



LAND DEVELOPMENT AGENCY

**Comments on the General Scheme
for the Land Development Agency**

**December 2020
Irish Planning Institute**

The Irish Planning Institute

The Irish Planning Institute (IPI) is the largest professional membership body for spatial planners operating on the island of Ireland. Some 900 IPI Members work right across the planning system – in planning consultancies, for developers, in Planning Authorities, semi-state organisations, An Bord Pleanála, and central government. As a broad church of professional Planners, collectively, the membership of the Irish Planning Institute will play a major role in the successful operation of the new Land Development Agency (LDA) and the implementation and delivery of its flagship projects. The Institute has previously made an initial submission on the First General Scheme of the new Agency published in 2019 and is pleased to make these observations on the Second General Scheme published in October 2020.

This submission will examine the following elements of the revised General Scheme:

- **Urban Regeneration, Strategic Land Management and Housing Delivery**
- **Capacity of the new Agency**
- **Specific Recommendations regarding other Heads in the General Scheme**

Background – the Requirement for a Dedicated Urban Regeneration and Strategic Land Development Agency

The Irish Planning Institute has supported the establishment of a dedicated urban regeneration and strategic land development agency, which will further the objectives of the National Planning Framework (NPF) and expedite the delivery of mixed tenure and mixed income housing within mixed-use sustainable communities. This is appropriate as part of its strategic role in delivering area-based planning. The Institute has welcomed the intention in the Programme for Government to establish the Land Development Agency on a statutory footing as a matter of urgency.¹

The Complementary Roles of Strategic Land Management, Urban Regeneration and Housing Delivery

The establishment of this new agency must be informed by NPF Policy Objectives to ensure the intention of land regeneration and development agency is not diluted in its implementation. Section 4.5 of the NPF specifically cites the requirement for a new and more public policy directed approach to the delivery and location of future development including, housing. In this regard the regeneration of under-utilised and vacant lands *inter alia* in public ownership is to be prioritised by the establishment of a National Regeneration and Development Agency to work with local authorities, other public bodies and agencies. The purpose of this agency is to co-ordinate and secure the best use of public lands to drive the renewal of strategic areas not being utilised to their full potential.²

The National Economic and Social Council (NESC) Report on ‘Urban Development Land, Housing and Infrastructure: Fixing Ireland’s Broken System (No. 145 April 2018)³ notes in Recommendation 3 (‘Give

¹ See: <https://static.rasset.ie/documents/news/2020/06/draft-programme-for-govt.pdf>

² See: National Policy Objective 12, National Planning Framework, <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

³ See: http://files.nesc.ie/nesc_reports/en/145_Urban_Development_Land.pdf

public institutions a strong development mandate, political authorisation and executive capacity to drive sustainable urban development’) strongly supports the establishment of a National Regeneration and Development Agency. The purpose of this agency is to co-ordinate and secure the best use of public land, infrastructure and to drive the renewal of strategic areas (aligned with Section 4.5 of the NPF). NESC acknowledges that achieving tangible progress in housing and land management will require creative thinking, a multi-dimensional approach and intensive and on-going collaborative action between public and private sector actors. The recently published NESC Report ‘Housing Policy: Actions to Deliver Change’ (November 2020)⁴ reiterates this observation. Furthermore, it focuses on the role of a programme of flagship site-specific projects, envisaged primarily on public lands in urban areas, which would be driven by dedicated development agencies (SDZs) with land assembly and planning functions to provide sustainable affordable housing.

The Institute considers that the collective body of knowledge in strategic brownfield and infill urban development to date can *inter alia* inform the NESC recommendation on the activation of flagship site specific projects and guide the objectives and operations of the LDA using an area based planning approach. NESC (November 2020) specifically cites the Dublin Docklands Development Authority (DDDA), the Grangegorman Development Agency (GDA) and Limerick 2030 in advocating lessons learned.⁵ The role of urban regeneration governance structures, frameworks and participation have been central in achieving sustainable, co-ordinated and strategic redevelopment on under-utilised and vacant lands in our cities and towns. The successes and lessons learned over almost four decades of urban renewal, beginning with the Urban Renewal Act in 1986, provides the State with an inheritance of holistic plan led urban regeneration that can favourably compare with best international practice.

