Re: Freedom of Information request 202121- Request Part-Grant.

Dear ,

I refer to your request, dated and received on 2nd November 2021, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by the Land Development Agency (LDA).

- copies of any records held referring or relating to the establishment of the ldawatch.ie website. This request to cover the period 1 Jan 2021 to date of receipt of the request.

I wish to inform you that I have decided to part-grant your request on the November 2021.

The purpose of this letter is to explain that decision.

1. Findings, particulars, and reasons for decisions.

Details of your request were provided to the relevant sections within the LDA to identify records held which were within the scope of your request.

The sections of the FOI Act which deny access to information are known as its exemptions.

I wish to inform you that I am refusing a number of records in accordance with Section 37(1) of the FOI Act. These records are included in the Schedule of Records in **Appendix 1.**

Section 37-Personal Information

(1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

Personal information is defined at Section 2 of the FOI Act and includes the following:

Section 2 -- Interpretation

2. (1) In this Act-

"personal information" means information about an identifiable individual that, either-

(a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or

(b) is held by an FOI body on the understanding that it would be treated by that body as confidential,

and, without prejudice to the generality of the foregoing, includes-

(iii) information relating to the employment or employment history of the individual,

Land Development Agency
2nd Floor, Ashford House
Tara Street, Dublin 2
D02 VX67

Tel +353 1 910 3400 Web lda.ie Email info@lda.ie

(v) information relating to the individual in a record falling within section 11(6)(a).
(vii) information relating to any criminal history of, or the commission or alleged commission of any offence by, the individual,

Public Interest Test
There is a Public Interest Test associated with section 37 the FOI Act whereby my decision must be made having fully considered the harm and public interest relevant to this request.

I have considered the public interest issues which arise in your request, and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent.
- The public interest in members of the public exercising their rights under the FOI Act.
- That there is more than just a transitory interest by the public in this information being released.
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records as detailed in part one of your request, I have taken account of the following:

- Allowing a public body to hold personal information without undue access by members of the public.
- The public interest is not best served by releasing these records.
- That the organisation can conduct its business in confidential manner.
- That there is no overriding public interest that outweighs the individual's right to privacy.

Having balanced the public interest factors both for and against the release, I decided that the public interest in preserving the information and the reasonable expectation that information can be maintained in confidential manner by the LDA outweighs the public interest which would be served were the detail released to you.

2. Right of Appeal

In the event that you are unhappy with this decision you may appeal this it. If you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Land Development Agency, 2nd Floor, Ashford House, Tara Street, Dublin 2 or by e-mail to foi@lda.ie.

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Head of Finance, Land Development Agency, 2nd Floor, Ashford House, Tara Street, Dublin 2.

Payment can be made by electronic means, using the following details:

Land Development Agency
IE59AIBK93101257645196
BIC: AIBKIE2D

You must ensure that your FOI reference number **(FOI 202121**) is included in the payment details.

You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body.

Please be advised that the Land Development Agency replies under Freedom of Information may be released into the public domain via our website at lda.ie.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone on (01) 9103400.

Yours sincerely,

Monika Szyszko,
Compliance Manager

30 November 2021

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Requester name:		Request Re:202121			
Page number	**Description of document**	**Deletions**	**Relevant section of FOI Act**	**Reasons for deletion**	**Decision Maker's decision**
1	email 17.2.21 Online campaign re LDA operations	Name and email address of individual(s)	Section 37	Personal Information	Part-grant
1	email 17.2.21 Online campaign re LDA operations	Name and Phone numbers of individual	Section 37	Personal Information	Part-grant
1	email 17.2.21 Re LDA Board Minutes	N/A	N/A	N/A	Grant
1	Weekly political note 19.02.2021	Name and email address of individual(s)	Section 37	Personal Information	Part-grant
1	Weekly political note 19.02.2021	Name and Phone numbers of individual	Section 37	Personal Information	Part-grant
1	Affordable and LDA Bill Discussion Overview	N/A	N/A	N/A	Grant
1	Email 17.2.21 ldawatch.ie	N/A	N/A	N/A	Grant
1	Weekly note_19022021 attachment to Weekly political note 19.02.2021	N/A	N/A	N/A	Grant
		Total number of pages			14
		Total number of pages for full release			9
		Total number of pages for partial release			5
		Total number of pages being withheld			0

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Chris Lowe

From: [redacted]murraygroup.ie>
Sent: Wednesday 17 February 2021 12:40
To: Rose Kenny; John Coleman; Phelim O' Neill
Cc: [redacted]; [redacted]
Subject: Online campaign re LDA operations

Hi all,

See below of interest. Sinn Féin have launched a 'transparency initiative' today, designed to track the operations of the LDA. The link is below, along with a tweet from Eoin Ó Broin and accompanying article from the Business Post.

https://www.ldawatch.ie/

Analysis: How Sinn Féin will seek to undermine LDA launch with its own unofficial website

'Non-partisan' site will be modelled on Nama Wine Lake project which gained a considerable following and led to questions in the Dáil

Michael Brennan
Political Editor@obraonain
17th February, 2021

There is a time-honoured tactic for opposition parties to produce "spoilers" ahead of government announcements.

