look at green energy as the source of energy for that important project. There was some small degree of opposition to the project but it would have been, and still had the potential to be, a major boom to the area of Athenry, Oranmore and County Galway.

I call for a debate on the issue of planning, as I have previously, for projects such as this one and also projects ranging from greenways to road projects to the critically important issue of housing. I welcome the comments by the Attorney General and the Minister of State, Deputy Peter Burke, relating to planning. It is an extremely important area and one on which the Government is right to focus. I hope it can do so to allow for a speeding up of the process at an early juncture. I look forward to a debate on that issue in the near future.

**Senator Sharon Keogan:** On 11 March 2020, the then Taoiseach, Deputy Varadkar, forecast 85,000 people could die from the coronavirus. The death toll today is 4,989, thankfully a long way from what was predicted. We now have the data. We now know the virus. We know what to do to keep ourselves safe and what level of risk to take. On 31 May, I spoke up in this Chamber about the contradictions in the Government's reopening plan. However, nothing was done. Hotels served dinners indoors while restaurants and pubs had their trade confined to outdoors. Back in May I agreed with the comments of Adrian Cummins of the Restaurants Association of Ireland who called the double standards unjust and discriminatory. However, nothing was done. Hospitality struggled on with one glimmer of hope - 5 July. Nearly a month on from 31 May, I find myself disheartened, dispirited and unmotivated to see the already inadequate plan is about to be changed. The date of 5 July, with the already overdue promises it held, is about to be ripped away. Nearly a month on from 31 May, I find myself using the same rhetoric - people in power are playing with people's lives and that is a very serious problem. Does the Government realise the impact this will have on pubs and restaurants or on our aviation sector? Does it realise the impact it is having on all those currently in receipt of the pandemic unemployment payment and waiting to go back to work? Does it realise how long our hospitality and aviation sectors have already suffered? If the Government realised the impact its lack of leadership is having, it would not be waiting until Wednesday, 30 June, five days before the promised date of 5 July, to decide whether it will help or hinder hospitality in this country. If it chooses to hinder it by refusing to stick to the roadmap, the consequences will be serious.

I listened to an interview on RTÉ Radio 1 of Dr. Sam McConkey, probably better known as "Dr. Zero Covid" who stated the 5 July date for reopening of our next phase should go ahead. I cannot stress the damage that would be done due to the Government's decision and its subsequent indecision about its decisions. To lock down or not to lock down, that is the constant question we ask in this country and the result is severe instability.

Over the weekend I read an interesting article on the city state of Singapore, which has decided to treat Covid like any other endemic disease such as flu. It has stopped its zero transmission targets, its people will stop wearing masks, it will halt lockdowns and it will no longer require quarantines. Its people will learn to live with Covid-19. In the words of their trade, finance and health ministers, "We can't eradicate it, but we can turn the pandemic into something much less threatening, like influenza, ... or chickenpox, and get on with our lives." Get on with our lives, that is what we all want to do, but when will that happen? This Government will not be able to decide on anything, so I could not ask it to decide on that. Instead I will tell it now and when it should happen. Now is when we should be leading the country back with strong leadership. Now is when we should get on with it.



**Senator Marie Sherlock:** I want to raise the case of Terence Wheelock. Terence was a young man, aged 20, from Seán O’Casey Avenue in Summerhill in Dublin 1 who died in Garda custody 16 years ago. Sixteen years on, his family are still seeking answers about what happened to him in that Garda cell in Store Street. Sixteen years on, there are so many questions with regard to inconsistencies in Garda record keeping, conflicts of views as to how a ligature could have made its way into the cell and be found in the place it was found, and how quickly the emergency services were called. While the inquest found he died by suicide, from talking to his family and listening to his community, it is very clear nobody believes Terence went into that cell with the intent of taking his life.

Last Saturday there was a remembrance event for Terence and his late brother Larry who did so much to fight to clear his brother’s name and for his brother’s right to justice. Walking alongside his family, relatives, neighbours and friends, the unanswered questions were very striking. Any of us who have lost someone knows the visceral desire to know why and how. If somebody dies in mysterious circumstances that is all the more the important to know. What was utterly heartbreaking is that while I was walking with my baby girl in a buggy, a woman alongside me had a child no older than three and he turned to her and asked “Mammy, what does justice mean?”. This quest for answers has been passed on to the next generation of the family. We need to have a statutory independent inquiry into this case. In 2010, the Garda Síochána Ombudsman Commission undertook an investigation but from my reading of the 199-page report there are serious questions arising from it. I want the message to go out that we need to have a statutory independent inquiry into the death of Terence.

I want to reference another event that took place on Saturday, namely the protest rally on the National Maternity Hospital. It was an extremely powerful moment for the many hundreds who turned out to make their voice very clear on the issue. There were articles in the *Business Post* yesterday and a letter in *The Irish Times* this morning discussing concerns over religious ethos and suggesting that some of those concerns may not be well founded. I think the articles missed the point. If we are going to have a new hospital, we need to have it on publicly owned land, publicly operated and with a publicly controlled governance structure, and nothing less will do. For too long we have had systems in this country that are convoluted by being semi-privately owned or partially controlled by religious structures or elsewhere. We do not need to delay the project. There is an opportunity to get the National Maternity Hospital right. I share the concerns expressed and look forward to the debate on it that will take place on Friday.

**Senator Vincent P. Martin:** On 27 June 1995, a former Senator, Gordon Wilson, passed away. The anniversary of his death was yesterday. His message of forgiveness and imploring people to live peacefully and to rebuild severely fractured relationships is a lasting healing legacy and comes into sharp focus in the current political instability in Northern Ireland, especially with the marching season looming. In Enniskillen in 1987, at the very moment when people were standing in silence to pray for their dead, a bomb was detonated and 11 people were killed. Another person lost their life later, having been in a coma for many years. The late Gordon Wilson, was influenced by the last loving words uttered by his then 20-year-old daughter, Marie, who died as a result of that bombing. Clutching his hand tightly, Marie said to Gordon, “Daddy, I love you very much.” Soon after, when speaking to the world’s media, Gordon Wilson said that he bore no ill will and neither did his wife. His incredible words of forgiveness in the immediate aftermath of his unspeakable loss calmed down tensions in Enniskillen and further afield and many believed helped save lives, ensuring tensions did not spiral out of control. I urge community and political leaders, North and South, all public representa-

tives North and South and all the people sharing this island to reflect and demand that there is never any going back and the only future is a shared future through mutual respect, dialogue, understanding and reconciliation.

**An Cathaoirleach:** I thank the Senator for speaking about the memory of the former Senator, the late Gordon Wilson, and his extraordinary contribution to this House. We think of his family on the anniversary yesterday of his passing.

**Senator Lynn Boylan:** I raise the latest *daft.ie* and *myhome.ie* house price reports released today because they made for very depressing reading. House prices have increased by 13% in the past year with people now paying an average €34,000 more for a home than last year. In Dublin, average prices now range from between €350,000 and €600,000. Of course, Covid has had some impact on supply but Government policy is also to blame. The help-to-buy scheme fuelled house-price inflation and the proposed shared equity scheme will simply add fuel to the fire. At the weekend we discovered that even the Minister for Housing, Local Government and Heritage's officials had warned against the shared equity scheme but he is ploughing ahead regardless. The Minister should come here and explain why, despite the warnings from all of the experts, he is arrogantly insisting on proceeding with the scheme.

The Minister also needs to tell the House how he will ensure that the houses on the Poolbeg site will be genuinely affordable. The National Asset Management Agency offered that land to the previous housing Minister, Eoghan Murphy, at a 50% discount. However, even when it would benefit his constituents, Mr. Murphy refused the offer. Instead, Ronan Group Real Estate purchased the site at a price significantly higher than the guide price. He is planning to build even more unaffordable build-to-rent apartments in the community. On the 570 affordable homes that are allocated in the plans, Dublin City Council has confirmed that there is no deal on the table as to how much Johnny Ronan's company will demand for those homes. In order to ensure its profit margin, it is highly likely that the Ronan Group Real Estate could seek up to €500,000 from Dublin City Council for each of those affordable homes. How is anyone from the community expected to be able to afford to buy? The Minister needs to seek an urgent meeting with Ronan Group Real Estate and insist that the affordable homes on the site will be genuinely affordable.

The Government should make it very clear to Ronan Group Real Estate that there will be no bridge, and no funding allocated for such a bridge, unless there is a deal on affordability. Young people are putting their lives on hold because they are unable to afford to rent, they are unable to afford to buy, they are going through college getting highly educated, and they are looking at their future and asking what is the point in staying in this country when you cannot afford to leave your parents home? And that is if they are lucky enough to be able to stay in their parents' homes. The Government must double direct capital investment in social and affordable homes and start delivering for the people. We need to hear from the Minister about why he is ploughing ahead with the shared equity scheme and ignoring all of the warnings and how he will ensure that the affordable homes at the Poolbeg site will be genuinely affordable.

**Senator Frances Black:** I have been receiving many letters in recent weeks from people in the music industry who are absolutely devastated and worried about what is happening to the industry. I will read out one letter that I received late last night which really sums up what is going on for people in the industry. It states:

Dear Senator Black,

I'm writing to appeal to you, to the Seanad and to the Minister, Catherine Martin, to support the live working musicians of this country, in this very unsure time.

I'm a full time working folk musician, and most of my earnings have come from overseas over the past few years with international touring as a cultural ambassador of Ireland - promoting Irish culture, songs and history as part of my repertoire.

With the current restrictions I have not been able to work for 14 months, and with the looming cut-off date of the PUP I'm asking the Minister to put in place a solid plan for musicians to go back to work. We've been told "no live music", we've done what we've been told - we stayed home. We haven't worked, we haven't sought-out work, we've listened, waiting for guidance from our Minister. Waiting for life to start again.

Why then ... is there concerts happening in different venues all over the country - including actual indoor Tourism, Culture and Gaeltacht events just this last weekend.

We need to have clarity as to what is allowed - can we perform now? Is it okay to go back on the road?

I want to express how much anxiety this is bringing me, with the unknown, with the looming possible dates for causing the PUP. I'm worried about paying my rent. I'm worried about paying my car insurance, and I'm worried I won't be able to afford my internet phone bill, which will put me off again from the world, even more than I am today, with no work and no idea as to when we are officially back.

For us musicians - as the cultural ambassadors for our nation, we feel forgotten, we are confused, and we are deeply hurt by the lack of communication from the Minister and the Department. The anxiety is at the highest level, not knowing where we stand and when we might go back to work. My friends/colleagues, are selling their instruments, and it's becoming regular to know musicians who have taken their own lives due to the stress of everything and the lack of support and information.

Musicians are also the first to be called upon to step up to give our services for free to raise money for under-funded charities. Musicians are always the first to step up.

Musicians who perform for tourists all over the country are the foot soldiers of our culture, keeping music alive in the toughest of arenas, playing and performing in the smallest of corners, the loudest of pubs, keeping our culture alive.

These "test" events are not helpful for us who do this every day - it is like "The Hunger Games", only the top most popular musicians are being looked after. We need clear guidance and information, and for the Minister to talk directly to the musicians and the events industry of Ireland. We're calling on the Minister to ensure the PUP is in place for musicians until 2022, and we need information to save our mental health as this anxiety will kill our culture and kill our souls and our spirits, and ourselves. Please, please help us.

Your sincerely ...

I have to ask that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media come before the House to give an update on what is happening and that she do so sooner rather than later. She must come to the House and outline the measures that will be taken to safeguard the livelihoods of the hundreds of musicians who contribute to the culture of this country and are

essential to the revival of the tourist and entertainment industries.

I want to quickly express my solidarity and well wishes for Thursday's Second Stage debate in the Dáil on the very important Traveller Culture and History in Education Bill. It is essential that we see this Bill supported and passed to make the teaching of Traveller culture and history mandatory in schools and will be steps to prevent persistent discrimination against Travellers in Ireland.

**Senator Robbie Gallagher:** Addressing the curse of sexual violence is a priority for every one of us and we must do all we can to stamp it out in all sections of Irish life. With this in mind, I very much welcome the Government initiative undertaken in third level institutions. An action plan has been published to tackle sexual violence and harassment in all our third level institutions. I was shocked and extremely saddened by the results of the survey carried out by the Union of Students in Ireland last year. Its survey of 6,000 young people found that 30% of female students had experienced non-consensual sexual penetration. This highlights the need for this plan. I welcome the fact that among some of the measures to be introduced, classes on sexual consent are to be rolled out across all third level institutions, starting off with first-year students. Colleges will have to put in place new mechanisms for anonymous reporting of sexual harassment. Staff will also receive additional training in these areas. These are just a few of the many recommendations.

It is critically important that we create a safe environment for all our students and, indeed, staff. Many young students will head off in September for their first experience of college life. It is vital that we foster a culture of respect, dignity and integrity across all sections.

**Senator Mary Seery Kearney:** Last week, the parish priest of Our Lady of the Assumption in Ballyfermot flew the Pride flag in honour of the week that was in it, and of the celebrations that were due to happen this past weekend. The response he received was nothing short of appalling. He was subjected to aggressive, hostile, nasty messaging, both to his home and online. The online trolling was about the disgrace that it was and how he was going to burn in hell. That was the message he got time and again.

I commend the man on his courage, his compassion and his demonstration of his faith. He is certainly a noble individual. There was a rally at the weekend in support of him and of people in the community for whom Pride is so important. It was on behalf of all of us. It is important to say this is not reflective of the community of Ballyfermot, which is an inclusive and caring community. However, this is a disgrace. I want to highlight, and find some means by which to explore, the small cohort in society that bullies, harasses, says hateful things and continuously gets away with it.

I recently made a complaint to the Garda Síochána about two prominent individuals who are well known to everyone. They are former journalists. They spout racial hate speech all the time. I made a complaint to the Garda Síochána. I made my formal statement last Friday. It is not all right that a small cohort makes a large group of people feel unsafe or classifies any group of people as being undeserving of any aspiration of any job in our State. We need to have a debate in this House, exploring why we, as a group of people who are representative of the people of the country, do not stand up more to this small cohort.

**Senator Gerard P. Craughwell:** I have spoken on search and rescue many times in this Chamber. It is coming to the end of a time when I will be able to speak on it. In 2010, the

future helicopter study group, FHSG, started to look at what Ireland needed for search and rescue. There was a number of recommendations. One was the implementation of night vision on helicopters. Another was the ability to carry underslung loads in buckets for fighting fires. The third was that they would be able to carry incubators. Ten years on, despite having spent €700,000 plus VAT per aircraft on upgrading them for night vision, and buying goggles for the crews at the cost of €570,000 that the taxpayer paid for, the training has not been completed, as far as I know. They cannot carry the incubators. Anytime there is an incubator call, the Air Corps has to step in. Neither have they been able to provide the underslung buckets. The last time there was a fire in Kerry, we had to call in aircraft from Scotland, as well as the Air Corps.

Who is responsible for oversight? We are responsible for political oversight, but who is responsible for oversight? It is ironic that the company CHC Helicopter got the Irish contract for search and rescue, at a time when they were suspended from public contracts in the UK for insider trading. Somebody has to answer those questions. Corporate governance is a huge part of the safety of the people of Ireland. I am getting very tired of not being able to get answers to questions.

In the last few seconds, I want to thank Dr. James Wilson, who is known to the Cathaoirleach, for organising a 19 km march across the Giant's Causeway on Saturday, in support of Irish veterans. These were members of the Royal British Legion, who stood to gain nothing. I enjoyed four and a half hours walking across the Giant's Causeway. It is great that when we set politics aside in Northern Ireland, Northern Irish people are as loveable and as giving towards us. They have collected a substantial sum of money for the Jadotville Challenge 2021. I was proud to walk with them. I thank them for taking this initiative.

**Senator Catherine Ardagh:** Today I would like to raise the Miami building collapse. I send my thoughts and prayers to the survivors, the families of survivors, the families of the victims, and the families of those missing. There are still 156 people missing. It is a tragedy of a huge scale, where a building collapsed during the middle of the night. There are terrifying, heart-breaking images of bunk beds hanging out of windows. It is completely unfathomable and deeply upsetting. We learned also that an engineers' report was commissioned a few years previously. It outlined serious structural issues with the property. Nobody is saying that they were the cause, but the fact is that there were structural issues and repairs were needed to the property.

We need to look at properties in Ireland. There is a 2018 chartered surveyors' report that states that the majority of Irish apartment buildings do not have a large enough sinking fund. I am not saying that buildings are imminently going to collapse. However, as here, not enough money has been put aside for structural improvements to properties. Many of our apartment blocks were built in the 1990s. They are okay at the moment. We do not hear of a huge number of structural issues. However, anecdotally, we hear that residents of older apartment blocks are being asked to cough up either €20,000 or €30,000 per unit to fix roofs. We need to figure out what we can do. The Multi-Unit Developments Act 2011 stipulates that €200 per year must be set aside per unit towards a sinking fund. That is not enough. Those who own a small house or apartment will know that €200 is not going to cover a lot. We also have to look at local property tax. Many apartment dwellers pay local property tax but do not get a lot back from it. The Government needs to review sinking funds and, perhaps, how local property tax could be inputted into developing sinking funds for properties. This is an issue that will come down the tracks very fast, as apartment blocks that were built in the 1990s get older.



We need to have a serious debate in this House about how we address sinking funds. At the moment, they are completely inadequate. As the chartered surveyors' report states, more than 25% of sinking funds do not even reach it at all.

**Senator Tim Lombard:** In the next two or three days, thousands of primary school children will be getting their summer holidays. This will be a great experience for the kids. I am sure the parents might not have the same view. It will be an unusual period for the next few weeks. I want to mention something about primary education. There is a major issue we need to start talking about. Over the last few weeks, the Drumcondra tests have been done in primary education. From first to six class, there is a period of exams. Results from second, fourth, and sixth classes are reported to the Department of Education.

There is a major flaw within the Drumcondra process itself. The flaw is that a dyslexic child is being discriminated against through this process. This is a huge issue that we have to take into consideration. Children who have a reading average of maybe a one, a three or a seven centile, depend on technology to help them go through the primary education process. When it comes to the Drumcondra tests, that assistive technology is taken away from them. Could you imagine a scenario where a student is helped to read every day in his or her class with a reading pen or iPad? Then, when he or she does the Drumcondra tests, the iPad and reading pen is taken from him or her. Over a 45-minute period, the student is then expected to do something he or she cannot physically do. He or she cannot read the question. However, in maths, the student is given a reader, because it is understood that the student cannot read the question. That is a huge flaw. Some 10% of our school population is dyslexic. There is a major issue with how we deal with our dyslexic population. In teacher training colleges, students have to opt in to do the course. It is not mandatory. How we deal with dyslexic children continues to be a disgrace. If I were to give the Department of Education a grade, it would be an F. That is the standard at which it is treating children on the ground.

We need to have a serious conversation about how we are going to deal with these kids. They deserve better. I met parents at the weekend who have kids in the one centile, which means that they are between the bottom 1% and 3% in reading. Their children had the assistive technology taken from them when they did the Drumcondra test. That cannot be logical. There are also mental issues to consider. These children are lovely lads. They went home thinking they were thick. They are anything but thick. They are probably the cleverest in the class but they are wired differently. The Department of Education must look at the model and change how it deals with dyslexic children.

**Senator Annie Hoey:** I raise again the issue of eating disorders and the woeful lack of supports in place in Ireland. I do not know if any of the Members heard the report on RTÉ Radio 1 this morning, which outlined the ghastly situation facing those suffering with an eating disorder in Ireland and the difficult position in which their families find themselves. Very powerful testimony was provided by CARED Ireland. If Members have the opportunity, I suggest that they listen back to it.

It was horrifying to hear that there are no national specialist public inpatient beds for eating disorders. There are three beds in St. Vincent's University Hospital but they are only available in that HSE catchment area. This means people in the rest of the country must be admitted for general or psychiatric beds or must go to the UK for treatment, either privately or through our State system. I do not understand how we are still in the position that we are sending people abroad for treatment that they should be able to get here. People and their families are need-



lessly suffering and people are dying. I ask for the Leader to invite the responsible Minister to the House to debate the issue.

The second issue I raise concerns pay for student nurses and midwives. I find it incredible that I am speaking on this issue once again. It is 28 June 2021 and the student nurse pandemic payment has still not been paid into the bank accounts of student nurses and midwives. That is incredible. The payment amounts to less than €3 per hour, so it is not exactly going to be a whopping amount. It is an absolute disgrace.

These students, who worked for free during the global pandemic, putting their own health and well-being on the line so that we and our loved ones could be safe, were promised that they would be paid on 31 January and then on 1 June. Does the Leader know what is happening with the payment? It is absolutely shameful behaviour on the part of the Government. I ask the Leader to write to the Minister for Health, on behalf of this House, to ask what, in the name of goodness, is happening with this promised payment. It is not good enough that these student nurses and midwives are now leaving their courses and going out into the workplace and they still have not received the payment they were promised. We heard very powerful testimony in this House in support of the payment of student nurses and midwives. I ask the Leader to write to the Minister to ask what is happening.

**Senator Erin McGreehan:** I welcome the launch of the “Love this place, leave no trace” campaign this morning. I urge members of the public, when they are using public amenities, beaches or parks, to leave no trace and to respect the beauty that we have here. When we visit places, we expect to find them in good condition and we want to leave them that way for the next person.

I also ask that people bringing their dogs onto common lands, such as mountains, farmland and beaches, put their dogs on leads. When dogs are brought to a place where there is livestock, it is not the dog’s fault if it runs after an animal or worries or kills a sheep or a lamb; it is the owner’s fault. I urge dog owners to be responsible.

I also commend the Minister for Agriculture, Food and the Marine and to wish him the best of luck in the final CAP negotiations. It is most important that we protect our largest indigenous industry. We must protect small farmers and small farming families who produce the most sustainable, environmentally-friendly and highest quality produce in Europe and the world. Payments under the new scheme must be directed to active farmers to encourage and keep young farmers and farming families in the industry.

**Senator Jerry Buttimer:** I ask that we amend the Order of Business for tomorrow to have a debate on the reopening of the country and the roll-out of the vaccination programme in the context of the decisions to be made by the Government. They are important decisions that should not be made in a vacuum but in a full, open and transparent manner that includes disclosure of the information that NPHE will give to the Government. I say that while welcoming the comment made by the Tánaiste this morning that it is not inevitable that we will not reopen the country next week. It is important that certainty is provided to the men and women in our hospitality sector.

We have had this debate for a long time and there has been lots of commentary. Professor Cathal Walsh spoke about modelling on RTÉ’s “Morning Ireland” earlier. I am asking NPHE to publish the information to enable us all to read it and ascertain the real facts around its latest

proposals. It is important that certainty and clarity are provided.

In the context of the vaccination programme, if there are going to be surplus vaccines, we should be provided with the information on what is to be done with them and how they will be used properly. I make that statement in a very positive manner, as a Member of this House and also as a member of the Joint Committee on Transport and Communications, which has dealt with the issue of antigen testing. We need to have a real debate in this House on antigen testing.

It is important that certainty and clarity are provided on the 19 July date, which is approaching. Are we ready for the EU digital Covid certificate? Will our country continue to be open or closed? Which will it be? Would it not be awful if we were not ready on 19 July to avail of a travel certificate that is valid in the rest of Europe? That would be catastrophic. Therefore, I ask for a debate on the issue to take place tomorrow, if possible.

**Senator Paul Gavan:** I propose an amendment to the Order of Business, that we take No. 19 ahead of No. 1. I am seeking leave to introduce the Worker Co-Operatives and Right to Buy Bill 2021.

I raise the issue of the review of the eighth amendment and the termination of pregnancy legislation. Last Thursday evening, I attended and spoke at a webinar organised by Together for Safety in Limerick. Two particular issues concern me. First, we need safe access zone legislation. Protests were held outside the maternity hospital in Limerick every day during Lent. I know that protests were also held at other hospitals. I gather from the response to a recent Commencement matter that the Government is actually retreating from introducing this legislation. A Minister of State gave that clear message on the day the matter was taken. We need to have an urgent debate on the issue.

I was equally distressed to hear evidence given at the webinar by someone who works with women in direct provision centres. She was able to tell us that abortion pills are being sold on the black market for between €300 and €400. That is what these women are being asked to pay because they do not have access to services. The reason is that only one in ten GPs offer services and half of our maternity hospitals do not offer termination services. I was a member of the Joint Committee on the Eighth Amendment of the Constitution, alongside others on a cross-party basis. Members were almost unanimous on the ancillary recommendations around the need to ensure that all women are treated equally in relation to access to services and the urgent need for free contraception.

Unfortunately, in relation to safe access zone legislation, access to contraception and, crucially, achieving equality, we are from where we should be at this point. We need an urgent debate on the matter. Above all, we need to heed the National Women's Council of Ireland's call that the review, which the Minister for Health, Deputy Donnelly, is telling us is progressing, has an independent chairperson at its head. It has to be a meaningful, independent review. I am afraid that, to date, it does not look like that is going to be the case.

