



POLICY SUBMISSION

Submission on the Planning and Development Bill 1999

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Introduction

The Agency in making this submission is fulfilling its statutory responsibility to advise government on all aspects of social and economic planning in relation to poverty. In this context, the Agency has provided policy advice to the Department of the Environment and Local Government on a range of planning, housing and local government issues, including providing a representative for the expert assessment panel in relation to the 1999 urban renewal scheme. Most recently, the Agency and the Department collaborated on national policy conference on social housing, in November 1999. The Agency is currently working with the Department on ways to strengthen the capacity of local government to tackle poverty. These engagements have been given added importance by the Department's commitment to place poverty concerns at the heart of policy, as required in the National Anti-Poverty Strategy.

Out the outset of this submission, the Agency wishes to acknowledge the scope and ambition of the Bill in terms of reforming and updating planning and development legislation. Its revision is opportune given the many challenges facing Ireland in terms of ensuring sustainable and social inclusive development in the year ahead. There are a number of very welcome features in the Bill:

- an emphasis on a strategic approach and on the provision of a quality service;
- a strengthening of the role of local government;
- a pro-active approach to community involvement in local planning;
- various measures which promote socially inclusive housing strategies.

We also note the efforts of the Department to promote public consultation on the Bill, in particular the regional briefings, and we welcome the inclusion of the Agency and voluntary anti-poverty bodies in this process.

Policy context

The key benchmark in considering the poverty implications of the Bill is the National Anti-Poverty Strategy (NAPS), the government strategic initiative to place the needs of the poor and the socially excluded at the top of the national policy agenda. The NAPS recognises the unacceptable scale of poverty and its impact on those directly affected and on the wider society and it particularly notes the distinct spatial aspects of poverty in urban and rural areas. In response, the strategy emphasises the importance of a cross-departmental policy response in dealing with the problem. This clearly includes the national planning and development authority, the Department of the Environment and Local Government, as well as the local planning authorities. The NAPS identifies a number of policy actions that relate to planning and development issues:

- comprehensive (social and physical) regeneration of run-down urban areas;
- provision and effective management of social housing;
- promotion of local development in designated areas of disadvantage;
- involvement of communities in local planning and decision-making;
- provision of youth and recreational facilities in areas of high drug use;
- improved delivery of public services in disadvantaged urban and rural areas.

Government commitment to tackling poverty has been re-affirmed in the Action Programme for the Millennium and in the first annual report on the NAPS, where more ambitious targets were set out for tackling poverty.

An important application of the NAPS is the poverty proofing of all government policy proposals, including proposed legislation such as the Planning and Development Bill 1999. Poverty proofing is a process whereby policy is assessed as to its likely impact on poverty and on inequalities relating to poverty. The purpose of this process is to enhance the poverty-reduction impact of government policy. It would be of interest to view the assessment of the proposed Bill in this context.

The link between poverty and planning and development is further elaborated in the National Development Plan 2000-2006. In particular, the plan proposes increased investment in public transport, social and affordable housing, public health services, urban and village renewal and cultural, recreational, sports and childcare facilities. All of these infrastructural measures are relevant to the Planning and Development Bill.

Four other relevant policy statements are:

- The Plan for Social Housing highlights the importance of integrating private and social housing in order to avoid social segregation.
- The Urban Renewal Act 1999 sets out a more inclusive approach to urban regeneration, incorporating social, environmental, economic and physical aspects.
- The establishment of the county and city development boards provides a local forum for the co-ordination of social, economic and physical development strategies, incorporating an explicit anti-poverty focus.
- The emphasis on participative democracy and community involvement as outlined in the government Green Paper on the voluntary and community sector.

It is clear from the above that social inclusion should be a guiding concern of the new Bill. Having reviewed the Bill, the Agency has identified a number of ways by which the anti-poverty impact of the Bill can be strengthened. The remainder of the submission outlines our proposals in this regard, framed around the following themes:

- local development plans
- local area plans
- regional planning guidelines
- housing supply.

