



AN BILLE UM LIMISTÉIR FHOIBARTHACHA UIRBEACHA, 1982

URBAN DEVELOPMENT AREAS BILL, 1982

EXPLANATORY MEMORANDUM

GENERAL

The main purposes of the Bill are:—

- (i) to provide for the establishment of urban development commissions to secure the regeneration of designated urban areas,
- (ii) to designate the Custom House Docks site in Dublin and the area covered by the medieval walled city of Dublin as urban development areas,
- (iii) to provide for the establishment of a Custom House Docks Development Commission and a Dublin Walled City Development Commission, and
- (iv) to empower the Minister to designate other areas as urban development areas and to establish commissions in respect of such areas if he is satisfied that there is a special need for the regeneration of the areas.

Section 1. This section lists definitions of different terms used throughout the Bill, including the Custom House Docks Development Area and the Dublin Walled City Development Area, both of which are defined by reference to descriptions set out in *Parts II* and *III* of the Schedule to the Bill. The section also declares certain bodies to be statutory bodies for the purposes of the Act and empowers the Minister to designate as a statutory body certain other boards, bodies or companies.

Section 2. This section provides for the establishment as urban development areas of the Custom House Docks Development Area and the Dublin Walled City Development Area and such other areas as are designated by the Minister by order. *Subsection (2)* outlines the requirements which must be satisfied before any area is designated; the area must be in a county borough, borough or urban district and the Minister must be satisfied that there is a special need for its regeneration having regard to certain specific matters. Under *subsection (3)* the Minister may by order alter the boundaries of the Custom House Docks Development Area or the Dublin Walled City Development Area.

Section 3. This section provides for the establishment of urban development commissions in respect of the Custom House Docks Development Area, Dublin Walled City Development Area and other areas which may be designated under *section 2* as urban development areas (*subsection (1)*). A commission will be a body corporate

and will consist of a chairman and not more than six ordinary members, none of whom may be members of either House of the Oireachtas or of the Assembly of the European Communities (*subsections (2) and (3)*).

Section 4. This section provides that it shall be the general duty of an urban development commission to secure the overall regeneration of its functional area and specifies the functions to be performed for that purpose. A commission may acquire, hold and manage land for development either by itself or by others; prepare and implement, or secure the implementation of, schemes for the development, redevelopment or renewal of land; dispose of land at an appropriate date; carry out amenity or environmental improvement works; and assist, in accordance with a scheme approved of by the Minister, persons or bodies concerned with the improvement of the area. In performing these functions, a commission will be required, as far as practicable, to maintain a balance as between housing, industrial, commercial, social, amenity and other development (*subsection (1)*). The Minister may assign further functions to a commission (*subsection (2)*) and give general directives to a commission (*subsection (4)*).

Section 5. The purpose of this section is to enable the Minister to make appropriate provision in regard to the appointment, functioning, administration and general financing of an urban development commission. *Subsection (2)* lists some of the specific matters which may be dealt with; these include the appointment of employees, the engagement of consultants and advisers, meetings and procedure at such meetings, the furnishing of information to the Minister, the regulation of finances and the keeping of accounts.

Section 6. This section provides that an urban development commission may, or shall if so directed by the Minister, prepare a planning scheme for its area. *Subsection (2)* specifies the format and content of a scheme. In preparing a scheme, a commission will be required to take account of the existing character and any special features of the area, to consult any local authority concerned and to make arrangements for considering submissions from interested persons (*subsection (3)*). Planning authorities and An Bord Pleanála, in the exercise of their functions, will be required to have regard to any such scheme (*subsections (4) and (5)*).

Section 7. Under this section, an urban development commission may acquire land compulsorily for the purpose of performing its functions. *Subsections (2) and (3)* are designed to enable the compulsory purchase order procedure provided for by the Housing Act, 1966 to be used, subject to any necessary adaptations and modifications.

Section 8. This section enables the Minister by order to transfer land situated within the Custom House Docks Development Area from the Dublin Port and Docks Board to the Custom House Docks Development Commission. Under *subsection (2)*, the consideration to be paid for land so transferred is to be agreed between the Commission and the Board or, in default of agreement, determined by the Minister with the consent of the Minister for Transport. Any such determination is required to be made in accordance with criteria laid down in *subsection (3)*.