**An Cathaoirleach:** Is the Senator's proposed amendment to the Order of Business being seconded?

**Senator Lynn Boylan:** I second the amendment.

**Senator Mary Fitzpatrick:** I ask the Leader to raise, on behalf of the Seanad, the proposal of the Minister for Housing, Local Government and Heritage to review the planning process for

strategic developments, specifically strategic housing developments. It has been reported, and I welcome the fact that the Minister has acknowledged through the proposal to undertake the review, that the strategic planning process is not working and has failed to result in a significant increase in the delivery of housing, which is adding enormous pressure to an already challenging housing crisis. The strategic housing process is essentially undemocratic in its nature. All of us in the House commend our local authorities regularly. They have robust planning processes. While the Minister's review is being conducted the strategic housing process should be paused. An Bord Pleanála should be instructed to not engage in further pre-planning discussions because at the moment there are no fewer than 26 strategic housing developments under active judicial review. That is 26 of the 50 that have been taken since 2018. Half of the board's budget is being spent on judicial reviews. It is a completely unproductive use of public money, time and resources and it is further challenging the Government's ability to respond to the housing crisis. I therefore ask the Leader to write to the Minister with responsibility for planning and ask him to come back to the House with an advisory on whether or not he can instruct An Bord Pleanála to stop engaging in pre-planning discussions on strategic housing developments, and to do that as soon as possible.

**Senator Róisín Garvey:** I want to talk briefly about two things. I hope the Leader might allow us to have a further proper discussion for the whole House because housing comes up repeatedly. What I see in my own county is lots of empty buildings and also lots of people doing Airbnb. I want to clearly distinguish between a person letting out a room in his or her house and one letting out a whole house because a whole house is a potential home for someone to rent and live in. A room in a house is in a person's home so it is a different thing. We have some Airbnb restrictions in Dublin but we do not have any in County Clare, for example.

I know from going around the villages and towns of the county that we have loads of empty houses. There are over 220,000 empty houses in Ireland. We know building houses is going to be tricky because we have not been able to build for a whole year. We must look at the stock that is there and we do not have proper data on it. We must offer a carrot to the owners of these empty houses but we may also need a bit of a stick in the form of looking at the vacant property tax because it is not moving quick enough. There is a housing emergency and we must do much more. The local authority should be asked to do proper research on empty houses all over County Clare. Some people do not seem to know who owns what. We do not have proper data. A friend of mine is a statistician and was trying to research the housing issues and empty houses in Ireland. We do not have any proper data on that and it is time each local authority came up with clear data on all the empty houses, not just the ones that are registered, but all of them. We must look at what we need to do to give incentives. The Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, and his Department are looking at more incentives to get empty houses retrofitted and up to livable standard again. However, we have a huge stock of houses already existing in Ireland and we must start doing more to get those houses to the people who need them.

**Senator Pat Casey:** Regrettably, it is a bit like Groundhog Day, as the reopening of indoor dining on 5 July looks like another false dawn for the sector. I point out that indoor dining is already happening but it is happening exclusively for residents of hotels. I am one of the few privileged to be able to use that facility but even last night I was inside and there were people sitting outside. My locals were outside and my residents were inside. It is about the inequality.

The undisputed fact is that the requirements, regulations and operating procedures that allowed hotel restaurants to open up are the very same requirements as apply to indoor dining in

restaurants and bars. There is absolutely no difference yet they will remain closed and it looks like they will remain closed for another four weeks. We had infectious diseases consultant Professor Paddy Malone stating that he just could not see how two weeks' delay is going to make any substantial difference to that. This morning on "Morning Ireland", Professor Cathal Walsh, from the NPHEt modelling team, said projections showed there could be 1,000 cases per day in certain scenarios. He said the modelling suggested this could reduce to 900 per day if indoor dining does not open. Thus, the indoor dining is only accounting for 10% of the potential cases of the new Delta variant.

Politically, we are all taking credit for the great vaccine roll-out but where is the benefit in being vaccinated? Our adult population is now 40% fully vaccinated and these people are safe to eat indoors. The people of Ireland have acted very responsibly over the last 18 months with all the hardship that has been put on them. Can we not just give them that personal choice to decide they are going to eat indoors? We should allow them to make that personal decision. There are the numbers in hospital, in ICU, the number of cases and the variants. The yo-yo effect has to stop. We are already hearing about the Delta plus variant coming from India. Are we going to be back in here in another three weeks telling the industry it is not going to open again? The impact this is having is not just financial anymore. The impact it is having on the health and well-being of the staff and the business owners cannot be underestimated. I apologise to the Cathaoirleach for going over time.

**An Cathaoirleach:** I thank the Senator. I allowed extra time as I know it is an important issue for him personally but also for an entire industry.

**Senator Maria Byrne:** Senator Seery Kearney raised the issue of hate crime and I happen to know personally the priest who fell victim to the abuse and the online abuse over the weekend. He is a Limerick man who is in charge of a church in Dublin. He has always been very inclusive and tried to work with people, including the most vulnerable in society. I therefore think it is time we had a debate on hate crime.

I support Senators Casey and Buttimer on the hospitality industry. It is time businesses got the clarity they need. I had a number of businesses in contact with me over the weekend. I am aware the Government has brought forward the decision-making process but we should have a debate on it in the House. We must have a responsible debate and do things responsibly. I support the call for a debate on this because as Senator Casey said, so many people have been vaccinated and are doing things in a responsible manner. It was proven that when restaurants, gastropubs and hotels were open for dining with table service there were no major outbreaks. It is something we can do very well in Ireland.

Conor Murray was appointed captain of the Lions rugby team over the weekend when Alun Wyn Jones, who was a very fine captain, got injured. I wish him a fast recovery. Conor Murray happens to be a member of my own club. He is also a very proud Garryowen, Munster and Ireland rugby player and it is a great honour for Ireland that we have a captain based in Ireland. I know his former schools, St. Munchin's College and Scoil Íde, are very proud of him as well. I wish him all the best in his term as captain. It is a proud day for Ireland.

**Senator Regina Doherty:** I thank colleagues for their contributions. I echo what Senator Byrne has said. It is an ill wind that never blows any good and it is great news and will give a lift to all Irish people, particularly rugby fans, to have Conor Murray as captain. I wish the whole team every success in the tour.

A number of colleagues have asked for a debate tomorrow on the reopening. I must apologise because I do not think it is possible as the schedule for tomorrow is already set and I am not sure I would get a rearranged schedule. However, the frustration is absolutely palpable this morning, not just in here but everywhere, be it in one's local shop or chatting with friends in a WhatsApp group or on any social media channels. There was a poll done last week and I think the country was relatively evenly divided on whether we should open up fast or be cautious. If that poll was taken this week a different response might be got. I really do wish our Cabinet colleagues making the decision tomorrow well. I am very glad I am not going to be one of those making the decision because one would be caught between a rock and a hard place. There is absolutely no doubt that our hospitality and tourism industry, and indeed our companies which are reliant on tourists coming here and tourists leaving, are really on their knees and probably can take no more. However, at the same time, we must be mindful. Having made every decision in the public's best interest for the last year it would be awful to see us slip at the very last hurdle.

*1 o'clock*

The Government is between a rock and a hard place but certainty is required and it would be better to get that as soon as possible. I acknowledge everybody's contributions on that issue. Senator Casey is right that it is like Groundhog Day. I fear that in the next few weeks we will be talking about the Delta plus variant. While NPHEC has made a valuable contribution over the past year with its weekly and biweekly briefings, it would be mightily helpful and would not annoy people as much if its members went back to being advisers to Cabinet and did not give personal opinions on the airwaves every single day because it is driving people insane.

**Senator Sharon Keogan:** Hear, hear.

**Senator Regina Doherty:** On Senator Fitzpatrick's point, I will respectfully decline the request to write a letter to the Minister because I already know the answer. We cannot change what An Bord Pleanála is doing until we change the legislation. I have invited the Minister to come in after he announces his Housing for All plan on 13 July, which we are looking forward to hearing and will all hopefully support. I have invited him to come in, time permitting, to have a debate on that as soon as possible.

Senator Gavan spoke about the review of the abortion legislation. It is imperative that the chairperson is truly independent. I was concerned when I heard him say that he believes, based on a Topical Issue debate, that we will not be proceeding with exclusion zones. Much as I appreciate that the one third of people who voted against the referendum are entitled to make their views known, and it is important that we do know them, it is a real pity that any woman should be intimidated while going about what she feels is right for her and making decisions for herself. I do not know what the difficulty is. I concur 100% that all medics should be able to make the decision themselves as to whether they will offer these services but that is no reason for every hospital not to be obligated to recruit people who will offer those services, which would not put anyone in an awkward position. For nine of our 17 hospitals not to offer services that are legal and available in the State is just not acceptable. Direction should be given to those nine hospitals to recruit people who will offer those services.

Senator Buttimer requested that a debate on reopening be held tomorrow. Again, I am sorry but I cannot do that. However, I will try to organise one as soon as I can because I do not think we are at the end of the debate on this matter.



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Senator McGreehan talked about the Love This Place, Leave No Trace campaign. The fact that we are all spending so much more time outdoors means we are constantly reminded that we all need to share this space and be mindful of each other.

Senator Hoey asked for a debate on eating disorders. I will try to arrange that for the first week we come back or the second week in September.

I was in pain listening to what Senator Lombard said because I have a little lady at home who has gone through exactly the experience he spoke about. Approximately 10% of our population are made feel, through no fault of their own, like they are inadequate or that there is something wrong with them when there is not. I agree that we should change the Drumcondra test but we should also change the fact that when parents are made get that test so the child can be diagnosed as dyslexic, it does not get them any extra resources unless the relevant school has a central pool. What is the point of acknowledging that a child has an issue without giving him or her the required help to get them through?

Senator Ardagh talked about sinking funds. She is right and maybe a review of the local property tax could help. Organisations that built houses in the 1990s did not have the right regulations in place to ensure proper planning. I will send a letter to the Minister and ask for a debate on that.

I am sorry but I do not know how to get Senator Craughwell the answers he is looking for. I know how passionate he is about this issue. I will write to the Secretary General of the Department today asking about the three issues he highlighted with regard to night vision, the undercarriage buckets and the incubators, and will come back to him on it.

Senator Seery Kearney spoke eloquently about a priest in Ballyfermot she knows. I said last week or the week before that we take so much for granted and think everything is fine. However, we know from examples of what happened over the weekend, as well as in Waterford and Capel Street, that not everything is fine. We should never take anything for granted and we should say often and proud that love is love no matter what shape or size someone is. We should continuously make sure we say that, and not just in Pride Week or Pride Month because the intimidation our colleagues, friends and family members suffer does not just happen in June; it happens all year round. We should say that loud and often.

Senator Gallagher talked about the new programme of sexual consent classes that will be available in universities this summer, arising from the Union of Students in Ireland survey last year. With respect, if we did a wider survey of all women in Ireland, and even some men, we might find that the shocking statistics about university students reflect Irish society as a whole. We have an issue whereby people do not know when to take “No” for an answer or where to draw the line. The consent classes should not just be available if people want to go. They should be made compulsory for all people in third level institutions in first year. They should also be repeated in second or third year and introduced into some secondary schools at an earlier age.

I ask Senator Black to send me a copy of the letter she read out. I will certainly ask for a debate on that issue. Again, I am not sure I will get access to the Minister in the next few weeks but she needs to read that letter and be mindful of her responsibility to the entire sector. I am conscious of the decisions that are being made about reopening tomorrow and I do not mean to pre-empt them but if we are going to keep hospitality and tourism closed for the next few weeks



the cut-off for new entrants to the PUP on 1 July has to be extended or abolished until we allow reopening. That is also true of the live entertainment industry.

Senator Boylan spoke about the *daft.ie* report that was issued yesterday. As I said, we will have a debate on housing when the Minister comes before us on 13 July to launch his new housing policy. I look forward to that.

Senator Martin spoke eloquently. He is absolutely right that this is a shared island and we need to be respectful and mindful of everybody on it. I am not quite sure I could have been so forgiving as Gordon Wilson. It is a testament to the man and his wife arising from their loss.

Senator Sherlock asked for a statutory inquiry into Terence Wheelock's passing. It is awful to think that, 16 years later, a family is still fighting for justice. The most I can offer is to write a letter to the Minister for Justice asking about the status of that investigation and what the plans for it are. I will send the Senator a copy of the Minister's response when she comes back to me.

The most interesting thing Senator Keogan brought up this morning, apart from her frustrations, was the article about Singapore that came out on Sunday. I read it too. Sometimes it is frustrating to watch other countries that are so much further ahead in their thinking. We all accept that just because we are all going to get vaccinated, please God, in the next few months, Covid is not just going to wilt away. It is probably going to take a number of years. We all need to be planning how best to live alongside Covid, particularly those who do not want to get vaccinated and our children, for whom no plans have been made yet. That was a very interesting article and I acknowledge the Senator's frustration.

Senator Kyne talked about the planning process and the debacle that happened in Athenry a number of years ago. In the new regulations and plans that will be announced for critical infrastructure legislation, we need to be mindful that we cannot hinder progress. However, we also have to allow people to assert their rights when they have genuine reasons for doing so.

Senator Chambers opened today's proceedings by referring to the endometriosis seminar she organised. I have been promising a debate on maternal health for the last few months. Again, September will give us a bit more space and opportunity to discuss some of these matters as we will not have as much legislation to get through. I will organise that as quickly as I can.

I will be accepting Senator Gavan's amendment to the Order of Business.

**An Cathaoirleach:** Senator Gavan has proposed an amendment to the Order of Business: "That No. 19 be taken before No. 1." The Leader has indicated that she is willing to accept it. Is that agreed? Agreed.

Order of Business, as amended, agreed to.

### **Worker Co-Operatives and Right To Buy Bill 2021: First Stage**

**Senator Paul Gavan:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the law relating to industrial and provident societies and for that purpose to amend the Industrial and Provident

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Societies Act 1893 and to provide for connected matters.

**Senator Lynn Boylan:** I second the motion.

Question put and agreed to.

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

**Senator Paul Gavan:** Next Monday.

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

Second Stage ordered for Monday, 5 July 2021.

*Sitting suspended at 1.09 p.m. and resumed at 1.30 p.m.*

### **Public Service Pay Bill 2020: Committee and Remaining Stages**

Sections 1 to 4, inclusive, agreed to.

Title agreed to.

Bill reported without amendment.

**An Leas-Chathaoirleach:** When is it proposed to take Report Stage?

**Senator Seán Kyne:** Now.

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

Bill received for final consideration.

**An Leas-Chathaoirleach:** When is it proposed to take Fifth Stage?

**Senator Seán Kyne:** Now.

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

Question proposed: "That the Bill do now pass."

**An Leas-Chathaoirleach:** Would the Minister of State or any other colleagues like to say a final few words?

**Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth):** The Leas-Chathaoirleach and the Senators have come all of this way so I believe I should say a quick few words. I thank all Members, both in the Dáil and in the Seanad, for helping this Bill to progress and to pass today. I particularly thank the Opposition for taking a co-operative approach.

This Bill does not affect the conduct of industrial relations, nor does it place any restriction on the industrial relations process. Careful note has been taken of the matters relating to public service pay. I am pleased that the very large majority of public service unions and representative associations are engaged with the new public service agreement, Building Momentum,

which is the first forum for engagement on industrial relations matters. The agreement sets out a reform agenda and provides for pay increases, both of which will benefit workers across the public service. Our approach is about balancing the need for pay restraint and stability and certainty in the delivery of public services with the need to support ongoing public service reform. Key areas of our public services have experienced and responded to very challenging demands over the past year. The Bill allows for the implementation of reasonable pay increases and provides a means of using pay to support the wider public service reform agenda, where appropriate. It is on that basis that I commend it to the House.

**Senator Seán Kyne:** I welcome the Minister of State and thank him for his engagement on this Bill over recent weeks. It is tremendously important. It is the end of an era with regard to the unwinding of the financial emergency measures in the public interest, FEMPI, enactments from a decade ago. That is an important juncture for public servants. As the Minister of State said, they have had a very difficult 12 months. There have been numerous challenges and perhaps there will be new methods of working in the future, including remote working, which shows potential and which may have positive impacts with regard to regional balance. Working from home may also help to reduce our carbon footprint and improve our quality of life. Many areas of importance to public servants may potentially be covered in this Bill. I again thank the Minister of State for his engagement and his positive stewardship of the Bill through the Houses.

**Senator Robbie Gallagher:** I too welcome the Minister of State to the House. Along with my colleague, Senator Kyne, I welcome this legislation's passage through the House. It would be apt to pause for a moment to thank all of our public servants for the great service they have given the State down through the years and particularly during this pandemic. They went over and above the call of duty in many instances. There are many examples of that. We are now entering a period in which there will be new work practices, which are to be welcomed. These are family friendly and will assist in reducing our carbon footprint. These are all positive developments. It is important that our public servants are properly remunerated for the work they do. This Bill will help in that regard. It is also important that reforms are considered and adopted to improve work practices. I again thank the Minister of State for his presence. I am delighted this legislation has now been concluded.

**An Leas-Chathaoirleach:** I thank my Seanad colleagues for their co-operation and the Minister of State for his input.

Question put and agreed to.

*Sitting suspended at 1.40 p.m. and resumed at 3.15 p.m.*

### **Planning and Development (Amendment) (No. 3) Bill 2021: Committee and Remaining Stages**

**Acting Chairperson (Senator Gerry Horkan):** Proceedings on this Bill shall, if not previously concluded, be brought to a conclusion at 6.15 p.m. by the putting of one question from the Chair which shall, in relation to amendments, include only those set down or accepted by the Government. The proceedings shall be interrupted after two hours for 15 minutes to allow for the sanitisation of the Chamber and the order of debate shall resume thereafter. There are 70 amendments, which means we have less than two and a half minutes to discuss each of them,

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excluding any comment on the actual Bill. We will try to get through this as efficiently as we can. I welcome the Minister of State, Deputy Peter Burke, back to the House. Amendment No. 1 is out of order because it is not relevant to the subject matter of the Bill.

Amendment No. 1 not moved.

Section 1 agreed to.

## SECTION 2

**Acting Chairperson (Senator Gerry Horkan):** Amendments Nos. 2 and 3 are related and may be discussed together by agreement.

Government amendment No. 2:

“In page 4, line 10, to delete “and section 11D”.”

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I apologise to Members that I am a little disorganised with my folder as I go through the amendments. We are getting there. As we finish, the Bills Office is working to speed and scale. I thank all of the officials in the Department who are working with such a short timeframe.

Amendments Nos. 2 and 3 are Government amendments. These technical drafting amendments have been recommended by the Office of the Attorney General to clarify the interaction between the provisions set out in sections 2 and 3 of the Bill and ensure the cross-references between these sections operate more effectively.

**Senator Alice-Mary Higgins:** I would like a lot more clarification from the Minister of State in respect of these amendments. I have a number of amendments, to which I will come later, around strengthening the provisions that are currently in section 11D. Given that so many of the amendments refer to section 11D, I am quite concerned about whether this implies that the consideration of the factors within section 11D is diminished because those factors include some of the most crucial considerations in respect of any extension, including the consideration of strategic environmental assessments and appropriate assessments, and the impact that any extension might have on European sites or both. I would like specific clarification from the Minister of State on the impact of removing section 11D from sections 9A(1) and 9A(2). Will he clarify precisely what this means for the operation of the provisions under section 11D? Does it have implications?

**Deputy Peter Burke:** No, it does not have any implications. It is just a circular drafting issue. The Office of the Attorney General deemed that it was unnecessary and was causing confusion to have section 11D in again. It was not making sense when one followed the circular through, so the decision was taken on the advice of the Office of the Attorney General.

**Senator Alice-Mary Higgins:** To clarify, this section of the Bill, which provides for the proposed new section 9A, refers to “Modification to operation of section 9”. I see that the proposed new section 11D refers back to section 9. Section 9A refers to section 11D. Section 11D(2) provides that “Before making a decision under subsection (9), the planning authority shall be satisfied that ... the effect of the proposed extension of the duration of the existing development plan for the area is not likely to have significant effects on the environment” or on a strategic environmental site and so forth. I do not see an equivalent text providing that it shall

be satisfied before making a decision under section 9A. Maybe the decision will be made under section 9 and section 9A is a qualifier, but it is still a little unclear. The Attorney General may be concerned about the risk of duplication but I am worried about a risk of dilution. I would like to have that clarified because notwithstanding section 9, section 9A is almost a caveat to the operation of section 9 in providing for modifications to its operation. The proposed new section 11D contains caveats to the operation of section 9 as a whole but I am concerned that section 9A might over rule section 9 in that sense. The Minister of State will understand that this is one of the problems that arise when Committee and Report Stages are taken together. Otherwise, I could leave it go through in good faith and we could pick it up on Report Stage. As we are only seeing these amendments now, I want to have absolute clarity that there is no question of any diminution of the requirements set out in section 11D in respect of the operation of section 9 under the conditions of section 9A.

**Deputy Peter Burke:** It is purely a question of the order in which the provisions apply. There is absolutely no change or diminution of the section. It is just circular, to make sure that the references make sense. You follow down through it in direct order - that is all it is.

**Senator Alice-Mary Higgins:** I would reserve the right to challenge it on Report Stage but we will not have the opportunity, unfortunately. I would want to have had clarity on exactly how these provisions will unfold. Perhaps we will get to hear that at a later stage.

Amendment put and declared carried.

Government amendment No. 3:

In page 4, line 25, to delete “and section 11D”.

Amendment put and declared carried.

**Acting Chairperson (Senator Gerry Horkan):** Amendments Nos. 4 to 6, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 4:

In page 4, lines 31 and 32, to delete “not less than three quarters of the members of a planning authority may approve a resolution” and substitute “the members of a planning authority may, by simple majority, approve a resolution”.

**Deputy Peter Burke:** Amendments Nos. 4 and 6 are Government amendments. Amendment No. 5, as proposed by Senator Fitzpatrick, seeks to achieve the same end as amendment No. 4.

Amendment No. 4 is a technical drafting amendment recommended by the Office of the Attorney General to ensure consistency with the other provisions relating to decision-making by the members of the planning authority, as set out in sections 2 and 3 of the Bill.

The decision-making arrangements set out at the proposed new sections 9A(3) on the taking of additional time to prepare the new development plan and 11D(9) on the extension of the duration of the existing development plan of the 2000 Act require a simple majority as opposed to a three-quarters majority. Amendments Nos. 4 and 5 propose to amend the requirement for a three-quarters majority of members in the proposed new section 9A(2) to a simple majority.



Amendment No. 6 is a technical drafting amendment recommended by the Office of the Attorney General to clarify that it is the members of the planning authority who will decide by resolution that a further period is necessary to complete the development plan review.

**Senator Mary Fitzpatrick:** I thank the Minister of State for accepting the amendment and moving his own amendments. It is very important that we as a House copper-fasten the superior authority of the elected members of each local authority. I am very conscious that local authority members, especially here in Dublin, are undertaking marathon meetings, most of which have been virtual due to Covid, and it is most important that we support them to make the best possible development plans for their cities and counties. This amendment gives the power to local authority members, but most importantly also, it takes a pragmatic approach of having a simple majority.

**Senator John Cummins:** I thank the Minister of State for taking the amendment on board. It was something Senator Fitzpatrick and other Senators raised on Second Stage. As she says, it is a pragmatic approach to move towards a simple majority as opposed to the two-thirds majority required. It will be of assistance to local authority members across the country.

**Senator Martin Conway:** We have spoken before in the House about the importance of equipping councillors with more reserved powers. I was here on Second Stage when the issue was discussed. I welcome the fact that Senator Fitzpatrick has tabled this amendment. I also welcome the fact that the Government is sufficiently open minded to accept it. A simple majority is the norm so that is reflective of good practice to say the least.

When it comes to development plans it should start and finish with the county councillors. It should be a reserved function in all senses. Local government will evolve and will need to be reformed. That will always be the case. I would like to see more reserved functions given to county councillors because they are the people who get the mandate every five years. There was a time in the 1990s when reserved functions were taken from councillors and there were reasons for that, but we have seen a modernisation of councillors, whose calibre is like no other in terms of the scope of their experience and the professional manner in which they do their work. That has been met by the Minister of State, Deputy Peter Burke, in terms of the recent announcement regarding terms and conditions, which brings local government in this country into a modern sphere. Part of the evolving modern sphere is to have more reserved functions.

I will not be speaking again on this but while I am on my feet, I have said previously that county councillors should have access to both independent legal advice and independent planning advice. In the deliberations on a development plan, if a councillor or one or more groups of councillors within a local authority feel they need to retain outside expertise, totally independent of the executive of the council, there needs to be a facility where that can happen. Likewise, if various groups within a council want to get separate independent advice to advise them then a mechanism to provide that must be considered also. As I see it, that is all part of the modernisation and positive evolution of local government in this country.

**Acting Chairperson (Senator Gerry Horkan):** I thank Senator Conway very much. That was very well put, but possibly not that relevant to this section. We are trying to stick to the amendments given that we have 70 amendments in total.

**Senator Alice-Mary Higgins:** I strongly agree with the importance of local authorities and their members and the fact that they should have more power and more reserved func-

tions. I also very much agree that they should be supported to get independent legal and planning advice. In that sense, I am very happy to support amendment No. 6, which clarifies that it is the members of the local authority making a key decision. However, I strongly oppose amendments Nos. 4 and 5 in respect of lowering the threshold. This is not the normal run of affairs. This is not a matter of being consistent with how we do everything else. All of our planning takes place within a wider framework, much of which has been chipped away. It is in the context of Covid, in an emergency context, where there is a particular health concern and delays that there is a request that there would be extensions. I refer to cases that are not new development plans, variations on development plans or the normal run of events. That is why it requires primary legislation.

I slightly disagree with the statement that it begins and ends with councillors. While they are key, it begins and ends with the people who live in a place. Already, 752 of them in Dublin have given submissions on what they want in the place they live. To delay a development plan is a very significant decision and there will be circumstances where it may be needed, but it is an extremely significant decision because it is not simply a decision of convenience for the elected members or the officials within a local authority, it has an impact on the people.