Urban Regeneration – A Detailed Analysis of Individual Heads

HEAD 7 & HEAD 9:

In regard to the concept and processes of urban regeneration, the Institute believes the wording of Head 7 and Head 9 require modification to include explicit mention of ‘urban regeneration’. Urban regeneration is central in achieving the vision of the NPF to deliver more people, jobs and activity generally within our existing urban areas as an alternative to greenfield development.⁶ The inclusion of the term ‘urban regeneration’ would be consistent with the implementation of the objectives of the NPF and the strategic development objectives of the LDA, including the delivery of sustainable residential communities. The Institute recommends that the following be included in the relevant heads.

Head 7 (1) (b) inclusion to read:

‘to drive strategic land assembly and urban regeneration to enable sustainable development of new and regenerated communities, well served by essential services and in this regard:’

⁴ See: http://files.nesc.ie/nesc_reports/en/150_Housing_Policy.pdf

⁵ See: Section 4.8 National Programme of Flagship Projects
http://files.nesc.ie/nesc_reports/en/150_Housing_Policy.pdf

⁶ See: **National Policy Objective 3c** - Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints¹⁹.

National Policy Objective 4 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 6 - Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

Head 9 before (2) (D) Inclusion of the following:

‘Provide for urban regeneration on vacant and under-utilised lands within the built up footprint of urban areas’.

HEAD 2

Furthermore, the Institute recommends that a definition of both ‘planning’ and ‘urban regeneration’ should be included in Head 2 (interpretation). In the matter of ‘urban regeneration’ the definition should encompass the social, economic and physical requirements in achieving development on a sustainable basis.

Mixed-Use & Social Inclusion

The Irish Planning Institute has long advocated for mixed-use development and social integration in order to achieve sustainable communities. Lessons from the past have illustrated the potential negative outcomes in the development of large-scale single-use and tenure housing developments. The role of holistic urban regeneration in achieving objectives of social integration and mixed-use is, for example, evidenced in the plan-led area regeneration of the Dublin Docklands informed *inter alia* by the local community through the Docklands Council. In the matter of mixed-use development, clarity is required in the inclusion and definition of same in the Heads.

Within the cross-reference of Head 9, Head 12 and Head 54, the range of uses that can be considered in satisfying development objectives is unclear. It is suggested that the wording in Head 7 ‘*other related development purposes*’, which is distinct from the reference in Head 12 to ‘*appropriate mixed-use development*’ should be streamlined and a more precise established definition of mix use substituted. For example, the definition in Strategic Housing Development (SHD) may be appropriate: ‘*residential use or a mixture of residential use and other uses*’. Alternatively, the definition in the Planning and Development Act 2000 of zoning may be appropriate: ‘*the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or as a mixture of those uses.*’

The Requirement for a Public Body with a Strong Development Mandate, Political Authority and Executive Capacity to Drive Sustainable Urban Development.

The NESC Report on ‘Urban Development Land, Housing and Infrastructure: Fixing Ireland’s Broken System (No. 145 April 2018)⁷ in its study of successful urban developments in European countries notes the central role of authoritative public agencies and their leadership role. The Report further notes that the key to success is a properly staffed and properly led planning office with the professional competence to draw up master plans and engage in complex arrangements for the implementation of area based plans with the private sector and with community groups. The NESC Report on ‘Housing Policy: Actions to Deliver Change’ (November 2020)⁸ reiterates this observation. The Housing Policy Report highlights the significance of the planning role of the Land Development Agency (LDA) - ‘*equip it with a planning role*’ - and the requirement for the LDA to have the executive capacity to drive sustainable urban development including a specialist master planning team. In this regard, the Irish Planning Institute welcomes in principle Head 9 (2) (d) (‘draw up master plans and planning submissions for development on relevant public lands and other lands’) and Head 11 (LDA as a Development Agency). However, the Institute recommends that the following observations will require modification of the Heads in order to ensure the effectiveness and integrity of the LDA planning function.

