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INTERNATIONAL CONGRESS FOR HOUSING AND TOWN PLANNING
CONGRES INTERNATIONAL POUR L'HABITATION ET L'URBANISME

NATIONAL AND REGIONAL PLANNING
OF TOWNS AND COUNTRYSIDE

L'AMENAGEMENT SUR LE PLAN NATIONAL ET
REGIONAL DES VILLES ET DE LA CAMPAGNE

EIRE
TOWN AND REGIONAL PLANNING IN ÉIRE

By MICHAEL O'BRIEN, B.E., M.T.P.I., A.M.I.C.E.I.,
Planning Officer, Dublin

The Twenty-six Counties of Ireland as a political entity, comprise the major portion of the island, and have an area of 26,757 sq. miles, and a population of three millions. The Department of State responsible for the administration of Planning is the Department of Local Government.

The basic economy of Ireland is agricultural, since there are no extensive deposits of any raw materials, or deposits usually associated with major industries. Despite this, there has been a tendency during the past fifty years for the surplus agricultural population to migrate to the cities and larger towns. This has been most striking in the case of the Capital City of Dublin, and of the larger towns on the eastern seaboard. The population of Dublin is now 506,000, within the city boundary, and if the adjacent urban area of Dun Laoghaire and other residential suburbs are included, the population of the metropolitan area could be reckoned at approximately 600,000 persons. The increase in the population of Dublin has been at a steady rate, and at the present time active steps are being taken to limit the size of the city, which is tending to carry more than its fair share of the population of the State.

From a topographical point of view, the country consists of a large central limestone plain, which is rich in peat deposits used extensively for fuel. The western seaboard is very exposed, with few good harbours on the Atlantic coast. The surrounding country is poor and the tendency for the last half century has been towards a dwindling population in the western areas as a whole.

All but the western areas contain rich and fertile lands, with an abundant water supply, and are extensively used for agricultural purposes. The proximity of the eastern seaboard to Great Britain, with which an extensive commercial trade exists, makes it a natural centre for the establishment of major industries and for commercial development generally.

The land throughout the country is generally divided up into farms varying from five to five hundred acres in area. The greater portion of the lands is held from the Land Commission and, while the farmers pay land annuities, they are actually in the position of purchasing tenants, having complete control over their holdings and free to develop or dispose of them as they think fit, subject, of course, to ordinary tillage regulations, Planning Acts, and such-like. The output from farms in Ireland is still comparatively low, due to the lack of mechanisation, but it is hoped that productive capacity will be improved in the near future by an extensive rural electrification scheme, which is already in operation in several parts of the country. Recently, as a result of a nation-wide drive for increased food production, farm machinery has been imported on a much greater scale and it is felt that this marks the beginning of a new era in agricultural methods in the country. Ireland also enjoys a very lucrative and flourishing cattle industry, in which there is a large export trade to Britain and continental countries.
Industry

Since the establishment of the State some twenty-five years ago, the policy of successive Governments has been the fostering of native industries and the introduction of new ones. Government activity has been directed towards the protection of native industries and those recently established against outside competition by the imposition of tariffs, import quotas, and other similar measures. Furthermore, the Government have to some extent encouraged the decentralisation of industry by providing protection against imported goods where the native industrialists are willing to establish their factories in the smaller towns. These industries, although on a small scale, have brought prosperity to many of the smaller towns of the country, and have succeeded, to some extent, in regenerating areas which were in process of economic decay. It should be mentioned that industry is, of course, free to establish itself on suitably located sites anywhere throughout the State, but if industrialists wish to have Government protection by way of tariffs they are usually required to take a site of the Government's choice. At the present time, Government policy is to foster native industry and, as far as possible, to have our basic needs met by home production. Our main imports will be, as heretofore, coal and steel products, and specialised machinery and equipment of all types, but since the establishment of the State there have been established industries for the manufacture of cement, sugar, leather, footwear and clothing on a scale sufficient to meet the needs of the country in normal times. There is an export trade in agricultural products, linen, beer and spirits.

The tourist industry is also receiving Government attention, and, within recent years, regulations have been introduced by which all hotels and guest houses must comply with certain prescribed standards as regards accommodation, food, charges, cleanliness and so on. The Irish Tourist Board administers these regulations on behalf of the Government and carries out periodic inspections to ensure compliance. In addition the Board has prepared schemes for the development of many seaside and other holiday resorts so as to increase their attractiveness to visitors.

Air travel too has become an important part of our industrial programme, and over the past few years Irish Air Lines have inaugurated regular services to Britain, Europe, and the United States of America. Collinstown Airport, just outside Dublin, is generally regarded as one of the best planned airports in the world.