A lot has changed since the previous development plans were agreed. The UN Convention on the Rights of Persons with Disabilities needs to be realised. We have the sustainable development goals which need to be realised. We have a very different environmental context than we had when the previous plan was drawn up, so it is a significant step to delay it. What we have seen in this House and across the country is that people have been very willing to work on a cross-party basis where there is a genuine emergency and public health concerns. It would be the case that one would be able to get a three-quarters majority in respect of a delay in a plan where the health case is made, but a case must be made and it should not be something that can be done simply because of there being a simple majority on a council. It should be a decision that is recognised as exceptional and is made according to a higher bar. In that context, I must oppose the lowering of that bar from a three-quarters majority to a simple majority.

**Deputy Peter Burke:** I thank most Members for their support for the amendment. Senator Higgins is incorrect in that it is consistent with the Planning and Development Act. Sections 9 and 11 deal with the extension of development plans currently. They have been extended by a number of local authorities by agreement of a majority of the members. We are not conflating it with variations or other such types of vote. We are being consistent. The Attorney General is in agreement with that and backed up this request as well, so there is no issue. This is not a delay. It is giving local authorities that may need an opportunity to have more time to complete vital and key public consultation while preparing their plan. I wish to be very clear that it is not a delay or a pause.

**Senator Alice-Mary Higgins:** It is a delay, and the delay may well be justified in order to produce a good plan. However, it is a delay. To be clear, there is a difference in the date on which a new plan will start. It is an extension at a point at which we face multiple crises. We face the Covid-19 crisis, but we also face other crises, such as climate, for example. In that context, this has been brought through as something that is needed, because of an exceptional circumstance. It should be treated in that context as having to meet very high standards, and not normal standards. I am not saying it is not consistent, but that the circumstances are not usual. That is why the provisions in other parts of the planning Act in relation to the normal run events are perhaps not appropriate.

**Acting Chairperson (Senator Gerry Horkan):** I am going to put the amendment.

Amendment put and declared carried.

**Senator Mary Fitzpatrick:** I move amendment No. 5:

In page 4, line 31, to delete “not less than three quarters” and substitute “a simple majority”.

Amendment, by leave, withdrawn.

Government amendment No. 6:

In page 5, line 5, after “plans,” to insert “the members of”.

Amendment put and declared carried.

**Senator Fintan Warfield:** I move amendment No. 7:

In page 5, between lines 27 and 28, to insert the following:

“(6A) Any decision of a local authority to initiate a process to extend the duration of a development plan under this section or section 11D(1), shall require an associated resolution of the members of the planning authority in respect of such an extension in accordance with subsection (2), and such an extension shall not have effect, until the obligations under subsections (2) to (10) of section 11D have been addressed, and subsections (12) to (14) of section 11D shall apply as if to an extension made under that section.”.

This is again on the three quarters issue. It is really about addressing ambiguity. It could be argued that the resolution in the new section 9A(2) of the three quarters of members to approve the extension, applies to any of the multiple extensions that could arise under section 9A or section 11D. However, it is not clearly worded, so we want to make it clear that such a resolution is necessary. I know members of Government parties in the Seanad said that three quarters was too high. However, this is a significant decision, to effectively suspend the progress of the most fundamental cornerstone of planning in our system, the county development plans. It is also not clear if section 11D(1) allows for a further extension, or if it tries to do all the necessary things to follow through on extensions proposed under section 9A. Most importantly, section 11D only introduces the strategic environmental assessment, SEA, and appropriate assessment, AA, checks. It is ambiguous and unclear whether these AA and SEA checks apply to all the points at which an extension can be granted under section 9A or under section 11D.

**Senator Alice-Mary Higgins:** Some parts of this have been made somewhat redundant, by the previous amendments that were passed. The concern is that this three-quarter threshold, which is an appropriately high threshold for these decisions, might not be applied to all of the extensions that might be made consequentially in this Act. Now that the threshold has been lowered, the bar has dipped backwards. This was a concern around ensuring the consistency of an exceptionally high standard. That exceptionally high standard no longer applies, unfortunately. There are still concerns in relation to section 9A, which I also enumerated.

**Senator John Cummins:** I will be brief. We need to be careful in our language here, particularly in saying that we are dropping below high standards. When we take a vote on leg-

isolation in this House, we have a simple majority. I do not hear anybody questioning that high bar of democratic voting processes we have in place in this House, or that is in place in houses across the world. I would ask that to be taken into consideration.

**Acting Chairperson (Senator Gerry Horkan):** Does the Minister of State want to respond to the debate?

**Deputy Peter Burke:** I will address opposition amendment No. 7. While I understand the intention behind the proposed changes, I must oppose this amendment. Proposed new sections, section 9A(1) and section 9A(2), to be inserted into the 2000 Act, set out two alternative means of initiating the process set out in the Bill, in respect of taking an additional period of time to prepare a new development plan. Section 9A(1) provides that a planning authority, in practical terms, the executive of the authority, can initiate the process. Under section 9A(2), the members of the authority can initiate the process. Where such an initial decision has been taken, proposed new section 11D(1) provides that a planning authority may decide to extend the existing development plan, but only subject to complying with section 11D (2) and (9), which includes at subsection (9), the requirement for the decision to extend the duration of the existing development plan to be made by the members of the authority. It is not necessary to require such a decision to be subject to compliance with section 11D(10), as has been proposed by the amendment, as that subsection relates to a notification of the decision itself.

Where a decision has been made under proposed new section 11D to extend the duration of an existing development plan, the members of the planning authority may then, under new section 9A(3), decide to take additional time to prepare the new plan. The obligation set down in subsections (12) and (14) must be complied with. It is not necessary to include a provision to this effect.

In summary, the provisions, as set out in the Bill, allow for the process to be initiated by either the executive or the members of the authority. However, any decisions relating to the extension of the duration of the existing plan, and the final decision to take additional time to prepare the new plan are reserved functions. Accordingly, amendment No. 7 is rejected.

**Senator Alice-Mary Higgins:** One part of the amendment has been partially addressed by amendment No. 6, which I supported. It clarifies that it is the members of a planning authority. That was one part. The concern about the two points of initiation is to be clear where the decision would sit. There is still a concern. The Minister of State mentioned some parts, like section 11D(10), not being a concern. However, the concerns are things like the consideration of the effects and the impact the plan or the extension might have, in respect of a European site, the strategic environmental assessment, or an appropriate assessment, and so forth. The hope would be, and this is almost in the second part of this amendment, that the extension would not have an effect until the appropriate various environmental checks and so forth had been conducted, and that the members were satisfied in relation to those. That was a sequencing issue, but an important one.

Amendment put and declared lost.

**Senator Fintan Warfield:** I move amendment No. 8:

In page 5, between lines 27 and 28, to insert the following: “(6A) Notwithstanding anything in this section, or in section 11D, a planning authority shall not extend the duration of the development plan more than twice, and for no more than an accumulated period of one

year.”.

This is to stop incrementally extending and thus trying to avoid triggering a strategic environmental assessment and an appropriate assessment. It is to make explicit that the absolute maximum extension is one year in total, in order to avoid introducing incoherence into the planning framework, and delaying the updates to county development plans, to accord with necessary climate action and mitigation.

**Senator Alice-Mary Higgins:** I can speak to this amendment. I have a similar amendment which I do not think was grouped. Can I check that my amendment was not grouped?

**Acting Chairperson (Senator Gerry Horkan):** There was no grouping in regard to amendment No. 8.

**Senator Alice-Mary Higgins:** I will come to a similar amendment, amendment No. 17, shortly. Because of the safeguard provisions in section 11D, that is, the effect of the extension on the development plan, the environment, European sites and the need for a strategic environmental assessment or an appropriate assessment, the concern is that screening as to whether these assessments are needed and any related period of extension could have a significant impact. The concern is that there could be a two-month extension, a five-month extension or another six-month extension, and that each individual extension might not in itself constitute much. I have tried to deal with this issue more specifically in amendment No. 17, where I specifically reference “cumulative” in relation to these assessments. The concern is that it is pushed out. In terms of the bigger picture, a year is a long time and two years is a very long time. In terms of our environmental or climate goals, we have ten years in which to halve our emissions. Each year matters significantly. The concern is that what we have is a piecemeal approach, with each extension being viewed as “only six months”. We are trying to address that in this amendment. We want the Bill to state that there would be cumulatively no more than one year in terms of triggering these things. I drill down a little more specifically on that point in amendment No. 17.

**Deputy Peter Burke:** While I understand the intention behind the proposed changes, I must oppose the amendment. Proposed new sections 11D(13) and 9A(4) already provide that a planning authority may make more than one decision to extend the duration of the existing development plan and take additional time to prepare a new development plan, but the cumulative period of any such periods shall not exceed one year. It would not be reasonable to restrict the planning authority to make only two decisions under these provisions as the period subject of the decisions may vary in length from one day to one year. The authority may, having made two decisions, take only a short period of additional time and subsequently require more time. Accordingly, these amendments are rejected.

Amendment put and declared lost.

**Acting Chairperson (Senator Gerry Horkan):** Amendments Nos. 9 to 11, inclusive, 41 to 43, inclusive, 47 to 50, inclusive, and 63 are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 9:

In page 5, line 28, to delete “1 January 2024” and substitute “1 January 2022”.



These amendments seek to pull back the period over which the provisions allowing for an extension of a county development plan is permitted to be effected. There is no justification for allowing multiple extensions out to 1 January 2024. Such extensions will operate not only to provide for potential disconnects with other county development plans, the national planning framework, regional guidelines, spatial strategies and core strategies in county development plans, CDPs, but settlement strategies will also be compromised. They will maintain the *status quo* for developers and also delay the development of new CDPs which provide for necessary climate action and mitigation as is required in legislation and which are expressly required to be assessed by the planning regulator.

The Oireachtas has been more than accommodating where there is evidence and need established in the context of the pandemic, but the prescription proposed here to effectively subvert the planning system is disproportionate and inadequately justified at the point of legislating for it.

**Senator Alice-Mary Higgins:** The periods here are just too long. We have suggested a range of different dates in the amendments. Senator Warfield's amendment suggests 1 January 2022 and I have given a slightly lengthier period and suggested 1 October 2022, which sees us through another winter, spring, summer and autumn. I have also suggested, in a few different places, the date of 1 January 2023. The date of 1 January 2024 is too long. It is an extremely long extension and it provides for a delay potentially in county development plans right across the country. It goes against huge areas of public policy that are dependent on new development plans. We are balancing matters of urgency here, including the UN Convention on the Rights of Persons with Disabilities, the sustainable development goals, which the Minister of State, Deputy Peter Burke, will recall are in the programme for Government and are designed to be fulfilled during the term of Government and, specifically, in relation to local development plans, SDG 11 on sustainable cities and communities being key. These are sustainable development goals that need to be achieved by 2030. We have substantial climate goals and we will have a climate budget and local authority climate budgets through the climate Bill, which will need to be achieved by 2025.

The date of 1 January 2024, as the period of time in which new plans to address these issues might be arising, is too late. We are losing precious time in extending this provision to that point. The world does not stop turning because, maybe, we want it to. The planning process certainly will not stop turning because we will be seeing more commitments given and more planning granted under previous basis and previous existing standards, some of which will necessarily potentially be moving in an opposite direction to our current direction. For example, on data centres, we have different directives in respect of what data centres might mean and where their positioning might be. In the case of marine protected areas, will we have areas being considered for marine protected areas at the same time as they might be marked for intensive or industrial development under an old county development plan? There are little caveats written in, but 2024 is too late to be starting. There are many local authorities that have made great efforts on public consultation and are ambitious and want to do great things that potentially might need to use this legislation to delay for six months or one year in the current context. I understand that. My concern is that in providing for 1 January 2024 we will see extensions being granted in 2022 or 2023 and a whole swathe of development plans that are perhaps not suited to our current purpose. We will then go into another round of local elections where people will be explaining how they could not do whatever they needed or wanted to do because they were waiting for the new development plan and it did not happen but that the next one will be great

and it will deliver on disability, environment and everything else.

The date of 1 January 2024 is too long. If we do have a further or escalating health crisis mid-2022 or in 2023, the most likely scenario being if Europe continues to drop the Trade-Related Aspects of Intellectual Property Rights, TRIPS, waiver and allow further variants to develop, the Government can come back with new legislation and we can then discuss what we might need to prioritise, what a variation might need to look like or how we are going to balance what will then be ever more urgent climate imperatives with our public health imperatives. The date of 1 January 2024 is too long. In each of the amendments a swathe of alternative dates is suggested. In terms of the impact on Part XAB of the Act of 2000, the extension to 1 January 2024 is particularly too long. I urge the Minister of State to pick one of the dates in 2022 or 2023 that have been put forward and show that he understands 2024 to be an overreach in legislation that is being framed as emergency legislation.

**Deputy Peter Burke:** Amendments Nos. 9, 41, 47, 50 and 63 are jointly tabled by Senators Warfield, Boyhan, Gavan and Ó Donnghaile and amendments Nos. 10, 11, 42, 43, 48 and 49 are tabled by Senator Higgins.

*4 o'clock*

While I understand the intention behind these proposed changes, I must oppose them. The proposed amendments seek to amend the date on which provisions set out under sections 2, 3, 5, 6 and 8 will cease to apply by shortening the application of the provisions for varying lengths of time. The relevant provisions in the Bill, as proposed, will cease to have effect on 1 January 2024, or will end on 31 December 2023, to allow the planning authority which has commenced the process of reviewing a development plan and preparing a new development plan for the area to complete such a review and make the new development plan.

The process of preparing a development plan can, under current provisions in the Planning and Development Act 2000, take two years. The proposals set out in the Bill will enable the planning authority, subject to complying with the obligations relating to the extension of the duration of existing development plans in force, including the necessary environmental assessments, to take up to one additional year to complete the process, having regard to disruption caused thus far by Covid-19 restrictions. Given the timescales and processes involved, it would not be possible for the planning authority to make a necessary decision, as set out in the Bill, to facilitate the taking of an additional period of up to one year and to prepare and complete a new development plan within the timescale proposed in the amendments. Accordingly, the proposed amendments are rejected.

Several Members drew attention to climate action and mitigation. There is nothing in the Bill that is reducing environmental thresholds. At each step of the way, if a strategic environmental assessment or appropriate assessment is required, it will have to be carried out. I want to be very clear about that because many Members seem to be suggesting in their contributions that this Bill is in some way watering down climate action. It is not. I hope the process we are embarking upon today will add value for citizens by allowing consultation of better quality for those who are limited through Covid. I remind Members that we are still in a pandemic.

**Senator Alice-Mary Higgins:** Consultation of the best quality is consultation in which you get heard and that has an impact. I understand people are making submissions. In fact, they have been extremely active in doing so. There is urgency. It is not simply about the environ-

ment. We will come to that later. Although there are the matters of the strategic environmental assessment and other environmental issues, there is also a section 15 obligation, regarding which the planning regulator would normally be involved and giving an assessment in respect of these areas. That is another concern where the provision needs to be strengthened in an extension.

The key point concerns the period of a year. We may well be facing another general or local election and it looks as if we are extending past the period in which we will have responsive county and city development plans. We hear all the time rhetoric on moving more decisions to An Bord Pleanála. We have had the strategic housing developments, which were an attempt to bypass local authorities altogether. There are often very heated comments on how bad it is that local authorities and so forth are engaging on various policies. Therefore, I worry that we are going to see an acceleration of certain forms of planning without county development plans that allow local authority members to take the lead in framing how their local areas respond to these challenges. I worry that we will see instead planning that is led by the Land Development Agency, An Bord Pleanála and the Minister because we will have city and county development plans that are not of the moment in the way they could be and in the way their authors might wish them to be. I am concerned about that. Even during Covid, there has sometimes been quite escalated usage of the caps in terms of planning applications and co-ordinated pushes. I worry that the voice of the public, which is ready for change, will be put on ice. That is the fear. I accept the circumstances right now but 2024 is an overreach. Therefore, I will have to press at least one or two of these amendments.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 10:

In page 5, line 28, to delete “1 January 2024” and substitute “1 October 2022”.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 11:

In page 5, line 28, to delete “1 January 2024” and substitute “1 January 2023”.

Amendment put:

The Committee divided: Tá, 8; Níl, 25.	
Tá	Níl
Boylan, Lynn.	Ahearn, Garret.
Gavan, Paul.	Burke, Paddy.
Higgins, Alice-Mary.	Buttimer, Jerry.
Keogan, Sharon.	Byrne, Maria.
Moynihan, Rebecca.	Casey, Pat.
Mullen, Rónán.	Chambers, Lisa.
Sherlock, Marie.	Conway, Martin.
Warfield, Fintan.	Crowe, Ollie.
	Cummins, John.
	Currie, Emer.

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	Daly, Paul.
	Dolan, Aisling.
	Dooley, Timmy.
	Fitzpatrick, Mary.
	Gallagher, Robbie.
	Garvey, Róisín.
	Horkan, Gerry.
	Kyne, Seán.
	Lombard, Tim.
	Martin, Vincent P.
	Murphy, Eugene.
	O'Loughlin, Fiona.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Wilson, Diarmuid.

Tellers: Tá, Senators Alice-Mary Higgins and Fintan Warfield; Níl, Senators Robbie Gallagher and Seán Kyne.

Amendment declared lost.

Section 2, as amended, agreed to.

### SECTION 3

**Acting Chairperson (Senator Gerry Horkan):** Amendments Nos. 12 to 15, inclusive, are related and may be taken together. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 12:

In page 6, to delete lines 1 to 8 and substitute the following:

“(a) a screening determination is made to determine the requirement to carry out a strategic environmental assessment and an appropriate assessment, in relation to the development plan as extended by any period of extension proposed by the planning authority under section 9A or 11D,

(b) such determination is published and made available as part of the consultation notified on the proposed extension under subsection(4), and

(c) a strategic environmental assessment or an appropriate assessment or both such assessments, as necessary, has or have been carried out in respect of the development plan as extended, as is necessary and required.”.

This amendment seeks to ensure that the screening for the strategic environmental assessment and the appropriate assessment does not just look at the effect of the extended period as a default situation. That is impermissible in the context of the appropriate assessment, as highlighted by the High Court in the Shannon LNG case.

**Senator Alice-Mary Higgins:** Can I confirm that we are discussing amendments Nos. 12 to 15, inclusive?

**Acting Chairperson (Senator Gerry Horkan):** That is correct.

**Senator Alice-Mary Higgins:** That includes a number of Government amendments. These amendments seek to ensure that the two aspects of the screening determination, one in respect of the screening as to whether there is a need for a strategic environmental assessment or appropriate assessment, as well as the actual assessments. The concern is that in screening, only the extension period will be looked at, rather than, for example, asking if an existing development plan requires an strategic environmental assessment and whether there are dangers there. Such dangers could include, for example, a development that is planned for an area that has turned out to be a likely flood plain or other concerns that might arise. Therefore, there is a question in terms of the environmental impacts of existing plans. The concern is that it is quite narrowly framed in the Bill. The question is whether the extension period would have an impact, rather than whether business as usual would perhaps have a negative impact that may not have been anticipated fully when the original county or city development plan was being drawn up a number of years ago. That is the concern that is addressed in our amendment.

There are two concerns. One concern is the existing plan being properly considered as to whether it needs strategic environmental assessment or appropriate assessment further to what it would have had three or four years previously. Then, there is the question of the extension period. There is another extension issue that I will address when I speak on amendment No. 17.

However, I wish to acknowledge the another issue about which I am concerned, namely, the extension of the extension periods. Therefore, there are almost two issues. One is the residual existing plan, then there is the question of the screening of the extension and there is also the consideration of the incremental extension, as we discussed earlier.

I wish to acknowledge that amendments Nos. 13 and 15 from the Government partially address the second of those concerns. They do not address my first concern around the question of whether it is business as usual and its impact are being properly assessed, but they address the second concern. I thank the Minister's officials. I have had engagement with them over the last week and I wish to acknowledge that. I thank the Minister for taking on board and addressing the concern that extensions, when considered alone, are as appropriate in combination with the previous extensions of the plan. They should always be considered in combination with previous extensions. I do not know that the phrase "as appropriate" needs to be included. However, I wish to acknowledge that the Government amendments at least require for some small amount of cumulative impacts over the course of the year to be recognised. Those are my views.

I support amendment Nos. 13 and 15 from the Government. I may have worded them slightly differently, but I fundamentally support them. However, there is another issue that remains unaddressed, as set out in amendment No. 12.

**Deputy Peter Burke:** I will address amendment No. 12, which I must oppose. The proposed new section 11D(2)(a) already provides that screening for strategic environmental as-



assessment and appropriate assessment is undertaken as a minimum in order for the planning authority to be satisfied that “the effect of the proposed extension of duration of the existing development plan for the area ... is not likely to have significant effects on the environment or to have a significant effect on a European site, or both”.

It should be noted that it is not necessary to refer to section 9A in this provision, as proposed by the amendment, as section 9A relates to the taking of additional time to prepare a new development plan. The current provisions within the Planning and Development Act 2000 already require a strategic environmental assessment and an appropriate assessment to be carried out in respect of the preparation of a new development plan independently of the particular temporary provisions set out in this Bill.

Where necessary, the proposed new section 11D(2)(b) already provides that a strategic environmental assessment or appropriate assessment, or both such assessments, as the case may be, shall be carried out before any decision on the extension of the duration of an existing development plan can be made.

In summary, the provision as drafted in the Bill permits a planning authority to screen in respect of strategic environmental assessment, SEA, and appropriate assessment, AA, under paragraph (a) and, depending on the particular circumstances, this may be sufficient to satisfy the planning authority as to the environmental effects and effects on a European site. However, where this is not sufficient, paragraph (b) provides for the planning authority to carry out a strategic environmental assessment, appropriate assessment or both such assessments as the case may be. It is not appropriate for both screening and full SEA and AA to be carried out in all cases as requirements will depend on particular circumstances.

Under section 11D(4)(b) the planning authority is already required to make a copy of any relevant assessment under subsection (2) available for inspection. The provisions sought under amendment No. 12 are either already provided for, or are not appropriate and, accordingly, the amendment is rejected.

I oppose amendment No. 14 as tabled by Senator Higgins. Subsection (2) of proposed new section 11D requires that before making a decision under subsection (9) to extend the duration of the existing development plan, the planning authority must be satisfied that:

(a) the effect of the proposed extension of the duration of the existing development for the area is not likely to have significant effects on the environment or have a significant effect on a European site, or both, or

(b) a strategic environmental assessment or an appropriate assessment or both such assessments, as necessary, has or have been carried out in respect of the effect of the proposed extension of duration of the existing development plan for the area.

The provision as drafted in the Bill permits a planning authority to screen in respect of strategic environmental assessment and appropriate assessment under paragraph (a) and, depending on the particular circumstances, this may be sufficient to satisfy the planning authority as to the environmental effects and effects on a European site. However, where this is not sufficient, paragraph (b) provides for the planning authority to carry out a strategic environmental assessment or an appropriate assessment or both such assessments as the case may be. As such, it is not appropriate for both screening in full SEA, or AA, to be carried out in all cases as the requirements will depend on the particular circumstances. On this basis, the amendment is

rejected.

Government amendments Nos. 13 and 15 are technical drafting amendments recommended by the Office of the Attorney General to ensure that where a planning authority is considering the effects of a proposed extension of duration of an existing development plan on an environment and the integrity of a European site they must also, as appropriate, consider the proposal in combination with any previous extension of that plan.

**Senator Alice-Mary Higgins:** I have one small question and I will then raise a technical matter. On amendment No. 12 specifically, I accept the wording is probably stronger than amendment No. 14. Amendment No. 12 states: “such determination is published and made available as part of the consultation notified on the proposed extension”. The Minister of State mentioned publication. Can he again clarify that when a determination is made, for example, when it is not believed that a strategic environmental assessment or appropriate assessment is needed, where that would be published? Can he also clarify that it will be made clear there will be consultation with the public in respect of any determination made? The Minister of State mentioned it in passing, but I ask him to restate it because it will address my concern in amendment No. 12(b).

On a technical matter, the Government amendments might need to be formally moved.

**Acting Chairperson (Senator Gerry Horkan):** They will be moved. I cannot move them until we have disposed of amendment No. 12.

**Senator Alice-Mary Higgins:** That is fine.

**Deputy Peter Burke:** The determinations will be published in the normal way on the website of the relevant local authority. Again, I stress there is no diminution of the thresholds for SEAs, AAs or any environmental impact or climate change measures, on the work we are doing today.

Amendment put and declared lost.

Government amendment No. 13:

In page 6, line 2, to delete “for the area” and substitute the following:

“for the area, when considered alone or, as appropriate, in combination with any previous extension of that plan.”

Amendment put and declared carried.

**Senator Alice-Mary Higgins:** I move amendment No. 14:

In page 6, line 4, to delete “or” where it secondly occurs and substitute “and”.

Amendment, by leave, withdrawn.

Government amendment No. 15:

In page 6, line 8, to delete “for the area” and substitute the following:

“for the area, when considered alone or, as appropriate, in combination with any previous extension of that plan”.

Amendment put and declared carried.

