

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM CHOMHSHAOL, CULTÚR AGUS GAELTACHT

## JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE GAELTACHT

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*Dé Máirt, 10 Meitheamh 2014*

*Tuesday, 10 June 2014*

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The Joint Committee met at 2.15 p.m.

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### MEMBERS PRESENT:

Deputy Barry Cowen,	Senator Cáit Keane,
Deputy Michelle Mulherin,	Senator Fiach Mac Conghail,
Deputy Seán Ó Feargháil,	Senator Labhrás Ó Murchú,
Deputy Maureen O'Sullivan,*	Senator Ned O'Sullivan.
Deputy Brian Stanley,	
Deputy Peadar Tóibín,	

\* In the absence of Deputy Catherine Murphy.

DEPUTY KEVIN HUMPHREYS IN THE CHAIR.

BUSINESS OF COMMITTEE

**Business of Committee**

**Clerk to the Committee:** In the absence of the Cathaoirleach and Leas-Chathaoirleach of the committee, in accordance with Standing Order 93 of Dáil Éireann and Standing Order 79(3) of Seanad Éireann, I call on the committee to nominate a member of the committee to perform the duties devolved upon and exercise the authority conferred upon the Cathaoirleach by Standing Orders for the durations of the absence.

**Deputy Seán Ó Feargháil:** I propose Deputy Kevin Humphreys.

**Senator Labhrás Ó Murchú:** I second the proposal.

**Clerk to the Committee:** I call on Deputy Kevin Humphreys to assume the Chair.

*Deputy Kevin Humphreys took the Chair.*

**Acting Chairman (Deputy Kevin Humphreys):** As we have a quorum of six members, including one Teachta Dála and one Senator, we will commence the meeting. Is that agreed? Agreed.

I wish to advise members that they must turn off their mobile phones when attending the committee. RTE will not broadcast any interference from mobile phones. Apologies have been received from Deputies Noel Coonan, Michael McCarthy and Catherine Murphy. Deputy Murphy will be substituted for by Deputy Maureen O'Sullivan.

I propose that we go into private session to deal with a number of matters. Is that agreed? Agreed.

*Sitting suspended at 2.42 p.m. and resumed at 2.48 p.m.*

**General Scheme of Dublin Docklands Development Authority (Dissolution) Bill 2014:  
Discussion**

**Acting Chairman (Deputy Kevin Humphreys):** We will now consider the general scheme of the Dublin Docklands Development Authority (Dissolution) Bill with representatives of St. Andrew's Resource Centre, Ringsend Community Services Forum, the Inner City Renewal Group, Dublin City Council community forum, and the Dublin Docklands Community Liaison Committee.

I welcome Ms Betty Ashe and Ms Dolores Wilson from St. Andrew's Resource Centre; Mr. Peter Dowling from Ringsend Community Services Forum, who has yet to arrive; Mr. Seanie Lambe and his colleague from the Inner City Renewal Group; Mr. Robert Moss and his colleagues from the Dublin City Council community forum; and Ms Frances Corr and Mr. Tony McDonnell from Dublin Docklands Community Liaison Committee. I thank them for their attendance here today. I propose that we hear the witnesses in the order in which I announced them. Is that agreed? Agreed.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the joint committee. If they are directed by it to cease giving evidence on a particular matter and they continue to do so, they are entitled

thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or an entity by name or in such a way as to make him, her or it identifiable. Opening statements and any other documents submitted to the committee will be published on its website after this meeting. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or any official by name or in such a way as to make him or her identifiable.

We are examining the general scheme of the Dublin Docklands Development Authority (Dissolution) Bill 2014. We have already considered this issue with a number of witnesses during our first consideration days. Our discussion will allow us to examine further the issues that are important to the various groups operating in the Dublin docklands area. The legislation is important to the groups and I am very interested in hearing their views on it and on further developments in the Dublin docklands area.

I invite Ms Betty Ashe from St. Andrew's Resource Centre.

**Ms Betty Ashe:** I thank the members for the opportunity to address this committee. We welcome the opportunity to have an input into the draft Bill of dissolution of the Dublin Docklands Development Authority, DDDA. While we welcome the opportunity today, this is a sad day for us because we have all served on the council of the DDDA for the past 17 years. The model we operated through the masterplan was ground-breaking and represented a complete, new, fresh way of achieving regeneration, both social and economic. The time in question was the first in the history of this State that local community involvement in decision-making affecting local communities was facilitated. The successes in education, training, investment in community infrastructure, social and affordable housing, and employment were achieved through this model and through co-operation by all stakeholders with the common goal regenerating the docklands. This brand-new approach set a standard for the future for integration and ownership.

In our submission to the committee, I covered the dark times of depopulation, downgrading and neglect of our dockland communities. The vision to regenerate the docklands gave new life and hope to those living there. Education for young people and housing to enable them to remain in the communities in which they grew up strengthened our communities and gave people a sense of pride in being docklanders. Expectations were raised, and staying on in school became the norm. This acted as a gateway to gaining access to high-end jobs for our young people. It is important that the successes not be forgotten and that the baby not be thrown out with the bath water.

The proposed new entity has to be guided by what worked well over the past 17 years. If we allow the planning to be developer driven without having regard to the overall docklands area, it will not continue to be a sustainable neighbourhood for everyone living and working there and in terms of the future planning in the area. It would bring us back to the past when social exclusion was rampant. The local communities want to see the remaining areas of the docklands built out. However, we are very proud of what has been achieved over the past 17 years since the inception of the DDDA. The docklands are too important not to get it right. We need to work at getting it right through proper consultation.

**Acting Chairman (Deputy Kevin Humphreys):** I thank Ms Ashe. As the representatives

of the Ringsend Community Services Forum have not yet arrived, I will allow them to contribute on their arrival. I invite Mr. Seanie Lambe of the Inner City Renewal Group to make his presentation.

**Mr. Seanie Lambe:** I thank the Acting Chairman for the opportunity to address the committee. We have made a submission in writing. In the short time available to me, I will address a couple of specific items. These concern the two trust companies that were set up by the Docklands Development Authority with the local community. One was the Docklands Housing Trust and the other was the Docklands Community Trust. Both are charitable trusts and were negotiated with the Revenue Commissioners and the Companies Registration Office.

The purpose of the trusts was established through discussions and investigations by the docklands community of other areas. We negotiated the 20% social housing clause in the docklands master plan, and we were the first in the country to have such a clause. As the Acting Chairman is probably aware, it became public policy under the Planning and Development Act 2000, which was subsequently amended in 2002. The reason we did this is that we learned from colleagues in the London Docklands Development Corporation in the East End that one of the major problems they identified was that young people in that area could no longer afford to live where they were born and reared. What we wanted to do was protect the future of the indigenous local community. That is why we pursued the 20% social housing idea. We assumed, perhaps naïvely, that the units would be put into the control of Dublin City Council. They were but then the city council handed them over to social housing agencies. I would like to make it clear that we do not have a problem with social housing agencies, as such, but believe they have policies that differ from those of the council. Certainly, their vision is different from that of the community representatives in the DDDA. For instance, some agencies sell the properties to their tenants. Our review of this was that if the properties were sold to the tenants, within one generation the 20% would be back on the market, resulting in no long-term gain. To prevent this, we asked that the properties be put into a housing trust. That was agreed although many of the houses had already been distributed. It was eventually agreed, in the early part of this century, to set up a trust and put the next set of properties to become available into it. The trust owns 72 properties. Our only purpose in owning them is to ensure they remain available to the people on the waiting list of the city council, and that the people who live in them will receive an appropriate service from the managing agent, in this case the housing association.