Local development plans

Include social inclusion and social housing as specific objectives (s10) of a local development plan, as follows:

- s10(2)(j) *the promotion of the physical and social integration of socially excluded groups such as the unemployed, low income families, people with disabilities, ethnic groups and the homeless.*
- s10(2)(k) *the provision of social housing.*

Expand the definition of community facilities in the First Schedule of objectives in a local development plan to include:

- Part 3, 1(g) *community and family resource centres, training centres, enterprise centres for community and micro-businesses, and other community-owned social facilities.*

Give specific mention to anti-poverty interests in terms of public consultation and involvement on the drafting of local development plans (s11):

- s11(3)(d) *a planning authority shall take whatever measures it considers necessary to consult with anti-poverty bodies in order to ascertain the infrastructural and related needs of poor and social excluded groups.*

Require that local development plans are poverty proofed (s11):

- s11(5)(c) *a local development plan shall contain information on the likely significant effects on poverty of implementing the plan.*

Local area plans

Require that local area plans are poverty proofed (s5):

- s19(c) *a local area plan shall contain information on the likely significant effects on poverty of implementing the plan.*

Give specific mention to anti-poverty interests in terms of public consultation and involvement in the drafting of local area plans (s11):

- s20(3)(d) *a planning authority shall take whatever measures it considers necessary to consult with anti-poverty bodies in order to ascertain the infrastructural and related needs of poor and socially excluded groups.*

Allow for the imposition of community levies and similar such arrangements as ways of clawing back some of the benefits for local communities from development proposals, especially those supported under the urban or rural renewal schemes. We are not suggesting a requirement here, rather a legal mechanism to empower and enable local authorities to enter into joint initiatives with the private sector. This provision could be modelled on the proposal re development levies (s47), as follows:

- A planning authority may, when granting certification for development under special tax relief schemes, enter agreements with developers to maximise social and economic benefits under a local area plan. These agreements may include imposition of a community levy, drawing up of a local labour pact, undertaking joint developments and other similar initiative.

Regional planning guidelines

Include social inclusion as a specific objective (s23) of regional planning guidelines, as follows:

- s23(2)(j) *the promotion of the physical and social integration of socially excluded groups such the unemployed, low income families, people with disabilities, ethnic groups and the homeless.*

Require that regional planning guidelines are poverty proofed (s23):

- s23(3)(c) *regional planning guidelines shall contain information on the likely significant effects on poverty of implementing the plan.*

Give specific mention to anti-poverty interests in terms of public consultation and involvement on the drafting of regional planning guidelines (s24):

- s24(2)(d) *a regional authority shall take whatever measures it considers necessary to consult with anti-poverty bodies in order to ascertain the infrastructural and related needs of poor and socially excluded groups.*

Housing supply

Include a definition of social housing in s79, which would incorporate the social private rented sector (as occurred in the 1999 assessing of housing need).

Change requirement for a maximum of 20 per cent social and affordable housing to a minimum requirement [s80(4)(b)]. Otherwise, this may have the effect of putting a ceiling on the supply of social housing where there may be an exceptional demand, eg in large urban areas.

Insert provision of a minimum of 15 per cent of housing for social housing [s80(4)(b)].

Allow local planning authorities to transfer land reserved for social and affordable housing to registered housing associations.

Extend requirement for 20 per cent social and affordable housing to local area plans, in particular local area plans drawn up under the urban renewal scheme [s80(4)(b)].

Include specific requirement re inclusion of housing provision for Travellers and other groups with specific housing needs, eg people with a disability.

Specify the procedures whereby the 20 per cent requirement is reported upon and monitored at local and national levels.

Taxes on rezoned land

A final observation relates to an item not included in the Bill, ie the taxation of rezoned development land. The Agency is concerned at a) the windfall profits that can accrue to people who succeed in getting their land rezoned and b) the knock-on impact that this can have on the cost of housing, including social housing.

The requirement that 20 per cent of housing is made available at existing use value is an attempt to address one element of this problem. However, there is a wider need to review the current capital tax regime governing development land to minimise the extent to which landowners make excessive profits from land rezoning.