⁷ See http://files.nesc.ie/nesc_reports/en/145_Urban_Development_Land.pdf

⁸ See: http://files.nesc.ie/nesc_reports/en/150_Housing_Policy.pdf

In the matter of Head 11, the Institute believes the relationship between the development function and the planning function of the LDA needs to be clearly defined. It is noted that the recommendation of the Report of the Executive Board of the Dublin Docklands Development Authority to the Minister of the Environment, Heritage and Local Government on Corporate Governance, Financial and Planning Reviews (January 2010) are relevant in this matter in general and in specific. Recommendation PR7 is noted: *The planning functions covering both adjudication and forward planning and plan monitoring should operate as a separate planning team within the Authority with a direct reporting line to the Chief Executive, to assist the necessary separation from the Authorities property and development role.*⁹

In the matter of Head 13 the composition of Board membership of the LDA, the Irish Planning Institute recommends that there is explicit reference to spatial planning and urban regeneration in the list of expertise mandated at director level. There should be a statutory requirement for a professional planner at board level. It is *inter alia* the function of the Board of the LDA to set the strategic objectives and targets to be met by the LDA Executive (Head 13 (1) (b)). Therefore, a professional planner is required to mediate with peers at the highest level in order to advocate the role of planning and urban regeneration in the strategic direction and operation of the agency.

The inclusion of a professional planner in the Board membership is grounded in the stated objective of the LDA in Head 7 to support the implementation of the National Planning Framework and in the implicit and explicit planning functions in the strategic direction and operations of the LDA contained within the Heads, including the potential role out of area-specific development agencies with plan making competence in area based planning.

In the matter of Head 22 the pivotal role within the operations of the LDA of the planning function within the Executive needs to be made explicit and the position of the Head of the Planning function including his / her level of experience, seniority and reporting relationship clearly defined. The clarity required in this matter is evidenced in the requirement for professional planning expertise, accountability and integrity in the operation of the general planning functions of the LDA and in specific in the role of the Agency as envisaged in Head 12 in the delivery of master planning and development appraisal of sites to Local Authorities.

Specific Observations on the Heads 6 / 11 / 52 and 54

In the matter of Head 6 (Directions from the Minister), clarification is required in the nature of the subject directions. It is considered that Section 28 Guidelines should be the only relevant directions relating to planning to emanate from the Minister.

In the matter of Head 11 (LDA as Development Agency), clarity is required in the jurisdiction of the LDA and the jurisdiction of the Local Authority in the case of a request to the Minister to designate a site/area as a Strategic Development Zone (SDZ).

In the matter of Head 52 (Disposal of Lands by Relevant Public Bodies), clarity is required regarding whether all lands intended for disposal are to be offered to LDA regardless of designation(?). This provision could potentially affect the ability of the Local Authority (LA) to dispose of lands efficiently.

⁹ See: <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Planning/FileDownload%2C23038%2Cen.pdf>

The Institute suggests for all Local Authorities to establish a register of strategic sites, this would provide clarification in the designation of public lands to be subject of this Head.

In the matter of Head 54 (Acquisition of land compulsorily by the LDA), the public interest test for the acquisition of land compulsorily is conservatively drafted: the test applies solely where the LDA have lands in the first instance and are assembling other lands immediately adjacent or which provide access. Furthermore, it is considered that purposes for which the lands can be used (provision of social / affordable housing and / or common infrastructure or any 'other functions' under Head 9) should be expanded to include mixed-use development in order to provide for sustainable communities.

Conclusion

The Irish Planning Institute has welcomed the intention in the Programme for Government to establish the Land Development Agency on a statutory footing as a matter of urgency. The Institute further supports its enhanced mandate, that includes providing land for social and affordable housing as part of its strategic role in area based planning. The intention to equip the LDA with a planning role and the tools to assemble land and engage in direct development (including compulsory land acquisition/CPO, master planning, and land value capture) is also positive. Finally, the Institute supports the creation of specialist teams, potentially within the LDA, to help local authorities undertake necessary, complex tasks around procurement, site-unblocking, CPO and master planning.¹⁰

Area based planning necessitates coordination of the interrelated roles of Strategic Land Management, Urban Regeneration and Housing Delivery. The Institute strongly advocates for an enhanced Urban Regeneration mandate for the new Agency, including the principles of community participation and social inclusion. The Institute further advocates for the appropriate resourcing of the Planning Discipline at all levels in the new Agency, including a Professional Planner at Board Level and the appointment of a Director of Planner within its Executive Management Team.

This submission forms part of a work programme from the Policy and Research Committee examining the planning function in the context of housing delivery.

¹⁰ See: http://files.nesc.ie/nesc_reports/en/150_Housing_Policy.pdf

References

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