The second trust, the Docklands Community Trust, was an attempt to perpetuate the benefits and gains that had been negotiated throughout the various master plans after the end of the master plan. The model also came from London, in this case from the Royal Docks Trust. When the London Docklands Development Corporation came to an end, the remaining money was put into a trust fund for the local community. We had no guarantee that any such money would be left in our circumstances so we wanted to build up a fund to allow us to continue the work that had been funded previously by the authority. We had a target of between €5 million and €8 million for the fund but, by the time the economy collapsed and the authority went into serious decline, we had got €1.32 million.

Both trusts have a similar design, with three nominees from the DDDA, three from the community sector associated with the authority and one from the city council. We used the interest on the €1.32 million to support educational initiatives to help young people entering third level courses or post-leaving certificate courses. We provide the service at no cost because we do so by distributing €20,000 each to the local employment services in Pearse Street and Amiens Street. Therefore, there is no cost involved to the taxpayer in distributing the money. As re-

gards the model in the memorandum and articles of association, the kind of skills we sought for people on the trust were educational or community experience, finance and investment, accounting, business and management, law, governance, social and economic development, or heritage and culture. We have been careful about the construction of the boards of trusts. We are happy with how they are working, notwithstanding the fact that by definition their impact is limited.

We fear that under the proposed dissolution Bill the handing over of control of those trusts - and the nominating rights of the Docklands Authority on those trusts - to the city council effectively means that the city council will be deciding on four of the seven members of the board. One may think that will make no difference, but the reality is that if the city council controls the Docklands Housing Trust there will be great pressure on the board to pursue city council policy, which is to sell the units to the people living in them. That would defeat the purpose of the 20% social housing provision and the initial establishment of the trust.

Exactly the same arrangement applies on the community trust. We are faced with that threat. There are possibilities within the memorandum and articles of both trusts to make different arrangements, but as we see under heading 8 in section 2 of the Bill, all rights and responsibilities would be handed over to the city council. That is a matter of serious concern for us.

We have raised these issues with the existing executive board and we hope to have further discussions with them. If we are to take what is currently in the Bill heads, however, the situation would then be completely untenable.

**Acting Chairman (Deputy Kevin Humphreys):** I wish to ask one question regarding the housing trust. Legislation is currently going through the House on the sale of local authority properties and voluntary properties. Voluntary housing has not, as yet, come on to the market. Does the memorandum of association for the housing trust fall under the voluntary housing area? If so, would it be affected by the new legislation going through the House?

**Mr. Seanie Lambe:** The Docklands Housing Trust is a voluntary housing agency.

**Acting Chairman (Deputy Kevin Humphreys):** So it would be caught with the new legislation concerning the differential sale of properties. Has Mr. Lambe looked at that?

**Mr. Seanie Lambe:** We have not. To be honest, I am not familiar with what is going through the House. Obviously we will have to look at it. However, we will also have to make the point wherever and whenever we can that we did not go through all of this just to have the property sold off and lose the 20% in one generation.

**Acting Chairman (Deputy Kevin Humphreys):** I am very sympathetic. There has been quite a lobby for voluntary housing. Up to now, voluntary housing has not been covered by the sale of city council houses. A Bill is going through the House at the moment and there is quite a lobby to include voluntary housing in the sale of properties. I wonder how that would affect Mr Lambe's housing trust.

I want to make him aware that the legislation has already started its passage through the House, so Mr. Lambe might want to consider making a submission on it at a later stage.

**Mr. Seanie Lambe:** We certainly will.

**Acting Chairman (Deputy Kevin Humphreys):** Has Mr. Lambe finished his presentation?

**Mr. Seanie Lambe:** Yes.

**Acting Chairman (Deputy Kevin Humphreys):** I now call on Mr. Robert Moss of the Dublin City Community Forum to make his presentation.

**Mr. Robert Moss:** On behalf of the environmental focus group of the Dublin City Community Forum, I thank the joint committee for this opportunity to submit a statement.

I will outline some general considerations for future Dublin docklands development, which is an area of interest to us. The regional planning guidelines for the greater Dublin area called for an increase in the overall density of development, which will lead to a more compact urban form. By necessity, this leads to many more people living within the city without the amenity of a private garden or access to any green space of their own. We can see that happening already, with thousands of people living in apartment blocks.

If we accept that there is a need for a more urbanised lifestyle in the future, then this urban lifestyle has to be more attractive in order for people to buy into it. We feel that amenities such as community gardens contribute greatly to the urban quality of life within Dublin.

There is already a policy within the Dublin city plan, namely GC16, which exists to support the provision of community gardens, allotments, local markets and pocket parks. These are green spaces for people who live in the city. As the current Bill calls for the cessation of a master plan from the 1997 Act, we highlight the importance of having an appropriate replacement. We recommend that Dublin City Council's own city plan be used for guidance for appropriate future developments within the docklands.

Urban growing by voluntary groups is expanding within Dublin. I rewrote this Dublin guide to community gardening in October 2013 and 46 garden projects approached me for a free listing. This compares to only two community gardens a decade ago. There are now at least 46. This is something that is growing in Dublin and it is something the people who live there want. In essence, we are talking about urban agriculture being used to rethink Dublin's public open spaces and, in doing so, improving Dublin visibly and strengthening its social capital as well. The silver lining of the recession has been the many community improvement initiatives carried out at grassroots level right across Dublin and not just in the docklands area. Such initiatives have often been undertaken by people who have been made redundant, but who have skills and time on their hands. They have used that time, knowledge and skill to improve their own environment. They have done this without any direct strategic support. Due to the hard work of many groups and individuals, we have now seen the creation of around 40 community garden projects across Dublin in the last ten years. These are delivering environmental improvements and biodiversity enhancement within the city for us all. They support resource-use management and the reduction of resource use, as well as improving and enhancing our communities and developing social capital. This is a kind of soft infrastructure that is too often missing from planning considerations, probably because it is hard to commoditise community development. It is hard to put a price on it. On a modest scale, we are here to represent to the joint committee the intelligent use of two of Dublin's greatest assets: unused land and unused labour. Future developments within the docklands must allow residents to interact with their environment through horticulture. This should not be the exclusive preserve of those who are rich enough to own their own private gardens.

**Acting Chairman (Deputy Kevin Humphreys):** I thank Mr. Moss for his opening statement. I now call on Ms Frances Corr of the Dublin Docklands Community Liaison Committee

to make her submission.

**Ms Frances Corr:** I thank the Acting Chairman and other members of the joint committee for this opportunity to discuss the general scheme of the Dublin Docklands Development Authority (Dissolution) Bill 2014. I am a member of the Dublin Docklands Development Authority council and, with five others, I represent all the communities in the docklands area. I was born and reared in the docklands.