Early Planning in Ireland

Although very ancient and having a medieval plan the two principal cities of Dublin and Cork were very fortunate in having portions of their areas laid out on sound planning lines in the 18th century. This was due to the efforts of a Government body known as the Wide Streets Commissioners who, in those early days, prescribed a width of 150 feet for Dublin's main thoroughfare. They also laid down minimum road widths for what could then be described as the fringe development of the old city, but their designs were on such a liberal scale that these roads are considered adequate even for modern traffic. Although the activities of the Wide Streets Commissioners terminated about 1800, their example was copied for many years, which resulted in residential areas being laid out on a spacious scale although built at a considerably later date.
In the early years of this century, there was an international competition held for a Town Plan for Dublin, the premeditated design being that of Messrs. Abercrombie, Kelly and Kelly, a team whose senior partner, Professor Sir Patrick Abercrombie, is still the consultant for Dublin and many other large cities.

Town and Regional Planning in Eire was initiated by the Town and Regional Planning Act, 1934, which was passed “to make provision for the orderly and progressive development of cities, towns and other areas whether urban or rural and to preserve and improve the amenities thereof and for other matters connected therewith.” This Act, which is known as the “principal Act,” was modelled on the English Town Planning Act of 1932.

Planning under the 1934 Act is carried out for their respective administrative areas by county borough councils, county councils and urban district councils and a co-ordinating and confirming power is exercised by the Minister for Local Government. The passing of a Resolution to prepare a scheme under the Town and Regional Planning Acts is voluntary on the part of the District Planning Authorities, and is a reserved function exercised directly by local elected representatives. It is left to the discretion of each planning authority to decide whether or not a planning scheme shall be made for all or portion of its district. No planning authority or group of planning authorities have as yet availed of the powers under the Act to form themselves into Regional Planning Authorities for the purposes of the Act.

Experience of the working of the 1934 Act showed that flexibility was lacking to some extent and in 1939 an amending Act was passed to remedy the position. This introduced a new and simplified procedure for controlling the development of a planning area under a town planning scheme.

Resolutions deciding to make planning schemes have so far been passed by all four county borough councils, by seventeen of the twenty-seven county councils and by forty-three of fifty-eight urban councils. Sketch development plans have been completed in respect of twenty-two planning districts and are in course of preparation for twenty other districts. A sketch development plan is used as a starting-point for a draft scheme which in turn, following discussion and consideration of representations, and approval by the Minister for Local Government evolves into a statutory planning scheme. The Minister for Local Government is the responsible Minister for the administration of town planning in the country, and in recent years, he has set up a special planning section in his own department. There has as yet been no indication from the Ministry as to a National planning policy. Local authorities are being urged to proceed with district planning and recently District Planning Authorities in the Capital City of Dublin have been pressed to embark on a Regional Planning Scheme. The Ministry will, of course, co-ordinate the efforts of all local authorities preparing planning schemes, but it is unlikely that there will be the same organisation, with regional planning offices, such as at present exists in Britain.

Although the majority of planning authorities in the country have passed planning resolutions, the fact remains that the larger portion (55.5 per cent.) of the area of the country is not yet subject to planning
control. The area of the twenty-six counties is somewhat in excess of 17,000,000 acres. The Planning Acts have not yet come into operation in districts with an aggregate area of 9,440,479 acres. Admittedly the districts subject to planning control have a total of over 2,000,000 inhabitants representing more than two-thirds of the population of the country, but it is disappointing that such a substantial proportion by area should not be subject to planning control. It is Government policy to urge such local authorities as have been empowered to do so to avail themselves of their planning functions in the realisation that it is in their own interests to secure the orderly development of their areas. Successful planning must be the outcome of a conviction on the part of local authorities that haphazard development means bad administration, bad economy and a bad legacy bequeathed to posterity. Planning means doing well that which must be done in any event.

During the interim period between the passing of the planning resolution and the coming into force of a planning scheme the planning authority exercises a measure of control over constructional work in its district. Such work must conform to the local authority's intentions for the development of their area save where their decisions may be modified by the Minister for Local Government on appeal.

While preliminary reports and sketch development plans have been prepared for particular areas, no local authority has yet completed a planning scheme and submitted it to the Minister for approval. Sketch plans provide a useful background against which proposals for development can be judged but they are not a satisfactory substitute for a statutory plan. Local authorities therefore are being urged to expedite the completion of their planning schemes. With the passing of recent legislation in England, taking from the shoulders of the local authorities that great burden of financial responsibility for compensation, the local authorities in Eire feel that the Government may be prompted to introduce amending legislation which will provide for a State contribution towards compensation to be paid in respect of schemes implemented under the Town Planning Acts. It is unlikely, however, that any new measures contemplated by the Eire Government will be so far-reaching or so all-embracing as the British legislation.

