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De-democratising the Irish planning system

Abstract

This paper examines the practices deployed to de-democratise elements of the Irish planning system. It does so through scrutinising the processes by which a new streamlined planning procedure for large scale residential developments was institutionalised. The paper investigates how a development lobby group successfully prompted the institutionalisation of this streamlined procedure by momentarily capturing the policy formulation agenda surrounding a housing crisis. It demonstrates how this was achieved by defining problems regarding the democratic character of the planning system and accruing agency through solution specification and resonance with the ideologies and rationalities of pertinent political and senior civil servant decision makers. The paper undertakes this analysis by situating a discourse analytical approach within the Multiple Streams Framework. In doing so, the paper provides an original contribution to academic scholarship through novelty of theoretical application on a disquieting aspect of neoliberalism in a planning context that as yet has received limited attention.

Keywords: de-democratisation; planning; Multiple Streams Framework; discourse analysis; neoliberalism; housing studies

Introduction

The accusation that planning is ‘a brake or obstacle to growth, productivity and competitiveness’ (Parker and Doak, 2012) is not new. Indeed, it has steadfastly occupied a contested position in political and economic debate across the world for the past three decades (Fainstein, 1991, Klosterman, 1985). However, a growing chorus of concern has emerged in recent years over worries that the planning systems of several European nations have been recalibrated to favour private economic actors through neoliberal inspired policies that reduce genuine participation and debate (Allmendinger and Haughton, 2012, Olesen and Carter, 2018, Falleth and Saglie, 2011, Lord and Tewdwr-Jones, 2014, Roodbol-Mekkes and van den Brink, 2015, Waterhout et al., 2013). The format of such recalibration varies from country to country as neoliberal rationalities contour rather than stipulate the form of changes made through ‘novel ways of conceiving and relating state, society, economy, and subject’ (Brown, 2015) which ‘exhibits multifarious institutional forms’ that are ‘socially produced, and historically and spatially specific’ (Boland, 2014). It is against this backdrop that academics have turned to examining how the ‘bewildering array of forms and pathways of market-led regulatory restructuring across places’ (Brenner et al., 2012) has contained debate on planning proposals by reconceiving what participation entails (2013b, Allmendinger and Haughton, 2012) and by marginalising the scope for democratic opposition (Fox-Rogers et al., 2011, Lennon and Scott, 2015).

This paper is positioned within this growing body of literature. Specifically, it examines how ‘actually existing neoliberalism’ (Brenner and Theodore, 2002) has recently been manifested in the Irish planning system through the institutionalisation of a streamlined ‘Fast Track’ process to enable planning applications for large-scale housing developments of 100 units or more to be made directly to the Irish planning appeals board. Indeed, Ireland makes for an interesting case in which to examine the influence of neoliberalism on the recalibration of planning (Waldron, 2019). As has been well documented, during the 2000s Ireland experienced one of the most pronounced property market bubbles and busts in modern economic history (Waldron and Redmond, 2014, Williams and Nedovic-Budic, 2016). Driven by deregulatory practices within the areas banking (Nyberg, 2011), housing (Waldron and Redmond, 2014) and urban planning (Murphy et al., 2014), a ‘*wall of credit*’ entered the Irish property market from the mid-1990s, precipitating a housing and construction boom, characterised by a massive increase in house building, rapidly increasing house prices and the concentration of the economy in the construction sector (Murphy and Scott, 2013).

The reliance of the Irish economy and banking sector on the domestic property market was ultimately exposed, with disastrous economic and social consequences. As Kitchin et al (2012) observe, the collapse of the property and banking sectors led to a major contraction in the economy; the decimation of the public finances; an extensive State guarantee of all bank liabilities (€485bn) and a bank recapitalisation programme (€64bn); as well as the establishment of the National Assets Management Agency as a State-financed ‘*bad bank*’ designed to remove the most toxic development assets and debts (€88bn) from the Irish banking system. The Irish development sector was decimated by the collapse of the property market, as national house prices declined by 50 per cent between 2007 and 2012 (CSO, 2014), with many firms bankrupted in the process or unable to access development finance from the domestic banks. The result has been a virtual cessation in residential development, where annual output fell by over 90% from 93,000 units in 2006 to just 8,300 units in 2013 (Housing Agency, 2017). This is despite the fact that housing demand has soared following the recession, particularly in Dublin where a minimum of 33,109 homes are required to be built between 2016 and 2020 (ibid).

While Ireland certainly experienced an over-supply of housing during the peak years of the property bubble, which in many cases resulted in elevated levels of housing vacancy and the phenomenon of ‘*ghost estates*’ (Kitchin et al, 2012) in many rural locations, it is equally clear that in the aftermath of the crash, housing supply has been at such low levels that a new crisis has been triggered in the supply of affordable housing. Indeed, the supply-demand imbalance has been so acute that double-digit house price inflation and residential rents have been recorded in each year since 2013, with the effect most pronounced in the Dublin region. Indeed, average rents on three-bed homes in Dublin have increased by 31% since 2012, while average weekly wages rose by a paltry 2% between 2012 and 2017 (Nugent, 2018). Such unsustainable housing cost increases have resulted in overcrowding, economic evictions and rapidly rising levels of family homelessness (Hearne, 2017).

However, the development sector has opportunistically utilised this crisis to position the planning system as the key barrier to housing supply and has consistently sought planning reforms that are evermore facilitative of development interests. In particular, new networks of construction sector lobbyists, developers and real estate investors have forcefully argued that housing construction in post-crash Ireland is economically unviable given the onerous costs imposed upon developers by the planning system, including development fees, levies and planning gain contributions and the lack of development certainty in the planning process, as well as the costs imposed by planning's bureaucracy, which have constrained housing supply conditions, property values and developers' profit margins (SCSI, 2014, Sunday Business Post, 2014).