**Acting Chairperson (Senator Gerry Horkan):** Amendments Nos. 16, 17, 21 and 40 are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 16:

In page 6, between lines 8 and 9, to insert the following:

“(2A) (a) In deciding whether to pursue any and all extensions of the duration of the development plan, the elected members and the chief executive of the planning authority shall undertake an assessment to support the obligation to have regard to the matters specified under section 15 of the Climate Action and Low Carbon Development Act 2015, and any targets or plans which may be specified under that Act relevant for the planning authority and the effect of any and all proposed extensions of the duration of the development plan, and their obligations in relation to that Act.

(b) The determinations and assessments made in relation to paragraph (a) shall be published and made available as part of the public consultation on any and all proposed extensions of the duration of the development plan.”.

This amendment makes the requirement to consider the effect on climate action and mitigation explicit. This should be delayed given the extension of development plans under section 15 of the climate Bill. It flags an important consequence and also brings into focus the wider obligations we expect will flow from the process of the climate Bill. It also requires the position to be published and subject to consultation. It may be important in highlighting deficiencies in negative screening for SEA and AA or the adequacy of the SEA and the AA where done.

**Senator Alice-Mary Higgins:** This amendment is effectively around trying to copper-fasten the climate aspects. We have interlocking sets of environmental protections in our planning piece, some of which are less robust than previously because they involve an intersection between the Departments responsible for planning and heritage, a check and balance that is now gone. We are looking at that set of environmental protections, many of which tend to be looked at in strategic environmental assessment or appropriate assessment. It should be borne in mind that appropriate assessment includes Natura 2000 sites, which are sites of particularly high sensitivity.

My concern relates to the climate aspects, specifically those in section 15 of the Climate Action and Low Carbon Development Act 2015. Of course, that will now become, we hope, strengthened in the climate Bill in the future. I am simply trying to make sure that there would be an assessment as to the impact the extension might have on fulfilling obligations to reduce emissions under the Climate Action and Low Carbon Development Act.

The Minister of State mentioned publishing things. When we publish this on the local authority’s website prior to a consultation, hopefully in a timely manner, there should be clear information as to how duties under section 15 have been considered. I am effectively adding climate obligations alongside some of our heritage obligations regarding Natura 2000 sites and stating this is another one of the pieces around environmental considerations we need to apply at that point.

Amendment No. 17 partially addresses my concern about culminative extensions. To some

extent, culminative extensions are addressed in amendments Nos. 13 and 15, which is the idea that where there are extensions, they have to be combined and considered. However, my amendment No. 17 goes a little further in that I suggest that where the development plan has been culminatively extended for a period of more than six months, a strategic environmental assessment should be considered as required. Again, I am quite open to the Minister of State, perhaps in the Dáil, considering whether it is six or eight months. While six months might not seem like a long period of time, it is more than 5% of the time we have remaining to reach our climate targets, for example. If we look to what we have to achieve in emissions reductions by 2030, every six-month period is quite a considerable amount of the time remaining. A six-month period will be 10% of any climate budget, for example. In that context, and given the galloping rate of biodiversity loss we have and that we are at a threshold in many areas, a strategic environmental assessment should be done, whenever a period of more than six months is concerned. That is what is happening with amendment No. 17.

Amendment No. 21 stipulates that the report the chief executive would make to members to inform their decision should include an assessment of the potential impact of an extension under section 15 of the climate action Act. It is reasonable that it be reflected in the chief executive's report.

Amendment No. 40 relates to 2(a) and 2(b). Where a specific concern is identified, the Minister outlined 2(a) and 2(b). The former is the screening provision while the latter is the assessment provision. This is the missing piece. If a strategic environmental assessment is considered to be required, is done on an extension period and tells us something, what happens next? What happens if there is an extension for one year, a strategic environmental assessment is done and it identifies a key issue of environmental concern that could be effected by the 12-month period? This attempts to clarify how that might intersect with the process for making a variation.

The making of a variation is a lengthy process which could create its own delays so I have made a suggestion. The Minister of State and his drafters may consider this issue in the Dáil but I suggest something approximating a preventative variation, whereby it may be decided not to do a full variation on the county development plan but to press pause on a certain form of development or in a certain geographic area that has been identified as a matter of concern by the strategic environmental assessment. It looks to a precautionary principle. It states "shall continue with a variation prohibiting such development in the area where such concerns have been identified." Another of my upcoming amendments, amendment No. 38, also addresses that. That suggests a more detailed version of a variation. Will the Minister of State indicate what happens if the strategic environmental assessment associated with an extension identifies a concern? What do we do? I say this not to cause trouble. I am trying to identify that we might not want to go back to the drawing board on everything but a specific issue may be flagged. What are the steps taken next during the extension period in respect of that concern?

**Senator Paddy Burke:** I welcome the Minister of State. I refer to amendments Nos. 16 and 17 and variations of county development plans. There is no great flexibility in county development plans. The national development plan is running at the moment and trying to grow the regions by cities. Some smaller towns may have zoning for development land for enterprise or industry which is no longer required but it is still in the development plan under a zoning that might not apply for housing. The matrix would not apply to it. There is no great flexibility in the plan for the county manager or the members to say they will dezone a piece of land because it is zoned enterprise, development or commercial and rezone it for housing. If land is rezoned,

some other place has to be de-zoned. Where land is already zoned, whether for enterprise, development or whatever and the council or manager feels housing could be appropriate to that land because it might be near schools or some infrastructure, then this should be allowed in the matrix rather than having to de-zone land in some other place. It does not allow the flexibility in a development plan that should be required. It is too rigid and it is at a cost to housing. The land is lying idle. It may never have an industry or a small factory put on it but housing could be put on it. In small and medium-sized towns throughout the county, there is a lot of land zoned industrial, enterprise and so forth that could be zoned for housing. However, to rezone it, land has to be de-zoned somewhere else. Councillors will not do that in county development plans. It would be a problem for them if they had to de-zone land that is zoned for housing or whatever. The Minister of State should look at the issue and give county development plans more flexibility, whether to the manager or members, as a variation of plans or whatever. Some tool could be used to make it more flexible.

**Deputy Peter Burke:** I thank Members for their contribution. I will address Opposition amendments No. 16, 17, 21 and 40. While I understand the intention behind each of them, the Government must reject them.

Amendments Nos. 16 and 21 both seek to require an assessment of the potential impact of an extension on the local authority's achievement of obligations as a relevant body under section 15 of the Climate Action and Low Carbon Development Act 2015 to be undertaken before a decision is made as to whether or not the duration of an existing development plan can be extended. Amendment No. 16 also seeks to require the planning authority to consider any relevant targets or plans which may be specified under that Act and its obligations in relation to the Act with the determinations and assessments made to be published and made available as part of the public consultation.

Section 15 of the Climate Action and Low Carbon Development Act 2015 requires that a relevant body, meaning a prescribed or public body, shall in performance of its functions have regard to the most recent approved national mitigation plan, the most recent approved national adaptation framework and approved sectoral adaptation plans, the furtherance of the national transition objective and the objectives of mitigating greenhouse gas omissions and adapting to the effects of climate change in the State. A planning authority is required under section 11(1A) of the Planning and Development Act 2000 to ensure the preparation of a development plan takes into account the statutory obligations of any local authority in the area and any relevant policies or objectives at that time of a Minister or Department, which may include policies and objectives relating to climate action. A planning authority is required under section 10(2)(n) of the Planning and Development Act 2000 to include in the development plan an objective relating to the promotion of sustainable settlement and transportation strategies in urban and rural areas, including the promotion of measures to, first, reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in national renewable resources, second, reduce greenhouse gas omissions and, third, address the necessity of adaptation to climate change. These requirements are reinforced further by the commitment by all local authorities by way of the climate action charter to a significant scale up of efforts to deliver effective climate action across the extensive range of functions performed at local authority and regional authority levels, and the requirement for the local authorities to prepare adaptation strategies and climate change action plans. The Climate Action and Low Carbon Development (Amendment) Bill proposes to amend section 10(2)(n) of the 2000 Act to include specific reference to a local authority climate change action plan within the development plan.



However, the provisions set out in this Bill relate to the extension of duration of the existing adopted development plan for a relatively minor period of up to one year, in order to facilitate the preparation of a new development plan for the area, having regard to the disruption to the process caused by Covid-19 restrictions. It would not be reasonable to require an assessment relating to the impact of the temporary extension of the existing plan on obligations under the Climate Action and Low Carbon Development Act 2015 or to meet targets set out within the climate action plans. Under the provisions set out in this Bill, it would not be possible to amend or vary existing development plans accordingly. Such matters will be addressed in preparation of the new development plan for the area under the current provisions as set out in the 2000 Act. Therefore, those amendments are rejected.

Amendment No. 17 seeks to require that where an extension of a development plan cumulatively amounts to more than six months, a strategic environmental assessment shall be considered to be required. The process of strategic environmental assessment, SEA, is based on the assessment of the effects of a plan or programme on the environment and it is intrinsically linked to the particular circumstances of the plan or programme itself and the receiving environment. Accordingly, it is not appropriate to make a judgment on the length of time beyond which the extension of duration of an individual plan might require a strategic environmental assessment. The planning authority, as the competent authority for the purposes of the SEA directive, must make the requisite assessment based on the circumstances of the case, taking into account any previous extensions of that plan. The amendment is rejected on that basis.

Where issues arise to a strategic environmental assessment carried out under the provision set out in the Bill, amendment No. 40 seeks that the existing development plan is varied to prohibit such development in the area. With regard to the appropriate assessment and strategic environmental assessment which appeared to be the focus of the amendments, a planning authority may only extend the duration of the existing development plan under the provisions set out in the Bill where it can be satisfied as to the environmental implications. Where this is not possible, it may not extend the duration of the existing plan, and accordingly cannot take additional time to prepare a new development plan.

The provisions set out in the Bill on the development of plans do not relate to the variation of existing development plans which is provided for under section 13 of the 2000 Act. That section does not provide for additional time to be taken to prepare a new development plan, other than the extension of duration to existing plans. As such, the proposed amendment which seeks a variation of the plan is not necessary or appropriate and is rejected.

There was a question about what happens if issues arise with an SEA. The members and executive of a local authority must take those issues into account. That is a key component of public consultation. As a former member of a local authority, I fully appreciate that they do that well.

Senator Burke made a very interesting point about land zoned for other uses that may be suitable for housing. I will just make one point relating to the next six years. Mayo County Council is currently building approximately 355 residential units per annum. Over the next five years it is projected to build 538 per annum which means its current output is about 50% short, based on the lands already zoned. If there are zoned areas that are suitable for housing and have the infrastructure accompanying them, it should not be at a cost of dezoning other residential land. As with any local authority in the State, if we have appropriate land with the infrastructure and everything to support housing, we do not want to dezone other land that has

potential, simply to accommodate it.

We do not want to be reinventing the wheel and asking the State to pick up a significant tab for greenfield sites. Some local authorities need to increase their housing output by 250% and some by 100%. Sometimes local authorities will claim they are precluded from zoning more land and they need to zone much more land when they are not close to meeting their current targets on the land already zoned. It is about having zoned land in the appropriate places with the infrastructure available. I accept we have major stress points regarding Irish Water and other bodies delivering the infrastructure needed for many of these developments. Some of them are held back and we are working in the national development plan to do that.

If the Senator is concerned about any particular cases, he should bring them to my attention. I have looked at the result of the Westmeath county development plan - obviously I am not involved because I am precluded, as Minister of State. The initial report back from the Office of the Planning Regulator, OPR, was a significant letter of concern. The local authority came back and showed concrete evidence in areas where it had to exceed its numbers. It gave strong reasons behind it because some villages had zoned land with good accompanying infrastructure to allow it to be developed. I do not see any issue in that case. It is important to engage with them. If there are any specific issues on it, we can look at it.

**Senator Paddy Burke:** Some counties have their development plans finished and they may not come up again for another four or five years. In the meantime, this land may well be suitable for housing. How can they go about it rather than the local authority CEO bringing forward a variation of the plan? Would the Department have an input into it?

**Deputy Peter Burke:** It is for each local authority to assess what it wants to do regarding housing and zoning. Obviously, any change in zoning requires a variation. The Department's remit on that is with the OPR. The OPR assesses every variation that is made in the State to see if it meets best practice that is currently underpinned in the planning and development Acts. If it does, there is good reason for it. If not, the OPR will raise questions with the members. They have a defined opportunity under the planning and development Acts to revert to the OPR and give evidence for the case in favour of making a variation. That is the process to be followed.

It is important to focus on delivering high-quality housing and have zoned land in the right locations. We should fight for that as much as possible. Obviously, as Minister of State, I cannot comment on the land that is zoned or should be zoned in Mayo. I can comment on the broader policy. I am always conscious of the argument that there are certain restrictions and that certain local authorities need to dezone land. That argument needs to be premised on where we are and how we are fulfilling the obligations on us to deliver housing on the lands that are currently zoned. We need to look at both sides of the debate.

**Senator Alice-Mary Higgins:** We may have already touched on this point when we discussed housing. I am concerned about amendment No. 40 on the variations. The answer seemed to be that if issues were identified under the SEA, there would be no extension. I understand there may be circumstances where it is a very specific issue and I do not want to create a dynamic in which one very specific issue will interfere with this period. It may be as localised as one particular site, for example. I was trying to tease out how the variation tools might be used. It may be a matter of sequencing. It may require a variation, following which an extension could be sought. I am trying to solve the problem of how to address issues that arise. We cannot work on the assumption that no issues will arise. They may well arise.

When we talk about the escalating responsibilities for climate change over the next year or two, I am keen that local authorities would not miss out on opportunities.

*5 o'clock*

We have the suspension of the fiscal rules for the next two-year period. We know a large part of the recovery and resilience funding coming from Europe is in respect of green projects and infrastructure. When I talk about climate obligations and obligations under the climate Bill, it is not as a brake to measures that might be able to be taken but to take account of, for example, an old development plan that is not equipped to take advantage of opportunities in funding, zoning and resources that could be accessed. It is important to give that context. Some local authorities have strong climate provisions. The Minister of State mentioned section 10(2) (n), which we will discuss later. Some local authorities have those provisions embedded quite strongly in their existing development plans whereas others would have moved on quite considerably in their engagement on those issues in the past two or three years.

**Acting Chairperson (Senator Eugene Murphy):** Does the Minister of State wish to respond?

**Deputy Peter Burke:** No, I think I was clear enough in what I said.

**Acting Chairperson (Senator Eugene Murphy):** Is Senator Warfield pressing his amendment?

**Senator Fintan Warfield:** Yes, I am.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 17:

In page 6, between lines 8 and 9, to insert the following:

“(2A) Where an extension of a development plan amounts cumulatively to a period of more than six months a strategic environmental assessment shall be considered to be required.”.

In recognition of amendments Nos. 13 and 15, which address at least half of my concern in amendment No. 17, I will withdraw it.

Amendment, by leave, withdrawn.

**Acting Chairperson (Senator Eugene Murphy):** Amendment Nos. 18 to 20, inclusive, are related and may be discussed together.

**Senator Fintan Warfield:** I move amendment No. 18:

In page 6, line 28, to delete “4 weeks” and substitute “8 weeks”.

These simple amendments are self-explanatory. Amendments Nos. 18 and 19 propose to amend “4 weeks” to “8 weeks” in section 3(4)(b) and (c), respectively, and amendment No. 20 proposes to amend “8 weeks” to “12 weeks” in section 3(5)(a). I await the Minister of State’s response and I hope he can accept these amendments.

**Senator Alice-Mary Higgins:** These amendments seek to mirror the period of time that

would be available for public consultation. Quite a strong argument was made earlier that a vote on the extension would mirror similar votes on other development plans or variants of development plans. I discussed with others the question of a three quarters majority vote or a simple majority vote during the interval in voting. I accept there is a strong case for a simple majority. I like the idea of a three quarters majority but I could see a strong case for a simple majority. I acknowledge that because I am listening to the arguments being made on the other side. However, if the same standard is being applied to development plans or variants of development plans in terms of a simple majority vote by the local authority members, similarly, the same provision that would apply to a local development plan or a variant of a local development plan should be given to the public and thereby the period should be eight weeks rather than four. Consequently, the period provided for the chief executive would be 12 weeks rather than eight. If we apply the same rules to local authority members in respect of voting as we would in respect of a general development plan, we should give the same grace period to the public in terms of their views as we would in a normal development plan.

**Deputy Peter Burke:** While I understand the intention behind the proposed changes, I must oppose these amendments.

The provision of a period of not less than four weeks for the making of submissions and observations following notification of the proposed extension of duration of the existing development plan, as set out under proposed new section 11D(4)(c), with the same period required for display of any relevant environmental assessment, is consistent with the periods provided for under sections 12 and 13 of the Planning and Development Act 2000 in respect of the making of a development plan and the variation of a development plan, respectively. It would not be appropriate to require a longer period, as proposed in amendments No. 18 and 19, for submissions and observations to be received in relation to the extension of duration of an existing development plan, as provided for in the Bill.

As it is not considered appropriate to provide a longer period for the making of submissions and observations than the period of not less than four weeks, which is provided for in the Planning and Development Act 2000, in respect of the making of a development plan and the variation of a development plan, it is therefore also not necessary to provide that the chief executive's report is prepared within 12 weeks of the giving of notice of the proposed extension of duration of the existing development plan instead of eight weeks, as proposed under amendment No. 20. The period of not later than eight weeks set out at proposed new section 11D(5) (a), which is consistent with sections 12 and 13 of the 2000 Act, is considered sufficient and appropriate. Accordingly the amendments are rejected.

Amendment put and declared lost.

**Senator Fintan Warfield:** I move amendment No. 19:

In page 6, line 33, to delete "4 weeks" and substitute "8 weeks".

Amendment put and declared lost.

**Senator Fintan Warfield:** I move amendment No. 20:

In page 6, line 36, to delete "8 weeks" and substitute "12 weeks".

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 21:

In page 7, between lines 3 and 4, to insert the following:

“(ia) include an assessment of the potential impact of an extension on the local authorities achievement of obligations as a relevant body under section 15 of the Climate Action and Low Carbon Development Act 2015,”.

Amendment put and declared lost.

**Acting Chairperson (Senator Eugene Murphy):** Amendments Nos. 22 to 25, inclusive, are related and may be discussed together.

**Senator Alice-Mary Higgins:** Amendment No. 25 is slightly different and might be taken separately but I am happy to speak to them together.

**Acting Chairperson (Senator Eugene Murphy):** The Senator is allowed to discuss amendments Nos. 22 to 25, inclusive. I presume she can reference them all.

**Senator Alice-Mary Higgins:** That is fine.

**Acting Chairperson (Senator Eugene Murphy):** I presume the House has no issue with that.

**Senator Alice-Mary Higgins:** I will address them and I might have to go back and forth a few times.

**Acting Chairperson (Senator Eugene Murphy):** That is fine.

**Senator Alice-Mary Higgins:** I move amendment No. 22:

In page 7, between lines 3 and 4, to insert the following:

“(ia) include an assessment of the potential impact of an extension on the local authorities achievement of obligations as a relevant body in respect of the public duty on equality and human rights and the United Nations Convention on the Rights of Persons with a Disability,”.

Amendments Nos. 22 to 25, inclusive, relate to matters that should be considered in the chief executive’s report in respect of matters that will inform whether an extension will be given. I identified a few key issues in the chief executive’s report that are important in the consideration of an extension. We have talked at length about the importance of the climate goals. One of my amendments proposes the chief executive would report on the impact of an extension on a local authority’s achievement of its obligations as a relevant body under the climate action Bill. Amendment No. 22 relates to one of the other important obligations, namely, the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD. It has been ratified in the period since the preparation of most city and county development plans. It is a newly ratified international obligation. I sit on the committee dealing with its implementation.

It would be appropriate for a chief executive, when reporting on the impact on the impact of an extension, to provide an assessment of the potential impact on a local authority’s achievement of its obligations as a relevant body. These are new, strengthened obligations. Every year or two years of people’s lives where they cannot fully access their rights has a significant



impact. The inclusion of such an assessment is important, not simply with regard to the decision about whether to extend but also to ensure that if we extend the existing plan by a year or two and avoid delivering a progressive change that might be in the next development plan for people with a disability, we will look at other ameliorating steps and measures. That should be a consideration.

I also specify the public duty regarding equality and human rights. In anything they do, public bodies have a duty to consider both the positive and negative impacts on equality and human rights. Extending a development plan for 20% longer than its originally planned period, which is substantial, requires consideration from an equality and human rights perspective.

On amendment No. 23, the Minister of State mentioned section 10(2)(n), which relates to specific climate, environmental and sustainability obligations that local authorities have and ensuring that they are considered. These are all matters which should be in the chief executive's report and in front of local authority members when they decide to extend.

Amendment No. 24 relates to a combination of environmental factors. The principal Act states, "the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps". Amendments Nos. 24 and 25 incorporate the climate goals with respect to public rights of way. This is a positive opportunity. I have had constructive engagement with officials in the Minister of State's Department. A serious consequence is likely to arise in November this year with the right to register easements. These include private and personal rights of way, which potentially form the foundation of future public rights of way, and well-established easements such as cow roads and laneways. They all have common usage and form part of a crucial network of connectivity in our countryside and the permeability of our urban landscape. We always talk about the 15-minute city or the ten-minute town. We want people to be able to walk or cycle short distances to connect themselves with basic amenities, public areas, facilities, shops and schools. That idea of a permeable landscape and town is crucial. It comprises two main factors. One is the public network of rights of way as set out in section 10(2)(o) of the principal Act. The other factor is the personal easements that people have used for decades or even centuries in some cases.

This entire Bill relates to the fact that periods of time may need to be extended in recognition of Covid. I signal to the Minister of State an extension which is necessary. Unfortunately, it was not possible for me as an Opposition Member to successfully table that amendment but I believe that it may be possible for the Minister of State, along with the Minister for Justice, to address this issue in the Dáil. The registration of easements may be allowed again after November but the clock will reset to zero so people who have ten or 20 years of established use will effectively be reset to having no easement rights from November. That process of registration and awareness about it have been impacted by Covid. I urge the Minister of State to extend that. It is important to extend the right to register an easement because when easements are registered, they connect with networks of public rights of way as set out in section 10(2)(o) and may provide the key to some of our public policy goals.

The Joint Committee on Climate Action has discussed green and interconnected networks that would allow members of a family of all ages to walk safely and have an alternative to road usage. Once these are gone, they are gone. To preserve that policy space for ourselves in the future and to preserve the connectivity and permeability of our towns and communities, I urge

the Minister of State to extend that period. It is a simple, one-line amendment to the conveyancing legislation. It will ensure that in the new development plans in two or three years, which may be delayed, that we have not inadvertently lost one of our greatest resources when we try to set out a vision. I had hoped to address that amendment separately but I recognise that it was grouped with the others.

**Deputy Peter Burke:** Unfortunately, I must oppose these amendments, which propose that a planning authority must, before making a decision as to whether to extend the duration of the existing development plan, undertake various assessments.

Amendment No. 22 seeks an assessment of the potential impact of an extension on the local authority's achievement of obligations as a relevant body in respect of the public duty regarding equality and human rights and the UNCRPD. There is no obligation under the provisions relating to the preparation of a development plan or the variation of that plan as set out in the 2000 Act, which requires an assessment of the potential impact of a plan in respect of the public duty regarding equality, human rights and the UNCRPD, and it would not be reasonable to require such an assessment in respect of the extension of duration of a plan, as provided for in the Bill. General obligations on a local authority under relevant legislation and conventions will apply notwithstanding the provisions set out in the Bill. It would not be appropriate to require a specific reference to such matters within these provisions. Accordingly, the amendment is rejected.

Amendment No. 23 and part of amendment No. 24 relate to the requirements under section 10(2)(n) of the Planning and Development Act 2000 to include the following within the development plan:

the promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to —

- (i) reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resources,
- (ii) reduce anthropogenic greenhouse gas emissions, and
- (iii) address the necessity of adaptation to climate change;

Amendment No. 25 and part of amendment No. 24 relate to the requirements under section 10(2)(o) of the 2000 Act to include in the development plan an objective related to the preservation of certain public rights of way. Given that the provisions under this Bill relate to the temporal extension of the existing plan and do not involve the variation of that plan, it would not be reasonable or appropriate to require assessments of this nature before a decision is made about whether to extend the duration of the plan. Such matters will be addressed separately in the preparation of the new development plan for the area under the current provisions set out in the 2000 Act.

Accordingly, amendments Nos. 23, 24 and 25 cannot be accepted. In light of Senator Higgins's issue with public rights of way, I will undertake to work with the Minister for Rural and Community Development about the valid concerns she raised in the debate. We can have a bilateral on it and come back to her with a response or course of action.

**Senator Alice-Mary Higgins:** I thank the Minister of State for his answer. I will probably introduce a one-line Bill but I would be quite happy if the Government included it in some other

Bill. I note that there is precedent. The period of time was previously extended by a similar one-line provision in a miscellaneous Bill a few years ago so it is a simple matter that would give us the space to do this kind of mapping of public rights of way while ensuring we keep the network of private easements and look at them in synergy. It could be a very useful process in the next couple of years. I look forward to engaging with the Minister of State on that matter.

**Acting Chairperson (Senator Eugene Murphy):** Is the amendment being pressed?

**Senator Alice-Mary Higgins:** Yes.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 23:

In page 7, between lines 3 and 4, to insert the following:

“(ia) include an assessment of the potential impact of an extension on matters identified under section 10(2)(n),”.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 24:

In page 7, between lines 3 and 4, to insert the following:

“(ia) include an assessment of the potential impact of an extension on matters identified under section 10(2)(n) to (o),”.