On behalf of the numerous community organisations, groups, residents' associations and the entire docklands area, which we represent, we wish to make the following statement. At present, the community liaison committee consists of six community people appointed by the Minister as members of the Dublin Docklands Development Authority council under section 16 of the Dublin Docklands Development Authority Act 1997. Since its establishment in 1997, the DDDA has driven the social regeneration of the docklands community as a key part of its mission. The representatives of the docklands communities on the council have ensured that the opinions, needs and welfare of the local community were always kept top of the docklands authority's agenda and enshrined in DDDA policy. The communities are determined to have this agenda maintained in any new entity which will emerge. The communities are particularly concerned about heads 5 and 6 of the Bill. Head 5 may not exclude any role of other State agencies, but it excludes full participation by the docklands community by diluting the powers and influence of their representatives. Head 6 provides for the establishment of a committee which will be known as the docklands consultative forum, the powers of which will be limited to assisting Dublin City Council in discharging its function under head 5. That is all we know about it at this stage.

The success of the physical and social regeneration of the docklands thus far has been hailed worldwide as a successful and ingenious regeneration programme by many academic reviews. The DDDA Act 1997 provided for a general duty for the authority to secure the social and economic regeneration of the Dublin docklands area on a sustainable basis and to promote, particularly as regards persons residing in the area, the provision of education and training opportunities and the development of a wide range of employment. It required the authority to promote the development of existing and new residential communities in the area, including the development of a mix of housing for people of different social backgrounds. The above functions and ground-making policies are not provided for in the proposed legislation. Such policies are not specifically enshrined in the city development plan either. The draft Bill will not allow for the communities to influence the policies and strategies which contribute to the sustainability of the docklands.

The direct input of community representatives on the DDDA council over the past 16 years ensured that the community agenda was kept to the fore. This included the establishment of the social regeneration programme, which embraced the entire community with a customised range of programmes, including community development, social infrastructure, housing, employment and education. Consideration should be given to allowing a similar system to form part of any new entity. The proposals in the Bill would lead to marginalised communities in the docklands feeling further disenfranchised. As a consequence, the docklands may become a less than pleasant place to do business, invest and live.

Over a year ago, Dublin City Council requested the DDDA council to prepare a report setting out views on the issues that are still relevant from the 2008 DDDA master plan and other issues that are relevant to any other planning framework in the docklands. The DDDA council's overall recommendations included a standalone planning strategy to be devised and adopted for

the entire Dublin docklands area irrespective of the individual planning mechanisms adopted for particular local areas within the overall docklands area; an integrated planning strategy to be employed throughout the area; social and community facilities, particularly education facilities, to be provided in advance of and in tandem with residential development; a formal mechanism to be devised to deliver community gain from private development in the area; a database to be maintained for the docklands area comprising statistical and other data for the area to allow effective monitoring of docklands social and economic indicators; and national funding to support the delivery of infrastructure and facilities, including community facilities, in the area. The council further recommended that provision for the continuing development and enhancement of existing areas and institutions which have been developed to date in the docklands be included in any future planning strategy.

A standalone planning strategy for the entire docklands area is considered necessary to ensure the docklands vision is achieved and the docklands legacy is continued. Such a strategy would provide a framework for other planning mechanisms such as the strategic development zone planning schemes and local area plans. The content of the planning strategy would reflect the 2008 docklands master plan. None of the above-mentioned recommendations appear to be transposed to the powers of the new entity.

Under head 17 of the Bill, the docklands master plan would cease to exist, as would the policies therein. This is of particular concern to the community representatives. The master plan encompassed a specific area north and south of the Liffey and its immediate hinterland. The boundaries were clearly defined and stretched to 520 ha. It was seen as an innovative space where all aspects of sustainable development were undertaken. Many pilot programmes were put in place on an experimental basis within the docklands. As Mr. Seanie Lambe has already pointed out, a requirement for 20% social housing was introduced in 1999, which led to the inclusion of Part V in the Planning and Development Act 2000. A local labour clause was first introduced in docklands. While that can be done in other areas, we cannot now have it in a future docklands plan. Many new community, educational, and training initiatives were undertaken in the area. The proposed docklands dissolution Bill does not allow for the continuation of any of these programmes. The existing boundaries of the docklands must be maintained along with the social regeneration policies and the community representatives so that the work undertaken to date can be continued, reviewed and quantified on a continuous basis.

The regeneration of Dublin's docklands was effective as a result of real participation and co-operation by the community representatives nominated to represent their communities on the council. Those of us who served on the council feel strongly that continuity will be the key to maintaining the momentum to consolidate the ongoing regeneration of the Dublin docklands neighbourhood. While it is acknowledged widely that the model of regeneration of the Dublin docklands was ground-breaking and many positive benefits have been achieved, there remain deep-seated structural problems within communities which need to be continually addressed. The ground-breaking model which framed the social regeneration of the docklands must be continued in any future entity. The proposed Bill does not allow for this. We ask the committee to consider this in their recommendations.

My opening statement has been made on behalf of the members of the DDDA council.

**Acting Chairman (Deputy Kevin Humphreys):** I thank Ms Corr and everyone else for their submissions. Before I open the meeting to questions from other members, I note that although the things that went wrong within the Dublin Docklands Development Authority are often pointed out, its successes are not mentioned often enough. Ms Corr and Mr. Lambe



covered some of those successes in their submissions. Certainly, the community came up to the required 20% proportion of social and affordable housing. While that did not achieve the successes the community wanted, it set out a template that could be followed elsewhere. That should be recognised. The local labour clause was also mentioned.

The one thing that has always impressed me is the success achieved by local schools in keeping young people until the leaving certificate. There was a dramatic change in the figures in the schools I know, where fewer than 50% of pupils had previously attended up to leaving certificate level, whereas this year 92% sat the exam. That is one of the successes of the engagement of the local community and the docklands authority. We could speak at length of the failures and disappointments, but we forget too often to mention all the successes. I know many families living in social housing who would not have been living there without the 20% social and affordable clause. It was a greater success on the south side than on the north side. That should be acknowledged also. The template is there to be used again and developed in the current housing crisis.

**Senator Cáit Keane:** I thank the witnesses for attending. I agree with the Acting Chairman that we do not often hear about the good things. The witnesses have brought all good with them. The bad things that happened were not related to the community. That should be said.

I listened very carefully to all the presentations and note that what is there in terms of community and educational development must continue. A way must be found to facilitate that. Integration of community programmes with local authorities is happening all over the country. When we discuss the Bill, we must ensure representation. While I do not know how it will work out, it cannot be the case that there is no community representation. Too much has been invested in it. Community development, as a whole, has to be part of everything. It cannot be developer-led but has to come from the ground up. As was said, the county development plan should be used as a blueprint. I accept land is valuable in the city but every city in Europe has found ways and means of developing community spaces such as gardens and playgrounds that are integrated and overlooked.

There is no point in throwing the baby out with the bathwater as there is much to be learned with both the good and the bad. I do not believe anyone wants the docklands development authority structure to continue as it was. However, we have to take the best from it and ensure that is not lost. There also needs to be proper integrated consultation in this, which is occurring in every community with every development plan. It is important a methodology has been laid down in this regard, as it cannot be done on a wing and a prayer.

**Ms Betty Ashe:** Senator Keane obviously listened very carefully to everything that was said.

**Senator Fiach Mac Conghail:** I welcome the witnesses and thank them for their presentations. I do not live in the docklands but I work on the edge of them as I run the Abbey Theatre.

Heads 5 and 6 deal with the consultation process and community involvement. The delegations are concerned that the in-depth and integral community involvement in housing and education might be dissipated when the forum and the housing and community trusts move over to Dublin City Council. We need to include that in our recommendations to the Minister.

If they have a concern that Dublin City Council might have a weighted majority with the nomination of members to the consultative forum and trusts, do the delegations have any sug-

gestions for other nominating bodies to balance that?