As such, this paper seeks to explore the means and the mechanisms by which the industry's lobbyists advanced this agenda. Specifically, it examines how this lobby sought to strategically de-democratising planning decision making processes concerning large-scale residential developments. To achieve this, the paper employs the Multiple Streams Framework (MSF) as a means to tease apart and coherently investigate how the development lobby captured this policy space by accruing agency and successfully institutionalising its objectives. Whilst growing in use among policy theorist, deployment of the MSF in the scrutiny of planning policy is limited (Zohlnhöfer et al., 2015, Jones et al., 2016, Tiernan and Burke, 2002). Furthermore, use of the MSF to study the instantiation of neoliberalist rationalities or the strategic de-democratisation of policy processes in planning is conspicuous by its absence. Moreover, we have been unable to identify a case where use of the MSF has been made to explore the context of housing policy in Ireland. Hence, this paper seeks to provide an original contribution to academic scholarship through novelty of theoretical application as a means to empirically reveal the strategic practices employed in neoliberalising planning processes in a context that has as yet has received little attention (Fox-Rogers and Murphy, 2014, Kitchin et al., 2012). In this sense, the paper endeavours to extend academic debate on an emerging issue of concern in European planning studies.

The remainder of paper is structured into six parts. The next session outlines the methods employed in the research. Following this, the key elements of the MSF are outlined. Also discussed in this section of the paper is the analytical clarity provided by situating a discourse analysis perspective within the theoretical framework provided by the MSF. A brief overview of pertinent aspects of the Irish planning system is then provided to facilitate reader appreciation of the empirical material subsequently examined. The paper closes with a number of conclusions drawn from the preceding analysis for planning processes broadly and the Irish planning system in particular.

Methodology

The paper draws on a purposeful sample of semi-structured interviews with 39 actors in the development and planning arena conducted during 2016-17 (see Table 1). A series of

qualifying criteria were used to identify interviewees. Specifically, (1) interviews were only sought and conducted with developers involved in schemes of 100 or more houses; real estate investment trusts; and private real estate developers and investors operating in the Irish residential market. (2) It was a requirement of selection that such interviewees or their organisations be affiliated with the industry’s representative bodies. These include the Construction Industry Federation, Property Industry Ireland, the Irish Homebuilders Association, and the Urban Land Institute. Affiliation with these bodies was necessary as preliminary research indicated the central role played by such representative bodies in lobbying government for changes to planning processes resonant with private sector economic objectives. This view was also substantiated by previous research in this area (Grist, 2001, Grist, 2008). (3) Prominent consultants from the spheres of planning, real estate and finance were interviewed as these often make representations to policymakers on behalf of developers, and in many cases were also affiliated with the representative bodies mentioned above. (4) Interviews were conducted with representatives from the Society of Chartered Surveyors of Ireland, as well as the two professionally accrediting planning institutes operating in Ireland: the Irish Planning Institute and the Royal Town Planning Institute. These interviewees were conducted to obtain the pertinent professional institutes’ perspectives regarding the streamlining process. (5) Interviews were conducted with planners from local authorities as well as with senior civil servants with responsibilities in the areas of land management, planning policy development, and development finance. (6) Politicians from central and local government who sat on specific housing and planning policy committees were interviewed.

Interviewee Sector	Number of Interviewees
Developer	12
Consultant	10
Civil Servant	10
Planner	5
Politician	2
Total	39

A deductive-inductive hybrid coding format was employed to analyse the transcribed interview material (Fereday and Muir-Cochrane, 2006). This facilitated balance between the broad analytic elements of the MSF (see below) and a sensitivity to context. Hence, ‘thematic codes’ informed by the MSF were deductively employed simultaneous to the inductive openness of ‘initial coding’. These deductively and inductively derived codes were then used to inform the comprehensive coding of the material. This detailed phase of coding improved the accuracy of the coding process through refining existing codes as the coding process advanced through a series of four rounds. Such detailed coding continued until satisfaction

was reached that all the material had been comprehensively coded. This deductive-inductive strategy thus ensured that an empirically robust interpretation of the material was achieved. The next section provides an outline of the MSF and discusses key elements of discourse analysis informing the deductive codes developed and sensitising the research approach for inductive coding.

The Multiple Streams Framework

Key Conceptual Elements

As opposed to assuming that policy development operates in a linear fashion from problem definition to solution specification, MSF scholars take ‘ambiguity and policy makers’ time constraints as starting points of the policy process’ (Zohlnhöfer et al., 2015). Indeed, drawing on research conducted in Britain, France and Greece, Zahariadis (2003) concludes that the MSF is best viewed as a theoretical device for examining policy change under conditions of ‘ambiguity’. Ambiguity is here seen to refer to a ‘state of having many ways of thinking about the same circumstances or phenomena’ (Feldman, 1989). These ways of thinking may not be reconcilable, and as such, may generate vagueness and confusion. Although they are related, ‘ambiguity’ differs from ‘uncertainty’ in that whereas uncertainty refers to the inability to accurately predict an event through ignorance or imprecision, ambiguity may be thought of as ambivalence (Zahariadis, 2003, 3). Thus, although more accurate information may reduce uncertainty, more information does not reduce ambiguity (Wilson, 1989). For example, more information may ease uncertainty regarding the degree of discrepancy between housing supply and demand. However, such information will not necessarily lead to the cessation of ambiguity around the potential multiple causes of such discrepancy or how it can be resolved.