I will withdraw amendments Nos. 24 and 25 in light of the Minister of State’s indicated engagement.

Amendment, by leave, withdrawn.

**Senator Alice-Mary Higgins:** I move amendment No. 25:

In page 7, between lines 3 and 4, to insert the following:

“(ia) include an assessment of the potential impact of an extension on matters identified under section 10(2)(o),”.

Amendment, by leave, withdrawn.

*Sitting suspended at 5.22 p.m. and resumed at 5.36 p.m.*

**Acting Chairperson (Senator Pauline O’Reilly):** Amendments Nos. 26, 30 and 31 are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Alice-Mary Higgins:** Could I just clarify whether amendment No. 28 is included in the grouping?

**Acting Chairperson (Senator Pauline O’Reilly):** No. It is in the next grouping with amendments Nos. 27 and 29.

**Senator Alice-Mary Higgins:** I move amendment No. 26:

In page 7, between lines 3 and 4, to insert the following:

“(ia) include observations made by the Office of the Planning Regulator.”.

Amendment No. 26 suggests that the chief executive’s report that is given to local authority members before they determine whether to provide an extension to the period of a development plan would include observations made by the Office of the Planning Regulator. There is an obligation in that regard. There is a mention in the Bill of the observations being invited from the Office of the Planning Regulator. I have tabled amendments later in the Bill that specify and clarify that the duties of the Planning Regulator should apply to these extensions, as they do to normal development plans and to variations of them. The key point is that the Office of the Planning Regulator goes back to the environmental factors again, in particular in terms of the climate provisions, where there is a specific responsibility envisaged regarding the Office of the Planning Regulator having a key assessment of matters under section 10(n), some of which we have discussed.

I acknowledge that there are positive things happening. I include the Bill being introduced later this evening by Senator O’Reilly and others, the Planning and Development (Solar Panels for Public Buildings, Schools, Homes and Other Premises) (Amendment) Bill 2021. Those are examples of the point I was making about this not being simply preventative; it is also to ensure that opportunities are seized. If the Office of the Planning Regulator is setting out that vision and is contributing to ensuring that, collectively, we are making the most of each planning opportunity in respect of our climate obligations, it would be appropriate that such observations would be included in the chief executive’s report that is given to local authority members.

Amendments Nos. 30 and 31 relate to amendment No. 28. I am very concerned at what may be an inadvertent flaw or drafting error in the Bill, which is that at the moment on page 7 we have a process that is set out whereby four weeks is provided for public observations and the chief executive is to prepare a report. I have made a number of suggestions on elements I think should be in the report. My concern is that in section 11D(6) on page 7: “In considering whether to extend the duration of the existing development plan, the members of the planning authority shall be restricted to considering— (a) the reasons referred to in subsection (1) or (2)”. They are restricted to only the reasons set out that a further extension might be wanted, rather than a positive statement that they need more time for this or that, and the very baseline measure of whether it will have “significant effects on the environment or a significant effect on a European site, or both, or adverse effects on the integrity of a European site.” Those are the Natura 2000, the highest level sites. That is a very narrow window. Inadvertently, it does not allow the members of a local authority to consider what the public told them. It does not allow for them to consider the observations and submissions that the public may have made under subsection (4) if, for example, there is a strong public concern or urgency on a certain aspect or a strong public opinion on if and for how long an extension should be allowed. Also, it does not allow for them to consider any other matters that might be in the report of the chief executive.

The Minister is literally narrowing the items on the agenda for consideration by the local authority to those two items. That is putting us into a slight danger zone in respect of the public consultation because if we have public observations and public submissions being made, it is a reasonable expectation for people that those observations and submissions would be considered when a decision is being made. The reason I asked about the grouping was that I tried to address this through amendment No. 28, which states “shall consider” which would allow for more discussion rather than stating “shall be restricted to considering—” two things and it does

not limit the discussion in terms of anything else being considered.

Amendments Nos. 30 and 31 as a combination specifically include “observations and submissions made” and “the report of the chief executive”. I am concerned that the wording would create problems in terms of access to input on decision-making. Perhaps the Minister of State would indicate if he might be able to accept any of those amendments.

**Senator John Cummins:** I will make a brief comment before the Minister of State responds. I am someone who sat on a local authority for 11 years. As other speakers have indicated, the agreement of a development plan is a reserved function of councillors that they take exceptionally seriously. We are not referring here to variations or deciding the detail of a development plan; this is purely about giving more time in order to consider the development plan as a result of what has happened with Covid. Anybody who has engaged with councillors across the country know they have found it exceptionally difficult to proceed with the development plan process in terms of consultation with the public, the planners and among themselves. It is a job of councillors. It is a reserved function and if they see fit, as is provided for in this legislation, to have an extension for any element of the plan from here on in they should be enabled to do so. Putting restrictions in place and elongating the process takes away from the reserved functions the councillors should and do have in this process and in what we seek to provide for in this Bill.

**Deputy Peter Burke:** I will address together amendments Nos. 26, 30 and 31, as grouped by the Bills Office. The amendments have been tabled by Senator Higgins and, unfortunately, I must oppose them.

As regards amendment No. 26, the proposed new section 11D already requires, at subsection (5)(c), that the report of the chief executive shall list the persons or bodies who made submissions or observations under that section. This may include the Office of the Planning Regulator as the planning authority is required under subsection 11D(3) to notify the Office of the Planning Regulator and to provide a summary of the issues raised in submissions and observations made.

As regards amendment No. 30, subsection (5) of the proposed new section 11D already requires that a summary of the submissions and observations received is included in the chief executive’s report prepared for the members. Subsection (6) clarifies the matters which the members may consider and, accordingly, any relevant submissions and observations received will form part of this consideration.

Regarding amendment No. 31, subsection (9), subsection (a) of the proposed new section, 11D, already provides that members of the planning authority shall consider the proposed extension of duration of the existing development plan and the report to the chief executive under subsection (5). Accordingly, the amendments are not necessary and are rejected.

**Senator Alice-Mary Higgins:** We need to be very clear. I hope this will be addressed in the Dáil. Subsection (6) does not set out the matters which the local authority members may consider; it sets out the matters to which they “shall be restricted to considering”. That is the language. I am not looking to take anything away; I am looking to widen the power of the local authority members over the matters they consider when making their decision. This is not to take away from their making that decision - I believe they should make it - but is to specify that they would be able to consider the observations made by the public or at least the chief execu-



tive's report, which may incorporate the observations made by the public. At present the language is "shall be restricted to considering" and just two factors are listed. The Bill does not set out a "may consider" list. I will come in again on amendment No. 28. If the Minister of State is so inclined, he might accept that amendment, which includes the words "shall consider". That would address something closer to the "may consider" language the Minister of State is using. It is also probably closer to the intent. I do not believe the intent is to exclude or preclude local authority members from considering these issues but that is, unfortunately, somewhat of the effect or the implication of the language in the Bill at present.

**Deputy Peter Burke:** I will further address that under amendment No. 28 in the next grouping.

Amendment put and declared lost.

Government amendment No. 27:

In page 7, line 10, to delete "the planning authority" and substitute "a planning authority".

**Acting Chairperson (Senator Pauline O'Reilly):** Amendments Nos. 27 to 29, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

**Deputy Peter Burke:** Amendments Nos. 27 and 29 are Government amendments. Amendment No. 27 should clarify that the provision relates to a planning authority as opposed to the Planning Authority. Amendment No. 29 is also a technical drafting amendment recommended by the Office of the Attorney General to ensure that where a planning authority is considering the effects of the proposed extension of duration of an existing development plan on the environment and on the integrity of a European site, it must also, as appropriate, consider the proposal in combination with any previous extension to that plan.

Unfortunately, I must oppose amendment No. 28, tabled by Senator Higgins. Subsection (6) of the proposed new section 11D relates to matters which the members of the authority may consider when making a decision whether to extend the duration of an existing development plan. Under these provisions, this consideration is limited to the particular reasons relating to the implications of Covid-19 restrictions for the making of a new development plan and the environmental implications of the proposal to extend the duration of the existing plan. The members may not consider any variation to the existing plan. It is therefore considered appropriate to ensure that the wording of the provision is clear in this regard. Accordingly, the amendment is rejected.

**Senator Alice-Mary Higgins:** With respect, I understand that the Minister of State does not want to move towards or bring in other issues, but that is not what the restriction is. The restriction here still excludes; it excludes anything else that happens. Perhaps the fact that section 11D has been removed from section 9A means that section 11D is not here. It does not include the other subsections of section 11D. They are not reflected, including that process of observations made by the public, the submissions they made and such other matters as may have been highlighted. I am concerned about this language. This restriction effectively means that there will be arguments only about how much time members would like to continue the period. Observations raised may create concerns in that regard. They may be concerns about, for example, a counterbalancing urgency. There may be an opinion that an extension should last only six months and not a year. A lot of things may be in these observations and submissions

the public may make. There is no provision, as it stands, for those to be considered, and that is a matter that should be addressed in the Bill. That is different from saying that only certain matters shall be considered or that the only thing that might be considered is the question of a time extension and not a variation. There are lots of other provisions and indeed later amendments in which we discuss the question of variations. I have an amendment in which I suggest a restriction on the kinds of variations that might be made in respect of such an extension. This is not about “anything goes” in these observations; the public may make relevant observations in submissions and they should be part of the consideration in the making of decisions. This wording may need to be re-examined in the Dáil.

**Deputy Peter Burke:** Section 6 was deliberately drafted this way to ensure that time is the issue in terms of the extension and the adjudication, and the Office of the Attorney General has been over this quite solidly, so we are very happy about the way this aspect of the Bill is absolutely on purpose directed this way.

Amendment agreed to.

**Senator Alice-Mary Higgins:** I move amendment No. 28:

In page 7, lines 10 and 11, to delete “shall be restricted to considering” and substitute “shall consider”.

Amendment put and declared lost.

Government amendment No. 29:

In page 7, line 17, to delete “existing development plan” and substitute the following:

“existing development plan, when considered alone or, as appropriate, in combination with any previous extension of that plan.”.

Amendment agreed to.

**Senator Alice-Mary Higgins:** I move amendment No. 30:

In page 7, between lines 20 and 21, to insert the following:

“(c) observations and submissions made under subsection (4).”.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 31:

In page 7, between lines 20 and 21, to insert the following:

“(c) the report of the chief executive as published under subsection (5).”.

Amendment put and declared lost.

*6 o'clock*

**Acting Chairperson (Senator Pauline O'Reilly):** Amendments Nos. 32 to 34, inclusive, are related. Amendments Nos. 33 and 34 are physical alternatives to No. 32. The amendments may be discussed together by agreement. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 32:

In page 7, to delete lines 21 to 25 and substitute the following:

“(7) For the purposes of subsection (2)(a), in considering whether or not the development plan with the proposed extension of the duration would be likely to have a significant effect on a European site, either individually or in combination with other plans or projects, a planning authority shall carry out a screening for appropriate assessment in accordance with section 177U.”.

This is a simple amendment to ensure that the planning authority shall carry out a screening for appropriate assessment.

**Deputy Peter Burke:** I will address amendments Nos. 32 to 34, inclusive, together, in the manner in which they have been grouped by the Bills Office. Amendments Nos. 32 and 34 are tabled jointly by a number of Senators while amendment No. 33 is a Government amendment.

With regard to amendments Nos. 32 and 34, the proposed new section 11D(7) relates to the carrying out of a screening for appropriate assessment and requires that this be carried out in accordance with section 177U of the Planning and Development Act 2000. In accordance with Article 6 of the habitats directive, section 177U of the 2000 Act already requires the competent authority to assess, in view of best scientific knowledge, whether a land use plan, or in this case the extension of duration of an existing development plan, an existing development plan or a proposed development, individually or in combination with another plan or project, is likely to have a significant effect on the European site. As such, it is unnecessary to include the term “individually or in combination with other plans or projects” within the provisions set out in the Bill. The two amendments appear to differ only with regard to the reordering of the wording describing the extension of duration of the existing development plan. They have the same effect. Accordingly, the amendments are unnecessary and are rejected.

Amendment No. 33, a Government amendment, is also to be moved. This is a technical drafting amendment which has been recommended by the Office of the Attorney General to ensure that, where a planning authority is considering the effects of the proposed extension of duration of an existing development plan on the environment and on the integrity of a European site, it must also consider the proposal in combination with any previous extension of that plan, as appropriate.

**Senator Alice-Mary Higgins:** Perhaps the Minister of State might give clarification as to the language regarding other plans or projects. Amendment No. 33 addresses, to some extent, one of our concerns, that is, that this must be considered in combination with other plans. However, we are seeking for the assessment to not only consider the impact of the extension of the plan in respect of land use but also how it may intersect with other projects. Other initiatives are also ongoing. I mentioned marine protection areas. There are also proposals with regard to strategic infrastructure whereby plans will bypass local authorities and go straight to An Bord Pleanála. There are a number of strands in respect of existing land use and also a number of concerns in that regard. We were really just trying to take a belt and braces approach to ensure that consideration of the impact on a European site would not be narrowed only to consideration of the impact of the extension but that the impact of the extension combined with such other measures would also be considered.

I am conscious that we need to copper-fasten and strengthen these protections because some

protections that our Natura 2000 sites previously had have been chipped away at and eroded by recent planning legislation. For example, there was previously an obligation for the Minister to consult with the Minister responsible for heritage. This is no longer required as they are both the same Minister. That double-check is no longer required with regard to Natura 2000 sites. It may seem that we are doubling up but that is because we are conscious that certain other measures have been eroded slightly. We want to ensure any extension is being properly considered. The Minister of State indicated that it was his understanding that the consideration of the impact of the extension will encompass consideration of how that extension intersects with other plans and projects. Will he confirm this again?

**Deputy Peter Burke:** Yes, all relevant plans are taken into consideration. Obviously, one cannot predict the future with regard to applications for infrastructure development or marine protection areas, but such applications have their own requirements for environmental studies, as appropriate. As I have said, due regard must also be had to other plans under this Bill.

Amendment put and declared lost.

Government amendment No. 33:

In page 7, line 22, to delete “existing development plan” and substitute the following:

“existing development plan, when considered alone or, as appropriate, in combination with any previous extension of that plan.”

Amendment agreed to.

**Senator Fintan Warfield:** I move amendment No. 34:

In page 7, line 23, to delete “have a significant effect on a European site” and substitute the following:

“be likely to have a significant effect on a European site, either individually or in combination with other plans or projects”.

Amendment put and declared lost.

**Acting Chairperson (Senator Pauline O’Reilly):** Amendments Nos. 35 to 37, inclusive, are related. Amendments Nos. 36 and 37 are physical alternatives to No. 35. The amendments may be discussed together by agreement. Is that agreed? Agreed.

**Senator Fintan Warfield:** I move amendment No. 35:

In page 7, to delete lines 26 to 29 and substitute the following:

“(8) For the purposes of subsection (2)(b), where necessary, a planning authority shall carry out an appropriate assessment in respect of the existing development plan as extended by the proposed extension of its duration in accordance with Part XAB.”.

This amendment again aims to ensure that the planning authority would carry out an appropriate assessment in respect of the existing development plan.

**Senator Alice-Mary Higgins:** I am concerned by the proposed section 11D(8) because it contains somewhat of an anomaly. We discussed sections 11D(2)(a) and 11D(2)(b). The

former provides for a screening to see if an appropriate assessment or strategic environmental assessment is required while the latter sets out that the assessments are to be carried out and published. My concern relates to the language in the proposed section 11D(8). It states, “For the purposes of subsection (2)(b), where necessary, a planning authority shall carry out an appropriate assessment in respect of the extension.” The Bill seems to provide only for an appropriate assessment and not for a strategic environmental assessment. A process is provided for whereby one sees whether either of these two things is needed but then there is the other process, in respect of which we had the discussion about “and” or “or”. If it is decided that either a strategic environmental assessment or an appropriate assessment is needed, they are to be carried out but, with regard to land use and Part XAB, the provisions allowing for things to actually be done only seem to allow for appropriate assessment. Where are the provisions with regard to the implementation of the other element of section 11D(2)(b), the strategic environmental assessment, should such an assessment be deemed necessary?

**Deputy Peter Burke:** Unfortunately, we oppose amendment No. 35, tabled jointly by Senators Warfield, Boylan, Gavan and Ó Donnghaile, and amendment No. 36, tabled by Senator Higgins. Amendment No. 35 appears to require that an existing development plan, as extended, should be subject to appropriate assessment. In preparing a development plan under the current provisions set out in the 2000 Act, the planning authority is required to carry out an appropriate assessment. This will form the basis for assessing the potential effects of the temporal extension of the plan under the provisions outlined in the Bill. However, it is not necessary to undertake an appropriate assessment in respect of the existing plan under these proposals, rather it is the extension of duration of that plan which must be assessed. Accordingly, the amendment is rejected.

Amendment No. 36 seeks to insert a reference to strategic environmental assessment into subsection (8) of the proposed new section 11D, which relates to an assessment being carried out in accordance with Part XAB of the 2000 Act. As Part XAB relates only to appropriate assessments and not to strategic environmental assessments, this amendment is rejected.

Amendment No. 37, which is a Government amendment, is a technical drafting amendment recommended by the Office of the Attorney General to ensure that where a planning authority is considering the effects of the proposed extension of duration of an existing development plan on the environment and on the integrity of a European site, it must also, as appropriate, consider the proposal “in combination with any previous extension of that plan”.

Amendment put and declared lost.

**Senator Alice-Mary Higgins:** I move amendment No. 36:

In page 7, line 27, after “out” to insert “a strategic environmental assessment and”.

Amendment, by leave, withdrawn.

Government amendment No. 37:

In page 7, line 28, to delete “existing development plan” and substitute the following:

“existing development plan, when considered alone or, as appropriate, in combination with any previous extension of that plan.”.

Amendment agreed to.



**Senator Fintan Warfield:** I move amendment No. 38:

In page 7, to delete lines 33 to 39 and substitute the following:

“(b) The members of the authority, having considered the proposed extension of the duration of the existing development plan and the chief executive’s report may determine the need to make variations to the development plan to accommodate only the essential changes required consequent on mitigation identified and required by the Appropriate Assessment or by the Strategic Environmental Assessment Environmental Report performed in relation to a proposed extension of the duration of the development plan, or both such assessments, but where any such variation or variations are strictly limited to such requirements, in addition to the change to the duration of the plan.

(c) Where such variations constitute material variations to the development plan, the procedures set out in section 13(5), and such further requirements which follow from that shall be followed, save that any variations shall be limited to—

(i) those indicated in paragraph (b) above, and

(ii) the proposed extension of the duration of the development plan, or any change to that proposed extension specified under the Appropriate Assessment or Strategic Environmental Assessment Environmental Report, or both, and where the earlier of any such date applies.

(d) Where such variations do not constitute a material variation to the development plan, the members of the planning authority may decide to vary the development plan strictly limited to the essential changes referred to in paragraph (b) above, and to extend the duration of the development plan in accordance with the proposed extension, or where any change to that extension is specified under the Appropriate Assessment or Strategic Environmental Assessment Environmental Report, or both, the plan shall only be extended by the earlier of such dates indicated under the assessments, and where three quarters of the members of that authority vote in favour of the resolution.”.

This amendment speaks for itself. It is about what the chief executive’s report may include.

**Senator Alice-Mary Higgins:** This is a question of variations and the scenario where an issue has arisen. It may be the view of the local authority and its members that to a very large degree they are very happy to have an extension of the current plan pending the full creation of a new plan. However, a specific area of concern may have arisen from the appropriate assessment, the strategic environmental assessment or the environmental report. It may be as simple as a specific site in which it is felt that concerns have arisen over a specific form of development. I mentioned data centres earlier. There may be a different perspective coming now from the energy regulator or others. There are many such examples. It is around a specific provision. This is suggesting that a variation is quite a long process. The Minister of State mentioned earlier that the goal is not to open up plans for many different variations and changes for a period of just one year. Nobody wants that. I am trying to provide that there may be a very limited variation which I would describe as a precautionary variation. One might choose to continue with the existing plan in recognition of the delays caused by Covid-19 in producing a full new comprehensive plan with everything that entails, but I suggest it should be possible to apply a precautionary principle with regard to specific concerns that may have been identified through environmental assessment or appropriate assessment. I think it is quite a measured proposal.

It is a slightly different variation. There is some provision in the Bill for narrower versions of variations. At the moment, under section 13 of the existing Act, it is called the modification of a variation. This is almost trying to apply that same narrow parameter where we are not doing something wild or excessive. We are not talking about massive rezonings - we are almost pressing pause on certain matters for that period of extension. This might be a useful tool within the suite of tools in the section on variations in the existing Act.

**Deputy Peter Burke:** The proposed new section 11D(9)(b), which amendment No. 38 seeks to delete and replace, provides for the decision by the planning authority to extend the duration of the existing development plan in connection with the need to take additional time to prepare a new development plan. If this provision were deleted, it would not be possible to extend the duration of the existing plan and thereby take the additional time necessary to prepare a new plan. The proposed replacement provision, as set out in amendment No. 38, requires instead a decision by the members on whether the existing development plan needs to be varied to accommodate only the essential changes required, consequent on mitigation identified and required by the appropriate assessment or by the strategic environmental assessment undertaken with different arrangements set out in respect of material and non-material variations. The provisions set out in this Bill on development plans do not involve the variation of the existing development plan which is provided for under section 13 of the 2000 Act. The section does not provide for additional time to be taken to prepare the new development plan or for the extension of an existing plan.

**Acting Chairperson (Senator Pauline O'Reilly):** As it is now 6.15 p.m. I am required to put the following question in accordance with the order of the Seanad of this day: "That amendment No. 38 is hereby negatived in Committee; section 3, as amended, is hereby agreed to in Committee; the Government amendments undisposed of are hereby made to the Bill; in respect of each of the sections undisposed of, the section or, as appropriate, the section, as amended, is hereby agreed to in Committee; the Preamble and Title are hereby agreed to in Committee and the Bill, as amended, is accordingly reported to the House; Fourth Stage is hereby completed and the Bill is hereby received for final consideration; and the Bill is hereby passed."

Question put and agreed to.

*Sitting suspended at 6.17 p.m. and resumed at 6.46 p.m.*

### **Criminal Justice (Rehabilitative Periods) Bill 2018: Report and Final Stages**

**An Leas-Chathaoirleach:** I welcome the Minister of State, Deputy Naughton, and the proposer of the Bill, Senator Ruane.

Bill, as amended, received for final consideration.

**An Leas-Chathaoirleach:** When is it proposed to take Fifth Stage?

**Senator Lynn Ruane:** Now.

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

Question proposed: "That the Bill do now pass."

28 June 2021

**Senator Lynn Ruane:** I welcome the Minister of State, Deputy Naughton, to the House. It is a big day for me. I am truly delighted to welcome the Criminal Justice (Rehabilitative Periods) Bill 2018 back to the Seanad. It is a real privilege and an honour to see the Bill, hopefully, pass its Report and Final Stages in the House tonight, especially in the likelihood that it will shortly be taken up by our colleagues in the Dáil.

Much time has passed since November 2019 when the Seanad was last debated this Bill. It was a different Seanad that passed it through Committee Stage and we have had fresh elections, a new Government, and a very different Oireachtas in that time. The fact that the Bill has reached this point despite those changes speaks to its universality and power. It is not every day that a Private Members' Bill from an Opposition Senator makes it through the House. I thank all those who played a role in getting this crucial and life-changing legislation to this advanced Stage. This will be my last time formally speaking on the Bill, so I would be grateful for some latitude in order that I can mention everyone involved.

I first want to thank every person with direct experience of dealing with historic convictions who has contacted me in recent years, and since I was first elected in 2016, about the impact that it has had on their lives, their prospects and their opportunities. People have been honest, genuine and generous in sharing a sometimes difficult part of their past with me, in the hope of seeing change in their lived experiences, State policy and in the law. Every provision of this Bill is rooted in the sum total of all of those impossibly diverse personal experiences, which experiences made clear to me where our current laws are inadequate and where changes needed to be made. This Bill is for all of you and it has been forged from your lived experiences and desire to see change, for which I am forever grateful.

I started working not on this Bill, but the spent convictions Bill, when I worked in addiction services and we did not have spent convictions legislation. As someone who worked in addiction services trying to promote progress, abstinence or recovery and to encourage people to engage in education or the workforce I came to realise pretty quickly that we can try all we want to support people to progress in their lives, but if the law and society does not allow them to take up opportunities then each and every stage of that work is, for them, pointless. They use up a lot of energy trying to succeed only to be met with massive barriers. I always revert to the many letters I have received throughout my life, first from my friends in prison, then my family in prison, now people who write to me, as a legislator, from prison, and people who have been out of prison for a long time. The common theme is always, "When I get out, I am going to get a job" or "I never want to end up in this situation again." There are always aspirations and feelings about change. Listening to the authorities in the prison system, prisoners believe that if they just do certain key things, they will be able to rehabilitate their lives and become active members of society. We tell them that but when they leave prison, they are perpetually punished. The punishment never ends on leaving prison because it continues and follows them.

