

In response to the invitation from the Joint Oireachtas Committee on Housing, Planning and Local Government to comment on the General Scheme of the Land Development Agency Bill 2019 as part of their Pre-Legislative Scrutiny, the CCMA Land Use and Transportation (LUTS) Committee and Housing Committee make the following submission.

Feedback on draft Land Development Agency Bill 2019 by the CCMA Committees

November 2019

Contents

Introduction	2
Establishment of the LDA.....	2
Relationship with other agencies and officials	2
Acquisition and transfer of Land.....	3
Housing mix.....	4
Resourcing and Funding.....	4
Governance	4

Introduction

The CCMA received formal notification of pre-legislative scrutiny of the General Scheme of the Land Development Agency Bill 2019 from the Joint Oireachtas Committee on Housing, Planning and Local Government and were asked for comment on same.

The deadline for submission was October 18th, 2019. The matter was discussed at separate CCMA Land Use and Transportation (LUTs) and Housing Committees at the next available opportunity. However, it was noted that the deadline for response was very tight and consequently, an extended submission date was requested. Subsequently a final submission date was set as no later than mid-November.

This document collates the views received from local authorities via the two CCMA committees.

Establishment of the LDA

The CCMA broadly welcomes the establishment of the Land Development Agency. The acquisition of public and private landbanks for strategic development is a necessary cornerstone in meeting the housing needs of the nation and all initiatives to achieve this goal are to be supported.

There is a need for more clarity on the objectives and operations of the Land Development Agency.

It is not obvious if the LDA is set up to develop tranches of public land itself or to what extent they would undertake development. For example, is it intended that the LDA is a self-sustaining organisation run on a commercial basis and charging a developer's fee or leveraging a developer's profit.

Clarity is also required in relation to the LDA's long-term role in relation to developments, for example in the area of estate management.

Additional specificity is required as to the functions and objectives of the agency and the mechanisms it has available to bring forward proper planning and sustainable development.

In the context of sustainable development and planning, an inherent focus in the draft Bill on the commercial aspects of delivering housing is noted. This must be balanced with consideration of the environment and social as well as the economic and physical considerations in the delivery of sustainable neighbourhoods.

If the primary objective of the LDA is to enable and secure the development of vacant public lands for residential purposes, additional clarification is required in relation to the "other related development purposes" in which the agency will engage.

Relationship with other agencies and officials

Positive engagement with other agencies and departments, and in particular with local authorities, will be crucial to the LDA's ability to achieve its objectives. Clarity is required in relation to how the agency will interact with other agencies, particularly in relation to overlapping interests and areas of responsibility and parallel funding streams.

Strong linkages will be required between the LDA and local authorities to support cooperation and collaboration in relation to planning, development and regeneration projects.

In the interest of efficiency, there is a need also to ensure the work of the LDA is supportive of and does not duplicate work ongoing in and by other agencies and departments.

It is the experience of local authorities that the selection of appropriate sites for development is critically influenced by existing and, more significantly, the planned infrastructural development to deliver transport, utilities, water and wastewater infrastructure. All these strategic decisions are paramount to the delivery of appropriate housing, neighbourhoods and viable economic communities.

Any significant residential development is dependent on suitable and appropriate infrastructure being in place. Clarification is required as to the role of the LDA in ensuring that the necessary capital projects being carried out by the other infrastructural providers (e.g. NTA, DES, IW) are aligned to achieve the delivery of large-scale residential neighbourhoods.

Acquisition and transfer of Land

Careful consideration must be given to the methods of acquiring land for development and further clarity will be required on the CPO powers of the agency and how they will interact with the CPO powers of local authorities.

Consideration must also be given to a protocol to minimise the risk of the LDA competing or bidding against local authorities or other state bodies in land transactions, and vice versa.

Consideration should be a mechanism to capture the uplift in land value as a result of rezoning greenfield or brownfield sites to residential zoning, and to ensure the uplift is used for necessary up-front infrastructure

Acquisition of local authority land

Under current legislation, The S183 process provides the backdrop for any Local Authority disposals to the LDA. Disposal of council land to any party including LDA requires councillor approval and disposal is made upon the payment of appropriate compensation to reflect the market value of the lands, together with any input costs incurred by the local authority.

Allowing for flexible land swaps between LDA and local authorities to allow each to acquire suitable land banks for appropriate development might be considered. In that context, it is not clear from the bill if the LDA has provision to allow it to transfer lands in its ownership to a local authority for public good – such as a public amenity or for the construction of public housing.

In addition, the potential for joint ventures between the LDA and local authorities might be considered to allow for the assembly of adjacent public and private lands to deliver viable large-scale strategic projects. Again, in this context, there is a need for clarification as to whether the LDA would be engaged as a long-term agency for the long-term management of public lands for the common good.

Transfer of state lands

Initiatives to expedite the process involved in the transfer of state lands would be welcome. At present if a local authority wants to acquire land from another state body to build social housing it is required, under DPER protocols, to agree a valuation, raise a loan and obtain sanction from the elected members and the DHPLG. Local authorities can recover funding after a stage 4 approval is granted by the DHPLG.

There is potential to streamline this process given that some arm of the state has already paid for the land concerned. This would help expedite the availability of land for housing purposes and could equally be applied for other public infrastructure purposes such as road construction.

Housing mix

The draft Bill is heavily focused on the LDA as a commercial entity aimed at driving housing delivery.

Given the requirement to deliver 30% affordable housing on state lands, affordable housing should be cited as a key investment stream. Similarly, there must be the potential for the LDA to develop cost-rental and other housing options.

It should also be noted that in developing sustainable communities, not all land developed will be commercial; land must also be available for public spaces, parks, schools, etc. In that context, it is important non-economic functions of the agency are referenced in the legislation.

Resourcing and Funding

It is not entirely clear if the LDA modus operandi is to be that of a self-sustaining profitable organisation run on a commercial basis and charging a developer's fee or leveraging developers' profit, once it has been capitalised. If it is the case that the LDA will develop public land over an extended period of time from conception to completion, then the resources and budget required may be very significant.

The successful operation of the agency will be heavily dependent on the skill and resourcefulness of its staff. It is imperative that a multidisciplinary team is developed; including but not limited to planning, architecture, ecologists, viability experts, quantity surveyors, engineers, urban designers and landscape architects.

Governance

Given that many lands for LDA activation may be Council owned, there must be certainty around the interactions with the public representatives and council employees. A Memorandum of Understanding may be required between LDA with local authorities and other state bodies, and this should be considered in the legislation.

Given that the LDA will be interacting with a range of accountable stakeholders, including councils and other state agencies, a mechanism for evaluation and monitoring of the LDA's activities to ensure transparency for stakeholders and the public is important.

Given the close engagement necessary between the LDA and local authorities, consideration should be given to appointing a local authority representative to the Board of the LDA.