Compensation and Betterment

As a general rule compensation is payable to any person affected by a provision in a planning scheme which restricts or controls the purpose for which the property may be used or curtails the exercise of legal rights in respect of such property. In the case of property in which a trade, profession or business is carried on the occupier may claim compensation for damage to such trade, profession or business where the value is reduced by a provision in a planning scheme. Compensation will also be payable in respect of compliance with provisions in a planning scheme which are subsequently amended or with a special prohibition unnecessarily made during the interim period or in respect of an unnecessary refusal of a special permission.

A planning scheme may contain a declaration that no compensation shall be payable in respect of specified provisions in the scheme relating to:
(a) the regulation and control of such matters as the size, character, height, spacing and frontage line of buildings; the objects which may be affixed to structures; the extent of the curtilage of buildings; the purposes for and the manner in which structures may be used;

(b) the regulation of the design, colour, building materials, etc.;

(c) zoning;

(d) density of development;

(e) the preservation of amenities;

(f) the limitation in the number or the prescribing of the sites of the new roads entering on an existing or a new road.

The Minister may not approve of any such declaration in a planning scheme unless he is satisfied that it is reasonable and that compensation is not precluded thereby for loss or injury from being prevented:

(1) from maintaining a building which was in existence at the date on which a planning resolution was passed or from continuing to use it for the same purpose for which it was used at that date, or from making reasonable alterations or additions to it;

(2) in the case of a building which was in existence at any time within two years before the date on which a planning resolution was passed and has been demolished or destroyed by fire, or otherwise, from erecting, within two years after such demolition or destruction, on the site of such demolished or destroyed building or other structure a new building or other structure which substantially replaces such demolished or destroyed building or other structure for the purpose for which such demolished or destroyed building or other structure was last used.

Betterment

A claim to betterment may be made by a planning authority in respect of property that is increased in value by the coming into operation of any provision in a planning scheme, or by the execution of any public work in pursuance of the scheme.

The maximum amount of betterment that may be awarded is fixed at 75 per cent. of the amount by which the value of the property is so increased. Any person from whom such a payment is claimed may require the amount to be calculated on the basis that the purposes for, and manner in, which the property can lawfully be used is effectively and permanently restricted to the purposes for, and manner in, which the property is actually used at the time the claim for betterment is made.

If it can be shown that the property is increased in value for its existing use, the claim to that extent is determined and if allowed by the arbitrator, payment may be spread over a number of years under Section 75 (2) of the Act.

If the property, or any portion thereof, is, within a period of fourteen years after the date of the application for betterment, sold, leased or let on any form of tenancy for any term not less than two years, or is used for a purpose substantially different from the purpose for, or the manner in, which it was used at the time of the first application, the responsible
authority may apply for and receive payment for a betterment calculated by reference to the value of the property at the time the second application is made. There is no permanent restriction imposed on the use of the property under Section 73 (2) of the Act.

The restriction applies only for the purpose of determining the value of the property according to its actual use at the time the first claim for betterment is made by the responsible authority. If a person makes an application to have betterment deferred he may not make a similar application should a second claim for betterment be made by the responsible authority. The responsible authority may claim only once under subsection 4 of Section 73 of the Act within the limit of fourteen years therein specified.

Whenever any property is made the subject of a requisition under Section 73 of the Act that is duly entered in the Register, it is the duty of the person who served the requisition on the responsible authority or of any other person upon whom the property or portion thereof has devolved to notify the responsible authority of any sale, lease, or any substantial change in use of the property that may have occurred within a period of fourteen years after the date of the application for betterment which occasioned the service of the requisition.

An application by a responsible authority for payment for betterment must be made within twelve months after the coming into operation or enforcement of the provision in the planning scheme in respect of which the application is made or within such longer time as may be allowed by the planning scheme, and in the case of an application for payment for betterment on account of the execution of a work, within twelve months after the completion of the work.
FRENCH TRANSLATION OF SUMMARY

L'AMENAGEMENT SUR LE PLAN NATIONAL ET REGIONAL DES VILLES ET DE LA CAMPAGNE

Notre économie de base est l'agriculture, mais depuis les 50 dernières années, il y a eu tendance à un mouvement d’une partie de la population rurale vers les villes les plus importantes, et particulièrement à DUBLIN, et ceci a eu pour résultat une augmentation peu souhaitable dans l’étendue de cette ville. Le terre est divisée en petites propriétés, et, tandis que la production agricole reste encore assez basse, par suite d’un manque de mécanisation, on espère de l’augmenter considérablement à l’avenir, comme résultat du nouveau projet d’électrification rurale que l’on vient de mettre à execution.

