
PAPERS FROM PRACTICE

The Planning System and Housing Supply

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Introduction

Section 1.0 of this paper outlines the evolution of housing supply in the context of planning and housing legislation/policy. In this context, Section 2.0 evaluates Part V of the Planning and Development Act 2000, as amended in 2002, which relates to housing supply and its provisions for private, social and affordable housing.

The Paper is based partly on the following recent work by the author as detailed in the list of references attached:

- Paper on the Workability of Social/Affordable Housing Legislation to the Annual Conference of the Irish Planning Institute in Limerick in 2002.
- Reports on the workability of Social/Affordable Housing Legislation prepared for the Construction Industry Federation in 2002.

The present paper involves an updating of these sources and the incorporation of the amendments to Part V of The Planning and Development Act 2000, which were provided for in The Planning and Development Act 2002.

1.0 Evolution of Housing Supply in the Context of Planning and Housing Legislation/Policy

1.1 Local Government (Planning & Development) Acts 1963 to 1999

The 1963 Planning Act introduced a comprehensive planning system for urban and rural areas. For urban areas, Development Plans had to be prepared and had to include objectives 'for the use of particular areas for particular purposes' i.e. zoning of land for residential, as well as commercial, industrial, recreational and other purposes.

There was also an option under the Third Schedule of the 1963 Act to include objectives which provided for the control of density, design of housing and other development, through mechanisms such as plot ratio, site coverage, parking, open space and other standards.

Subsequent Planning Acts in 1976, 1991, 1992 and 1999 did not significantly alter the Planning Legislation in respect of the provisions for the zoning of residential land and the associated issue of control over such matters as residential density and design.

The following general observations are made regarding the operation of the 1993-1999 Planning Acts in the context of housing supply:

- (i) While Development Plans zoned lands for residential and other purposes, in most instances there was limited quantitative assessment of demand for housing, or for particular types of housing such as private, social or 'affordable' housing.

- (ii) As regards the form of residential development, including issues such as residential density, many urban Development Plans included maximum but relatively low densities (generally in the region of 6-10 per acre), but did not address the design/form of housing in any specific or positive way.

In the above context, Part V of The Planning and Development Act 2000, provided a new focus and emphasis on housing supply, with implications for the extent of land to be zoned for residential use in Development Plans, and in requiring 20 per cent of zoned land to be reserved for social/affordable housing in residential planning applications/decisions.

1.2 Housing Legislation / Policy

The supply of and demand for private, social and more recently, 'affordable' housing, has been the subject of a variety of legislative, policy, financial and other interventions by governments since the coming into operation of the 1963 Planning Act and beforehand.

1.2.1 Private Housing

The provision of private housing is a key national objective, particularly in Ireland where home ownership has been a stated priority of Government Policy for many years.

A key national objective as in The National Development Plan 2000-2006 is to produce 50,000 houses per annum of which some 80 per cent are likely to be for private housing. It is therefore important, in considering the issue of social or affordable housing, that the effect on private housing of Part V of the 2000 Act, as amended, be evaluated.

A variety of tax incentives have been applied to stimulate private housing e.g. Urban Renewal legislation and tax Incentives, mortgage interest tax relief, Section 23-type tax relief. These incentives have been applied at various periods to promote different forms of private housing supply at different locations. Various other measures have been applied by Government to encourage private housing supply (e.g. the Bacon Reports, DoELG Residential Density Guidelines, Serviced Land Initiative etc.)

The Residential Density Guidelines were introduced by The Department of the Environment and Local Government in 1999 and are now operating as Guidelines under Section 28 of The Planning and Development Act 2000. In general, the Guidelines have significantly influenced the form of housing, with higher and more sustainable densities now being achieved within many urban areas.

1.2.2 Social Housing

'Social Housing' has generally been provided through housing legislation on the basis of need. Social housing is allocated to tenants from a 'waiting list' of the local authority. A variety of procedures and Plans for social housing have been produced at national level, and include the following:

- Housing Needs Assessment requirement under Section 9 of the Housing Act, 1998.
- DoELG Social Housing Policy, Plans & Guidelines such as:
- A Plan for Social Housing (DOE, 1991)
- Social Housing: The Way Ahead (DOE, 1995)
- Social Housing: Site Selection Guidelines (DOE, 1997)

- Social Housing: Design Guidelines (DOE,1999)

Figures 1 and 2 illustrate the nature of the DoELG Social Housing Site Selection and Design Guidelines.

Figure 1. DoELG “Social Housing Guidelines: Site Selection”

- The Guidelines have provided for an appropriate and workable degree of social integration on a manner which is under the control of local authorities.