The new Land Development Agency (LDA) is supposed to deliver up to 20,000 homes on public land in the decades ahead. The bill to set it up is arriving in the Dáil for the first time today.

But Sinn Féin is launching its own LDA website to thwart this key policy priority for Darragh O'Brien, the Minister for Housing.

It is an interesting venture from Sinn Féin because its unofficial LDA website will be presented as a "non-partisan" destination for all information for LDA housing projects around the country.

It is modelled on the now mothballed Nama Wine Lake website which was founded by an anonymous person during the last recession to question the actions of the National Asset Management Agency. It gained a considerable following and some of the information published there led to questions in the Dáil and responses from Nama. The author of the site signed off in 2013, having managed to keep his or her identity a secret.

Eoin Ó Broin, the Sinn Féin housing spokesman, said the party's new LDA website would outline its concerns about the agency, but would not be promoting "a Sinn Féin agenda." It will be interesting to see the reaction of the LDA itself, which already has its own official website.

Sinn Féin would love if the LDA was to become as controversial as Nama in the coming years. The party was successful in putting forward its housing policies in last year's general election and it knows that housing will be a battleground in the next election as well.

Minister O'Brien is pushing the revised form of the LDA as one of his key policies to address the housing crisis.

It was set up in shadow format three years ago by the previous Fine Gael-led minority government with the intention of developing 3,000 homes initially on eight state-owned sites. But all the work since then has been on preparing planning applications and masterplans.

There were concerns about how the LDA would operate, and the necessary legislation to establish it on a permanent basis is only coming through the Dáil now.

Under the changes made by O'Brien, the LDA's core goals are to fully utilise state lands to build "affordable homes and sustainable communities".

One of the most controversial aspects is that local authorities can transfer lands to the LDA without requiring a council vote. That comes after Dublin City Council blocked the transfer of council land to a private developer for a mixed housing scheme on Oscar Traynor Road last November.

O'Brien has said the new rules would accelerate the process by "clearing blockages and driving on development". But councillors see it as another erosion of their power and a negative move for local democracy.

The Association of Irish Local Government, which represents councillors, has expressed "grave concerns" about the LDA bill. It wants to remove the section of the bill which would allowing council land to be transferred to the agency without a council vote.

Another opponent of the LDA is Cian O'Callaghan, the Social Democrats housing spokesman, who has warned that it will facilitate the privatisation of public land through the back door.

The new Sinn Féin-sponsored LDA website is part of the wider public relations battle over the agency.

If Sinn Féin succeeds in knocking the reputation of the agency before it has built a single home, then it will have scored an early victory in the next general election campaign. On the flipside, if the new LDA can deliver on some of its big promises, then it will be an asset for Darragh O'Brien

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Chris Lowe

From: Eoin OBroin <Eoin.OBroin@oireachtas.ie>
Sent: Wednesday 17 February 2021 15:21
To: John Coleman
Subject: Re: LDA Board Minutes

John a chara,

Hope you are keeping well.

Many thanks for that. That is positive. I will take a good look this week.

You were on my list of people to mail today to let you know we have launched a new website www.ldawatch.ie

This is a transparency initiative the intention of which is to provide a portal for all information on the LDA.

Let me know if you have any feedback and we would welcome it.

We will, from time to time include links to the LDA site itself. The full content of the site is not complete yet as we are still adding some details this week.

Would be keen to meet informally via zoom in the next few weeks for an update on projects etc.

Is mise,

Eoin Ó Broin TD
0872794843

Get Outlook for iOS

From: John Coleman <jcoleman@lda.ie>
Sent: Wednesday, February 17, 2021 1:06:11 PM
To: Eoin OBroin <Eoin.OBroin@oireachtas.ie>
Subject: LDA Board Minutes

Eoin,

I hope you're keeping well.

The LDA has adopted a policy of publishing its board minutes online. You were enquiring about same so I just want to alert you to the appropriate link. This is not commonly done and I believe will promote the transparency objectives of the Agency.

https://lda.ie/lda-board-meeting-minutes/

Regards
John

John Coleman
CEO

Land Development Agency

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Ph: +353 1 910 3400

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Chris Lowe

From: [redacted]murraygroup.ie>
Sent: Friday 19 February 2021 18:50
To: John Coleman; Rose Kenny; Omar Bhamjee; Phelim O' Neill; Dearbhla Lawson; Barry O'Brien; Sean Golden
Cc: [redacted]
Subject: Weekly political note 19.02.2021
Attachments: Weekly note_19022021.pdf

Good evening all,

Please see below and attached this week's note on political activity.