Originally developed by John Kingdon (1984) to explain agenda setting in the fragmented political system of the United States, the MSF has since been applied to a broad spectrum of contexts and topics, albeit studying the institutions and regulatory approaches of planning is significantly underrepresented in this corpus (Zohlnhöfer et al., 2015, Jones et al., 2016). The MSF pivots on the idea of ‘coupling’ wherein problems are connected with policies against a backdrop of favourable political conditions. Timing is of the essence in coupling these three ‘streams’ of problems, policies and politics, with the identification and exploitation of ‘windows of opportunity’ for policy advancement perceived as a crucial element in explaining the ascension of proposals onto the decision agenda. The timely coupling of the three streams is thought to result from the strategic action of specific agents termed ‘policy entrepreneurs.’ Such policy entrepreneurs use resources, such as their ‘claims to a hearing’ as well as their ‘political and administrative connections’ to couple the problem, policy and politics streams when seeking to advance change (Tiernan and Burke, 2002).

An important aspect of entrepreneur’s activity is the presentation of themselves and their ideas to decision makers. Indeed, Mintrom and Norman (2009) assert that because problems are invariably associated with multiple attributes, how those problems are defined,

and which problem attributes are highlighted in policy discussions may determine which actors assign attention to them. Viewed in this way, the definition of policy problems is always a political act, rooted in, and mediated by ‘the anticipation of future constraints’ (Kingdon, 1984, 145), such as value acceptability and perceptions of technical feasibility (Zahariadis, 2003, 80). As actors who seek to promote significant policy change, policy entrepreneurs thereby allocate considerable attention to problem definition. Among other things, this can involve presenting evidence in ways that suggest a crisis is at hand (Stone, 2012) and finding ways to highlight the failures of current policy (Rawat and Morris, 2016). ‘Policy entrepreneurs’ are thus more than mere advocates of particular solutions; they are also manipulators of problematic preferences’ (Herweg et al., 2018). Therefore, an MSF approach holds that problems do not exist in and of themselves but rather have to be defined as such by someone. As noted by the approach’s originator,

We put up with all manner of conditions every day: bad weather, unavoidable and untreatable illnesses, pestilence, poverty...Conditions become defined as problems when we come to believe that we should do something about them. Problems are not simply the conditions or external events themselves; there is a perceptual, interpretive element.
(Kingdon, 1984, 115)

Accordingly, problems are socially constructed (Clemons and McBeth, 2009). They are perceived as problems only in the context that something ‘should’, rather than ‘can’, be done about them (Stone, 2012). Thus, in an MSF informed analytical approach, what is important to examine is: (1) how this is done; (2) who is doing it; and (3) why they are doing it. In this context, recent scholarship in this area suggests the centrality of framing in profiling the ‘interpretive perceptual element’ that gives definition to problems and their solutions (Knaggård, 2015, Reardon, 2018). Indeed, Zahariadis (2008) has demonstrated how framing can be employed as a powerful tool wielded by entrepreneurs in coupling the problem, policy and politics streams through presenting ‘particular dimensions of a problem to fit the solution in language that appeals to different policy makers’. Framing is thereby a purposive process. As a ‘process’ it involves ‘selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation and/or solution’ (Entman, 2004). How this is achieved can be understood by examining the role played by discourse in the ways entrepreneurs frame a condition as a problem when seeking to advance a particular solution.

The Role of Discourse

Although a broad church of many different perspectives (Wetherell et al., 2001), discourse theorists are united in maintaining that it is not reality (i.e. ‘conditions’) in an observable or testable sense that shapes awareness and action, but rather it is the ideas, beliefs and values that discourses evoke about the causes of discontents (i.e. ‘problems’) that mould

comprehension and intent (Fischer, 2003). Thus, in contrast to empiricist epistemologies, discourse theorists are preoccupied with exploring how, in what context, by whom and for what reasons, discourses are constructed, contested and changed (Lennon and Scott, 2015, Lennon and Scott, 2017). As an implication of this approach, discourse analysis theories start from the assumption that all forms of human communication is socially meaningful and that these meanings are shaped by social, cultural and political conditions of period-specific contexts (Lennon, 2014, Lennon, 2015). In this manner, a discourse can be appreciated as a ‘shared way of apprehending the world’ (Dryzek, 2005, 9). Importantly, discourse theorists do not contend that there is no world external to discourse, but instead argue that comprehensions of this world are mediated or ‘framed’ by discourse.

Kingdon’s study of agenda setting dynamics directs attention to the importance of ‘causal stories’ (Stone, 1989) in framing problems and furnishing the ‘collective centring’ (Hajer and Laws, 2006) that allows constellations of actors to coalesce around a series of associated storylines. Such ‘collective centring’ of different interests has been widely described as a ‘discourse coalition’ (Hajer and Versteeg, 2005, Wagenaar, 2011, Runhaar, 2009). These coalitions comprise the well of support for a policy. Therefore, the size and composition of a discourse is likely to affect how the coupling process occurs by influencing perceptions on an actor’s legitimate ‘claims to a hearing’, as well as the political and administrative connections they possess with those in decision making positions. Based upon research in Great Britain and the Netherlands during the 1980s, Hajer theorises that ‘discourse coalitions’,

...are defined as the ensemble of (1) a set of story-lines; (2) the actors who utter these story-lines; and (3) the practices in which this discursive activity is based. Story-lines are here seen as the discursive cement that keeps a discourse-coalition together. The reproduction of a discursive order is then found in the routinization of the cognitive commitments that are implicit in these story-lines. (Hajer, 1995)