“The selection of the site is arguably the single most important consideration in the process of providing housing”

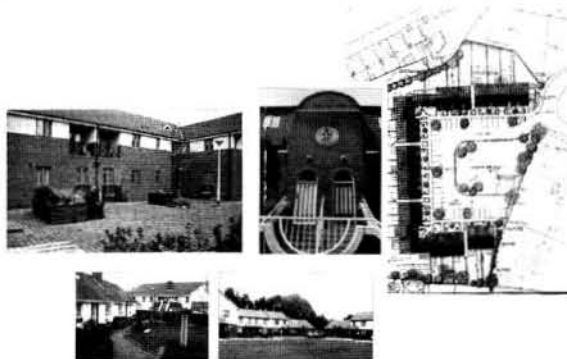


Type of Area	No. of units
Towns and villages with populations up to 1,000	20
Towns and their environs with:	
1,000 to 5,000	30
5,000 to 15,000	40
over 15,000	50
Cities and their environs	75

Figure 2. DoELG “Social Housing: Design Guidelines”

- The Guidelines have provided for high quality design and direct control by Local Authorities.

“Density and Design appropriate to location”



As regards the objective for social integration, this is already provided for in a considered and sustainable manner in the DoELG ‘Social Housing Guidelines: Site Selection’, which was issued to Planning Authorities in 1997.

Table 1 of the Site Selection Guidelines is attached within Figure 1 and indicates that social housing developments should not exceed the following:

- 75 houses in cities and their environs
- 20 houses in towns and villages of up to 1,000 population
- 30-50 houses in towns and their environs with 1,000 to over 5,000 population

The above provisions still apply, but it is not clear how the site selection system is now intended to relate to Part V of the 2000 Act in terms of what percentage of social housing may be provided directly by local authorities.

The 1997 social housing site selection guidelines and other measures have been effective in the provision of smaller and more integrated social housing developments. A key question in the context of the present evaluation of Part V is whether the DoELG site selection guidelines are sufficient to avoid 'undue segregation in housing between persons of different social background'. This is one of the criteria to be considered by planning authorities in the implementation of Part V.

The issue of social integration was a key basis for introducing the requirement in Part V that planning applications for 4 houses or fewer on zoned lands may be required to provide for the reservation of up to 20 per cent of land for social/affordable housing.

The DoELG 'Social Housing Site Selection Guidelines', together with the 'Social Housing Design Guidelines' have been an effective mechanism for providing high-quality social housing in suitable locations, which facilitate an appropriate degree of social integration.

A negative effect of Section 96 of Part V is that housing authorities will lose direct control in site selection and design of social housing.

1.2.3 Affordable Housing

The term 'affordable' housing has evolved in recent years in the context of rapidly escalating house prices and when 'affordability' was becoming increasingly difficult, especially for the first-time buyer.

Under Part V, 'affordable housing' is defined as housing on land made available through Part V to 'eligible persons'. This is to be implemented under the 20 per cent development control mechanism for social and affordable housing on residential planning applications, (the 20 per cent mechanism).

The allocation of such 'affordable housing' is to be made for 'eligible persons' from a Scheme for Allocation by the local authority and not on the open market, as may be the case for what might be termed 'affordable-type housing'.

2.0 Evaluation of Workability of Part V of the Planning and Development Act 2000, as amended in 2002

Figure 3 outlines the titles of the 20 parts of the Planning and Development Act 2000, as amended in 2002, and indicates where Part V principally interacts with other Parts of the Act. The interaction with Part II (Plans and Guidelines) and Part III (Development Control) is of particular significance.

Figure 3. Outline of Parts 1 - 20 of Planning and Development Act 2000, as amended in 2002

I Preliminary and General	XI Development by State & Local Authorities
II Plans and Guidelines	XII Compensation
III Control of Development	XIII Amenities
IV Architectural Heritage	XIV Acquisition of Land
V <i>Housing Supply</i> <i>(Amended in 2002 Act)</i>	XV Development on the Foreshore
VI An Bord Pleanála	XVI Events and Funfairs
VII Disclosure of Interest etc	XVII Financial Provisions
VIII Enforcement	XVIII Miscellaneous
IX Strategic Development Zones	XIX Commencement, repeals and continuance
X Environmental Impact Assessment	XX Amendment of Road Acts 1993

Figure 4. Outline of Sections 93-100 (Part V) of Planning and Development Act 2000 (as amended)

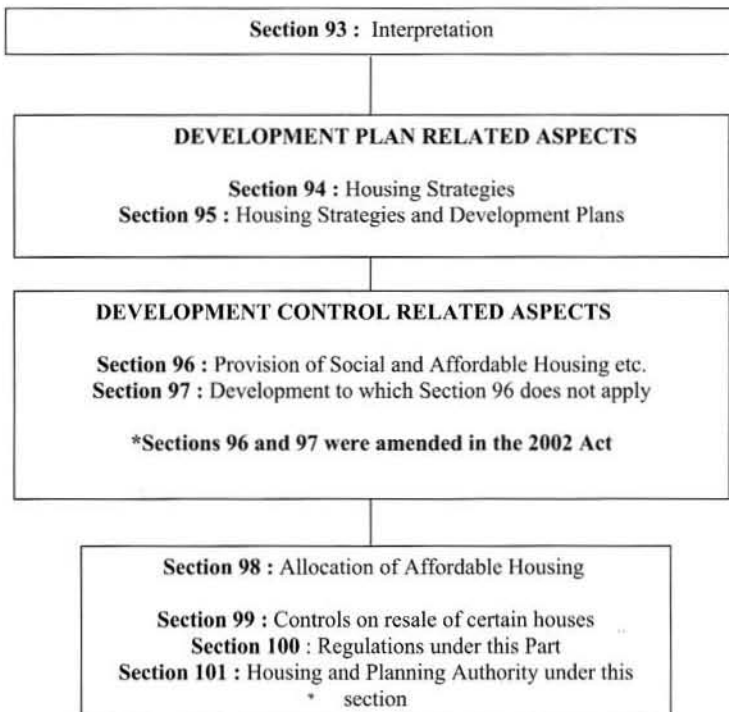


Figure 4 outlines the titles of the various Sections of Part V, as amended (Sections 93-101 inclusive) and identifies Sections 94 and 95 as Development Plan and Sections 96 and 97 as Development Control related aspects, as considered below under Sections 2.1 and 2.2.