All the best,
[redacted]

Land Development Agency weekly political update – 19.02.2021

Parliamentary Questions (PQs)

- **Deputy Eoin Ó Broin (Dublin Mid-West, Sinn Féin)** asked the Minister for Housing, Planning, and Local Government the timeline for the completion of the various phases of the development with respect to the Land Development Agency and Dún Laoghaire-Rathdown County Council development in Shanganagh, Shankill, County Dublin; the commencement date for the development; the expected sales price of the affordable purchase units; the total cost of the development; the types of finance being accessed by the LDA to undertake the development; and if further information which he deems relevant will be provided.

  High level summary: Minister O'Brien outlined the delivery of 597 units in Shanganagh, and confirmed the first phase of units to be delivered in 2023

  Link to full answer: https://www.kildarestreet.com/wrans/?id=2021-02-17a.686&s=%22land+development+agency%22#g687.q

  Comment: This PQ would form the basis of a Sinn Féin statement on LDA operations (see below).

Dáil Debates

- The LDA Bill was debated in the Dáil this week, with proceedings adjourned until next week. A separate note has been sent summarizing the main issues.

Committee hearings

- The Joint Oireachtas Committee on Housing met to discuss the revised scheme of the Affordable Housing Bill 2020. The Committee heard evidence from the Housing Agency, ESRI and the NESC.
  - https://www.oireachtas.ie/en/debates/debate/joint_committee_on_housing_local_government_and_heritage/2021-02-16/4/
  - **Comment**: The ESRI evidence was notable in particular. They spoke in favour of a cost rental scheme, but were less supportive of any shared equity scheme on the grounds that it did not address the supply-side issue sufficiently.

Political developments

- Sinn Féin housing spokesperson Eoin Ó Broin has launched a new website called ldawatch.ie which will seek to track the progress and activity of the LDA. This coincided with the Dáil debate on the LDA Bill.
    - https://www.sinnfein.ie/contents/59875
    - **Comment**: Business Post political editor Michael Brennan described the website as a means of undermining the LDA and compared to the now defunct Nama Wine Lake website which sought to question NAMA activities during the recession.
- Deputy Eoin Ó Broin has criticized the timing of the LDA project at Shanganagh and stated that the project has been delayed as a result of LDA involvement.
    - https://www.sinnfein.ie/contents/59889
    - **Comment**: Deputy Ó Broin has called for a greater urgency in the delivery of social and affordable homes.
- Labour housing spokesperson Senator Rebecca Moynihan has again called for greater clarity on the shared equity scheme, and its potential impact on increasing house prices. Deputy Ó Broin has called for the scheme to be removed from the Affordable Housing Bill until its details are finalized.
    - https://www.labour.ie/news/2021/02/17/rethink-on-affordable-housing-needed/
    - https://www.sinnfein.ie/contents/59904
    - **Comment**: Further evidence from both parties of their opposition to any affordable purchase scheme, in light of evidence given to the Oireachtas Housing Committee by the ESRI on market impacts of such a scheme.

Industry developments

- N/A

[redacted]
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Land Development Agency Board Update: *Affordable Housing Bill 2020* and *Land Development Agency Bill 2021*

24 Feb 2021

Dáil Discussions:

Discussions in the Dáil took place over several days and largely repeated the issues raised in the JOC. Links to the sessions are available here: first, second.

1. A large criticism from the *Land Development Agency Bill 2021* was around the perceived circumvention / undermining of elected representatives for the Section 183 process with land being able to be transferred to the LDA without the need of a voted from councillors. So to was the perceived weakness of CPO powers by the LDA. Deputies were troubled around the use of the median sales price of housing in gauging affordability.
2. During his speech, Deputy Eoin Ó Broin launched LDA Watch – a website dedicated to keeping the public informed about the LDA by encouraging transparency, scrutiny and accountability.
3. Opposition TDs outlined their desire to have "public land for public housing" and were critical of the LDA building developments which include market housing. This was compounded by the perceived ability of the Minister to increase or decrease the public housing requirement in certain developments. This was a common theme in the discussions and most critics alluded to LDA collusion with private developers to privatise public land. This was backed up with arguments around lack of FOI mechanism for DACs, perceived tenure mix, equity return language, potential joint ventures and language outlining disposal of land no longer needed by the LDA. The potential for seeking investment from ISIF was also cause for concern due to ISIF seeking a commercial return on investment.
4. The issue of the LDA paying more than existing use value for public land was outlined to have the potential to increase house prices. This was also supported by recently released figures from a PQ focusing on public delivery costs which again excluded all-in costs.
5. Several Deputies raised concerns over perceived LDA involvement in Moyross resulting in a perceived undermining of local needs and years of consultation.

Chris Lowe

From: Frank Gallagher (Housing) <Frank.Gallagher@housing.gov.ie>
Sent: Wednesday 17 February 2021 13:23
To: Maria Graham (Housing); Mary Jones (Housing); John Coleman; Rose Kenny; Aoibheann Nevin (Housing)
Subject: ldawatch.ie

https://ldawatch.ie/media/significant-problems-exist-with-land-development-agency/

Land Development Agency weekly political update – 19.02.2021

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Industry developments

- N/A