When I first became involved in politics as a legislator, people heralded me as a role model or somebody to look up to, or somebody who could help others find their way through the education system. However, one of the most depressing things I found at that time was that when the people I cared about most asked me about education, studying social work or becoming a midwife, or said they wanted to do what they had really wanted to do when growing up but did not do because they were too wild or young or made mistakes, I could not be such a role model if the structures, society, employers and education system did not allow people like me enter that space. I was very lucky that my convictions were before I was 18. Had they not been, I would not be here today to outline my lived experience. People like me would not be able to

work in the Civil Service, study social work or medicine, or even volunteer. Now, for a person to volunteering with his or her child's local football club, an issue arises. Men and women contact me saying how embarrassed they are to tell their local club what might have come up years into their past. It does not seem as if we have a forgiving society. We do not acknowledge to prisoners that when the judicial system punishes them and they serve their time, their punishment does not end there and it continues. We cannot have progress if we keep pinning someone to his or her past. None of us is the sum total of what we did in the past or experienced. We cannot have recovery and integration without the space for people to be able to find their purpose.

If we consider the people who end up in the prison system or with convictions, there is a significant class element. There are low levels of educational attainment within the community and there is a high level of poverty, including consistent poverty, but we cannot address poverty for those who are at most risk of it if, when they decide to enter the workforce to address it, they are excluded because of convictions. It is a wheel that continues to turn time and again. We all need purpose, to feel useful, to feel valued and to be active members of society. Why would there be legislation and policy that refuses citizenship at that level? We are not the sum of our mistakes, we are not the number of months we spend in prison, we are not the trauma we experience, and we are not the conviction on the page.

I thank Mr. Sebastian McAteer in my office for his advocacy and work on the Bill. I thank the Irish Penal Reform Trust and its director, Ms Fíona Ní Chinnéide, and all the trust's staff and researchers for providing us with the benefit of their long history of policy expertise in this area, for launching the Bill with my office and for their ongoing support in the years that followed.

I thank my colleagues in the Civil Engagement Group, both current and former Senators, for co-sponsoring the Bill with me in 2018 and for their ever-helpful assistance and advice in progressing it through the Seanad. I am grateful to all my colleagues in the previous Seanad and the current one for their near-unanimous support and encouragement. I thank the Office of Parliamentary Legal Advisers, including Ms Sinead Dullaghan, barrister at law, and her colleagues, for drafting the legislation and for their work on subsequent amendments on Committee Stage.

I thank the various Ministers, advisers and departmental staff who have worked on this Bill with me over the three years, including Minister without Portfolio, Deputy Helen McEntee, and former Minister for Justice and Equality, Deputy Charles Flanagan, for the support and the momentum they provided to make these changes to our law. I also thank the members of the Joint Committee on Justice and Equality for engaging with stakeholders during an extremely worthwhile session in July 2019 on spent convictions reform more broadly and for an excellent report and set of recommendations on how to strengthen the proposed changes to our law.

I am grateful to the then Minister for Justice for meeting me to discuss the Bill in October and to her Department for holding public consultation in November and for meeting me again earlier this year to discuss its results. I am delighted that we are now assembled here this evening to pass the Bill with the support of the Government during Government time. I am grateful to the Minister and Leader for facilitating this. It is the kind of cross-party, cross-Chamber law-making that I am always proud to be a part of and that demonstrates the role of the Seanad as a source of necessary legislative reform.

Taken together and passed into law, I truly believe the provisions of the Bill could revolutionise criminal justice and penal policy in this area. I am aware that considerable work has been done in the Department since I introduced the Bill, particularly since the public consultation

closed before Christmas. I am grateful to Deputy McEntee and her officials for the presentation I was given on the shape of the proposals she intends to see passed to law. While I welcome their overall thrust, I am concerned that certain amendments to the legislation that the Government may make will unfortunately limit and narrow the scope of what I have set out to achieve. However, there was considerable unanimity among the various stakeholders in the consultation process, to which, of course, I contributed.

I implore the Minister of State to consider any amendments with caution and to ensure the recommendations of the major stakeholders are reflected in the process as progress is made. The Oireachtas may not see fit to return to this area for many years and, therefore, the shape of what we agree over the coming months could have long-lasting consequences. None of us wants to return in another five years to amend an overly conservative Act, as we are currently doing, to fix what could and should have been foreseen. This Bill, in its current constitution, represents real and tangible reform in this area. I urge the Minister of State and her officials to take an holistic approach in the Dáil and ensure the provisions of this legislation are fair and generous and offer tangible support to former offenders to reintegrate into society after periods of offending. I urge her to keep the legislation as close to its current form as possible. I thank her for her support. I hope to continue to support my colleagues in the Dáil and officials in the Department as we see the Bill progress through the Dáil. I commend the Bill to the House.

**An Leas-Chathaoirleach:** I warmly congratulate Senator Ruane. The Bill is a great personal achievement. She has every reason to be very proud of it. It is important, reforming legislation. I salute the Senator for taking the initiative. She is a great exemplar of what the Seanad can achieve. Well done to her.

**Senator Lynn Ruane:** I thank the Leas-Chathaoirleach.

**Senator Mary Seery Kearney:** I feel like a bit of an imposter because I am so late to the party. I want to mark the occasion by congratulating Senator Ruane. The Bill is a very fine piece of work and it is very much needed. I congratulate all those who have been involved, including those in the previous Seanad. I have no doubt all in the Civil Engagement Group played their part very well in supporting the Senator on the Bill.

Wearing my employment lawyer and data protection officer hat, I have advised employers on Garda vetting and its implementation, particularly in the recruitment industry, which might supply carers and employees to many industries. In this regard, I have always advised employers to ensure they have a policy that responds to Garda vetting and that it is not acceptable to decide that because there is something on a disclosure they receive, the person in question is now excluded from work. I have always found that deeply offensive. Way back, when I worked in the YMCA, the notion of Garda vetting first came in. The City of Dublin Youth Service Board introduced it and I was one of the sponsors sitting on it. I recall thinking at the time that we were employing many people who had come to us through community employment schemes who would have complete heart attacks when told we were going to vet them. That was 20 years ago. At the time, we had to write a policy to state that unless paedophilia or something serious concerning children emerged, it would be okay, because the organisation had, at its very heart, a rehabilitative, restorative justice ethos. We believe that if we said that was our ethos, we would have to back it up with our policies and encourage employers in that regard. I used to find it frustrating to come against a brick wall of employers. More recently, as a barrister advising, my attitude has been to ask whether a disclosure is relevant to the role.



*7 o'clock*

Unless someone has been involved in fraud or something really horrendous, it is okay for that person to be forgiven. A person's age and the seriousness of the offence have to be considered. We do not say "because you are employed you cannot...". I give a breakfast briefing on this whole area once a month. I say every month that if one is writing policy one has to respond. However, we now have it in law. There is a provision, albeit limited, already in there that former Minister, Alan Shatter, brought in but we needed to go further. Certainly, all I see now is that we are becoming more competitive and looking for ways of being more competitive. If someone is in California, their vetting is out. This does not go through the Garda or the police. One can Google someone and get their convictions. We will probably have to broaden areas and industries where vetting is absolutely necessary. This is all the more reason we should protect those who are going to be most vulnerable as a result of it. I commend Senator Ruane. This is a fine example of us, as legislators, making a difference in people's lives. Very well done and congratulations.

**An Leas-Chathaoirleach:** I appreciate the Senator's comments. There is a great positivity and a sense of achievement for Senator Ruane. There is mutual happiness among us all. I am cognisant of the fact that we finish at 7.15 p.m. at the latest and that we want the Minister to have an opportunity to speak. Before I hand over to Senator O'Loughlin, it is my great pleasure to call my constituency colleague, Senator Gallagher, who comes with a professional background to this discussion. It will be enlightening because he has a knowledge in this area.

**Senator Robbie Gallagher:** Go raibh maith agat. First, I commend my colleague Senator Lynn Ruane, not just in this Seanad term, but indeed in the last one, on all of her work in this area. This is a proud night for her. I know the term "life changing" can be thrown out occasionally but in this particular instance, it is apt. She and her group should be proud of what they have achieved. This life-changing piece of legislation will have far-reaching consequences, hopefully quickly, for many people.

As Senator Ruane outlined, we should encourage people to travel another road. Unfortunately for some, that road is blocked, before the journey even commences. Hopefully, this piece of legislation that the Senator has introduced will unblock that road for many people. Past indiscretions or convictions should not be an anchor to a person's future. This legislation is real reform. I am delighted, on behalf of the Fianna Fáil group, to be associated with this, not just this evening, but in the previous term. I commend Senator Ruane again. It is a proud night. She should be proud of what she has achieved with this piece of legislation.

**Senator Alice-Mary Higgins:** I was not expecting to be able to speak. I will be brief, as spokespeople will want to speak. I want to express how proud I am of my colleague, Senator Ruane, and of this important legislation. As a member of the civil engagement group, I am glad to support it. It will create new possibilities for people in their lives. It is good for society. It means that society will gain and benefit from people who have previously been precluded. It is not just about the person who cannot do social work, just as one example. The fact is that social work loses out on somebody who may bring incredible insight and understanding into that work. Society gains by not having measures that serve as arbitrary blocks to stop us from benefiting from all that people have to offer, such as those who may have past convictions of the kinds covered in this Bill.

I echo the comments of others to the Minister. As much as we want everyone to be ambi-

tious in their lives, I hope that we can retain that sense of ambition in the legislation. We should recognise that, for example, where there are convictions, there may be a cluster of convictions. We should not have a situation whereby we create further barriers. I encourage the Minister to keep the sense of ambition in the Bill, as it passes through the Dáil. On the issue of employment equality, I hope the Bill sends a strong message to employers. It is a signal that we, as legislators, value people and their contributions, as well as the important protections that are there in the employment equality provision. It is good that people now have the experience of the law protecting them, rather than the law being something with which they are in a permanent adversarial relationship. In fact, the law is something that can protect them. That is a positive signal to send. Again, I am delighted to see this Bill move to its next stage.

**Senator Vincent P. Martin:** The Green Party is delighted to support this Bill. It was part of the programme for Government negotiations. I commend Senator Ruane. I am sure she is the first to admit that it is a positive, progressive step forward. She would probably like the sentencing thresholds to be even higher and to assist even greater r-integration. However, it is now on the Statute Book and we can always move amendments at a later date. Running through the veins of this Bill is a basic respect, to show dignity to everyone.

I remember, as a young barrister, when I was anxious to bring students to the prisons, I was met by the then Governor of Mountjoy Prison, John Lonergan. I was really impressed. He told the students at the talks: “we do not judge prisoners in here because a jury has already passed a judgment”. In the tours he was very strict. No young student could peer in a window during a prisoner’s private time. They were told to stay away from the enclosed, private accommodation areas. We introduced an examination for prisoners. I believe that, at the time, it was the first one. There was one rule when the barristers would come in for tuition. It was to stay away from their own case. We let prisoners know that there is a world out there apart from criminal law. We gave them tuition in family law for the first time, and in employment law. We eventually got to the stage where there was a graduation. I invited the late Mr. Justice Paul Kearney, who was a formidable, brilliant judge in the Central Criminal Court for many years. He corrected the essays for me that went with the multiple-choice questions. He presented the first prize in the class to a student, a prisoner who found herself in custody, to whom he had handed down a life sentence. That was amazing. There was a photograph of that private graduation proudly adorning Mr. Justice Kearney’s chambers for the rest of his career as a judge. He was so proud to see that. That goes to the very heart of what we are talking about tonight.

I could say more but I am conscious that the Minister is in the building. I do not want to take the Minister’s time. I will just say well done to all concerned. On another day, I would say that there is another cohort of people we want to consider, namely people who get acquittals. They might get an acquittal after a weak case collapses. They are not forgotten at the moment in Ireland. Unless it is relevant and unless there are good public policy reasons for it, why does it have to be dragged up many years later? They have the right to deny the arrest, charge, caution, and the whole trial, when they walked away with the presumption of innocence intact. Their lives can be turned upside down by it constantly being regurgitated, as innocent people they always were. This really hits home.

Senator Ruane makes all the Seanad proud. This translates words into action. We are delivering for some of the most vulnerable people. Everyone is entitled to a fresh start and a new beginning. This will help in substance. It is so vitally important. We 100% commend and support Senator Ruane in her initiative.

**Senator Fintan Warfield:** On behalf of Sinn Féin, I commend Senator Lynn Ruane. I spoke on Second Stage of her Bill in the last term. By complete fluke, I am covering for her as spokesperson tonight. She is a legend.

**Acting Chairperson (Senator Fiona O'Loughlin):** I say "Well done" to Senator Ruane. She is feeling the love. Senator Martin mentioned John Loneragan, who had a very enlightened view with regard to how we treat crime and prisoners. We need more voices such as his and, indeed, that of Senator Ruane.

**Minister of State at the Department of Justice (Deputy Hildegard Naughton):** I congratulate Senator Ruane and her co-sponsors on introducing this important Bill and managing it through this House to the point where it has reached its Final Stage in the Seanad today. I know that Senator Ruane and her team have put a significant amount of work into the Bill and, on behalf of the Government, I credit them all for doing so. Senator Ruane engaged very constructively with the former Minister for Justice, Deputy Flanagan, on the earlier Stages of the Bill and I know she met the Minister for Justice, Deputy McEntee, earlier this year to discuss how we in the Government can support the Bill in moving forward.

In that regard, the House will be aware that the current programme for Government contains a commitment to review the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 to broaden the range of convictions that can be considered spent. This important commitment is designed to move us toward a safer society and safer communities by making sure that those who make mistakes or stray into minor crime at one point in their lives have a very strong incentive to stop offending and get their lives back on track. A system that writes people off for minor offences, makes them unemployable and, in fact, incentivises them to believe that the only course available to them is to pursue a life of crime is not a safe system for anyone.

While recognising that there are crimes that are too serious to be spent - this Bill recognises that - there is a clear need to catch people at the early stages of offending and to support them in gaining employment and connections back into society so that they become reformed and do not re-offend. In that regard, my Department's recently published Working to Change - Social Enterprise and Employment Strategy 2021-23 sets out that "people with education and training, who are in work, are less likely to offend and are more likely to make good citizens". The strategy makes clear how a criminal record which remains long after the person has paid his or her debt to society and ceased to offend can frustrate the person's chances of finding employment and act as a barrier to his or her rehabilitation. As such, there is a clear link between gainful employment and reductions in offending.

Overall, in principle, the Government and the Minister are very supportive of the Bill and I note that this support is shared by all sides in this House. I believe the public also understands this - a public consultation launched by the Minister, Deputy McEntee, in October 2020 was very supportive. I point out that the Minister does intend to bring some amendments to the Bill when it moves to Dáil Éireann in order to ensure that the Bill is as robust and workable as possible. My Department is considering all of the available evidence, the submissions in the consultation and the academic research in this area to inform our policy decisions in this regard.

However, there is no doubt that the firm purpose of our penal system and the criminal sanctions within it is to make Ireland safer by reducing crime and the harm it causes. An overly punitive criminal justice system which does not offer realistic and accessible opportunities for those with convictions to reform and move past their offending is inherently self-defeating and

undermines the important goal of reducing offending.

While recognising that we need to proceed cautiously and that there are genuine concerns about broadening the benefits of the spent convictions regime, the position of the Minister, based on the preponderance of available evidence and with particular regard to the situation in other jurisdictions, is that the benefits of a more liberal spent convictions regime outweigh the risks and that society as a whole is better served with a meaningful and fair spent convictions regime. I emphasise most strongly that the more serious offences demanding of lengthier custodial sentences are not and will not be eligible to be considered spent in our legislation. It is in this spirit that the Minister will continue to collaborate with Senator Ruane and others in progressing the Bill. I again offer Senator Ruane my hearty congratulations and thank her for all her hard work to date in getting the Bill to where it is today.

Question put and agreed to.

*Sitting suspended at 7.15 p.m. and resumed at 7.30 p.m.*

### **Planning and Development (Solar Panels for Public Buildings, Schools, Homes and Other Premises) (Amendment) Bill 2021: Second Stage**

**Senator Pauline O'Reilly:** I move: "That the Bill be now read a Second Time."

I welcome the Minister of State. Contrary to what we tell ourselves, we have sun in this country but we do not have enough solar panels to use that sun. Think of all the roofs and buildings that could convert the natural energy of the sun into electricity, yet only a handful do. Of all the roofs throughout the country, surely those on schools should be at the top of the agenda. It is almost impossible for schools and for other public buildings to install solar panels because of red tape.

I would love to see my children and children throughout the country at the heart of the climate transition, which is exactly where they want to be. Children learn through heads, hands and hearts. Caring for and being part of the environment covers all of those bases and it is a truly rounded education. The educational work I have been involved in has been about being out in nature, messing around in the woods or simply planting a potato in a small pot. Energy is a key untapped resource. Children could get involved in planning how many panels they could put on their school buildings and where, work out how much energy they could generate, keep track of it daily, and then see their whiteboards and computers powered by that electricity. When it comes to Saturdays, Sundays and any day when they are not in school, they would be able to sell that energy back to the grid as soon as microgeneration is truly a reality in this country. It cannot come too soon.

When I looked at getting this over the line a couple of years ago for a school in Galway, there were issues related to matched funding and there was substantial red tape, so it was not possible in the end. This Bill came about because of relentless campaigning by students, teachers and Friends of the Earth, who are sick of the red tape involved in getting solar panels on their roofs. As education spokesperson for the Green Party, I cannot think of a better education than one that puts children in the driving seat, closer to nature, and helps them to understand the technicalities around producing their own energy. This Bill would solve the planning problem. There is little point in one Department progressing microgeneration unless all Departments are

on board and take away the planning issues that are having a chilling effect from the start.

With this Bill, schools, libraries, museums, town halls, and community centres would all be exempt from planning requirements unless they are listed buildings. At present, they need planning permission for even one panel on the roof. Farm sheds and industrial buildings have a limit on the number of panels permitted and this Bill would see an end to that. This week, in the Joint Committee on Climate Action, we heard from Macra na Feirme that farmers want to be environmentally friendly. They want to be able to sell their products to market and to demonstrate they are green, but they need support to do it. Part of what they asked was for the provision of ecologists. There is an opportunity to make a contribution with this Bill. Part of that would be through selling energy back to the grid to make money and part would be through using the energy themselves in their work. All of that means eliminating the arbitrary size restrictions for solar panels in planning.

What is that red tape specifically? All development, unless specifically exempted in section 4 of the Planning and Development Act 2000 or in Schedule 2 of the Planning and Development Regulations 2001, requires planning permission. That includes solar panels. Some buildings have had size allowances. Until now, schools and other public buildings have not been exempt at all.

In bringing this Bill to the Seanad, I acknowledge the work of Senator Dooley, who is here today, who had a Bill which aimed to address the issue in a slightly different manner, but the Government fell before it was added to the Order Paper. I am delighted to see Senator Dooley here today. I acknowledge the work of Friends of the Earth Ireland, which has sent extensive background notes and asked Senators to support this Bill. I thank Kate Ruddock, our dedicated researcher who has worked on this in the background for aeons. I offer particular praise to the children and young people of Ireland, who continue to lead the way on the environment. Our group is here, with Senators Garvey, Martin and the Minister of State, Senator Hackett, to support them.

A week ago, Councillor Claire Byrne brought me to a school in south Dublin where the young people have a really active green committee. They recently erected 11 kW of solar panels. It is one of only a handful of schools in the country that have been able to jump through all of the hoops to get this over the line. The principal, John McKennedy, told me that it took over a year and a half to get through planning. That does not include the years of fundraising. When one roof was found to be unsuitable by those erecting the panels, they should have been able to move to another roof but instead had to go through the planning process all over again. This does not just take time. The architectural drawings can cost upwards of €3,000. That is no small obstacle. It is stopping the advancement at speed of the climate transition. There is an opportunity for the State, with this Bill, microgeneration, and through providing more mentors through the Sustainable Energy Authority of Ireland, to give every child an energy education. I know the Minister for Education is doing work on retrofitting and supporting schools which are changing their electricity system to solar and other energy forms.

With this Bill, planning permission would no longer be required for solar panels on schools and public buildings. It would be possible to install larger arrays of solar panels on homes without planning permission and they would no longer be limited to 12 sq. m or 50% of the roof area. Industrial, business and agricultural buildings would be able to install larger arrays without planning permission and no longer be limited to 50% of roof area. We are currently bringing a climate Bill through this House and, as a member of the Joint Committee on Environment



and Climate Action, I believe passionately that the transition to a climate-neutral society can empower children and young people, making their lives better. They may not have solar panels on their roofs at home but they should have the ability to contribute and share in the transition in their classrooms, public libraries and community centres.

I hope Senators will support this Bill that I am introducing along with my colleagues, Senators Garvey and Martin, and which is supported by the Minister of State, Senator Hackett.

**Senator Róisín Garvey:** Cuirim fáilte roimh an Aire Stáit. Is lá iontach é. Sometimes in politics you wonder why you bother. There can be tough days. You get a lot of grief and sometimes it is hard. It is important to celebrate wins and today is a definite win. We have been fighting for this for probably 20 or 30 years. I remember being in a school 14 years ago. We were talking about fossil fuels, cars and energy savings. They have electric detectives in many schools that take part in the green schools programme. They have little badges and stuff and do monitoring using a thing called an owl to find out what uses the most energy, whether computers, kettles or fridges. The big energy guzzlers were the white boards.

The children were great at isolating the issues and they had traffic light systems, with green, orange and red, indicating who used the most energy and making staff and pupils aware. However, they did not have the solution. They knew what a solar panel was but when they asked to get solar panels they were told they needed architects, planning permission and fundraising. They were told schools were trying to get the hole in the roof fixed or raise funds for a school tour and it was hard to prioritise solar panels. The kids are great. There are no obstacles. They ask why we are complicating things and say just put up the solar panels. As of this Bill, we will be able to do that. It is a positive day for children in schools and it also means they can go home to their moms and dads and say they can do more of it at home.

As rural development spokesperson, I contend that, if they are from a farming background, it is a huge win. The more rural you live, the more sheds and roof space you have. This is nearly more beneficial for rural dwellers than urban dwellers because we tend to have a shed, a lean-to or a few things like that. We have more stuff to store. This will make it simpler for farming communities to put up solar panels and do so in greater numbers. My friends who are dairy farmers have huge energy outgoings. It is a huge cost and, up to now, it has been prohibitive for them to apply for planning and get solar panels on their roofs. This is a good day for them. There are good grants there at the moment for solar panels. The Green Party has put much more into funding solar so it will enable communities and people to own their energy. When you own something, you take more responsibility and become more aware of it.

It has been an abstract thing. When you start educating people on electricity, they do not think about where it comes from, whether that is coal from Moneypoint or turf burning stations in the midlands. We were not aware. We turned on switches or pushed buttons and things just happened. Now we know all our energy comes from fossil fuels or a cleaner, greener source, which is what we are moving towards. This is a huge day for every person in Ireland. They will be empowered to be in charge of their electricity. When we bring in the feed-in tariff in the next couple of months, it will mean that if there is surplus energy, they can send it back to the grid.

I was talking to a principal today in a school we had worked with on the green flag quite a few years ago. He had been on to me about planning permission, as many schools had over the years. He said he had found a company that will fit enough solar panels to cover the school's electricity needs. This is a big school, namely, Ennis CBS. The principal, Dara Glynn, does

nothing by halves and has been powering on with this. He was going to get it one way or the other, even before we passed this Bill. He was one of the first people I told today. He said they can get 50% funding from the Sustainable Energy Authority of Ireland, SEAI, to cover the roof in solar panels. It will meet all the school's daily needs and they will be able to sell it at weekends and in summer. Every school in Ireland has to raise funds, even though they should not have to. This is a great day for the poor mams and dads that have been doing bake sales and all these kinds of things for years. Now they can get the solar panels up and apply for the grant. There are low percentage green loans to meet the balance. This will be a possibility and a good way of owning electricity. As Senator O'Reilly said, they can keep an eye and monitor it.

Many kids have been reading ESB monitors for years. We do not realise what has been going on in schools. Teachers and pupils have been doing so much work on this. They have been reading the ESB meter and having photocopy-free Fridays or power-down Tuesdays where they turned everything off in the school to see if the meter would stop. Then they would run around the school to see why it was still running. There has been a lot of work done in schools on this. Many farmers have brought this issue to me over recent years when I was canvassing in north Clare. It was great to see the interest farmers had in this. They were asking when it would be simplified, when they could put up more and what the challenges were. This is a big success today.

I have to thank a few people. I thank our researcher, Kate Ruddock, who did great work on this in recent weeks. She is only with us a short time and got stuck in straight away. Friends of the Earth in recent years did much good work on solar power in schools. Green schools committees all over Ireland have been badgering their teachers and parents to turn off lights, power things down and have photocopy-free Fridays. Instead of having the blinds closed and the lights on, they realise there is daylight, open the curtains and turn off the lights. There is great positive pestering from students. I thank a great woman in Limerick, Asia Pasinska. She went through a two-year battle with the courts because she put up more solar panels than she was supposed to, though fewer than this Bill will allow. She fought tooth and nail for two years. She raised and highlighted an important issue. It was madness that she was getting into trouble for producing her own clean, green energy. This is a good day for her. It is hard for an individual taking on the powers that be for the greater good. She has done that and should be praised.

Is important that public buildings can do it and that local authorities lead the way on this. There are many good energy agencies out there. We have one called Limerick Clare Energy Agency. There is Tipperary Energy Agency and a few more are popping up. I hope they lead the way because if we want the public to do it, we have to expect our public buildings to do it first. I would like to see that happening as a matter of urgency. Local authorities and Government people have to set the standard and be seen to be doing the right thing. It is the way forward. The climate Bill is coming but the less we rely on fossil fuels, the more empowered we are, the more we save money and the more we feel good about ourselves for doing the right thing.