2.1 Housing Strategies/Development Plans and Housing Supply (Sections 94 and 95 of Part V)

2.1.1 Scope of Housing Strategies/Development Plans and role of the '20 per cent Mechanism'

Statutory Development Plans are prepared by local planning authorities as the basis for the proper planning and sustainable development of their areas.

Figure 5 summarises the scope of a Housing Strategy as provided for in Sections 94 and 95. The Strategy requires that adequate land be zoned in Development Plans to meet demand for housing, and that a provision that up to 20 per cent of such zoned land be reserved for either or both social or affordable housing.

Section 96 of the Act, as amended in 2002, provides that the reservation of this land may be obtained in the context of planning applications for housing where a Housing Strategy applies (Part V, new system). The land element to be acquired is at 'existing use value', if purchased after 25th August 1999, and at 'the price paid for the land', plus interest, if acquired before that date.

The reservation of up to 20 per cent of land, or the provision of residential units on sites for either or both social or affordable housing in the context of residential planning applications/decisions (where a Housing Strategy applies) is referred to as the '20 per cent mechanism' in this Paper.

As indicated in Figure 5, the established system for achieving the reservation of land for social/affordable housing i.e. by direct acquisition or CPO by the local authority, and other mechanisms, remains in operation. It is not clear how this may be affected by Part V.

2.1.2 Zoning Objectives and the implementation of the 20% Mechanism

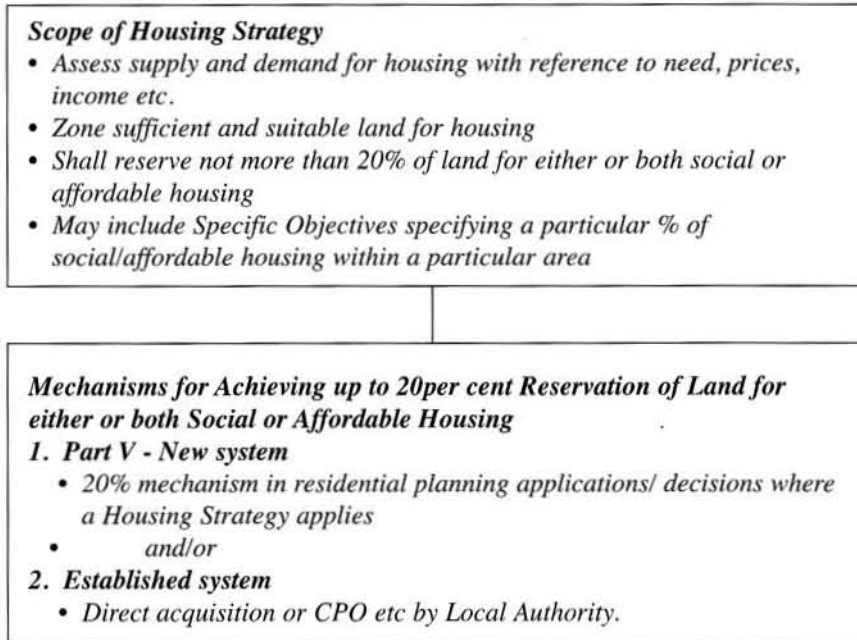
The 20% mechanism applies only to residential development on lands zoned solely for residential or for a mix of residential and other uses.

In the context of existing Development Plans throughout Ireland, there is a considerable degree of variation and inconsistency as to the type of areas zoned for residential or for a mixture of residential and other uses, between different Planning Authorities.

For example, some County Development Plans (e.g. Mayo, Sligo) do not incorporate zoning objectives for smaller villages or towns, while in other Counties (e.g. Waterford, Cork) there are zoning objectives for towns, villages and other smaller settlements.

While the Planning and Development Act 2000 requires that "Local Area Plans" will be prepared for all towns of over 1500 population, the inconsistency in Development Plan Zoning Objectives throughout Ireland is likely to continue to result in a high degree of inconsistency in the application of the 20% mechanism.

Figure 5. Scope of Housing Strategy and 20% Mechanism



2.1.3 Housing Strategy Objectives and the implementation of the 20% Mechanism

Figure 6 shows the location of the 89 Planning Authorities, which have individually, or jointly prepared Housing Strategies.

The following Housing Strategy objectives for Social/ Affordable housing are taken as examples for illustrative purposes.