Can all the groups give a quick snapshot of whether the local community is thriving or not? Is morale high? Social regeneration is a term used often and there are success stories in this but also some not so successful cases, particularly on the north side. What are the key headline anxieties that the local community might have which could inform us in our deliberations of the draft Bill?

**Mr. Seanie Lambe:** Regarding the two trust companies, we have written to the chairman and the executive board to propose possible solutions to what we perceive is a dilemma. We do not want to pre-empt what view might be taken with those suggestions but the proposal in the heads of the Bill is quite disturbing to us. We would like to see the continuation of the existing boards and that we could change the memorandum and articles of association to allow for them to be self-perpetuating charities with the same limitations, restrictions and oversight as exists now. The memorandum and articles are robust enough to prevent anyone making money out of the process, as there are no attendance fees or expenses covered. The only outgoings in the trusts are the administrative costs which are required by law to be audited annually. Up to now, those costs were paid by the authority. Over the past 12 months, those from Dublin City Council on the authority have been baulking at those kinds of expenses. We need to examine other ways of dealing with this. We are very happy with the way it is run now and view the Bill's proposals for the trusts to be somewhat disastrous.

Our communities are mixed. Everyone is struggling but those lucky enough to be working are doing better than those who are not. After the substantial educational investment of the authority, we saw a rise not just in leaving certificate completion but in third level attendance from 1% to 10%. From 1999 to 2006, the rate of young people completing the leaving certificate went up from 10% to 63%, just fractionally under the national average. These were great achievements. The last thing in the world we want to do now is lose out on that and reverse those successes. As these figures are from 2006, we have asked the executive to see if these rates have fallen back over the subsequent years. We believe we have changed the aspiration in the community. For the first time in my lifetime, people in disadvantaged areas realise the way out of poverty is through education and it is important to keep young people in school for as long as possible.

**Ms Betty Ashe:** Ms Dolores Wilson and I represent St. Andrews Resource Centre which celebrated 40 years last year. That was a tough 40 years. We say we are an overnight success after 40 years. We cover all aspects of community needs from the cradle to the grave. We came from a very dark place. The organisation was set up to address the demise of industry and jobs in traditional sectors in the area along with low educational attainment. Those involved in the organisation had a passion to keep the community alive and to keep people ticking over until the inception of the Dublin Docklands Development Authority, DDDA. It just brought us all to life. That continues despite cutbacks in funding. The passion keeps us going. We will continue to fight whatever comes our way and ensure that the needs of communities are recognised and addressed financially. The problem with the SDZ is that there is no mention of any funding being available for community needs. I think Senator Keane said we need to find other ways of funding. Well, we need to find them, and the availability of funding is one of the things we feel very strongly about, because other than that it is aspirational.

**Ms Dolores Wilson:** There are real concerns that the economic and fiscal planning of the SDZs, as Ms Ashe said, will overpower the wider docklands area. That is a major worry for us because economic growth will happen but we are fearful that the social infrastructure and social

needs will be lost. As Ms Ashe noted with regard to St. Andrew's Resource Centre, we have lost so much in funding over the past couple of years and now we are expected to supply more services because of the downturn. There is no way we will be funded through anything we have seen in the heads of the Bill. There is nothing that has jumped out at any of us and told us we will be happy with what is happening there.

**Deputy Maureen O'Sullivan:** I thank Deputy Catherine Murphy, whose place on this committee I am taking today. As someone who was born and lives in the docklands, I am very aware of relationships there. It must be acknowledged that there have been very fractious relationships between communities and the DDDA over the years, and these issues have not all been resolved satisfactorily for some of those communities, so there is still a lot of work to be done on that aspect. The south side learned from the north side, which was the pioneer, had all of the difficulties and did all the learning for the entire docklands area. The south side benefited from the mistakes and difficulties on the north side. The community voice, community work and, in particular, the voluntary effort must be acknowledged.

When I hear the term "developer-led", the alarm bells go off. There is no doubt about that. I was disappointed that we were back to that, from what we are hearing now about the SDZ. We are not learning the lessons from the past. These were lessons that were hard won by the communities and we are going back to them. It will be developer-led and driven, profit margins will be the god and communities will get lost in that. There is a real fear that this could happen.

The main issues are the loss of policies from the master plan and the amount of work that went into the master plan when now it can just be gone almost in a flash. The legacy issues of community gain, housing and the trusts are still major issues. I must come to a question or conclusion. How well were communities listened to in this consultation process, the conferences and the workshops that took place? Those issues can go forward with a very strong voice from this committee in the Dáil so that the issues that did not get a proper hearing or resolution can be dealt with and we can see a very progressive Bill going through. I do not think it is that progressive, because of the criticisms the witnesses made today. It is vital that this committee be a strong voice for those outstanding issues.

**Mr. Tony McDonnell:** As I see it, we are going to be told what our medicine should be. We should be part and parcel of decision making, which is reflected in our submission. The Acting Chairman said that housing was much better on the south side than on the north side. I am making an argument about why there should be continued community involvement by representatives, particularly at decision-making level. We have all accepted, by and large, that the good parts of the docklands are excellent, but one has only to look at the dereliction in the North Lotts area, which has never had direct local representation. As I say to many people, not a child's swing is found in the area and not a brick was laid for the community. That could continue, and we could be told by Dublin City Council that we will probably meet four times a year and be told what it will do for us. The North Lotts area is the classic example. We do not want to go there again. Areas must have direct involvement and decision making to say what is wrong and what the people want.

**Senator Cáit Keane:** Can I come in on that point? The Bill is a standalone piece of legislation. Its aims are to ensure continued local community and business development in the docklands regeneration through the Docklands Consultative Forum. Obviously, we cannot lose all of this history and the intelligence created over the years. It is there and is written down. I want to put on the record that one of the main aims and objectives of the Bill is to ensure continued local community and business sector involvement in the docklands regeneration be-

cause, as Deputy O’Sullivan said, it is sad that it is going to be developer-led. Every council in Ireland, including Dublin City Council, has changed from the bad old days. I sat on South Dublin County Council for 20 years. Development plans are now different. I can go back as far as 1991 and 1992 when they were developer-led. This is why I am saying it is important to include the community from the ground up. That is what this is about, and we are here to ensure it does happen.

**Ms Frances Corr:** I wish to revisit a point made by Deputy O’Sullivan about what we have achieved over the years in the docklands. We had a set of policies written in the master plan that went back to 1997 and were reviewed every five years. This was our bible. We had guidelines. Under our remit from the Department of the Environment, Community and Local Government, we review the master plan every five years. We are now back on the docklands for over two years and we have not been given the facilities to review that master plan. Therefore, we are going into another plan without being able to review the past. One cannot move forward unless one looks at what has been achieved and decides whether or not one wishes to bring it on or leave it. We are going to go into what is in the city development plan, whether it is a subsection or not. The city development plan deals with planning. It does not deal with community development. It has community development sections, but what we had was a holistic approach to everything we are doing in the docklands, where we did not have a “them and us” approach. There are people who can afford to buy in the docklands, such as investors, and those who can afford high rents. However, there are pockets of the indigenous community who have never had a traditional education beyond the age of 12 or 13. We are trying to work with these people, because they are our communities, and bring them along. That will all be gone. It will be thrown out and we will end up with pockets of deprivation amid wealth. In order to look at what we have achieved and see where we can bring it forward, we must review the master plan and use that as our base point.