From this perspective, storylines are conceived as forming tropes or shortcuts into broader narrative schemes that configure events and actions into a unified order which identifies the larger patterns to which they contribute (Throgmorton, 1993). This organising process operates by connecting phenomena and stipulating the causal chain of effects that each phenomena has on each other (Kaplan, 1993, Roe, 1994). In this way, storylines ‘contain problematizations (what “the problem” is in a certain policy domain), solutions (including proposed governance modes), and responsibilities (who is responsible for a problem, who needs to act, who cannot act etc)’ (Winkel and Leipold, 2016). Storylines thereby orientate interpretations, and in so doing they help constitute reality for those who subscribe to them (Paltridge, 2006). Thus, the task of discourse analysis is not to evaluate whether statements are true or false, but rather to investigate how such ‘truths’ are mobilised. This is because from an interpretive position ‘[t]he art of policymaking is to establish a dominant political

“truth” that in turn legitimizes societal intervention strategies (by means of policies and policy instruments)’ (Winkel and Leipold, 2016). For as noted by Epstein,

The ‘truth’ is potent. Its power is wielded in particular discursive economies of power. Thus, it becomes necessary to assert the relativity of truth claims and to consider them in relation to the particular configuration of power relations within which they obtain. More generally, studying discourses is a means to taking a critical step out of what the discourses actually say in order to observe what they do.
(Epstein, 2008)

Consequent on these ‘discursive economies of power’, actors occupied in framing conditions as problems are positioned relative to the subject of that activity. In particular, the storylines they deploy part-constitute the identities of social actors by creating ‘subject positions’ (Hajer, 1995). In this sense, a powerful storyline specifies the positions from which social actors can communicate and act with influence in contouring and coupling the problem, policy and politics streams. Hence, powerful storylines profile agency by enabling actors to stipulate ‘the future state of affairs that required the specific action’ (Wagenaar, 2007).

In summary, policy entrepreneurs employ purposely crafted storylines as a means to couple the problem, policy and politics streams by deploying them to frame conditions as problems that favourably position themselves and their solutions in the view of decision makers. These entrepreneurs engage such practices as windows of opportunity are identified during periods of problematic policy ambiguity. From this position, policy entrepreneurialism encompasses all those ‘practices that target the creation (and institutionalization) of a particular truth about an issue and one’s position in relation to it’ (Leipold and Winkel, 2017). This theoretical understanding is now used to tease apart the complexities resulting in the emergence and institutionalisation of ideas concerning ‘Fast Track’ planning for large scale housing development in Ireland. However, to fully appreciate the practices of strategically de-democratising the Irish planning system discussed below, it is first necessary to have an outline knowledge of pertinent aspects of this system.

Overview of the Irish Planning System

An understanding of the Irish planning system is best achieved through a cursory comparison with other European systems. In this context, the Irish planning system broadly follows the typology of the British system (Booth, 1996, Nadin and Stead, 2008). Hence, in contrast to the systems of many continental European countries, the Irish planning system operates on a discretionary basis wherein plans are not legally binding. Nevertheless, the right to develop is predicated on a grant of planning permission following lodgement of an application with the relevant local planning authority (City or County Council). The relative merits of such a planning application are assessed against the provisions of national planning guidance and the applicable City or County Development Plan. At a local level, ‘[t]he development plan has

always been and continues to be the basic policy document of the planning authority in which the planning objectives for the area are set out' (Grist, 2004). A new development plan is legislatively required to be produced and formally adopted by each local planning authority every six years. The adoption of such a new development plan is a 'reserved' function, meaning that it is agreed by local politicians in a council vote and not by the executive branch of the local planning authority, albeit the executive branch is intimately involved in the drafting of these documents. The process of adopting a development plan is characterised by considerable debate by local politicians regarding its content. During this process, amendments to the draft development plan are frequently tabled and voted on.

A key difference between the Irish system and that of the British system is the existence of an independent planning appeals board (An Bord Pleanála). Moreover, a unique feature of the Irish appeals system is the right of third parties to appeal a decision made by a local planning authority to this appeals board. Although rules apply regarding the appeals process, in essence this means that anybody anywhere can, on following proper procedure, appeal the decision of a local planning authority with respect to a planning application. However, from July 2017 a new process was institutionalised by way of the Planning and Development (Strategic Housing Development) Regulations whereby planning applications for housing developments of more than 100 residential units and 200 or more student bed spaces could be made directly to An Bord Pleanála (the planning appeals board). An overview explanation of the new process provided by An Bord Pleanála in June 2017 outlined the rationale justifying this procedural change in the context of the government's new 'Rebuilding Ireland' housing strategy that sought to address the housing crisis Ireland was experiencing at the time:

This new type of application has been introduced as part of Rebuilding Ireland to speed up the planning application process and accelerate delivery of larger housing and student accommodation proposals.
(ABP, June 2017)

Hence, from July 2017, developers could bypass a local planning authority's power to assess a planning application in cases of large scale residential and student developments. This streamlined planning process is most commonly referred to in Ireland as 'Fast Track' planning. With this backdrop in place, it is now possible to examine the practices employed by a policy entrepreneur to institutionalize particular 'truths' about the Irish planning system when seeking to advance a favourable governance initiative by coupling the problem, policy and politics streams at an opportune moment.