- **Example 1:** 20% reservation sought with no split between social and affordable housing (e.g. Carlow County Council / Carlow Town Council)
- **Example 2:** 20% reservation sought with a general 50:50 split between social and affordable housing (e.g. Dun Laoghaire Rathdown County Council).
- **Example 3:** 20% sought with no general split between social and affordable housing, but a split specified for areas within the Planning Authority area (e.g. Dublin City Council).

The following observations apply to the above examples:

- In cases where no general split (applies to an estimated 58 per cent of planning authorities) is sought between social and affordable housing, there will inevitably be uncertainty as to outcome of any planning condition/ agreement for a residential

planning application. The Planning Authority, the applicant or the general public may disagree over the proportion of social or affordable which is appropriate on a particular site.

- In cases where a general split (applies to an estimated 42 per cent of planning authorities) is sought between social and affordable housing, while there will be a greater degree of certainty, the planning application must then be determined in accordance with the specified split.
- In cases where there is a 0 per cent allocation for social/affordable housing is specified for particular areas, planning applications must be determined in that context. Such an allocation generally distinguishes between areas with a high existing concentration of social housing (generally relatively lower value areas) and areas with a low concentration of social housing (generally higher value areas) and seeks to address the issue of social inclusion / integration by providing for a higher social/ affordable housing element in the higher value areas. In affordability and practical terms, this difference in land values makes it difficult to implement a workable development control system in the context of the 20% mechanism. Site values alone in a relatively high value area, at say €150,000-200,000 per housing unit could exceed the Local Authority maximum financial allocation for a social/affordable housing unit, at say €120,000-180,000.

2.1.4 Conclusions on the workability of the 20% mechanism relating to Housing Strategies / Development Plans

Many Development Plans previously provided no clear indication as to the basis for the amount of land to be zoned or the demand for housing by different sectors of the housing market e.g. social housing, private housing etc. Methodologies such as those outlined in “Housing Needs Assessment” by An Foras Forbartha were not applied in many Development Plans.

A number of the provisions of Part V relating to the Housing Strategies and their adoption as Variations to a Development Plan are therefore considered to be a useful and workable provision for a more systematic approach to the estimation of the supply and demand for housing in Development Plans. Previously, while such a systematic approach to housing was applied by some Planning Authorities, it was not an essential statutory requirement of a Development Plan.

The formulation of projections and policies to ensure that sufficient and suitable land is zoned for Housing is a useful and, in many circumstances, a necessary addition to the previous Development Plan system.

As outlined above, however, the use of zoning objectives, and the associated “20% mechanism” in Housing Strategies / Development Plans presents a number of significant problems, which render it unnecessary, inappropriate and unworkable. These problems are further detailed in Section 2.2 below, in the context of planning applications/decision for housing developments.

Figure 6. Planning Authorities which have Individually/Jointly Prepared Housing Strategies



Source of Base Map: Department of the Environment and Local Government

2.2 Development Control and Housing Supply in the context of Planning Applications and Decisions (Section 96 and 97 of Part V as amended)

Much of the difficulties and controversy relating to the operation of Part V of The Planning and Development Act arise from Sections 96 and 97 which relate to the application of the 20% mechanism to planning applications and decisions for private housing development. The Development Control aspects of Part V of The Planning and Development Act were amended by The Planning and Development Act 2002. Section 2.2.1 below outlines the

amendments to Section 96 and 97 of the 2000 Act, and Part V, as amended is evaluated in that context in Sections 2.2.2 - 2.2.4.

2.2.1 Outline of Amendments to Section 96 of the 2000 Act by the 2002 Act

Three basic amendments which were made by the 2002 Act, are outlined and evaluated under (a)-(c) below.

a) Additional options for an agreement regarding the provision of social or affordable housing under Part V.

Section 3 of the 2002 Act amended Section 96 of the 2000 Act mainly by providing for additional ways in which the applicant for permission for housing development may comply with the requirement of Part V, subject to an agreement with the Planning Authority. These additional ways for reaching agreement include the following :

- Transfer land or provide houses, or serviced sites, at another location within the functional area of the Planning Authority.
- Make a payment to the Planning Authority which will be used for the provision of social and affordable housing.
- A combination of options, including the options in the original Section 96 of the 2000 Act.

The agreement options now available under the 2000 Act, as amended by the 2002 Act, are summarised below, based on paragraphs (a) and (b) of Section 96(3) of the 2002 Act.

Section 96(3)

Paragraph (a) - Transfer of part or parts of the planning application land to the ownership of the Planning Authority, to be reserved for the provision of social or affordable housing (up to 20%).

