

Press Releases - Councillors and Planners on Collision Course - 22/03/00

Councillors and Planning Officials on collision course

In reaction to the concerns of most Councillors, Cllr Eoin Costello is calling for a reform of the in-house planning system currently operated by Dun Laoghaire Rathdown County Council.

At the moment major planning applications are brought before the Councillors for discussion and assessment against the Development Plan. The Development Plan is a policy document agreed by the Councillors, which sets overall planning objectives for a five year period. The plan forms a framework against which development decisions are to be taken by Council officials. Development plans cover such areas as what kind of developments are acceptable in different areas, conservation and the preservation of amenities.

Dun Laoghaire Rathdown Councillors adopted the current development plan in 1998. Under the Planning and Development Act of 1963, the Councillors are in fact the planning authority and therefore the comments of the Councillors on a major application, specifically in relation to potential breeches of the County's development plan, should be taken into account by the officials in making their final decision on the application. This is not the experience if recent decisions are anything to go by.

Three cases in the last six months illustrate this;

1. 16a Monkstown Crescent, Monkstown: On the 8/1/99 Dun Laoghaire Rathdown officials received a planning application for an office development in Monkstown crescent, designated as a conservation area in the development plan. The proposed development is surrounded by listed buildings. At the council planning meeting all the Councillors spoke against this development, which many of them stated would be a material contravention of the Dun Laoghaire Rathdown development

- plan on the basis of its height. Despite the objections of Councillors officials gave the application permission on the 4/3/99. The decision was appealed to Bord Planeala by local residents and is now the subject of a judicial review in the High Court.
2. The Tramyard, Dalkey: On the 14/6/99 the Council received an application for the development of 31 apartments and 5 retail units on a site on the main street of Dalkey. At the council planning meeting all the Councillors present spoke against the development due to the fact that it would be a material contravention of the Development Plan. The section of the 1998 development plan for the Dalkey area requires that only small apartment developments would be allowed in this area of high amenity, not exceeding 550 sq.metres. The proposed development is 2250 sq. metres. Some parts of the proposed site are protected structures. The council officials gave permission for the development on 3/2/00.
 3. The mobile phone mast at ESB Station on Newtownpark Avenue in Blackrock. A planning application was received in 23/12/99 for the erection of a mobile phone mast at Newtownpark Avenue. The application was listed to be discussed at a planning meeting of the Councillors in February. Two days before the planning meeting officials went ahead and gave permission for the erection of the mast on 17/2/00. Councillors were furious that they were denied the opportunity to assess the proposal in the context of the development plan. It is now being appealed to Bord Planeala by the residents as the residents' claim that it is within 200 metres of a local school.

According to Councillor Costello "The situation is reaching breaking point. At a council meeting after the Tramyard decision a Fianna Fail councillor asked the manager what is the point of the planning meetings as the recommendations of the Councillors are clearly being ignored."

According to Councillor Costello the planning officials are consistently choosing a collision course with the elected representatives by completely ignoring their input. *"The public then think that it is the Councillors who are giving permission for these developments!"*.

"It's really a case of big guy versus little guy. All the resources of the council in terms of legal advice, finance and planning know how, are pitted against the Councillors. The situation concerning 16A Monkstown Crescent was particularly reprehensible. As many of us were dismayed at the granting of permission for an office

development in the middle of a conservation area we asked the manager what were our options in terms of revoking the permission given by our officials. We were told in ominous terms that we stood a good chance of losing our homes if we tried to pursue this course."

"The legal advice on revocation was given by the Council's in-house law agent. We wanted a second opinion so we asked the manager to procure independent legal advice, to be given to each councillor. We never received this individual independent legal advice. We are now in a position that we will have to personally fund proper advice if we are to protect the amenities of the people of Dun Laoghaire Rathdown."

Councillor Costello tabled a question to the manager on 13/3/00 to ask the manager if he and the Cathaoirleach investigate alternatives to the current system of planning meetings and issue a report to the members. He stated to the Manager that the majority of the Councillor members have lost confidence in the current system.

"The answer I received from the Manager was not satisfactory as it did not address the question I posed. The current planning system in our council does not allow the Councillors to defend the Development Plan or protect the environment for the people of Dun Laoghaire. If there is no role for Councillors in protecting the living environment for the people of Dun Laoghaire as incorporated in the Development plan let's at least be honest about it. "

" It's clear from the current behaviour of council officials that, in the case of proposed developments that may contravene the development plan, they will give permission. The Councillors are then stuck with the unenviable route of paying out of their own resources for proper legal advice to challenge these decisions and defend the development plan that they adopted. Is this right and proper? "