Practices of De-Democratisation

Key to the institutionalisation of Ireland's new Fast Track regime has been the work of Property Industry Ireland (PII). Encompassing a membership of almost 90 companies, PII describes itself as 'actively engaged in discussions with Government, decision-makers,

agencies...and investors to help achieve a better future for the property sector' (PII, 2019). As such, PII is a lobby group. However, in contrast to other Irish lobby groups in the development sector, PII was conceived as a mechanism through which to coordinate ideas for policy initiatives from across the sector. Thus, when PII was established in 2011, it was conceived as,

...a forum to bring together businesses that had different professional interests in the sector who weren't necessarily able to talk to each other because they were members either of their own professional body or they weren't part of a membership group to come together. So we brought together architects and engineers and surveyors and builders and funders and really everybody who had an interest in the sector, to bring together under one roof, to try and come up with innovative ideas to restore the property sector to a sustainable level of output. So during the recession the purpose of PII was to really come up with innovations to get either house building or commercial property moving in a sustainable way, and then when the recession ended and the economy started to rebound it was, I suppose, a networking opportunity to try and get people who had an idea about doing something different for the sector together. (Interviewee Dv7)

The council of PII comprises senior members of companies drawn from across the development sector, including planning consultancies, property developers, real estate agents, architects and financial services consultancies. For this group, chronic issues in housing affordability and supply characterising Ireland's housing crisis are in many ways attributable to the peculiarities of the Irish planning system. As noted by one senior member of PII, 'we've now got a housing crisis which I don't consider is a housing crisis at all. It's a planning crisis' (Interviewee Dv10). For the council and members of PII interviewed in this research, the primary problem with the planning system was the degree of risk it generated for developers.

The biggest risk anytime we go to look for investment, anytime we go to look for somebody to put equity into a project, the biggest risk of all is the planning risk...They (international investors) know about Ireland. They know about the planning risk, and actually a lot of them don't want to hear from you until you have planning...often you can't get a project off the ground because if you have to make a decision to buy a piece of land, and you need investors to come, you can't make that decision if there's too much planning risk associated with it. (Interviewee Dv12)

For the members of PII, reducing such risk involved amendments to the planning system to minimise uncertainty and reduce costs. In this context, a number of 'conditions' were framed

as ‘problems’ in a causal storyline deployed to explain the persistent lack of housing supply despite several government initiatives to stimulate the market.

Problematizing Planning

A salient issue for PII members was the perceived delays in processing planning applications seen as inherent to the Irish planning system. Indeed, such delays were believed to be a significant issue ‘particularly for external investors where you actually see the hoops that need to be jumped through’ (Interviewee Dv5). In general, these delays were deemed capricious and largely unwarranted by PII members, yet had the potential to generate significant and unpredictable costs to development proposals. At times this was considered to throw the commercial viability of a proposal into question. As lucidly conveyed by one interviewee,

So the architect...can't give any degree of accuracy between the submission of the planning application and then the request for further information or then like an appeal to An Bord Pleanála, and then you will eventually get planning permission. And so all of those individual fairly small delays all add up to providing a degree of uncertainty with that preconstruction stage, and that uncertainty I guess undermines in some projects their commercial viability. (Interviewee Dv7)

Compounding the risk-costs generated by such potential for delay was the perceived arbitrary specification of inappropriate standards that hampered the attractiveness of a development concept as an investment proposal or undermined the economic feasibility of a scheme. Numerous examples of this were volunteered by interviewees, with local planning authority building height restrictions presenting as a particularly emotive issue. In this sense, one interviewee reflecting a broadly held view conveyed this issue as one of a problem with political interference in the formulation of planning policy at the local authority level when asserting,

Councillors sticking arbitrary height restrictions and this ridiculous rubbish over whether a building is 24 metres if it's residential, 28 if it's commercial and whatever it is, there's a four metre discrepancy whether the same building is commercial or residential and the councillors still don't get it and I'm thinking what the hell is going on here, it's bonkers...like it's bad enough planners not understanding it, but councillors don't understand viability and they've got the power. (Interviewee Cn2)

Hence, for all PII members interviewed, the seemingly arbitrary and inconsistent policy provisions advanced by councillors and adopted into development plans were a significant problem for the development sector and was rooted in the widely held view that ‘all local

authorities are independent republics’ (Interviewee Dv11) wherein reside ‘principled people...who really don’t care if any of their policies lead to nothing’ (Interviewee Dv1).

Paralleling this was a perception that Ireland’s third-party appeals process was the source of significant delays and uncertainty in the planning system. Here, opposition to the right of third-party appeals on planning applications was a frequently recurring theme with the question posed as to ‘why does Joe Public have the same right as the developer every time’, with the rejoinder that ‘a lot of times you think well; is it democracy gone a bit too far’ (Interviewee Cn2). Hence, a commonly held interpretation by PII members was that ‘this democratic structure in our cities doesn’t work and I think we have to go to a more corporate (model)’ (Interviewee Dv1). In this sense, the democratic condition of the Irish planning system was rendered problematic in a storyline of cause and effect wherein the conclusion was that ‘there’s too much democracy in the planning process’ (Interviewee Dv10). This perceived surplus of democracy thereby centred on: (1) the power of local politicians to set planning standards and; (2) the ability of the general public to appeal the decisions of a local planning authority.

Solution Specification

While the de-democratisation of the planning system has long been an objective of development sector lobby groups (Fox-Rogers et al., 2011), framing the narrative as a matter of delaying supply and hampering commercial viability was deemed an astute means of coupling a problem frame to an associated policy solution in the context of a politically receptive environment (see below). In this sense, PII drew inspiration from the successful lobbying of the Construction Industry Federation (a PII member) that resulted in the Planning and Development (Strategic Infrastructure) Act 2006¹. This act placed limitations on democratic participation in planning regarding certain forms of major projects. Hence, PII sought to advance a similar proposal for large scale residential and student developments that would ‘max out the democracy upfront and minimise it’ (Interviewee Dv10). Indeed, as recalled by one senior civil servant, ‘how that policy shift (Fast Track) arose is mainly because of industry pressure on the Department saying that the planning process was taking too long’ (Interviewee Cv9).