**Deputy Maureen O’Sullivan:** We all acknowledge the positive things, but one of the sad things is the extent of gated communities in the docklands area. The number of such communities is massive compared to the traditional communities. We must keep an eye on that so that we can have space for families and the traditional type of housing and it is not all high-rise. The DDDA would love to have 20-storey buildings all over the docklands area.

**Mr. Seanie Lambe:** In response to Senator Keane, we were all appointed by the Minister for the Environment, Community and Local Government on the basis of a nomination list that was drawn up at the initiation of the Act, which listed approximately 70 organisations. That has been scrapped. The new list will be drawn up by Dublin City Council and, even when people are nominated, Dublin City Council will select people. That is a different type of process.

**Acting Chairman (Deputy Kevin Humphreys):** To whom in Dublin City Council is Mr. Lambe referring? Does he mean the executive or the elected councillors?

**Mr. Seanie Lambe:** I refer to what is in the consultation forum.

**Acting Chairman (Deputy Kevin Humphreys):** The elected councillors will do the nominations.

**Mr. Seanie Lambe:** That is fine, but it also has implications.

**Acting Chairman (Deputy Kevin Humphreys):** Yes.

**Mr. Seanie Lambe:** We do not know how the list of nominating organisations will be drawn

up.

**Acting Chairman (Deputy Kevin Humphreys):** I imagine the list would be drawn up by the elected councillors rather than the executive. We can clarify this in the Bill. When he came before the committee, Mr. Owen Keegan, the Dublin city manager, had the view that he would be drawing up the list, but it has since been clarified that it will be the elected councillors.

**Mr. Seanie Lambe:** That changes things, but not much.

**Senator Fiach Mac Conghail:** Would they draw up the list of nominating bodies or nominate the members?

**Acting Chairman (Deputy Kevin Humphreys):** I imagine both. The nominations would go to the councillors from those nominating bodies.

**Senator Cáit Keane:** Why would the communities not send in their nominations, put themselves forward and then let the councillors decide or consider?

**Acting Chairman (Deputy Kevin Humphreys):** They will.

**Senator Fiach Mac Conghail:** There is a vote in the Seanad. I ask the witnesses not to infer any discourtesy on our part when we withdraw. I apologise.

**Acting Chairman (Deputy Kevin Humphreys):** Mr. Moss's submission refers to temporary usage of land for urban gardening or greening. Something given temporarily is always very difficult to get back.

**Mr. Robert Moss:** Not necessarily.

**Acting Chairman (Deputy Kevin Humphreys):** Does he have procedures in mind that work?

**Mr. Robert Moss:** The conacre agreement specific to Ireland has been used successfully by Dublin City Council and other local authorities. It gives access to a site for 11 months, after which it must be vacated by all the gardeners for a month. That hiatus means there is not continuous occupation of the site. This protects the land owner, usually the local authority, in this case Dublin City Council, from any claims of ownership from a third party who has been making interim use of the site. From a legal point of view there is a lease framework that can be used, called a conacre agreement.

There will always be emotion when a site has been used as a community garden, has been of great value and has provided a community resource for five or ten years when the owner wants to develop it. That is not an excuse for us to be in a situation in which we are locked out of our own house because we cannot do anything with the vacant sites in Dublin for fear of planning blight, which has been the case for the past ten years. There are vacant sites, some in NAMA administration and some not, that nobody is allowed to touch for ten or 20 years because there is a wish to develop them further down the line. It is absurd. While there will always be arguments for doing nothing, it is not a responsible way forward.

**Acting Chairman (Deputy Kevin Humphreys):** There is the possibility of a surplus of money after the dissolution of the DDDA. How should that surplus be used?

**Mr. Seanie Lambe:** It should go into the Docklands Community Trust. That is the obvi-

ous place to put it. We already have the structure in place. The trust does not spend its capital. That was the model we saw in the Royal Docks Trust, London. We spend only the income from interest. Because interest rates are so low, we have recently had to invest. The more capital we have, the more we can earn. Because we only spend the interest, the capital will never be touched. While the Docklands Community Trust's brief is very broad, education is the main area. The memorandum and articles of association are very clear that it is a charity designed for charitable purposes in all sorts of areas, and it is left to the board to decide how to spend the money.

**Acting Chairman (Deputy Kevin Humphreys):** The remit of the DDDA was social regeneration, which was very ground-breaking at the time because previously the focus had been on the physical regeneration rather than on the community. I imagine the argument will be made that the pension contributions currently with the DDDA should be transferred to the Department to increase the surplus available. Would the community agree with that?

**Ms Betty Ashe:** It is difficult for us to say.

**Mr. Seanie Lambe:** I am not sure.

**Acting Chairman (Deputy Kevin Humphreys):** Previous evidence given to this committee suggests that while the pension liabilities will not fall for approximately ten years, they are a financial liability. If that liability were taken out of the surplus, there would be less surplus money from the winding up of the DDDA. Have the witnesses examined those figures in detail and have they recommendations on how they would be broken down?

**Mr. Seanie Lambe:** No, and it has not come up in conversation. The trust has a number of solicitors-----

**Acting Chairman (Deputy Kevin Humphreys):** Have those conversations about creating a pot of money to be invested in social regeneration taken place within the committee and working with the DDDA?

**Ms Frances Corr:** No; we have not discussed it at all. It would be a matter for the board of the DDDA, not the council.

**Acting Chairman (Deputy Kevin Humphreys):** It might be an interesting discussion to have with the DDDA from the community's point of view.

**Ms Dolores Wilson:** While it was mentioned that there may be some money left over, the discussion never went any further as they have to wait and see what is left. There was no discussion about what would happen to it. We lived in hope that it would go into the trust. When we initially formed the trust we sought that any money left after the dissolution of the DDDA would go into the trust. We have always felt that was where it should go.

**Acting Chairman (Deputy Kevin Humphreys):** In order to try to generate the maximum pot of money, it is important the community representatives and the DDDA have that discussion before it is dissolved. If long-term pension liabilities are taken into consideration it would reduce the possible surplus. I am suggesting a course of action to the community.

**Ms Dolores Wilson:** We thank the Acting Chairman, and we will take it up.

**Mr Tony McDonnell:** Pensions have never been discussed. This is the first time it has been raised with us. Dublin City Council went into taking over the DDDA with its eyes wide open

and would have to accommodate the pensions.

**Acting Chairman (Deputy Kevin Humphreys):** I might have to give it directions. That is probably not my role. Communities need to build a pot of money. Within the strategic development zone, SDZ, which is not for discussion at this meeting, the levies are site-specific. The communities, DCC and the Department will have to examine the broader prospects of securing a pot of money. There are major developers and NAMA in a relationship. Has there been a conversation between the community and them about adding to the pot for social regeneration?

**Ms Dolores Wilson:** No.

**Acting Chairman (Deputy Kevin Humphreys):** The 20% local employment social clause has been a minor success. I have lived in the docklands all my life and there has always been an emphasis in the communities, rather than on the part of community representatives, on trying to secure short-term construction jobs, which I always questioned. We had some successes through the business forum of the DDDA. Should there be a greater emphasis on the social clause in the new business under the legislation? This would tie the education and employment clauses to addressing long-term employment.