Paragraph (b) - Instead of the transfer or part transfer of lands, as in (a) above, an agreement may provide for either or a combination or (i)-(viii) below, and summarised as follows:

- (i) The building and transfer of houses on the planning application site to the Planning Authority, or to persons nominated by the Authority
- (ii) The transfer of serviced sites on the planning application site to the Planning Authority.
- (iii) The transfer to the Planning Authority of the ownership on any other land within the functional area of the Planning Authority
- (iv) The building and transfer of houses on any other land within the functional area of the Planning Authority (i.e. as in (iii) above) to the Planning Authority, or to persons nominated by the Planning Authority
- (v) The transfer of serviced sites on any other land within the functional area of the Planning Authority (i.e. as in (iii) above) to the Planning Authority, or persons nominated by the Planning Authority.
- (vi) A payment of such an amount as specified in the agreement to the Planning Authority

- (vii) A combination of a transfer of land, as referred to in Paragraph (a), and one or more of the things in the preceding paragraphs, i.e. (i)-(vi) above
- (viii) A combination of the doing of two or more of the things referred to in (i)-(vi) above

The options as outlined above for Paragraph (b) are subject to the following:

“But subject in every case to the provision that is made under this paragraph resulting in the aggregate monetary value of the property or amounts or both, as the case may be, transferred or paid by virtue of agreement being equivalent to the monetary value of the land that the planning authority would receive if the agreement solely provided for a transfer of land under paragraph (a).”

In considering whether to enter into an agreement under paragraph (b), paragraph (c) of Section 96(3) provides that the planning authority shall consider each of the following:-

- (i) *whether such an agreement will contribute effectively and efficiently to achievement of the objectives of the housing strategy;*
- (ii) *The transfer to the Planning Authority of the ownership on any other land within the functional area of the Planning Authority.*
- (iii) *whether such an agreement will constitute the best use of the resources available to it to ensure an adequate supply of housing and any financial implications of the agreement for its functions as a housing authority;*
- (iv) *the need to counter undue segregation in housing between persons of different social background in the area of the authority;*
- (v) *whether such an agreement is in accordance with the provisions of the Development Plan;*
- (vi) *the time within which housing referred to in section 94(4)(a) is likely to be provided as a consequence of the agreement”.*

It would appear that, if offered by the applicant, a Planning Authority has to accept an offer to transfer land (i.e. paragraph (a) above), but has discretion in accepting the options in paragraph (b), as the basis for an agreement. This discretion is expressed in a condition of permission by the Planning Authority or An Bord Pleanála if appealed, which becomes the basis for an agreement within 8 weeks of the decision.

(b) Reversal of 2-year limit on duration of residential planning permissions to normal 5 years.

Section 4 of the 2002 Act reversed Section 96(15) of the 2000 Act which provided for a 2 year limit for residential planning permissions where a Housing Strategy applied. The 2 year duration of planning permission has been restored to the normal 5 years.

Any housing permission affected by the 2 year limit will be subject to a levy as follows and payable on completion of the house:

- 0.5% of the cost of a house with a value less than €270,000

or

- 1% of the cost of a house with a value of greater than €270,000

(c) Reduction of threshold for Part V requirement from 0.2 hectares to 0.1 hectares
Section 5 of the 2002 Act amended Section 97(3)(b) of the 2000 Act by substituting “0.1 hectares” for “0.2 hectares”, as a threshold (together with that of “4 houses or less”, where Part V applies.

2.2.2 *Procedures for agreements relating to the “20% mechanism”*

Figure 7 summarises the basic provisions of Part V as amended relating to agreements in the context of planning applications, decisions and appeals to An Bord Pleanála regarding social and affordable housing etc.

Figure 8 outlines in more detail the complexity of the stages and procedures involved. A complex “Exemption Certificate” procedure also applies for housing applications as an “anti-avoidance” measure.

The key issue for consideration relates to the procedures, whereby formal “agreements” relating to the 20% mechanism are to be made. These provisions are complex and are considered below under the various levels and Stages relating to the development control process.

Stages 1-4: Basis for agreements: local-authority level:

- Stage 1: Pre- application discussions
- Stage 2: Planning application
- Stage 3: Submissions/observations by third parties
- Stage 4: Planning Decisions/Conditions

Stages 1-5: Basis for agreements: An Bord Pleanála level:

- Stage 5: Planning appeals by applicant or third party
- Stage 6: Planning Decisions/Conditions.

Stage 7: Agreements between applicant and planning authority

Stage 8: Disputes on agreements: Property Arbitrator or An Bord Pleanála level

Stage 9: Allocation/construction of social/affordable housing by/for local authority

Stage 10: Construction/sale of private housing by developer

The construction/sale of private housing for sale on the open market can only commence after the final agreement on social/ affordable housing is made, and is constrained by the 20 per cent mechanism in Stages 1-9.