In seeking this ‘policy shift’, PII drew on its extensive membership to propagate a broad discourse coalition comprising actors from across the development sector. This process was facilitated by the dual membership of many PII members either of other lobby groups such as the Construction Industry Federation and the Urban Land Institute, or of professional bodies, such as the Society of Chartered Surveyors of Ireland. This broad coalition of members aligned to a single storyline of cause and effect provided PII with a ‘claims to a hearing’ in the view of senior civil servants and politicians as an organisation legitimately representing the voice of the development sector. Complementing this were various longstanding professional and personal relationships among the extensive

membership of PII that were drawn on by the PII council to facilitate ‘access’ to pertinent civil servants and politicians. Indeed, as revealed by a tribunal of enquiry into planning corruption in Ireland, commonly referred to as the Mahon Tribunal (Government of Ireland, 2012), Ireland’s developer class has long maintained close connections with major political parties, providing political funding, access to elite networks and employment for political figures in their careers after politics in order to influence planning policy and decision making (Fox-Rogers and Murphy, 2013, Kitchin et al., 2012). In this vein, anecdotes concerning conversations and personal relationships by PII members with senior civil servants and politicians were frequently relayed throughout the interview process. As summarised by an experienced local authority planner with respect to regulatory amendments to the planning system, including the introduction of Fast Track planning,

We had a recent election where there was a lot of legislation that was passed very quickly. We’ve various stakeholders and groups that are well connected at a political level and you know, they’re lobbying, and they want certain reforms and new measures and policies introduced. So we have seen those come through. (Interviewee Pn4)

It was this ‘recent election’, combined with a persistent housing crisis occupying extensive coverage in the national media that provided a window of opportunity in the politics stream for PII to couple the problem, policy and politics streams in advancing their Fast Track concept.

Political Resonance

Throughout 2015, the development sector lobby had been a vocal advocate for the creation of a dedicated Minister for Housing and Planning. It was conceived that this would help centralise policy decision-making regarding the planning system and thereby facilitate change (Waldron, 2019). This logic was conveyed by one PII member when deducing that,

If you have a government department which has very clear ownership, such as the Fast Track planning, then you have, you know, you come up with a proposal; you come up with a justification for the proposal; you come up with some expected consequences of it, and the minister can say ‘yeah, that’s, you know, four-square within my policy area. I’m either going to reject it or I’m going to accept it’. (Interviewee Dv7)

Indeed, prior to the 2016 general election, issues of housing and planning had come under the auspices of the Minister for the Environment, Community and Local Government. However, following the 2016 election, a reorganisation of departmental responsibilities was initiated and a new Minister for Housing, Planning, Community and Local Governmentⁱⁱ was appointed. This elevation of ‘housing’ and ‘planning’ to a specified ministry indicates the political salience these issues had acquired as the housing crisis persisted and deepened without a clearly identified remedy. Indeed, how to resolve the housing crisis became a

frequently debated issue in parliament and across national media platforms as certainty regarding the gravity of the matter increased concurrent with an increasing cacophony of opinions on how it should be tackledⁱⁱⁱ. Hence, a situation of ‘problematic policy ambiguity’ emerged wherein immediate action was widely called for, yet what should be done was highly contested. Consequently, and in keeping with Kingdon’s (1984) understanding of the ‘politics stream’, a politically prompted window of opportunity arose for PII when a new minister with an elevated housing and planning portfolio sought to tackle this high-profile issue characterised by persistence, complexity and disagreement. As noted by one national politician and prominent commentator on housing, what emerged was a,

Minister who wants to be seen in the public arena as taking action, as getting to grips with the housing crisis, with doing things that shake-up a system that’s, you know, slow and cumbersome and inefficient. So there’s a political necessity driving the legislative timetable.
(Interviewee PI3)

Given this ministerial motivation and perceived political urgency, PII heightened its lobbying efforts through newspaper opinion pieces and media interviews. Accordingly, in the maelstrom of debate surrounding the housing crisis, the apparent clarity of the Fast Track proposal advanced by PII seemed an attractive proposition to the then Minister who was formulating a ‘Rebuilding Ireland’ strategy to confront issues of housing supply and affordability. The success of this approach was relayed by a leading member of PII when recalling that,

The Fast Track planning system, the 100 unit plus thing, was a thing that [PII colleague] and I had discussed. And [PII colleague] went on the Marian Finucane programme [popular current affairs programme] and discussed it. And Simon Coveney [the then Minister]...heard it on the Marian Finucane programme, rang him up, wanted to meet us. We went in and met him. And we met him four times over about six or seven weeks for, amazing actually, from eight o’clock at night until midnight. And he went through what his vision was for the Irish planning property system. And we gave him our recommendations and they took it lock, stock and barrel and stuck it into the new housing bill.
(Interviewee Cn2)

Furthermore, in presenting their proposals, the PII members engaged in these discussions sought ‘not to be controversial...not to be argumentative’ (Interviewee Cn2), but rather to present information and ideas resonant with the rationalities and dispositions of their interlocutors. As recounted by one PII member active in lobbying for the Fast Track process,

I think one of the successes that we had in PII was doing our homework...endless policy committees discussing these issues so that when we went to government we had gathered our evidence, we had

done our homework. We had identified what the problems were and had come up with solutions to it. All of my representative, business representative experience would suggest, would tell me that's the best way to work. (Interviewee Dv7)