**Mr. Seanie Lambe:** What made the 20% social housing strategy comparatively successful was the fact that it was tied directly to the planning permission. Having experienced it and studied it over the past few years, the only hope we ever had of getting the 20% local labour was if it was tied to the planning permission. What we found early in its application is that builders were able to bid more cheaply to developers and go in with lower tenders on the basis that under the Lisbon treaty they could employ people from Lithuania, Turkey and elsewhere and bring them here to work at wage rates that were operative in those countries. It enabled them to make lower bids and it was difficult for us to negotiate the 20% local labour clause with them.

That was only in the building phase. The jobs at the end of the projects are more important. Even very few of the jobs that do not require a high level of education such as security, cleaning and so on go to local people these days. They are not advertised through the local employment service and it is hard to see them, although someone in the paper connected with the American chamber of commerce mentioned that for every ten jobs created in the IT sector, seven subsidiary jobs are created locally. That might well be true but they are not going to our people and that is very obvious.

**Ms Dolores Wilson:** The Acting Chairman mentioned doing something through education. We have had a schools placement programme in the docklands, which was a good programme for young people leaving school after their leaving certificate to go into high-tech jobs in financial services. Most of them stayed in the programme for a year and the majority of them continued onto full-time jobs. That is one way of getting some of our people into newer companies. There are many young people in our area who are in financial services due to that programme. That is an area we should look at.

**Mr. Tony McDonnell:** As Ms Wilson said, there has been great activity in financial services and third level education on the part of the community trust. The Acting Chairman said construction can provide short-term jobs. If the 20% social clause was tied to planning permission, as Mr. Lambe said, while the jobs might be short-term for the apprenticeship part of their career, at least the young people learn their trade and they are accommodated for the rest of their lives.

**Ms Josephine Henry:** I refer to planning, the master plan, expectations and a clear set of

policies for firms coming in. One of the things we found when the DDDA fell and everything happened was that firms continued to say that the authority was providing community gain. The community gain it generally meant was a Christmas party or something like that. A clear structure is needed for the firms coming in whether they are small local businesses or multi-nationals. They need to know what are the policies and expectations when they come into the area. Internationally, companies are generally handed a handbook welcoming them to the area, for example, the Sydney docklands in Australia, and the levies, plans and what they have to do are outlined. It is not about providing a Christmas party for the local old people. This emerged during the planning hearings clearly and it was in the planner's report. An Bord Pleanála does not publish its commentary on each decision but the planner's report clearly said those issues were *ultra vires* in respect of the planning Acts. It can only comment on the things written into the Act in the SDZs and there will be multiple SDZs. Unless there is a clear structure, all the issues we are talking about will fall between stools.

**Acting Chairman (Deputy Kevin Humphreys):** A number of these issues were dealt with at previous hearings. There are a number of legacy issues. For example, there is a complicated clawback relating to affordable housing involving the DDDA, especially in the later schemes. Would the community like that to be addressed in the legislation?

**Ms Dolores Wilson:** Yes, because the idea at the start was very good. Like Mr. Lambe said regarding social housing, we wanted to keep the people buying affordable housing within the docklands area. We did not want people to make big profits on the housing but, as the downturn arrived, that did not happen. People have been left in serious situations. Some families have broken up and they need debt forgiveness. That is an issue that we need to look at and get closure on as to where we should go. We need leadership on it because we have been bringing this up time after time. Every time we have had a council meeting, I have raised it. No solutions are being given to us. We are told it is legal and I do not know whether legislation can help us in this regard. However, we need to address it.

**Acting Chairman (Deputy Kevin Humphreys):** I am not sure how many units are in the housing trust. Size and sustainability are issues. Is the housing trust an adequate size for it to be sustainable if sinking funds, etc., are included in the Bill? Sometimes a certain number of units is necessary to make a housing trust sustainable. Is the housing trust large enough to bear the costs?

**Mr. Seanie Lambe:** At the moment, the housing trust has 72 properties in Shelbourne Wharf, Hanover Quay and that area. A management company was initially appointed by DCC with which we were happy to work. We have a good relationship with its representatives and we are happy with the level of service that they are giving the people. We are happy, therefore, to leave the situation as is.

We do not have any great ambition to be the owners of huge numbers of properties but we want to protect as many of the properties as we can in order that they are accessible through DCC's housing waiting list. There are other issues about housing management agents, which are problematic. I know that the Acting Chairman is very familiar with the points system of housing allocation used by Dublin City Council. The housing associations have introduced another element, which is an interview system. That is a two-sided coin. Of course, everybody wants to be sure that only people who are going to look after the properties get into them, but if one automatically excludes people with any kind of problem or difficulty, one needs another way of addressing their needs. In the last docklands masterplan, we introduced the idea, well known and well practised within the city, of supported housing, which has been operated by



Focus and other agencies, where people with difficulties can be supported through a process of learning how to budget and to look after children, etc. It is high-cost, but it is one way in which such needs could be approached.

On the viability of the trust in having 72 units, we are not looking for profits.

**Acting Chairman (Deputy Kevin Humphreys):** I do not want Mr. Lambe to misunderstand me. In the voluntary housing sector, one needs momentum and a certain number of units for sustainability. Some of the smaller voluntary housing agencies, especially in rural Ireland, that set up with 50, 60 or 70 units, ran into serious financial trouble because they needed to spread their costs over a large number of units and structures which, as Mr Lambe will know, involve costs being picked up. The trust's properties are all apartments, but the obvious issue in the cities is the sinking funds. Those difficulties may not need to be addressed in this Bill, but there may be a need to enlarge the trust to make sure that it is financially sustainable.

**Mr. Seanie Lambe:** We took over an agreement that had been made between the authority and the housing agency. We have ownership of all the sinking funds. They go directly from the city council to the housing agency. As the owners of the properties, we have a responsibility to make sure that those are run properly, but we do not have worries about them in the sense that that particular housing agency has a large number of properties and would not be left in that situation. It has a large number of properties across Docklands and in other parts of the city.

**Acting Chairman (Deputy Kevin Humphreys):** I thank everybody for their attendance today and their contributions. The record of this session will go on the website and will be built into the final report.

*Sitting suspended at 4.03 p.m. and resumed at 4.09 p.m.*

**Acting Chairman (Deputy Kevin Humphreys):** The meeting is resuming. We are in public session. We are considering the General Scheme of the Dublin Docklands Development Authority (Dissolution) Bill 2014 with representatives of the Department of the Environment, Community and Local Government.

I welcome the following witnesses to the meeting: Mr Paul Dunne, principal officer, local government HR; Mr. Francis Walsh, local government HR; Mr. Rory O'Leary, local government HR; and Ms Gabrielle McKeown, senior adviser, planning inspectorate, on behalf of the Department of Environment, Community and Local Government. I thank them for their attendance. I know that the witnesses are well used to the formalities, but I shall skip through them as quickly as I can. I wish to draw to the witnesses' attention the fact that, by virtue of section 17(2) of the Defamation Act 2009, they are protected by absolute privilege in respect of their evidence to this committee. However, if they are directed to cease giving evidence in relation to a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. The opening statements and any other documents submitted to the committee may be published on the committee's website after the meeting. Members are reminded of the long-standing parliamentary practice which I outlined at the beginning of the meeting.

I invite Mr. Dunne to make his opening statement.