There are grants for batteries as well. If you have surplus energy, you will be able to save it. We are paying €0.18 per kWh. Every kWh you make, you are saving €0.18. Really good sunshine is not needed for the photovoltaics. Solar panels have come a long way. We have top-quality photovoltaic panels that have improved vastly in the last few years. They make electricity on days when there is any light at all. People think it only works when there is loads of sunshine but that is not true. I have many friends who constantly boast about how they have met all their energy needs and it was not even a good, sunny day. This is a positive step. It is

not just for the Greens but for everybody. We have to normalise going green. We need to bring everybody with us. This is a positive Bill for all parties and individuals.

I look forward to support from the entire House, including Opposition parties and Independents, as well as our coalition colleagues to move this Bill forward. Let us get the ball rolling, simplify solar and make it easier for people who want to do the right thing.

**Senator Victor Boyhan:** I welcome the Minister of State to the House and thank the Green Party Senators for this Bill. This is nothing new. Let us not get too excited. There are five Stages to a Bill so we have a long way to go before this becomes legislation. We ought to be realistic.

I will support the Bill but there are a number of questions we need to ask about it. First, I am led to believe we do not need a Bill at all. I presume the Minister of State has had advice and briefing in advance of coming to the House. I am advised that no Bill is required. I am advised that the officials of the Minister of State who is ultimately responsible - the Minister of State, Deputy Peter Burke - have been working extensively on regulations prior to and since he came into office. I am also advised that the Department is happiest to proceed - this is not to say that it is always right - via regulations.

Senators Pauline O'Reilly and Garvey spoke very eloquently and are very committed to renewable alternative energy, particularly in respect of its impact on public buildings and schools, but what is the quickest way to achieve this? Is it through regulations to be signed by the Minister, who is competent and will ultimately have advice on that, or is it through the Bill? I have no hang-ups about a Bill or about regulations. I want it done and done quickly but I want it done with a number of conditions. The Minister of State will be familiar and the Green Party will be particularly familiar with environmental impact assessments, environmental impact appraisal and the conditions set out about public engagement in environment and planning relating to the Aarhus Convention. I saw on the Minister of State's website today some of the issues relating to public engagement. To be fair to his party, it has a really strong commitment to engaging with the public - the citizen, who, ultimately, must have a say. It is important that we look. We have protected structures, the curtilage of protected structures and heritage buildings. Kilkenny, where the Minister of State comes from, is adorned with the most beautiful buildings. We cannot introduce a system that in any way compromises or undermines them in terms of our principles relating to protected structures. We have national monuments, very sensitive sites and sites out in the Burren in County Clare and I would be appalled if I thought one of these was going up. That is only my view. We have the aviation industry, which has made representations relating to Clare and is unhappy across the country with regard to aspects of them.

There is a lot of work to be teased out. Critically, we need some kind of assessment and appraisal. We need scoping and an assessment of its impact on the physical environment and the natural environment. I do not think the Minister of State disagrees with any of that. We must take it easy and go through all the steps.

I was in Thurles today and spoke to a number of schoolchildren. I mentioned that I was looking forward to coming and engaging with this Green Party Bill today. Immediately, three or four of these eight-year-olds said they did not like these panels. I asked why they did not like them. One of the girls told me that she saw a programme in Spain where they were being dumped into a landfill while another little fellow told me that they only have a lifespan of eight to ten years. These are young children engaging and their school is a green school too. It is

great that they are engaging in respect of the environment. I simply do not know as a politician where they go. Do they go into landfill? Are they made of certain plastics? Are there certain aspects of them that are not biodegradable? I would certainly like to know more about it. What is the international experience? There are a lot of questions to be asked. However, I am supportive of the Bill at this stage because we need to run it in tandem with what the Department might be doing, thinking and planning.

On a positive note, my colleagues and I had the opportunity to visit a fruit and vegetable establishment in north County Dublin some weeks ago. Again, I saw at first hand how the horticultural industry has embraced solar panels. This successful horticultural business is not too far away from Lusk and Dublin Airport. While they were not on the ground because I have some concerns about that, we have a land policy. As part of her brief, the Minister of State, Senator Hackett, is responsible for our land policy. What I liked about the project, and I will point the Minister of State in the direction of these people because it is a really good model, is that they were slightly raised about 1.5 m off the ground. They were successfully using them as shelter for salad crops. They were catching the sun and producing energy for their tomato houses so there was a synergy and a worked-out scheme. They tweaked it for a few years but they got something right. There are real possibilities and potential for it, certainly in the horticultural industry. It is an area related to climate change. We spoke with the leader of the Green Party and the Minister for the Environment, Climate and Communications about the climate Bill last week. He mentioned that we need to embrace alternatives, get the horticultural industry up and running, empower the agricultural community and the rural community, get jobs there and get alternatives in terms of land use. There are a lot of good points and I do not want to be negative. I want to be positive and support it.

However, I would ask the Minister of State to address some areas such as his knowledge of the regulations versus the Bill and how far the Department has gone. If nothing else, this Bill will put pressure on the Department and officials. The focus must be how quickly we can get this over the line.

**Senator Timmy Dooley:** I also welcome the Green Party's initiative here and I thank the Senators for their work on it. We will certainly support it. It is what all of us have recognised for some time as an unnecessary impediment to the continued increase in ambition of many citizens who want to play their role in decarbonising our economy. The provisions in the Bill set out a clear identification of a problem that is reducing people's ability to act quickly in participating in the reduction of the output of carbon into the atmosphere.

A few aspects of it are important. A number of Senators have spoken about tying it into education and recognising that schools can play a role. Any time we get a citizen to make a significant change in the way he or she lives his or her life to benefit the environment, we create a climate change ambassador. When somebody purchases an electric vehicle or insulates his or her home, sometimes it is based on an incentive put in place by the State but once he or she makes that initial choice, it alters his or her life in so many other ways because he or she becomes an ambassador for other changes he or she might not require an financial incentive to do.

I have long held the view that there should have been no planning impediment across society regarding the use of solar panels. I would probably go a bit further and be inclined to make it a requirement of most buildings. Why would they put in a roof that does not have solar panels? There may be some specific reasons not to do it but they should be the exception and the rule should ultimately be that all roofs would be required to capture light. As Senator Garvey

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and others have identified, it does not require direct sunlight. Capture can still take place on days we might consider to be somewhat inclement, although maybe not to the same intensity. However, light is still generating electricity. As we move away from carbon-intensive fuels and towards a society where electricity will be the energy source of the future, we must find much more imaginative ways of harnessing, capturing and storing electricity. Solar panels in conjunction with advancing battery technologies will form part of that mix.

Of course, the capture of wind is a hugely important feature of generating electricity but quite frankly, we now see that many of our communities are not prepared to accept the imposition of wind turbines. It is hard to blame them when one considers the impact they can have on small communities. We are told that we are still ten years away from capturing wind off shore, particularly in the Atlantic Ocean where there are vast amounts of energy to be harnessed. In the intervening period, we have to be more creative because communities will not accept wind turbines, as some did in the past in the same way as previous generations accepted the large poles for carrying electricity. Those large metal structures are not acceptable anymore. Communities do not want them and the same is happening with the capture of wind. We must look at solar panel technology.

I listened to what Senator Boyhan said about their lifespan. There are certainly issues there but we have a window to get it right when it comes to our emissions and we must use the technologies that are here today. I have no doubt that if this House exists 50 or 100 years from now, as I am sure it will, there will be technologies we have not even dreamt of that will capture electricity if electricity is what will be used then. Neither I nor anyone else knows.

*8 o'clock*

We must use whatever is available to us to rid our environment of the destruction caused by carbon emissions and the emissions from other associated gases considered to be equivalent to carbon. What is available to us must be used. I would be a strong supporter of the use of these solar cells. The more opportunities we give society the cheaper energy will become and the more advances will take place

We see the solar cells that are in use. Five years ago the cost of installing them was prohibitive but now it is not. They have reduced in price because more people are using them across the world. The same is happening with battery technology. I would be a strong advocate of pushing and supporting such advances in every way we can. We must encourage people in the first instance. To get the early adapters we must provide incentives. That is being done through the Sustainable Energy Authority of Ireland. We need to remove impediments to planning. The next phase the Minister of State needs to address is to require the next layer of buildings to install solar panels. I am taken aback when I see large industrial buildings with massive roofs that it was not a planning requirement for them to install solar panels to generate electricity. There is financial gain and reward to be derived from that but in the first instance their installation generates electricity that does not have to be generated by gas, oil or coal as currently happens. We must be far more ambitious in everything we do. Science will evolve and develop and there will be new opportunities. Let us harness what we have and we should do it now. The Minister of State should put pressure on his Department. There will be people who will have concerns about it. We hear of concerns expressed by aviation authorities. Those can be pushed aside as there are certain restriction zones around airports that have issues, but after that let us get on and get it done.



**Senator John Cummins:** I welcome the Minister of State to the House. I commend my Green Party colleagues, Senators Pauline O'Reilly, Garvey and Martin, on bringing forward this Bill which will amend Parts 1 to 3, inclusive, of Schedule 2 to the Planning and Development Regulations in order to remove planning restrictions that relate to the installation of solar panels on public buildings, schools, homes, business premises and agricultural buildings.

I would echo much of the comments made by Senator Dooley. What the Bill proposes is a no-brainer. There is no question about that. Under the proposals in Bill before us homes will be able to install a larger array of solar panel. Currently, it is restricted to 12 sq. m or 50% of the roof area. Likewise, industrial buildings, businesses and agricultural buildings, in particular, will be able to install them. This is an area where our rural and agricultural sector can have a positive impact on reducing carbon emissions. I hope when we debate the climate Bill later in the week that sector will be credited for reducing its energy requirements through the installation of these panels. Panels will be able to be installed on the ground up to the 4 m in height. As referenced, technology in this area is improving rapidly. It is now possible to get roof slates that incorporate solar panels. I was given a demonstration of that. A Waterford company, Redfoot Roofing, has the patent for new lock roof slates, which open up the possibility of being able to install solar panels on protected structures because it does not impact on roofline of the building because it is incorporated in the slate. Technology in this area will continue to rapidly evolve in the coming years. We are very far behind in the use of solar energy compared to our European counterparts. Any time one visits any of our European neighbours all one can see on roofs is solar panels regardless of whether one visits a rural or urban area. We need to step up to the mark in terms of solar energy.

As Senators Garvey and Dooley referenced, solar panels do not need sunshine to work, they work on the basis of light. We are very well placed in Ireland to benefit from solar energy. The word "solar" and its reference to the sun probably catches many people out. Perhaps we should rephrase the term. In order to meet our 70% targets for 2030 we will have to get serious about solar energy.

The planning permissions currently required for such installation are an impediment to investing in this area. It is unacceptable that schools and farms, in particular, are being locked out from the move to green energy by the existing barriers in terms of planning permission.

I understand the Minister of State's Department stated it needs to carry out a detailed aviation safeguarding map, which will take a further nine months to develop, and in meantime interim regulations will be put in place, which will take five to six months, by the end of this year. That is an unacceptable timeline. I would echo previous comments made to push the Department on the timelines for this. Any issues regarding glint or glare can be readily addressed. There is no reason we cannot put an exclusion area in place around our existing airports and open this up to the remainder of the country. We have a limited number of airports in the country. There is no reason the rest of the country outside those areas cannot benefit immediately from the removal of the requirement for planning permission.

I acknowledge the consultation on the micro-generation support scheme to enable individuals in communities to sell their renewable electricity such as that generated from solar panels and that the summary report of submissions has been published. The timetable set out for the auctions for March, July and September of next year is not ambitious enough in terms of our getting serious about solar energy. If there is an issue with resources in the Department, I ask that it be addressed. It is urgent we tackle this issue. I commend my colleagues on bringing the

Bill before us and ask that action on it be expedited

**Senator Rebecca Moynihan:** I congratulate the Green Party Senators on bringing forward this Bill. They are members of the smaller party in government and I have sympathy for what happens smaller parties in government and the hassle and blame they get for things they do not necessarily cause. The Green Party Ministers and Senators have been performing exceptionally well during the past year and, particularly when focused on green issues. I congratulate them on that as they mark their one year in government, as they get blowback from others and as this is the type of legislation a Green Party should be bringing forward.

I welcome this Bill and the Labour Party fully supports it. When the Green Party first launched this Bill I was surprised to learn solar panning in schools was not covered by planning exemptions. I checked the number of schools and educational institutions we have. They number 8,500 and their square footage would be massive. We should not only allow schools to generate their own electricity. Under the Microgeneration Support Scheme Bill they could sell it back to the grid when they are not using that electrical capacity. We should be funding and taking more prominent steps to allow our network of State institutions to begin to tackle our carbon emissions and climate change. I know from working in a school, and from school buildings, that many principals would say they are not as focused on education as they should be and that they are mainly focused on school buildings. Investment in infrastructure and schools is important in terms of bringing them up to standard and making them more energy efficient. As part of the roll-out and implementation of this, I would like to see the Department of Education taking a more active role in improving the energy efficiency of school buildings rather than just allowing schools to put up solar panels without planning permission. It is important that the Department equips principals with knowledge and funding and that it assists them centrally, as it does with the school building programmes. Many schools in this country are very old, damp and leaky. One has to leave the windows open with the heat on in the winter because the windows are covered in condensation. That is something in our school stock that we need to be able to tackle.

Senator Dooley's point on solar power is important. We need to focus beyond schools. Over the next ten years, we plan to build at least 34,000 new houses. We must ensure the standards used in building those houses prepares them to be climate ready. Local authorities have a big role in doing this, particularly when building housing. When I was on Dublin City Council and the new social housing was being built off Cork Street, I asked about using green roofs to protect in the context of flood protection. Flood protection in Dublin city is one of the bigger issues we face because many people have paved over the natural soakage in the city. We were told it was too expensive, the technology was not developed and it was too heavy in terms of the construction of the building. Those are the things in our climate strategy that we need to consider doing in order that local authorities and Government institutions future-proofing our buildings.

I commend the Green Party Senators on putting down this Bill. They have been very active Senators in the area of climate change and environmental issues. The Labour Party fully supports this Bill.

**Senator Fintan Warfield:** I too commend the Green Party Senators on bringing this Bill forward. It is a welcome Bill and Sinn Féin will support it. I have a word of caution to offer in terms of how, at the moment, it does not join up with the proposed microgeneration support scheme. I will reflect primarily on this in my contribution, but I commend the Green Party

Senators and I support the Bill.

Removing the barriers from the planning process is a prerequisite to rolling out solar panels on the scale that we need them, but it is not sufficient. The other enabling factor, as we have spoken about, is the microgeneration support scheme and that it is fit for purpose. Many people have long-championed the roll-out of solar panels and microgeneration. A colleague of mine in the Dáil introduced a Microgeneration Support Scheme Bill, whereby suppliers would have to pay the householder for excess electricity supplied to the grid from small-scale renewable energy. If done correctly, microgeneration could be a significant tool in helping people enjoy the benefit of the transition away from fossil fuels. For too long, the approach has been focused on more stick than carrot. It could help people to lower energy bills and provide some income, which Senator Garvey spoke about in terms of schools. It could add to the State's overall renewable energy production and it could help our schools, community groups and farmers to enjoy a much-needed new stream of income.

The change to the planning regulations is a necessary step but, in and of itself, it is not sufficient. Both the support scheme and the planning regulations must be in place if we are to see rooftop solar energy on the scale that is needed. Unfortunately, there seems to be a lack of joined-up thinking between this planning regulation and the proposed microgeneration support scheme. To illustrate this point, I take primary schools as an example. The Bill before us removes the burden that schools would face in getting planning permission. That is very welcome and it will make it more appealing for schools to develop solar energy, but if the proposed microgeneration support scheme, that was put to consultation this year, is anything to go by there are significant structural barriers built into the scheme's design that would make microgeneration financially unfeasible for schools. I speak to the caps on the amount of electricity that could be sold back to the grid. A school would only be able to sell a fraction of the electricity it generates to the grid. Senator Garvey mentioned that the summer months are a primary opportunity, when not much electricity is used and when much electricity generation could occur. During the summer, a time of peak solar output, the school would only be paid for a fraction of the return it would make under of the current scheme, as per the consultation.

The design of that scheme is supposed to encourage self-consumption first rather than selling back to the grid, but for schools that are empty three months of the year, that does not make any sense. This will have a negative consequence on the business case for investing in solar panels. While schools will be eager to be environmentally conscious, we cannot expect them to make the required investment if it does not make financial sense. It would be difficult for schools to make the numbers stack up. It appears the Government is aware of that. According to the support documentation that accompanied the consultation, there would be a very low rate of uptake among schools of between 0.3% and 2%.

If we want schools to benefit from the transition, we need to get this right. I call on the Minister of State to reconsider the caps that schools will face. I know he is currently reviewing the responses to the consultation, but we need a joined-up approach to the planning barriers and the barriers in the support scheme. Otherwise, the significant benefits of this Bill would be in vain. Hopefully, we can align those interests and get this done right. I commend the Greens on bringing this Bill forward.

**Senator Vincent P. Martin:** I welcome the Minister of State to the Chamber. As always, he is a friendly face in the Chamber. I am delighted to be part of the green team sponsoring this Bill, introducing it to the House and bringing it to Second Stage.

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I often begin debates on climate related matters by reminding us that nine out of ten people in the world breath unhealthy air. According to the great David Attenborough, air pollution is connected as a cause in approximately 7 million deaths in the world each year, and I am not going to disagree with him. On average, filthy air takes three years off every citizens' life expectancy. I also like to preface remarks, especially after recent debates, by reminding all Members that China has very high emissions *per capita* at 7.38%. Ireland's emissions are even higher at 8.32%, while Malawi has a rate of 0.11%. We all have a job to do. We must all step up, especially when one thinks that 400 million of the least well-off people equal Ireland's carbon emissions. That debunks this myth and dismisses the occasional nonsense one hears that, as a small country, Ireland can take it easy and leave the heavy lifting to someone else, that it does not need to care about moral leadership or that the dangerous domino effect of such mocking could catch on.

We have paid tribute to Friends of the Earth and Kate Ruddock. I would like to mention a learned gentleman, Matt Kelly, from my home town, Naas. Shortly after I was elected to the county council - and regularly ever since - he was one of the many people who pointed out lacunas in the law. He is one of many, including the Green Party - we are fortunate to have the Green Party in government - who are aware and will be the first to admit that this is just a small piece in the overall jigsaw.

It is correct to say that we do not have a feed-in tariff. At the moment, excess photovoltaics, PV, generation feeds back into the electricity grid with no compensation at all. That must change. It is going to change in a new green world, unrecognisable to what has gone before. However, I urge one note of caution in this debate. With the greening of the world comes forensic examination and assessment of what is going on. When you hear it is green, do not automatically assume that it is clean and safe. In the Green Party we have no time for green washing. Each and every green project should stand up to scrutiny. If it is a proper green project, it will succeed. Such projects should be forensically proofed. There should be community buy-in.

There are already entrepreneurs in the market. We know that the greening of the world is coming with the so-called "Obamisation". Going green can puts money in people's pockets. I want everyone to get involved in that, but not to turn a quick buck at all costs. I am thinking, in particular, of the lithium battery storage unit projects. It is incredibly important that those projects are done right with State supervision. It should not be the case that an entrepreneur comes in from another jurisdiction, registers a company in the Republic of Ireland to make a quick buck, puts in an application for one of these plants, even though he or she probably could not name three streets in the town and has never set foot in the town in his or her life, and expects the community to be delighted. I am not naming any plants in particular. Have we learned anything from the ten years of wind turbines? We have and we got that right. Therefore, for the next stage, it is vitally important that we bring people with us, have community gain and buy-in and State involvement. It must not be about making a quick buck. It must be done right. There must be long-term buy-in and a sense of security and community ownership. If we do it right, communities will queuing up to embrace the technology.

Finally, I note that Senator Boyhan spotted - and he is a forensic spotter - that this Bill is in fact an amendment of secondary legislation. That is clearly stated in the Bill and we make no qualms about it. The Green Party is in a hurry. Whatever happens, we will change the law by whatever means necessary, whether it is by amending primary or secondary legislation. We do not have the time. The country and the world do not have the time. As Greta Thurnberg said: "Our house is on fire." When a house is on fire, you put out the fire. Without getting carried

away, the Seanad has put out a small but meaningful fire on the road to putting out bigger fires and ensuring that we never reach the irreversible tipping point from which we can never return.

**Senator Malcolm Byrne:** I thank the Minister of State for coming to the House and my colleagues for bringing forward this important proposal. We need to look at ways that we can design our homes, public buildings and buildings in a more energy-friendly way.

There are a number of other important elements that are part of it. I wish to focus on our education and research system. We need to look at putting much greater emphasis on concepts around design in our education system. We must look at how we design our homes, communities and public buildings. From an early age, people need to have an understanding of the importance of renewable energy and how we can do things in a much more sustainable way. In our recovery following the pandemic, we need to focus on investment in research. We must look at how we can solve many of our national, and indeed global, challenges. The Department of Further and Higher Education, Research, Innovation and Science was not set up to be an administrative Department. It was set up to be innovative and to look at the global issues that we are all facing, and prepare us all, as citizens and residents, for those challenges and opportunities that are coming down the line.

I hope the recovery plans the Government bring forward do not just focus on our economic recovery but also on how we can reshape our society to be able to avail of the possibilities of solar energy and other renewable energies, and how technologies can allow us to live much better lives.

We need to take that holistic approach. A greater emphasis in education must be placed on the design of sustainable communities from a very early stage, right through primary level and all the way through to fourth level education, with serious investment in research on how we solve global problems. We must set the challenge to some of our universities to outline how they are going to solve issues such as climate change. We must ask how we are going to ensure that we have an agricultural system that is sustainable, that supports our farmers and allows young farmers to continue on, yet at the same time guarantees that we are able to feed the 11 billion people who will be on this planet in 2100. That must be seen as part of the overall context.

There is much controversy around data centres. Data is the new gold. Ireland is ideally placed, for climate reasons, to build data centres. However, we know that data centres utilise a huge amount of energy. Can we be innovative in marrying up the use of solar and renewable energies with some of our data centres? If some of these data centres are not going to be viewed as sustainable on their own, if they partner with renewable energy generation, whether it is wave, wind or solar energy, will that be able to offset some of the challenges that we face in that space?

I agree with Senator Martin that there is money to be made in the green economy. However, we must allow people to generate income and we must incentivise it. One of the worries I have around CAP is that farmers in some way continue to be presented as not being able to contribute towards addressing climate change. There is no sector better placed to be able to do it. If we can incentivise our farm communities to use renewable energies, including solar energy, much more effectively, they will do that. If they get to own the carbon credits that they generate, they will do that. We must ensure we make all of our communities, and the farming community in particular, sustainable - environmentally as well as financially.



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I welcome this Bill. There are some issues with it. I know the Government has been addressing them. It is crucial that we rethink how our homes, communities, colleges and also our private sector operate. It cannot just be seen as being part of the planning process and as a planning issue. It has to be about changing that thinking within all of our communities. That means introducing elements of design into our education system. In many ways, because we are coming out of this pandemic thinking about doing things in so many different ways, it is the ideal time to be able to do it.

What is being attempted in this Bill is very noble and the principle of it should be accepted. However, there are much broader issues that are related to it that need to be addressed. I hope and expect that all of those issues will be addressed in the Government's programmes coming out of the pandemic.

**Senator Mary Seery Kearney:** I welcome this Bill. I congratulate our Green Party colleagues on demonstrating a sense of leadership and urgency in bringing forward what is the latest in a series of Bills and motions that very much reflect our Programme for Government: Our Shared Future and all that we should be - and are - doing with that sense of urgency.

The biggest surprise is the fact that this legislation is needed at all. When I first spoke about it with Senator O'Reilly, I was surprised at what I learned. Schools should automatically have solar panels or that sense of a drive towards renewable energy. In that, I would wave two flags. One would be that in any design of any school forever, we need provisions for ASD classes and solar or renewable energy. I very much concur with what has been said, that this should be mandatory and that you would need a very good reason to opt-out. I understand the concerns of aviation but that does not stack up when Dublin Airport has solar energy. I understand from a briefing from Friends of the Earth that Dublin Airport already has had a major solar panel installation in place since 2019. If that is the case, that the busiest airport in the country can do that, some of the concerns delaying the implementation of the regulations of the Bill are a little curious. Surely to goodness we can manage whatever is delaying here and overcome the impediments as quickly as possible.

We are in a queue waiting to have solar panels put on the roof of our house at home. I am very excited about what this winter will hold and, we hope, see our energy bill go down. From a school perspective, it makes sense to show the leadership and embrace the excitement and urgency of this generation. The Minister of State very eloquently addressed that so I will not repeat what he said. It respects the drive from the generation that is coming up and challenging us to make sure we are innovative with regard to renewable energy and responsible with regard to the climate and our Earth. We need to do this with real urgency in this case but also with other buildings, such as community centres. There are so many possibilities throughout the country where this is an opportunity for better use of income, including grant aid, as well as an ability possibly to generate an income. What is not to love about this Bill and a momentum towards solar energy? Anywhere it can go, let it go. Senator Cummins mentioned the Waterford company that has built this into roof slates. We can do it in a very accessible and non-intrusive way. I understand communities' concerns around wind, naturally, but for solar there really is no longer an excuse. On my own road I see the transition from the old ones that looked like drainpipes stuck onto the roof to what is very discreet, new development. It is very much to be embraced.