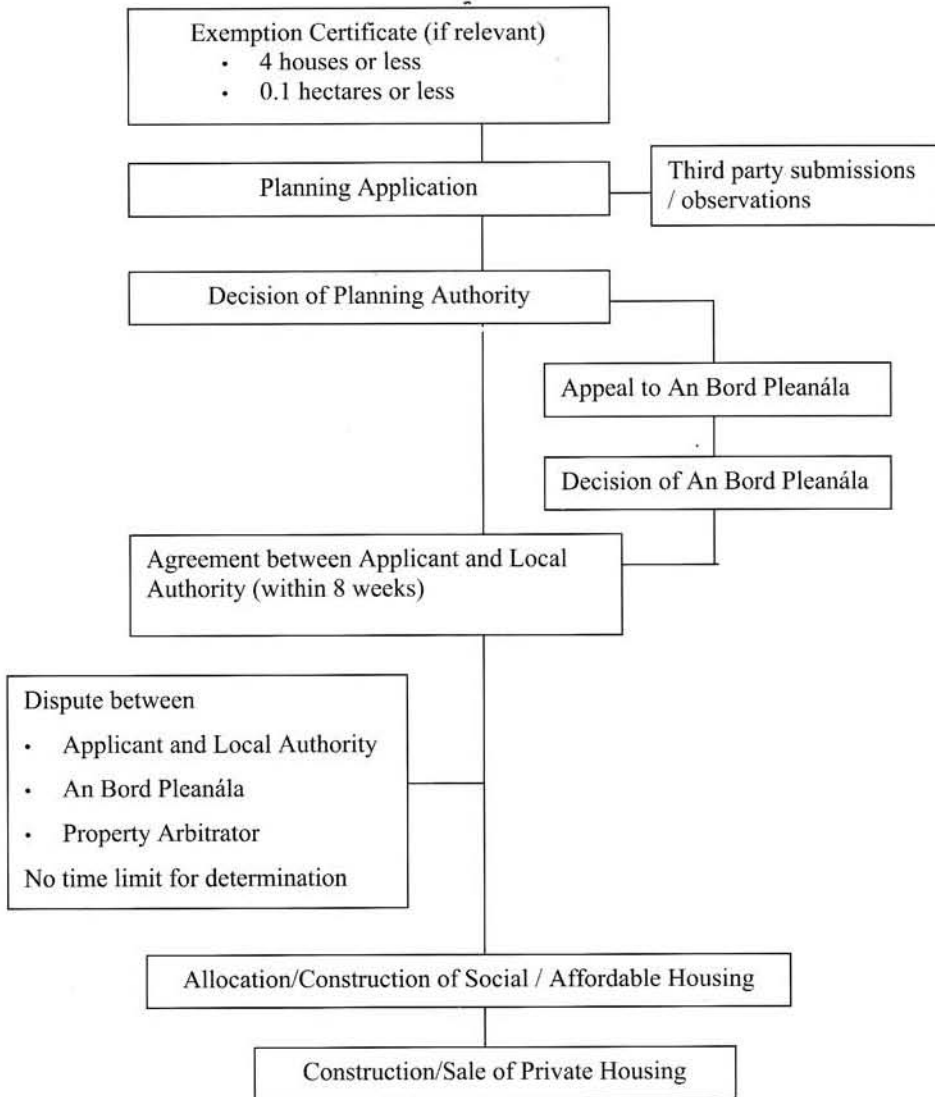
2.2.3 *Planning basis for “unworkability” of 20% mechanism*

From Figure 8 and a review of Stages 1-10 as outlined above, it is submitted that the Part V 20% mechanism procedure is unworkable for reasons, which include the following:

- *Increased uncertainty*

This applies to all Stages 1-8 and presents uncertainty for the applicant, third parties and Planning Authority during the processing of the planning application.

Figure 7. Summary of Development Control Aspects of Part V



• *Increased time delays*

The additional delays in the processing of residential planning applications arising from the additional Stages 1, 7 and 8, could in many instances, amount to an additional 2-6 months to the existing period of 2 months to 1 year for planning applications, generally. Additional appeals to An Bord Pleanála by third parties are also likely to arise relating to the 20% mechanism.

Figure 8.