**Mr. Paul Dunne:** I thank the Chairman and committee members for inviting the Department to present on the Dublin Docklands Development Authority (dissolution) Bill. On 4 March the Government approved the general scheme of the Dublin Docklands Development Authority (Dissolution) Bill. I expect drafting of the Bill to get under way shortly. The Bill is a stand-alone piece of legislation which aims to provide the necessary legal arrangements for all aspects of the dissolution of the Dublin Docklands Development Authority, DDDA; to ensure continued local community and business sector involvement in docklands regeneration through the docklands consultative forum; to provide for the transfer of certain responsibilities, rights and liabilities, primarily to Dublin City Council, as a consequence of the dissolution; and to provide certainty regarding the planning and development framework in the docklands area.

The Bill is a key component of the overall wind-up process for the DDDA. This process was commenced in May 2012 when the Government decided the DDDA was to be wound up. Since then the authority has engaged in an orderly wind-up process, supported by the Department. As the committee has heard, Dublin City Council is supporting the authority on a practical level during this transitional period. The committee has heard details of these ongoing arrangements and the future arrangements to be put in place in Dublin City Council. The Department is supportive of the work being carried out by Dublin City Council in this regard and fully supports its role in leading the future generation of the docklands.

The docklands are recognised by all as a very important part of the capital city and a key driver of the local and national economy. The purpose of the Bill is to ensure that the right environment for this unique area is maintained so it will continue to be a key driver. The Bill provides the necessary legal certainty for the completion of the DDDA wind-up process and its transition to Dublin City Council. It is the final part of an orderly sequence of events following the Government's announcement in May 2012. It puts in place a clear pathway for the continued involvement of the local community and business sector in the future of the docklands project. It resolves some planning issues which have resulted in unfinished buildings and impacted greatly on the lives of everybody in the docklands, in particular local residents.

An Bord Pleanála recently approved the docklands strategic development zone, SDZ. The SDZ will put in place an appropriate and sustainable planning framework for the docklands area. It is important that the provisions in the Bill which deal with the legacy issues surrounding unfinished developments are given legal effect as soon as possible.

As detailed drafting of the Bill proceeds I expect the proposals will be refined, including on foot of further legal advice from the Office of the Attorney General. The Minister will also consider any views of the committee arising out of its consideration of the Bill. I expect drafting of the text of the Bill by the Office of the Parliamentary Counsel will get under way shortly.

I am happy to take any questions the committee may have.

**Acting Chairman (Deputy Kevin Humphreys):** I thank Mr. Dunne for his presentation. There is a legacy issue with regard to affordable housing and a complicated clawback. This clawback is measured as an asset of the DDDA because of complicated structures. Will the Department consider allowing an out clause for people with this legacy problem so the affordable housing can be dealt with in a similar way to how it is dealt with under legislation for local authority affordable housing? Has this been examined?

**Mr. Paul Dunne:** The Department is aware of particular issues associated with the clawback mechanism and the operation of the DDDA's social and affordable housing scheme. No head in

the Bill specifically deals with this matter. I am aware the Minister of State with responsibility for housing has asked the Housing Agency to conduct a review of the shared ownership and affordable housing schemes and this will be delivered imminently. With regard to the affordable housing scheme in the DDDA area it is prudent to wait for the outcome of this review. To some extent the scheme mirrors the affordable housing schemes of local authorities.

**Acting Chairman (Deputy Kevin Humphreys):** For clarity, later affordable housing schemes were much more complicated than those of the local authorities. It was never expected that property prices would drop. Will Mr. Dunne give further consideration to tidying up this matter, whereby the affordable housing scheme could mirror those of local authorities?

**Mr. Paul Dunne:** My understanding is no provision in the DDDA's establishment Act specifically dealt with social housing. The scheme was put in place by the DDDA.

**Acting Chairman (Deputy Kevin Humphreys):** The issue is with regard to the clawback. To give an example, if a unit was valued at €500,000 and sold as part of an affordable housing scheme for €250,000 the asset is the differential of €250,000. This has reduced over 20 years but is counted as an asset of the authority. Will Mr. Dunne examine this and see whether a provision can be inserted in the Bill? I would say 90% of families who purchased under the affordable scheme intend to stay, but a number of family breakdowns have occurred and the families of some people who purchased one-bedroom apartments have increased. They are caught by the complicated clawback because of the drop in property prices and they cannot afford to move. Families living in one-bedroom apartments need to move to family-sized units.

**Deputy Barry Cowen:** It is important to add weight to the Acting Chairman's comments on the clawback issue. It is the view of the majority of committee members that it is incumbent on the Department to go to the Minister and seek the insertion of a provision in the Bill to deal with this issue. It is not fair or proper to leave it hanging and something should be laid down in the Bill so that this specific issue which must be dealt with in the DDDA area can be viewed differently from how it is viewed in the rest of the country.

What procedures are in place for outstanding issues with regard to unfinished estates, outstanding development charges, bonds which have not been adhered to, NAMA and any social benefit there may be to Dublin City Council? Have these been identified and can the Department be assured they will accrue to the local authority?

**Mr. Paul Dunne:** The Bill's provision will transfer all outstanding liabilities to Dublin City Council. The council will also have an enforcement role in terms of unfinished developments. An inventory is being drafted by the Dublin Docklands Development Authority, DDDA, to help with the orderly wind-up. That inventory will be provided to the council and-----

**Deputy Barry Cowen:** Will that ensure there is no legal impediment to Dublin City Council's rights? Those will remain despite the name change, the transfer of responsibility and so forth.

**Mr. Paul Dunne:** Where the DDDA is named, it will now read "Dublin City Council". There should be no risk.

**Deputy Barry Cowen:** Under the strategic development plan put in place by An Bord Pleanála for the area, what representation will the locality have in future initiatives or schemes or will that solely be the responsibility of those elected to Dublin City Council?

**Mr. Paul Dunne:** Head 6 makes provision for a consultative forum that will assist the council in the regeneration of the docklands area.

**Deputy Barry Cowen:** Is Mr. Dunne sure that it will not be a watered down version of what existed previously?

**Mr. Paul Dunne:** This provision stems from the recommendation of the authority and the council. The constitution of the proposed consultative forum mirrors-----

**Deputy Barry Cowen:** There are issues with the recommendations.

**Mr. Paul Dunne:** -----what is in place currently.

**Deputy Barry Cowen:** Will the forum require unanimity among its members?

**Mr. Paul Dunne:** We do not want to be too prescriptive in the legislation, as doing so could hamstring the forum.

**Deputy Barry Cowen:** I know, but the less prescriptive, the less authority or input its members may have. Perhaps this should be stated in the Bill.

**Mr. Paul Dunne:** The heads of the Bill make provision for-----

**Deputy Barry Cowen:** Consultation.

**Mr. Paul Dunne:** -----the Minister to make regulations. After the establishment of the forum, there may be need for further regulation.

**Deputy Barry Cowen:** Tabling amendments, if necessary, is something members can adjudicate on when the Bill is published. This proposal should not be a watered down version of what existed previously and people should be given a forum in which to voice their opinions and aspirations. I am particularly conscious of the matter raised by the Acting Chairman, in that those who remain in the area after being housed there should not be penalised by clawback in the absence of suitable accommodation.

**Acting Chairman (Deputy Kevin Humphreys):** Currently, a master plan and a set of policies have been agreed between the local community and the DDDA. However, head 6 basically proposes a consultative forum without a policy implementation element. Can the consultative forum be strengthened to allow it to devise development policies that must be adhered to within the docklands area? I am not necessarily referring to the strategic development zone, SDZ, but to the docklands and their hinterland. I do not want to use Deputy Cowen's term "watered down version", but this aspect must be strengthened so that the community, local business and Dublin City Council can work together on the development of a coherent policy that allows new developers or companies in the area to be clear on what will be expected of them. The forum could develop policies instead of just being consultative.