In this manner, PII was able to accrue agency by positioning itself as a rational and broadly representative actor relative to a complicated debate characterised by policy ambiguity consequent on frequently heated disagreement over sometimes widely diverging views on how to resolve a seemingly intractable problem. Indeed, when questioned as to what makes a particular stakeholder more or less successful in setting a policy agenda, a senior civil servant deeply involved in formulating national housing policy asserted,

It's very, very simple. What's successful is having broad membership. Being able to distil the views of that membership into useful, well informed, and with evidential basis, proposals or understanding or insights. That's what works. (Interviewee Cv7)

The agenda setting advantages of resonating with this outlook (Lennon, 2015) was complemented by a general receptivity of the centre-right Fine Gael government for market-based approaches to resolving the housing crisis (Byrne and Norris, 2018, Norris, 2016). As commented by a national politician active in housing policy debates,

I think that there is a predisposition among all of us as politicians to be open to certain messages, so Fine Gael is you know ideologically predisposed to the notion that if we can get the private sector to do its job better, that will allow a broader range of housing needs to be met, and therefore, the principle policy objective of the housing strategy should be that. (Interviewee P13)

Hence, through careful positioning relative to the political disposition of the pertinent government minister and the outlook of relevant senior civil servants, PII achieved traction for its 'problem-solution' storyline among a cohort of key decisionmakers. This enabled PII to establish a particular 'truth' about planning and consequently effect the partial de-democratisation of the Irish planning system via institutionalising a Fast Track facility for certain large-scale developments.

A De-Democratised Planning System

At first glance the Fast Track planning facility can be seen as de-democratising the Irish planning system by removing the third-party appeals system from procedures of decision-making. Hence, developers now no longer have to concern themselves with appeals being made to An Bord Pleanála consequent on a decision by a local authority to grant permission for their proposals. However, on closer inspection the de-democratisation of planning instituted by the Fast Track process has a deeper reach. Specifically, through bypassing the

local authority system, the Fast Track process not only eschews the assessment of a proposal by local planners; it also removes the relevance of city or county development plans which have traditionally formed the bedrock of democratically formulated planning policy in Ireland. As concluded by one experienced architect and prominent commentator on housing policy,

From a development perspective, one of the great benefits of that [Fast Track planning] is it allows one to circumvent the development plan, because currently An Bord Pleanála...must have regard to but isn't bound to development plans. So if you can go directly to the Bord [An Bord Pleanála] it means you can apply for a material contravention by the back door... So it suggests that, it also means that development plans are a bit of a waste of time because all the preparation, the public consultation debate, input from local councillors; you don't have to, you're not bound to it. (Interviewee, Cn8)

In this sense, the certainty provided to communities by a development plan's democratically devised vision for a locality has been weakened by a rescaling of power wherein an overriding facility is institutionalised that is predicated on policy produced in line with the political disposition of national politicians rather than the views of a local planning authority's elected representatives. Thus, as observed by one local authority planner with respect to Fast Track planning,

The role of the politician in a local authority area, you know, they've almost been removed from this in the sense that for a lot of planning applications, particularly high-profile stuff, you'd be going to, you know, area committees and presenting on them and all the rest. Whereas that's now removed completely from this. (Interviewee Pn4)

Moreover, unlike the British system to which it is closely related, the constitution of Irish planning processes means that An Bord Pleanála is technically independent of political interference with no right of 'call-in' on planning proposals by the government. Consequently, decisions issued under the Fast Track system are made by bureaucrats who are unaccountable to either politicians or an electorate. Therefore, in conjunction with the weakening of the democratically adopted development plan, the Fast Track process effectively enhances the technocratic nature of the Irish planning system concurrent with reducing key dimensions of public representation. However, planning systems and the bureaucrats who populate them are not ideologically neutral (Lord and Tewdwr-Jones, 2018, Allmendinger and Haughton, 2013a). This observation was lucidly conveyed by one interviewee when noting that,

I don't think people sit down in smoke filled rooms and say how do we pull the wool over the public's eyes; 'let's be technocrats'. But I think people become technocrats and one of the consequences of becoming technocrats is it conceals the implicit prejudices and assumptions and

choices that so called good technocratic governance is really all about. So when people talk about good management as if somehow it's just an objective standard that is better than bad management and therefore, good management means that you can only have certain policy choices...that kind of technocratic language absolutely conceals the ideological policy choices. I'm just not convinced that the people deploying that technocratic language really understand that's what's happening. They get brought into the system. (Interviewee P13)

Hence, the result of enhancing the technocratic character of the Irish planning system via Fast Track planning may well be that it conceals ideological dispositions under the guise of 'good management'. Should such dispositions align – as they appear to do – with the ideological temperament a centre-right government inclined to market-based mechanisms as a favoured means to resolve policy issues, the possibility of 'regulatory capture' by the champions of that very market becomes a real prospect. This issue was identified by one local authority planner when observing how the government and senior civil servants responsible for housing and planning policies had become 'very close bed fellows' such that 'in a lot of ways the development (sector), the CIF and people like that, Property Industry Ireland, have captured the State in terms of policy' (Interviewee Pn2). Confirmation of this was provided by one of PII's leading members when in reflecting upon his involvement with civil servants and national politicians on institutionalising the Fast Track process recalled that,

The Department took credit for it and I told them I'm delighted. The guy told me in the Department he said, well he said, 'you know I was instrumental'. I said, 'it's the best thing you ever came up with'. (Interviewee Dv11)