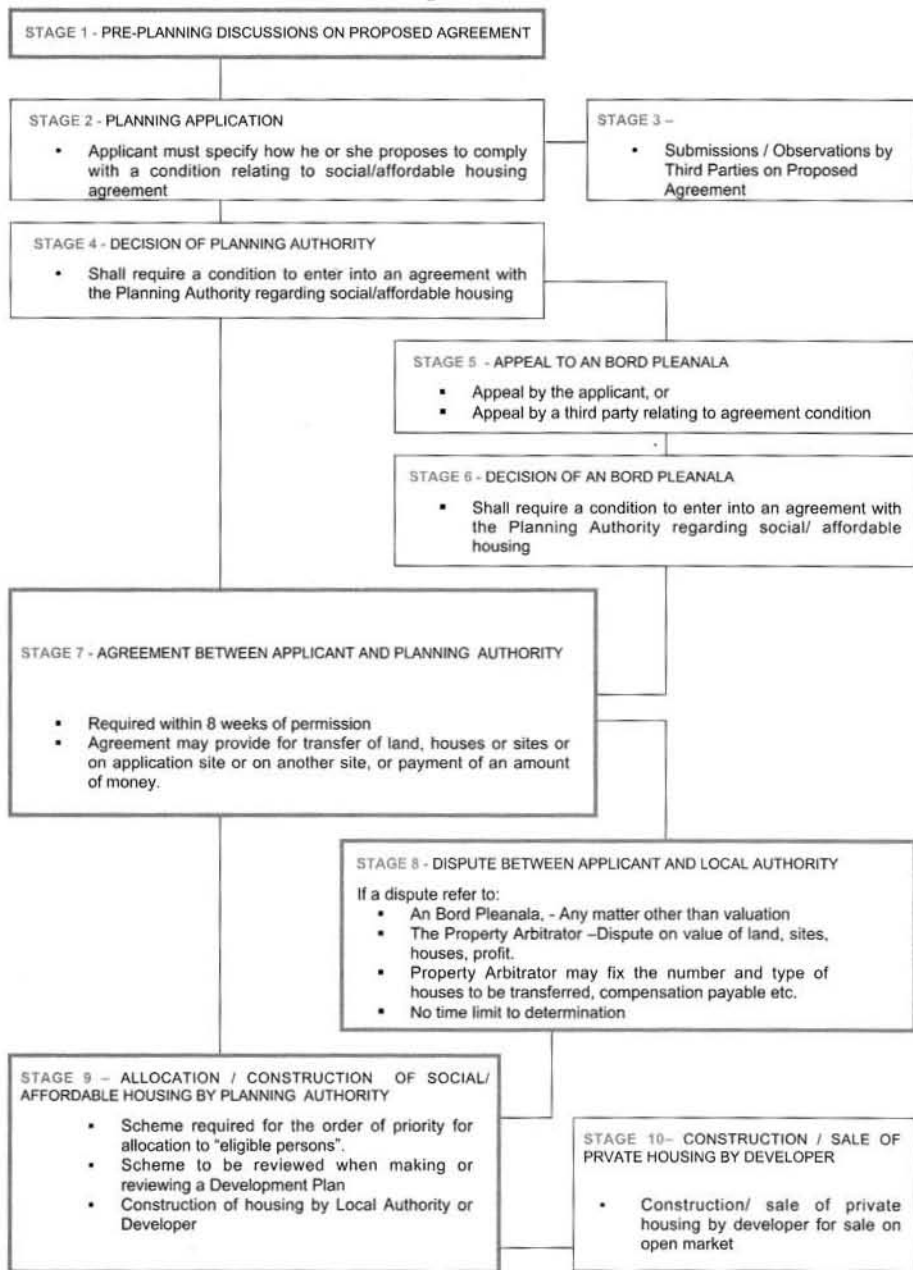


Figure 8. Additional Procedures/Uncertainty Associated with the '20per cent Mechanism' Requiring an Agreement on Social/Affordable Housing

Additional Procedures relating to Part V applications – Stages 1, 7, 8 and 9

Conclusions :

- There is uncertainty and delay regarding the planning agreement until Stages 1-8 have been reached.
- The process is unnecessary, time consuming and unworkable

- *Reduction in supply of housing generally*

The stated purpose of Part V was to increase supply of social/ affordable housing in the context of housing supply generally.

The system has already, and will continue to, introduce a high degree of uncertainty and inconsistency in the submission and determination of planning applications, and is likely to reduce supply in a context where an increased supply of housing is necessary as a key national objective.

- *Specific difficulties in the application of Part V to individual sites*

At a site-specific level, there are a wide number of practical difficulties on how to allocate the 20% within a particular scheme, and how is this to be treated in a balanced and consistent manner in different areas.

For illustration purposes, Figure 9 shows a site layout for 10 houses, six of which are semi-detached and four of which are terraced. The site is zoned 'Residential' and the Housing Strategy applies a 20 per cent reservation for social/affordable housing with a 50:50 split. The social/ affordable requirement is assumed to be two of the terraced houses i.e. number 6 (social) and number 7 (affordable).

Figure 9 also shows a site layout for 50 houses, which involves more complex issues relating to location, design etc relating to the imposition of the social and/or affordable housing. The site is zoned 'Residential' and the Housing Strategy applies a 20 per cent reservation for social/affordable housing with no specified split.

The general conclusion from the case studies is that the imposition of the 20% mechanism is unnecessary, inequitable, unworkable and is likely to reduce the supply of both private, social and affordable housing, contrary to the national interest, and all parties concerned.

- *Reduced control in site selection and design of social housing by local authorities*

Local Authorities will lose control over site selection and design of Social Housing. The Local Authority should choose the best sites based on a variety of considerations, such as those outlined in the DOELG *Social Housing Guidelines: Site Selection*.

- *Conflicting value systems by decision makers with no clear and consistent approach*

In planning terms, every site for a planning application for 5 houses or more has a different socio economic context and design potential. A variety of complex value judgements will have to be made in the case of each planning application.