Section 9. This section enables the Minister by order, with the consent of the appropriate Minister, to transfer land from a statutory body (defined in *section 1*) to an urban development commission, provided the Minister is satisfied that the land is not being used by, or is not, or is unlikely to be required by, the statutory body for the performance of its functions and duties. *Subsection (2)* provides that the consideration to be paid for any land so transferred shall be agreed

between the statutory body and the commission or in default of agreement, determined by the Minister with the consent of the appropriate Minister. Any such determination is required to be made in accordance with criteria laid down in *subsection (3)*.

Section 10. This section contains supplementary and consequential provisions in relation to orders under *sections 8 and 9*.

Section 11. Under this section, rates remission can be provided in accordance with a scheme made by an urban development commission, in respect of premises of particular classes or descriptions which are certified by the commission to have been erected, enlarged or improved in its functional area (*subsections (1) to (3)*). Following confirmation of a scheme by the Minister under *subsection (4)*, a local authority will be required to give effect to the remissions provided for (*subsection (5)*).

Section 12. The purpose of this section is to exempt development carried out by, or approved of by, an urban development commission within its area from planning control under the Local Government (Planning and Development) Acts, 1963 and 1976. *Subsection (2)* provides for consultation, in relation to any such development, with the relevant planning authority, or with the Minister in the event of disagreement between a commission and a planning authority. *Subsection (3)* empowers the Minister, when consulted, to prohibit the development or any part thereof and gives the planning authority or the Minister the same power to attach conditions as is conferred on a planning authority by section 26 of the 1963 Act in relation to a planning application. Under *subsection (4)*, a time limit of one month for raising objections or attaching conditions will apply in regard to consultation with a planning authority when consulted under *subsection (2)*.

Section 13. Under this section, the Minister may direct a planning authority to prepare a partial development plan for a specified part of their area and to include specified objectives in that plan.

Section 14. This section provides for the making of grants, with the sanction of the Minister for Finance, towards the expenses of an urban development commission.

Section 15. This section enables an urban development commission, with the consent of the Minister given with the approval of the Minister for Finance, to borrow temporarily for current expenditure, for working capital or to defray expenditure properly chargeable to capital (*subsection (1)*). *Subsection (2)* provides that borrowing may be effected by way of mortgage, temporary loan or overdraft or in any other manner which the commission considers suitable.

Section 16. This section provides for the making of advances out of the Central Fund to an urban development commission for the performance of its functions. Under *subsection (2)*, the terms of such advances will be determined by the Minister for Finance. *Subsection (3)* provides for a limit of £50,000,000 on the aggregate of sums advanced. *Subsection (4)* stipulates that sums paid by a commission in repayment of an advance shall be paid into or disposed of for the benefit of the Exchequer. *Subsections (5) and (6)* contain standard provisions in relation to any borrowing by the Minister for Finance for the making of advances under this section.

Section 17. This section contains standard provisions in relation to State guarantees of borrowings by urban development commissions.

Section 18. This section provides that it shall be the general duty of an urban development commission to secure that, in so far as its

development activities are concerned, taking one year with another, its operating expenditure shall not be greater than its revenue, that it can repay borrowings and that it shall, if so required by a directive under subsection (2), generate a specified proportion of its capital needs. Provision is made in subsection (2) for the giving of general directives by the Minister in relation to the financial objectives of a commission.

Section 19. This section provides for the dissolution of an urban development commission when it appears to the Minister that there is no longer a need for its existence (subsection (1)). Subsection (2) provides that on a dissolution, the property, rights, liabilities and staff of a commission may be transferred to appropriate statutory bodies and also provides for other consequential arrangements. Any transfer of staff of a dissolved commission to a Department of State will be subject to the consent of the Minister for the Public Service and the Minister in charge of the Department concerned (subsection (3)). Subsection (4) provides that, on the dissolution of any urban development commission, the relevant area shall cease to be an urban development area.

Section 20. This section enables any orders made under the Act to be amended or revoked (subsection (1)). Subsection (2) makes provision for the laying of orders before each House of the Oireachtas.

Section 21. This is the standard provision for meeting the expenses incurred by the Minister in the administration of the Act.

Section 22. Short title.

Schedule. The Schedule contains descriptions of the Custom House Docks Development Area and of the Dublin Walled City Development Area.

**An Roinn Comhshaoil,
Bealtaine, 1982.**