Conclusion

This paper has examined how 'actually existing neoliberalism' (Brenner and Theodore, 2002) has manifested in the Irish planning system through the institutionalisation of a Fast Track planning process for large residential developments. While there are various conceptual interpretations of neoliberalism, the concept of 'actually existing neoliberalism' differentiates between conventional understandings of neoliberal ideology and its translation into practical application on the ground, while also recognising the links between the two. Furthermore, the idea also focuses on processes of 'neoliberalisation,' which implies both deepening and on-going processes of marketised governance and politics that seeks to strengthen corporate power (Mercille and Murphy, 2015). 'Actually existing neoliberalism' may be operationalised through a variety of state-supported mechanisms, including regulatory experimentation, interjurisdictional policy transfer and transnational rule regimes (ibid). In this sense, neoliberalisation is neither a uni-directional nor straightforward process and is rarely manifested in an ideal, pure form but rather in varying incomplete, volatile and hybrid

modalities that are constantly reshaped, renewed and revised (Hall, 2011). In Ireland, this process of neoliberalisation may be best seen as an ‘enabling’ approach which facilitates a development sector driven agenda in planning legislation and which is supported by pro-development attitudes within the Irish political system (Fox-Rogers et al., 2011).

This paper contributes to this literature by revealing the specific practices and mechanisms employed by a specific policy entrepreneur (Property Industry Ireland) to embed a marketised view of the planning system within central government and de-democratise certain planning decision-making processes in its favour. Indeed, scholarship on neoliberal urban governance has often tended to focus only on the marquee names - the principal politicians, regulatory czars and major developers – that comprise the growth coalitions that reshape the city (Weber and O’Neill-Kohl, 2013). Rarely in view are the mid-level bureaucrats, lobbyists, consultants and ‘*policy entrepreneurs*’ who shape the necessary institutional, policy, legislative, fiscal and legal frameworks that support neoliberalisation in practice from the ground up. This article specifically adopts a more agent-centred view to focus on the activities of such ‘*backroom boys*’ to understand how a coalition of developers, real estate consultants and financial advisors have worked in cohort with state policymakers to capture the planning decision-making process on certain forms of proposals.

To do so, the paper employed an interpretive approach to discursively mediated framing by situating this within the conceptual dimensions of the Multiple Streams Framework (MSF). This was used to tease apart and scrutinise how the development lobby accrued agency in ways that institutionalised its objectives. In essence, this involved locating and conveying a narrative that convinced decision makers that certain reforms to the planning system represented an alignment of public and private sector interests. This alignment of perspectives entailed a storyline that consolidated a general trajectory of assisting the market provide solutions to problems traditionally confronted by public interventions (Norris, 2016), and echoes processes of streamlining identified in other jurisdictions, where academics and commentators have expressed concern with the conflation of the collective good with efficiency (Cowell and Owens, 2006, MacDonald, 2018).

However, such conflation subtracts a common understanding that the principles governing what counts as the collective good are conventionally considered concerns for the political subject rather than the economic subject (Sandel, 2013). Indeed, what the above case specifically reveals is how practices of ‘truth-making’ by a cohort of economically invested actors can institutionalise such a conflation by carefully crafting a storyline whereby understandings of the role of democracy is rationally undermined. In particular, it shows how these practices can be deployed in ways that morph perceptions of democracy to enable neoliberalism to govern as a ‘sophisticated form of common sense’ (Brown, 2015) rather than through participatory debate. Ultimately this ‘common sense’ involves shifting positions on how the collective good is determined from a deontological register normatively informing the purposes of democracy to an economically inflected utilitarian register. Here, the standing of the ‘civic’ is deflated in conceptions of the collective good as something to be determined via democratic participation and debate. In its place is substituted an inflated importance allocated to ‘efficiency’ couched in utilitarian rhetoric wherein the collective good

is reconfigured to justify removing the ‘barrier’ of democracy in planning. Ironically, it is through such a utilitarian register that the de-democratisation of the Irish planning system is realised as a form of necessary collateral damage that disproportionately benefits the few at the expense of the many through concentrating capital among a cohort of property developers without an appreciable improvement in housing affordability^{iv} following from the lauded gains in efficiency or effectiveness envisaged by the Fast Track planning process.

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ⁱ Strategic infrastructure is development which is deemed to be of strategic economic or social importance to the State or a region. It also includes development which is deemed to contribute significantly to the fulfilment of any of the objectives of Ireland's National Planning Framework 2018-2040 or any regional spatial and economic strategy for an area, or which would have a significant effect on the area of more than one planning authority. Planning applications for certain large-scale private development and which An Bord Pleanála certifies as strategic infrastructure development are now made directly to An Bord Pleanála. Prior to the Planning and Development (Strategic Infrastructure) Act 2006 coming into effect, such planning applications were made to the local planning authority (i.e. city or county council) in which the proposal was situated, with the associated rights of third-party appeal. The role of the local planning authority in assessing such strategic infrastructure development was thereby removed by way of the Planning and Development (Strategic Infrastructure) Act 2006. Likewise, the right of third-party appeal on the decision of a local planning authority was removed by way of the 2006 Act.

ⁱⁱ Subsequently the Minister for Housing, Planning and Local Government from June 2017.

ⁱⁱⁱ In general, it appears that the perceived weight of the housing crisis as matter of national concern across the print, audio and visual media has meant that the number of opposing voices to recent planning reforms aimed at enhancing housing supply and affordability has been limited. Furthermore, public consultation documents on proposed reforms have been issued during periods of parliamentary recess, thereby potentially reducing the level of political debate they may normally be expected to receive. However, the authors were unable to verify from interviews if this was a deliberate strategy to reduce likely debate on such proposed reforms.

^{iv} House prices in Dublin in the first year of the operation of the Fast Track process rose by 7.2%, while the growth rate at the national level was higher at 10.4% CSO 2014. Residential Property Price Index - October 2014. Dublin: Central Statistics Office..