

Oireachtas Committee on Housing, Planning and Local Government
Briefing on General Scheme of the
Land Development Agency Bill 2019

1. Background and Context

The Government's National Planning Framework published last year alongside the National Development Plan under Project Ireland 2040 committed to the establishment of what was then titled a "National Regeneration and Development Agency". The Government's establishment of the Land Development Agency (LDA) is a key implementation step in relation to the NPF's policies in this regard.

The LDA will act as a key new Government instrument and in line with its mandate, the Agency will act as a national centre of expertise working with and supporting local authorities, public bodies and other interests to harness public lands as catalysts to stimulate regeneration and wider investment and to achieve compact sustainable growth, with a particular emphasis on complex regeneration projects and the provision of affordable housing. It will significantly assist in the redevelopment of our cities and towns to support the implementation of Project Ireland 2040.

The two main functions of the LDA are:

1. Coordinating appropriate State lands for regeneration and development, opening up key sites which are not being used effectively for housing delivery; and
2. driving strategic land assembly, working with both public and private sector partners in ensuring the timely preparation and release of strategic land for development in a counter-cyclical manner, stabilising tendencies towards volatility in development land values, securing more of the increase in such values as a result of the planning and

infrastructure investment processes for the common good and thereby driving increased affordability.

2. Main Provisions of the General Scheme

The LDA was established in September 2018 on an interim basis by statutory instrument under the Local Government Services (Corporate Bodies) Act 1971, as amended.

The main aim of the General Scheme of the LDA Bill is to establish the LDA on a primary legislative basis. It will be a corporate bill to allow for the establishment of the LDA as a Designated Activity Company (DAC) under the Companies Act 2014 and the Minister for Housing, Planning and Local Government and the Minister for Public Expenditure will be the shareholders.

Heads 8 and 9 are the crucial parts of the General Scheme and set out the objectives and functions of the LDA.

Under Head 8, some of the key objectives of the LDA include:

- to develop land for housing or other related development purposes on relevant public lands and other lands in support of the implementation of the National Planning Framework on a commercial basis;
- to establish mechanisms and collaborative structures between public and private entities to develop relevant public lands and other lands; and
- to establish structures to facilitate delivery of housing on relevant public lands and other lands.

The General Scheme makes clear that the LDA must also have regard to the policy of the Government on proper planning and sustainable development and contribute to the economic and social development of the State, while at the same time obtaining a positive financial return for the State.

Head 9 sets out the functions of the LDA. These functions are categorised as commercial functions and non-economic public functions. The commercial functions include:

- identifying relevant public lands and appraise their potential for development;
- acquiring lands in public and private ownership;
- developing, or facilitating the development of, relevant public lands and other lands;
- obtaining development consents, permissions and other approvals for land and related development projects;
- drawing up, and assisting relevant public bodies and owners of other lands to draw up master plans for development on relevant public lands and other lands; and
- providing assistance to other relevant public bodies, including local authorities, to provide housing and related developments.

The additional non-economic public functions, related to the management of publicly owned lands, include advising Government on the management and use of public lands and establishing and maintaining a register of public lands.

3. Summary of the General Scheme

The General Scheme consists of 7 parts, each dealing with a separate aspect of the establishment of the Land Development Agency. These include functions, corporate form and funding arrangements, amongst others.

Part 1 of the General Scheme contains standard provisions normally included in legislation in relation to short title, collective citation, commencement, interpretation, the making of regulations and expenses.

Part 2 covers provisions for the formation of the Land Development Agency as a Designated Activity Company under the Companies Act 2014. It sets out provisions in relation to such matters as the LDA's formation, constitution, objects, functions and Board. It also provides for the appointment of staff, including the Chief Executive.

Part 3 contains provisions regarding the dissolution of the current statutory body established by the Establishment Order, which is to be superseded by the body to be established under this Bill. It also contains associated provisions in relation to transfer of functions, staff, as well as requirements in respect of a final report and accounts in relation to the body to be wound up. These are standard provisions regarding the dissolution of one public body and the transfer of functions to another.

Part 4 contains provisions concerning the funding of the LDA, including an amendment to the National Treasury Management Act 2014 enabling the capitalisation of the LDA. The subscription of share capital by the Minister for Housing, Planning and Local Government and the Minister for Public Expenditure to the LDA is also included in this section. It is envisaged that the Minister for Public Expenditure and Reform will be the majority shareholder, through the capitalisation of the LDA of up to €1.25 billion from ISIF funding. The Minister for Housing, Planning and Local Government will be a minority shareholder; this is for governance reasons as the agency will be under the aegis of his Department.

Part 5 concerns the financial reporting of the LDA and the preparation of its annual financial statements. Under the Act, the LDA will be required to submit annual financial statements to the Comptroller and Auditor General for audit.

This Part also contains provisions in relation to the accountability of the LDA to the Committee of Public Accounts and reporting arrangements.

Part 6 requires that the LDA will compile a National Public Lands Register of relevant public lands and also provides that public bodies must assist the LDA in relation to the compilation of the register.

Part 7 contains a number of miscellaneous provisions in relation to such things as shadow and de-facto directors and a review of the achievement of the LDA's purposes.

Planning Division

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9th July 2019