**Mr. Paul Dunne:** It might be reasonably expected that the forum will formulate its own terms of reference and procedures once established. It is meant to provide practical support to the city council, enabling the latter to take in its stride the major challenges and opportunities that emerge in the development of the Dublin docklands area. The forum could usefully engage in policies on the protection of established businesses, maximising job creation, securing new investment, providing certainty to existing residents associations, community organisations and business units and future development plans. It could also engage all stakeholders on the area's

long-term infrastructural requirements and improve public perception and relationships with stakeholders. It can have a broad ambit.

**Acting Chairman (Deputy Kevin Humphreys):** The community groups that presented referred to a one-stop-shop for businesses looking to set up in the docklands. There would be an identifiable community gain in such an initiative. The consultative forum would set down terms and policies in this regard, allowing companies entering the area to know immediately what was expected of them. Could this proposal to strengthen the legislation be developed under head 6?

**Mr. Paul Dunne:** The Government has decided that Dublin City Council, under the leadership of its democratically elected members, is to lead the regeneration of the docklands within the wider context of the overall development of the Dublin city region. The consultative forum will play an important role in supporting the docklands' regeneration. This is a balanced approach, involving an interaction with Dublin City Council to assist it with developments in the area.

**Acting Chairman (Deputy Kevin Humphreys):** Mr. Dunne is correct, in that it is a balanced approach, but consider what is happening in the city. Obviously, Dublin is important to the national recovery, but the docklands area is important to Dublin's regeneration. The majority of brownfield sites are in that area and it has an indigenous community. I support the democratic element represented by the councillors as well as the appointment of a consultative forum, which will set out its own terms, but community groups that serve on the forum must have a policy element. Councillors can have a wider overview, but local communities know the basic needs that need to be met, for example, education, sports, play areas, green areas, etc. The people best placed to develop such policies, in consultation with the democratic structures, are members of the local communities. Local councillors will be on the forum, but it needs a more defined policy role.

We can all be consulted. Sometimes, people in the inner city feel consulted up to their eye teeth but receive very few dividends in return. A master plan containing specific policies is already in place, but if the local community is to be empowered, the forum needs to be strengthened slightly. When the Department is drafting the legislation, perhaps it should consider this proposal. The forum does not just comprise members of the local community, but also local businesses. For such groups to buy into the idea, they must see that their policies and ambitions for the community will be taken on board. This was obvious when the business and community forums attended our committee. They want their area to thrive and expand, but they also want a dividend for the local community. More work is necessary in this regard.

**Mr. Paul Dunne:** We can consider the proposal.

**Acting Chairman (Deputy Kevin Humphreys):** The local and business communities in the docklands area are concerned that levies can only be spent on specific sites in the SDZ. To allow for social regeneration, however, a pot of money must be invested in education, community services or capital programmes. A fund was available under the DDDA. Under the Bill, however, no such funding is allowed. Some of the witnesses are involved in the winding up. In that process, a sum of money for further investment in the local community needs to be identified. There will be an expected surplus in the winding up of the Dublin Docklands Development Authority, DDDA, amounting to several million euro. Is there an idea that money should be targeted at social regeneration in the docklands area and this should be outlined in the Bill?

**Mr. Paul Dunne:** The provisions within the Bill in the event of a surplus allow the Minister by order to dispose of it to a body or organisation. The DDDA is currently engaged in an asset disposal programme whereby it is selling assets to pay off liabilities. The programme is progressing satisfactorily, although it is not possible to say at this stage whether any surplus will be available for community dividend or community gain when all liabilities, including pensions, are taken into account. My understanding is there will be a surplus of liquid assets of between €4.5 million and €5 million.

**Acting Chairman (Deputy Kevin Humphreys):** Is that after the pension liability has been accounted for?

**Mr. Paul Dunne:** The pension liability is €7.5 million to €8 million. Considering the assets and liabilities, there is a deficit of €3 million.

**Acting Chairman (Deputy Kevin Humphreys):** It is my understanding that pension liabilities will not fall due until after ten years. Most of the pension liabilities concern people at quite a young age and any substantial draw-down on pension liability will not come for approximately ten years.

**Mr. Paul Dunne:** My understanding of the pension liability is that it is a real and live issue, accruing now in terms of a net present value of the liability. That is what we must deal with.

**Acting Chairman (Deputy Kevin Humphreys):** When representatives of the DDDA gave evidence here, they indicated that the liabilities would not fall due until after ten years.

**Mr. Paul Dunne:** We are transferring assets and liabilities, with the liabilities totalling €7.5 million or €8 million.

**Acting Chairman (Deputy Kevin Humphreys):** Those liabilities do not fall due in the form of dividends until after ten years.

**Mr. Paul Dunne:** I understand but we must take the long-term view that it is a liability for the organisation.

**Acting Chairman (Deputy Kevin Humphreys):** There is a short-term need for investment in the local communities so perhaps the liability would be better placed somewhere else rather than with the DDDA. There was a change in the structures of the authority and, especially in latter years, the lack of delivery on the social regeneration element meant there is still a need to identify a pot of money to be invested in the local communities both on the north and south sides. With the strategic development zone, SDZ, the levies are purely for infrastructural purposes, so there is a need to provide social elements for investment. It would not be right, in framing this Bill, if an effort was not made to identify money that could be spent building social stock in the area, whether it is education, housing, playing fields, community centres, etc., in the docklands. I use the term “docklands” rather than SDZ, as it is site-specific.

If we examine purely the dissolution aspect, we will be left with affluence next door to poverty as there will be no social plan to level the playing field. There will be high-end apartments costing €500,000 or €750,000 next to local authority housing with very little investment. The strength of the docklands until now was in the attempts to break down those barriers, increase educational attainment and create an equal playing field for the local and indigenous community to have the opportunity to get the new jobs in the area. This Bill would be weakened if it did not take on a social regard in that element. It is very easy to look at this Bill and think

we are dissolving the DDDA but if we do not make some sort of allowance for social capital or investment, the process will fail. That is my policy position as against the purely technical process of dissolving the DDDA, although both of these must be considered at the same time.

**Mr. Paul Dunne:** When we get to final dissolution, any transfer of money will be a policy decision for the Minister, with the consent of the Minister for Public Expenditure and Reform. There is flexibility in the Bill and it can be provided through ministerial order. There would be consultation with the Department of Public Expenditure and Reform about the pension liability and assets.

**Acting Chairman (Deputy Kevin Humphreys):** Do the witnesses have anything further to add?

**Mr. Paul Dunne:** No, and I thank the committee for the opportunity to contribute.

**Acting Chairman (Deputy Kevin Humphreys):** I thank the witnesses for attending the meeting this evening. The committee intends to develop a report on this issue and perhaps the witnesses will review the evidence given by a number of bodies over the two or three days we have met. I ask them to remember that there is a thriving community in the docklands area and although we are dissolving the DDDA, we must ensure that the community can be developed and allowed to blossom by getting an opportunity to participate in the economic recovery. Any Bill must have the critical element of ensuring the indigenous community can share in the economic gains in the docklands area. There have been some successes but we can go much further.

The joint committee adjourned at 4.40 p.m. until 2.15 p.m. on Tuesday, 17 June 2014.