Le pays a un commerce de bétail très florissant avec la Grande-Bretagne et le Continent et la politique du Gouvernement, en général, en ce qui concerne l’industrie, est dirigée vers l’encouragement des industries nationales et l’introduction des industries nouvelles, afin de satisfaire, autant que possible, à nos besoins essentiels par les produits du pays. Les importations principales sont la houille, les produits en acier, les machines et l’équipement spécialisé. Les exportations consistent principalement de produits agricoles, le lin, la bière et les alcools. Le tourisme et le trafic aérien sont devenus récemment deux industries très importantes pour le pays.

Les travaux de la Commission des Grandes Artères (Wide Street Commissioners), qui étaient exécutés dans le courant du 18ème siècle ont laissé Dublin avec des rues et des quartiers d’habitation assez spacieux pour les besoins actuels. L’aménagement urbain, tel que nous le connaissons, fut institué par la loi de 1934, de l’aménagement urbain et régional (Town and Regional Planning Act, 1934), qui fut calquée sur la loi anglaise de 1932. Les administrations responsables sont les Conseils Municipaux (County Borough Councils), les Conseils Généraux et les Conseils Communaux (County Councils and Urban District Councils), relevant de l’autorité du Ministre de l’Intérieur, qui est le Ministre chargé de l’aménagement sur le plan national.

L’adoption d’une résolution d’établir un projet d’Aménagement Urbain est un droit facultatif pour les Autorités d’Aménagement Régional, qui est exercé directement par le Conseil. Jusqu’ici, aucune demande n’a été faite pour instituer des Autorités d’Aménagement Régional. Par suite de l’expérience du fonctionnement de la loi de 1934, il est devenu nécessaire de voter la loi d’Amendement de l’Aménagement Urbain et Régional de 1939 (Town and Regional Planning, Amendment, Act 1939).
établissant une procédure simplifiée pour le contrôle du développement d'une région d'aménagement, par un projet d'aménagement. Jusqu'à ce jour, des résolutions d'établir des projets d'aménagement ont été votées par la majorité des Conseils, qui ont le droit de le faire, et des tracés tentatifs de développement ont été préparés pour 22 régions d'aménagement et sont en cours de préparation pour 20 autres régions. Néanmoins, la plus grande partie (55-5%) de la superficie du pays n'est pas encore assujettie à un contrôle d'aménagement, mais en même temps, dans les régions qui sont assujetties à ce contrôle, se trouvent plus de 2 millions d'habitants, c'est-à-dire plus de deux tiers de la population totale du pays.

Des pouvoirs sont accordés aux Autorités responsables de l'Aménagement pour le contrôle de tous les travaux de construction dans leurs régions pendant la période entre le vote de la résolution et l'entrée en vigueur du Projet d'Aménagement, et le Ministère en question desire que les projets d'aménagement nécessaires soient achevés dans toutes les régions, dès que possible.

En général, le paiement de compensation est fait à toute personne dont la propriété est lésée par une disposition quelconque du projet d'aménagement. Une compensation est aussi payable pour exécution de toute disposition du projet qui pourrait être modifié ultérieurement, pour toute interdiction spéciale imposée inutilement pendant la période intérimaire et pour tout refus inutile d'une autorisation spéciale.

Dans certains cas, le projet pourrait stipuler qu'aucun paiement de compensation ne sera fait, mais une stipulation semblable devrait être agréée d'abord par le Ministre.

Paiement, en vertu d'amélioration, est fait à une Autorité responsable de l'Aménagement (Planning Authority), par rapport à une propriété dont la valeur est augmentée par suite d'une provision quelconque d'un projet, ou résultant de l'exécution de travaux publics, conformément à un projet. Le montant maximum qui pourrait être alloué est 75% de la somme par laquelle la valeur de la propriété est augmentée, et il y a des dispositions pour différer de telles revendications dans certains cas, et pour l'échelonnement du paiement sur un nombre d'années déterminé. Une application, par une autorité responsable, pour paiement pour amélioration devrait être logée dans les 12 mois qui suivent l'exécution et la mise en vigueur de la stipulation, par rapport à laquelle l'application est logée, ou dans telle période plus étendue qui pourrait être accordée par le projet.