If we moved to a position where it was mandatory on publicly owned buildings, including schools, a whole industry would come behind that. We might be coming to a phase where so-

ciety does not live as it used to. There is remote working, and there will be changes in patterns and culture after Covid. Some jobs and businesses will not open up again. This is an opportunity. I really respect the drive from the Department of Further and Higher Education, Research, Innovation and Science to look at innovative courses. We could probably push more to ensure people are reskilled and upskilled. If we are moving towards mandatory use, there is no reason we would not. There is nothing not to love about this and I fully commend my colleagues on all their hard work and to the Minister of State for being so responsive.

My last pitch is on the funding of microloans to assist organisations. We can also work in the community to facilitate and work on credit unions being able to play their part. They are awash with money and desperate to loan it out at the moment. The rules around them are prohibitive to their being able to match the innovation they would like. This would be a perfect marriage. They are in the community and have knowledge of their communities and of the ability to repay as well as building on the income that would come in the future.

**Senator Rónán Mullen:** I support the progress of the Bill in solidarity with my Green Party colleagues because I believe it deserves more consideration on Committee Stage, but that is not to say that I do not have concerns about it. For example, surely there is a legitimate question over whether any substantial alterations to an existing structure should be exempted from planning permission. Why should any particular type of alteration be exempt? One might argue solar panels and the harnessing of solar power is something about which we should do everything we can to encourage as a matter of public policy, and that may well be true. Instinctively we would all support that. However, I would argue this might be the thin end of the wedge in that, if we exempt one particular type of alteration from planning permission, it might encourage others. It might encourage future governments to start granting exemptions for other types of alterations which might be desirable or fashionable or seen to be at a particular time.

The Green Party has rightly raised many objections in the past to aspects of the planning system that are pro-developer, which take too little account of heritage or aesthetic value of developments, and so on. This Bill seems to go against that grain somewhat by allowing alterations to buildings without a thorough examination of their necessity or their aesthetic value. I would have a concern about that.

While I do not profess to be an expert on solar panels or their installation, is it not fair to say they can be very unsightly? I heard what Senator Seery Kearney said but I put the question nonetheless. As such, should people not have the chance to object to their installation on a neighbouring or nearby property on those reasonable grounds in order at least that their objection might be heard?

Also, as I understand it, there are a number of downsides to their use. For example, I know they can be costly, both to install in the first place and to store the energy derived from them. They take up a lot of space in terms of the surface area needed for the panels. They are weather dependent, which as we know can be a major problem in Ireland. There seems to be an environmental cost associated with the production of solar panels, both in the carbon footprint of production and transportation of them, but there are also some hazardous materials used in making them. I say all this not to rain on anyone's parade, pardon the pun, but simply to do my job, which is to try and point out the strengths and weaknesses of particular proposals, or at least to encourage further scrutiny, and to point out that we have a long history of holding up particular practices or means of energy production as being a panacea or a model of best practice only for the flaws in them to be exposed years later.

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I have said here before that recent decades are littered with proposals which were once adopted almost as dogma only to be abandoned subsequently. I am old enough to remember when there was unanimous consensus between all parties about the need to utilise bioethanol as an alternative to petroleum fuels. The international green movement, and later national governments, including our own Government, have since abandoned this position since it would have diverted resources away from food production in a world where around 700 million people are undernourished or starving. Diesel cars were once encouraged as an alternative and taxed at a lower rate accordingly, but this has since been abandoned, something which causes great resentment to this day to those who invested in diesel cars back in the day.

The State once gave generous grants for wood pellet boilers as a low-carbon alternative, and this position has also been abandoned, with many of the boilers ripped out of homes and, I believe, the company which did most of the work having gone bankrupt. All of these policies were abandoned and not much in the way of a *mea culpa* from those who pushed them at the time. I am not suggesting people go around in sackcloth and ashes but acknowledgement would be important. This is what happens when we adopt short-term, quick-fix policies, perhaps in a spirit of idealism but without sufficient care in reflecting about them at the time.

Electric cars are now in vogue, but there are already serious concerns about their impact due to the need for lithium in batteries, which leads to intensive mining and the exploitation of workers. Will we look back in a decade's time, after years of the installation of solar panels without planning permission, realising we have made a similar mistake? We need to think more about this, as good as it might appear on the outside.

I heard my colleague, Senator McDowell, make a great point in the House last week on the climate action Bill, that adherence to climate action is almost becoming an alternative religion in some quarters. This point was made very eloquently by Maria Steen writing in *The Irish Times* a couple of years ago. Out of curiosity I tuned into the new GB News channel during the week and happened to see an interview with Roger Hallam, founder of Extinction Rebellion. I have quoted his positions in the past, which have a distinctly religious zeal around them. His views are so extreme that the movement he founded has since disassociated itself from him. The party left him, so to speak, but it just shows the sort of rhetoric that much climate policy can be built on from time to time.

The installation of solar panels, and the questions about it, is, in many ways, a First World issue. In fact, it is the very definition of a First World issue. As I mentioned in my contribution on the climate change Bill last week, there is precious little focus on what we might be doing to protect those who are most vulnerable to the effects of climate change, who are invariably poorer people in poor, dry, developing, industrialised or low-lying countries. I quoted Maria Steen earlier. She summed up the climate action policies of western governments very well when she said:

...it is the rich who shall inherit the Earth, living in their A-rated houses and driving their electric cars. The poor in developing countries – who often suffer from unreliable electricity supplies...will be told “Too bad – no coal or oil-powered electricity for you.”

Who said, “The meek shall inherit the earth”? The other version if it was, “The meek shall inherit the earth, if that is alright with you fellas”. This is the outcome we risk. Many of our climate policies focus on the needs and actions of well-off people like ourselves in well-off countries, almost to salve our own consciences it sometimes seems, instead of focusing resources on

helping those who will be most affected.

**Acting Chairperson (Senator Shane Cassells):** I let the Senator away with an extension of time and a mention for Andrew Neil's television company, so he got great latitude.

**Senator Fiona O'Loughlin:** It is a great pleasure to support this very worthy Bill. When we think of solar energy and the impact of having it in our schools throughout the country, what greater lesson and what greater leadership can we give our young people who, as we know, are often leaders in this area. It is a very strong statement in any community when we see public buildings, be they schools, Garda barracks, community centres or council offices, with solar panels. It is very much to be welcomed.

Of course, planning permissions are needed. We need strong regulatory powers around planning but sometimes there is too much red tape. The regulations are very cumbersome so it is an excellent idea, proposed in this Bill, to ensure planning permission is not needed for solar panels, starting with public buildings in particular, but including schools and some business premises. We know that one of the large expenditure items school boards of management have to pay are electricity bills, so there would be a real boon in that. Government needs to look at the possibility of providing grants that would follow this legislation to enable schools to have solar panels. Solar panels should be mandatory for any new public buildings or schools that will be built in future. The fact that a new special education needs, SEN, classroom is now mandatory in all school buildings is really wonderful, but we need to follow that with solar panels.

Our leaving certificate students are finishing their final examination tomorrow. There could be a wealth of new employment, jobs and industry relating to solar panels. We know there will be a wealth of new jobs for young people, even those starting first year in September, by the time they finish school and college, which we have not even thought about, or dreamed of, at this point. The current drive towards apprenticeships within higher education means there is no reason we could not have many new jobs and positions in this whole area.

Retrofitting is very important for areas that have been impacted by just transition and the move away from fossil fuels and carbon industries, including my county of Kildare. There is an emphasis on just transition and retrofitting. It certainly makes sense to look at different areas, such as solar energy, in conjunction with retrofitting.

I acknowledge there are some difficulties with this legislation as it is laid out regarding aviation safety. That has to be borne in mind but I have no doubt that the proposers will bear that in mind with the amendments that need to come down the line. Some of the work the Department of Housing, Local Government and Heritage has done on similar legislation is basically acknowledging all of that. Aviation is going through a very difficult time but, hopefully, it will be back to some level of normality within the next 12 months and we need to safeguard that. The Department intends to commission the development of detailed aviation safeguarding maps, which will identify areas in the vicinity of airports and that is important. That work will be finished in about nine months' time. Generally speaking, I welcome and support this Bill and I commend my colleagues in the Green Party for supporting it.

**Senator Aisling Dolan:** I welcome the Minister of State to the House. I thank him and the Senators for bringing this Bill forward. It was great to see such an initiative. As Fine Gael spokesperson for education, I am very happy to support it, especially as it includes schools.

The Minister of State has highlighted that as one of the key areas in the Bill. That is so crucial because through the Green Schools programme, the work of An Taisce and everything we are doing to promote sustainable energy within our schools to help our children become aware, all our families are becoming more aware of energy sustainability. It is so crucial.

One issue is that some schools are quite old. We have some 3,200 primary schools and approximately 600 secondary schools, which is roughly 4,000 in all. I am aware of a number of them that need roof maintenance, for example. The Department of Education only recently looked at roof maintenance, last year or the year before, but so many of these schools are aged and are decades old. There are sometimes major issues with roofs leaking, not being maintained or not doing what roofs are supposed to do. How do we support schools that need roof maintenance done prior to putting in any solar panels? How do we support schools when they have no resources at the moment to look into doing that? We need to look at this issue if we are focusing on schools as one of the areas where we are going to drive this issue. I know it also applies to general public buildings. I very much welcome this Bill. These are just some points about how we are actually going to make it effective. What will our goals be in one, two or three years' time, when we look at the numbers of schools that will have solar panels and will be using them?

On agriculture, coming from a farming background I know there are many slotted sheds with lots of roof space, which is something farmers will look into. I apologise for missing the introduction of the debate but I will ask the Minister of State about what schemes he is looking at. Is he looking at the microgeneration scheme where people will be able to give power back into the grid? What schemes is he looking at? We have talked about this being a programme for which we will reduce red tape. We know from our farmers that when they apply for many schemes, they have to do so much online. How will we make it simpler for farmers to apply to the Sustainable Energy Authority of Ireland, SEAI, for solar panel grants?

I really welcome this Bill. I know that sunlight is a bit of an issue. Senator Garvey said how good it would be for schools to be able to use the sun during the summer months. I am not an expert and I do not know if solar panels can go on places other than roofs. If we are looking at roof space, we are also very green.

At the weekend in east Galway, I met somebody from Lahinch, County Clare, and she said, "My gosh, there are trees." I said that it must be lovely down in Lahinch and that she must be a great surfer. She said it is very bare because of the wind and they do not have many trees. We all know how the trees lean over sideways in the west and look very cool. The challenge is that in many parts of Ireland we have many very tall trees, particularly in east Galway and Roscommon. They are beautiful and form great forests, but how does that work with solar panels? Will there be some kind of consultant to support schools and others to achieve the maximum from their solar panels? Who will be able to tell them exactly what they need to do?

**Senator Garret Ahearn:** I wish to share time with Senators Currie and Joe O'Reilly, who are not in the Chamber yet.

**Acting Chairperson (Senator Shane Cassells):** That is agreed.

**Senator Garret Ahearn:** It is a pleasure to be able to speak on this Bill. I commend Senator Pauline O'Reilly on the work that she and her party have put into the Bill. Senator Moynihan spoke earlier of the impact that smaller parties can have and sometimes the challenges that



smaller parties in government have. This Bill is a real example of what a small party can do when in government. The lesson for certain parties is that when in government they can make real differences and changes. Along with the Climate Action and Low Carbon Development (Amendment) Bill to be debated in the House on Friday, this is an example off where that can be done.

I listened to Senator Mullen earlier. I do not always agree with him, but he always speaks eloquently. He spoke about how people might have the opportunity to object. As far as I understand, most of the arguments were about the aesthetics and appearance of it. If that is the case, people should object to how others paint their houses. It is not a valid reason for objection.

The basis of the Bill is to fast-track through something that is important and badly needed. This shows a real sense of leadership in promoting the benefits solar energy can bring. Doing it in schools is important because it educates young people of the advantages it can bring. I am surprised we are not providing an easier pathway for people to do that. I am based in County Tipperary and I can see the enormous advantages for agriculture. As Senator Cummins said, farmers are the first people to stand up and be counted when it is something that relates to climate change or solar energy and I know they will do that again.

As Senator Currie has arrived, I will leave the floor to her.

**Acting Chairperson (Senator Shane Cassells):** Senator Currie has three and a half minutes. If Senator Joe O'Reilly arrives, she might share time with him.

**Senator Emer Currie:** This Bill is about breaking down barriers and putting climate action into the hands of communities. Whose hands could be better than the hands of children and empowering schools that are leading the way? This is not just about microgeneration' it is also about letting them know that they have control over their future. While the Climate Action and Low Carbon Development (Amendment) Bill to be debated in the House this week is a legislative framework for action and accountability, this evening we are discussing allowing change happen in our communities which is ultimately where the change needs to happen and we can play a vital role in that.

I am very much in favour of the exemption from planning permission for solar panels on schools and removing other restrictions from homes and businesses. I am on the board of an enterprise centre in Dublin 15, which wants to get its teeth into this. This is something that has been mentioned for schools in the community but it was too much hassle for them. The powerful part of this is looking at the way green schools operate and how they have been able to work in the areas of waste and biodiversity. Now they can work in the area of energy to help us meet our ambitious target of 70% renewable electricity by 2030. It also allows the idea of green schools to start happening in communities.

It is a powerful approach that can be replicated on a wider basis in communities. We need to empower Tidy Towns committees and others in the community to come together, as they already do under the sustainable energy projects, but in a more meaningful way relating to solar panels. We can start to expand from green schools into our communities so that we are bringing homes together, bringing community centres together or a mixture of both. That is what the Bill does.

I commend my Green Party colleagues. It is a practical Bill with great potential. It will help to address the barriers and put the power where it needs to be. I am enthusiastic about the

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prospect of microgeneration. I know the Minister of State is preparing a scheme on that at the moment. This is definitely where we need to be. We should never underestimate how the little things can create something with such power, as this can do for schools throughout the country.

**Senator Garret Ahearn:** Senator Joe O'Reilly was unable to come to the House, but he asked me to put on the record his support for the Bill and for the work the Green Party put into it.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I will respond to some of the points that have been made as I have been frantically taking notes. I thank the Green Party Senators - Senators Garvey, Pauline O'Reilly, Martin and Hackett - for introducing the Bill. All contributors made the point about power being given back to communities and young people in our schools, not just as a demonstration but as tangible projects they can be involved in allowing them to see they can make a difference in their own communities.

Senator Garvey mentioned the rural perspective and the relationship to farming. Senator Boyhan made a valid point related to regulations associated with the Bill. I will address that specifically in my formal closing address. However, I still believe this is a worthy Bill to introduce and we have had a good debate. Whenever I come to the Seanad, I am always impressed by the level of debate and engagement. The cross-party support for the Bill is testament to the significance and importance of it. Senator Boyhan also mentioned the Aarhus Convention and public engagement. That has been deeply embedded in climate action to date and will continue to be. A point was also raised about heritage buildings.

Several Senators mentioned photovoltaic panels and solar panels. They have 25-year lifespans and all the parts are recyclable. Senator Mullen also raised the point about their carbon footprint. Last week, I visited the Met Éireann offices and I asked about carbon capture on our bogs and bog rewetting given that the projections are for our lands to become increasingly drier with the water tables lowering over time. I asked if rewetting was the correct action and the response from Met Éireann was that it is the correct action for now.

*9 o'clock*

Issues have been raised about the technology. It is the correct technology for now because we have to rapidly decarbonise our economy and our society. This is a technology available to us now and one which we should deploy and use. That is really important.

Senator Dooley made reference to the ambassadors for change and Senator Cummins referenced the points made by the Irish Farmers Association. Again, I am meeting with the IFA. If we can provide alternative technologies for the farming community to embrace, I believe it will embrace them. It will provide alternative sources of income. The national herd can be naturally reduced by giving alternative incomes to our farming communities.

A few Senators raised issues with regard to aviation and the aviation safeguarding map. That is important and specialised work that has to be tendered for. That process is under way and will take a number of months. As has been raised by Friends of the Earth Ireland, there is already a solar array in Dublin Airport. The assessment of glint and glare for that particular array was location-specific. Such assessments will be carried out for the entire airport.

It is important to note that, looking at the greater Dublin area in particular, there is signifi-

cant potential around buildings. The 15 km exclusion area is very large and tunnels right into Dublin city centre. In light of all of the industrial buildings and data centres in that area that have potential and whose demand for energy is great, it is important that we put in a place a system under which this will be a lot easier to deploy.

Senator Mullen made a point and suggested that climate action is an alternative religion. If it is, I am a believer. It is vitally important that we all embrace it.

**Senator Rónán Mullen:** Does it grant absolution?

**Deputy Malcolm Noonan:** I do not think so. Senator Martin spoke about climate justice. This is about doing the correct thing in this country but it also has a positive impact on developing countries. I hope I have given a reasonable summary of the questions raised by Senators.

I thank the Green Party Senators for bringing forward this Private Members' Bill relating to planning exemptions for solar panels. I can confirm that the Government has agreed not to oppose the Bill. The maximisation of the roll-out of solar infrastructure is a key Government policy and an important aspect of achieving our EU renewable energy targets, transitioning to net zero emissions and achieving a climate-neutral economy. In this connection, the Programme for Government: Our Shared Future, includes the specific commitment to "conclude [a] review of the current planning exemptions relating to solar panels, to ensure that households, schools, and communities can be strong champions of climate action".

By way of background, I should explain that under the Planning and Development Act 2000, as amended, all development, unless specifically exempted under the Act or associated regulations, requires planning permission. Section 4 of the Act and Schedule 2 to the Planning and Development Regulations 2001, as amended, set out various exemptions from the requirement to obtain planning permission. Included in the planning exemptions set out in the regulations are those applying to the installation of solar infrastructure on specific building types.

Further to the climate action plan of 2019, my Department has already been undertaking a review of the solar panel exemptions and has actively engaged with a range of stakeholders including the Department of the Environment, Climate and Communications for the purpose of developing draft amending regulations in respect of solar panel planning exemptions and delivering on the programme for Government commitment.

Further to this review, it is proposed to significantly increase the amount of solar equipment that can be installed on the building types which already have certain exemptions including houses, commercial and industrial premises and agricultural buildings, which have been referenced in this debate. It is further proposed to expand the scope of the exemptions to include educational, community and religious buildings, as well as apartment buildings, while also increasing the height and area allowed for free-standing solar equipment.

The main outstanding issue that remains to be resolved in the current review is the potential for glint and glare impacts for aircraft arising from the increased use of solar panels and the need to ensure that they do not result in any real or potential threat to aviation safety. Accordingly, my Department has been engaging with the Irish Aviation Authority in order to find a safe and workable solution in relation to this particular aspect of the review. My Department has begun the tendering process for this project, which will involve the development of aviation safeguard maps for each airport and aerodrome in the country. As Senators have mentioned, this will take several months.

In recognition of the length of time that it is expected to take to complete the aviation safeguarding maps, my Department has decided to adopt a two-step process involving an interim measure which would allow revised exemptions to be introduced prior to the completion of this mapping exercise but with defined restriction zones around airports and aerodromes for solar installations. These interim draft regulations have now been reviewed under the requirements of the strategic environmental assessment, SEA, Directive 2001/42/EC. It has been determined that a full SEA on the draft proposals, which will include public consultation as part of the process, is required. This process is expected to take approximately four months to complete. Again, a point was made about public consultation and the Aarhus Convention. Therefore, it is envisaged that the process for finalising the interim solar panel planning exemptions, as referred to, with restriction zones around airports and aerodromes, will be completed by the fourth quarter of 2021. These interim regulations will allow for the vast majority of the country, well over 90%, to be covered by the interim solar panel exemptions, excluding those restriction zones in close proximity to airports and aerodromes.

Work on the development of the aviation safeguarding maps for airports and aerodromes is expected to be completed by the end of the year. This will facilitate the preparation of a supplementary set of regulations defining the specific areas around airports and aerodromes in which solar panels availing of the exemptions can be installed. Senators will note that extensive work in this regard has already been undertaken by my Department, work which is now nearing completion.

Turning to the proposals in the Private Members' Bill, I acknowledge that there is merit in the Bill as proposed in the context of the climate action plan, the programme for Government and the urgent need to act and to deliver. The Bill aims to amend the existing regulations and introduce new solar exemptions by way of primary legislation for further classes of building types in a manner broadly similar to the proposals currently being advanced by my Department, although the measures proposed are not as far-reaching or as comprehensive in nature. However, the Bill does not take into account the potential impact of glint and glare on aviation safety or the need to develop aviation safeguarding maps in this regard. Crucially, it also does not take account of the need for a strategic environmental assessment on the proposals as required under EU legislation, which must be complied with.

I also have reservations about using primary legislation, as proposed, to provide for these solar panel exemptions. The use of regulations or secondary legislation for this purpose is provided for under the Planning and Development Act and is a significantly more time-efficient means of dealing with this matter should any further amendments to the exemptions be deemed necessary or appropriate in the future. Senator Cummins mentioned the urgency of moving this process forward. I believe this will address that.

I broadly welcome this Private Members' Bill and the spirit in which it has been introduced by the Green Party Senators. However, while the Bill has the same objective as the amending regulations being progressed by my Department, and while I am not opposing it, it does have certain deficiencies, as I have outlined. Accordingly, while I am supportive of the general thrust of the Bill, I would prefer to continue with my Department's existing approach for amending the solar panel exemptions and to bring forward the interim draft regulations for the approval of both Houses of the Oireachtas, as required under planning legislation, by the fourth quarter of 2021, following the conclusion of the SEA process. This is considered to be a more robust and comprehensive approach. Once this process is completed, it would be the intention of my colleague, the Minister of State with responsibility for local government and planning, Deputy

Peter Burke, to immediately sign the interim regulations and to subsequently sign the final regulations as early as possible following the conclusion of the aviation safety mapping exercise around airports and aerodromes.

**Senator Pauline O'Reilly:** I thank the Minister of State very much. It is quite an historic day. When I rang around all of the different groups, including the Civil Engagement Group which cannot be here today, they were all supportive of the Bill. This can be contrasted with some of the behaviour in the Dáil, which is not quite the same when it comes to climate change. It is really important that we put that on the record. Senator Mullen is correct; it is our job to point out what may be deficiencies in Bills and to bring forward amendments on Committee State. We should take that on board. However, it is important to remember that although Senators raised certain issues, they have all said they are absolutely behind the Bill. It should be noted on the record that there is nothing wrong with amending regulations through primary legislation. Senator Martin stated that is what this Bill is doing. It is looking at the regulations because that is what we, as Senators, can do.

It is also our job to put pressure, with all due respect, on the Department of the Minister of State, Deputy Noonan. I know he appreciates that and is behind us in that regard. I am delighted that the work is ongoing, but the Bill is before the House and will make its way through the Oireachtas. As many Senators have stated, this is an urgent issue and we have to use everything in our arsenal to address it.

The Bill is actually about catching up with the kids. Senator Garvey mentioned that children are coming to us and telling us that this is what needs to happen and we should just do it. One has to try to explain to them that the law says this, that and the other. Many of the Senators who contributed, including Senators Seery Kearney and Moynihan, stated that they did not know previously that there is a restriction in terms of the requirement for planning permission. Why would anybody think that one would need that kind of level of planning permission for a school, of all things? As I mentioned, some schools have reported paying €3,500 for architectural drawings just to get solar panels up. That is not required for domestic properties. That is where the difference lies and it is why it is important to put these kinds of things on the record.

Some people have asked what the Climate Action and Low Carbon Development (Amendment) Bill 2021 is about. To some, it all seems so cerebral and long term but, actually, this is what it is about. Climate action is about the things we do in schools in order to make it easier to get climate action across the board. With all respect to Senators who have spoken today and previously on this issue, there is a tendency for some of them to engage in a bit of whataboutery when it comes to climate action. They say that whatever little thing one is doing is grand, but ask what is being done for the rest of the planet or what we are doing in terms of climate justice outside Ireland. We are doing that too but we need to address this issue as well. Children are among the most vulnerable because they are the ones who will be left with the legacy of this planet, so it is not correct to say that others, including other adults, across the planet are more vulnerable. We do not know that will necessarily be the case.

We know that what we can do, as Senators, is to bring forward the Bill and I am delighted that we have done so today. I am delighted with the support we have received in that regard. It will put pressure on the Department of the Minister of State. I refer once again to the work that has been done by Friends of the Earth Ireland and all of the students and green committees across Ireland who are looking at ways to improve their schools. Some of them have come up with this bright idea to put solar panels in place, only to find themselves hamstrung at every



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turn. We, as elected representatives, are here to make sure that does not happen and that we remove all of the financial and all other barriers. I appreciate the support of all present. I thank the Minister of State. All of the Green Party Senators are committed to doing all we can in future to support him in any way he needs to ensure the Bill gets over the line.

**Acting Chairperson (Senator Shane Cassells):** I pay tribute to Senator Pauline O'Reilly and her colleagues on bringing forward the Bill.

Question put and agreed to.

**Acting Chairperson (Senator Shane Cassells):** When is it proposed to take Committee Stage?

**Senator Pauline O'Reilly:** Next Monday.

**Acting Chairperson (Senator Shane Cassells):** Is that agreed? Agreed.

Committee Stage ordered for Monday, 5 July 2021.

**Acting Chairperson (Senator Shane Cassells):** When is it proposed to sit again?

**Senator Pauline O'Reilly:** Tomorrow morning at 9 a.m. in the convention centre.

**Acting Chairperson (Senator Shane Cassells):** Is that agreed? Agreed.

The Seanad adjourned at 9.05 p.m. until 9 a.m. on Tuesday, 29 June 2021.