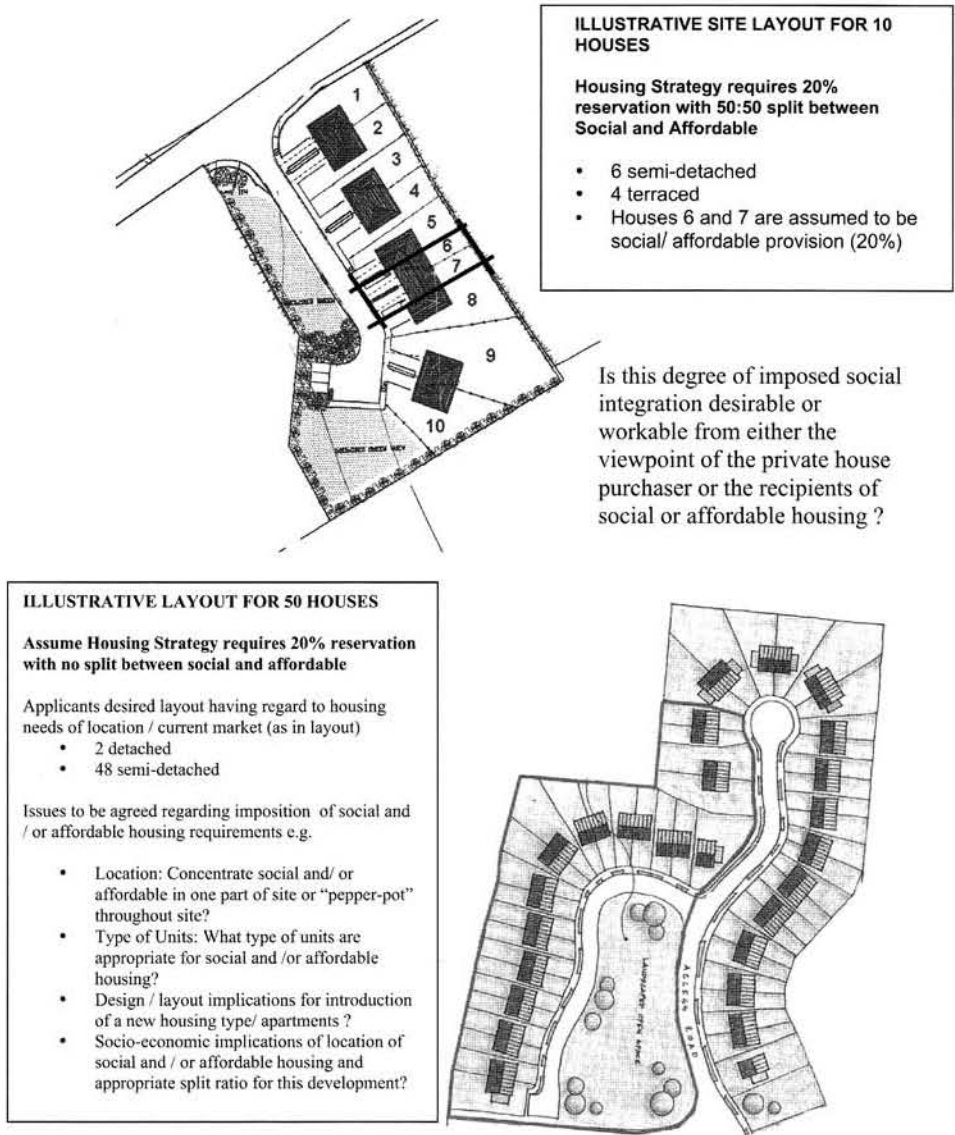
Individual Managers, Planners, Housing Officers, elected Councillors and others with an input to the decision making process within a particular Planning Authority are likely to have different opinions, value systems as to how social/ affordable housing is to be achieved in the context of a particular planning application. This will further exacerbate the problems and uncertainty in reaching an agreement.

- *No sustainable basis for threshold of "4 houses or less", or "0.1 hectares or less", in terms of social integration/inclusion*

While any threshold is likely to be unworkable, a threshold of "4 houses or less" is, from

a practical planning viewpoint, inappropriate and unworkable. What is the basis in planning, sociological, social segregation/integration, economic, cultural or other such considerations to suggest that a housing development of 5 houses or more needs to provide for an element of social/affordable housing?

Figure 9. Illustrative Housing Layouts (10 and 50 houses)



CONCLUSION:

- Imposition of 20% social/affordable housing mechanism to private housing developments is unnecessary, inequitable and unworkable.

Figure 9. Illustrative Housing Layouts (10 and 50 houses)

This is particularly the case having regard to the various other existing DOELG policy mechanisms for the provision of social housing in terms of site selection and design criteria as considered in Part One of this paper.

If the threshold were increased to, say, 500 houses, it might be more workable, but would still be a problem, as it would then be likely to become an avoidance measure for applicants, who would propose developments under this threshold.

• *Increased pressure for rural housing/ housing on unzoned lands*

The 20% mechanism applies only to zoned residential or mixed use lands. This is likely to result in increased pressure for residential development on unzoned lands.

This is a major consideration in the context of the current national debate on “rural housing”, where some one third of the current annual output of some 50,000 house constructions are located in “rural areas” (presumably largely unzoned).

2.2.4 Conclusion on the workability of the 20% mechanism in the context of Planning applications and decisions

The amendments provided for in the 2002 Act, while introducing a greater degree of flexibility, are unlikely to resolve the difficulties associated with the overall workability of the 20% mechanism. If, as is likely, options such as transfer of land, houses or sites to other land, or financial payment by the developer to a planning authority for the provision of social and affordable housing, becomes a common practice, it will merely amount to an additional tax on private housing provision, at a time when the cost of private housing is prohibitive to many purchasers.

This will not facilitate either the provision of private housing, social housing or affordable housing and will have no useful national social or economic benefit.

Alternative mechanisms, such as a review of capital gains tax on development land, a review of the “Kenny Report”, recommendations on the price of building land, sustainable financial contributions by developers to infrastructural projects which facilitate housing etc. are likely to be more workable and effective, and need to be considered urgently by the government as a replacement for Section 96 of Part V.

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