



To: Directors of Services - Planning, City and County Councils
CC: Chief Executives, City and County Councils
Senior Planners, City and County Councils
Directors of Services – Housing, City and County Councils
LGMA Housing Delivery Co-ordination Office
An Bord Pleanála
Directors of Regional Assemblies
Office of the Planning Regulator
Land Development Agency

Circular Letter: PGO 01/2023

31 March 2023

Re: Land Development Agency Act 2021 – Part 9 Planning Condition – Delivery of Affordable Housing on Relevant Public Land and Part 7 Disposal of Relevant Public Land & First Refusal of LDA

I am directed by Mr. Darragh O’Brien, T.D., Minister for Housing, Local Government and Heritage to advise of the recent commencement of Part 9 of the Land Development Agency Act 2021 with effect from 1 January 2023. A copy of this Commencement Order is attached for information.

Introduction

Part 9 (sections 74-77) of the Land Development Agency Act 2021 (“the Act”) requires, as a condition of a grant of planning permission, that an applicant for permission for the development of 5 or more dwellings on relevant public land is obligated to enter into an agreement with the relevant planning authority prior to the lodgement of a commencement notice to deliver a certain percentage of affordable housing, by way of either affordable purchase or cost rental units, within that development.



Relevant public land is land owned by a relevant public body, being a local authority, Government Minister or state body listed in Schedule 1 and 2 of the Act, within a town the population of which is equal to or greater than 10,000 persons at the most recent Census. The Land Development Agency (“the LDA”) has developed a Register of Relevant Public Land which identifies relevant public land and land owned by the LDA or a subsidiary DAC on a map, and provides information on whether Part 9 requirements of the LDA Act are applicable (for relevant planning applications for residential / residential mixed development) or whether exempted from the provisions of the Part 9 affordability requirement. This register is publicly available at www.lda.ie and will allow for the relevant local authority to check and confirm whether land to be developed is subject to this Part 9 requirement.

Overview

The Part 9 affordability requirement applies to—

- an application for planning permission for the development of 5 or more dwellings on land which was relevant public land on the day on which Part 9 was commenced, or
- where an application relates to mixed-use development, to that part of the application which relates to the development of dwellings on land which was relevant public land on the day on which Part 9 was commenced.

The percentage of affordable housing units to be delivered in residential developments on relevant public land is currently set at:

- 80% in population centres over 150,000 (being Dublin and Cork cities and suburbs) and
- 50% in all other urban areas with a population of 10,000 persons.



This percentage is in addition to the 20% Part V social and affordable housing obligation introduced under the Affordable Housing Act 2021 which will ensure a minimum of 70% social and affordable housing on relevant public land in urban areas, with 100% affordable and social housing in Dublin and Cork cities.

While it is anticipated that the LDA will make the majority of such applications for residential development on relevant public lands, with the bulk of units to be delivered as cost rental dwellings, this requirement also applies to any such applications for housing on relevant public lands made by any other public body, or by a private developer.

This statutory affordable housing delivery requirement indicated on the LDA Register of Relevant Public Land will continue to apply to relevant public land, sold to any other party, including a private purchaser, after the date on which Part 9 was commenced, if a planning application for 5 or more dwellings is made on that site at any point in the future. The Part 9 requirement will continue to apply if the site is subsequently sold on to another purchaser.

Role of Planning Authorities

On receipt of a planning application for a residential development of 5 or more dwellings, a planning authority will utilise the Register of Relevant Public Land to confirm if the land subject to the planning application is relevant public land, and whether the land is subject to the Part 9 affordability requirement.

If the land is subject to the Part 9 affordability requirement, the planning authority will have responsibility for attaching an appropriate Part 9 planning condition to any planning permission being granted and subsequently ensuring that the Part 9 planning condition is complied with through the provision of the required percentage of affordable units on the relevant public land.



As part of this planning condition, the applicant will be obliged to enter into an agreement with the planning authority to deliver affordable housing units as cost rental dwellings (by means of designation and lease), or, in the case of affordable purchase, to transfer the dwellings on completion either to the ownership of the planning authority, or to the ownership of eligible applicants nominated by the housing authority in accordance with a direct sales agreement within the meaning of the Affordable Housing Act 2021.

The planning authority will be required to assess the agreement in accordance with the following factors specified in Section 75(7) of the LDA Act prior to entering any such agreement –

- (a) the proper planning and sustainable development of the area to which the application relates,
- (b) the housing strategy and the specific objectives of the development plan which relate to the implementation of the strategy,
- (c) the need to ensure the overall coherence of the development to which the application relates, where appropriate,
- (d) the need to counteract segregation in housing between persons of different social background in the area to which the application relates, and
- (e) the time within which housing is likely to be provided as a consequence of the agreement.

The costs of the units on completion will be calculated in accordance with Section 75(5) of the LDA Act. The planning authority will also be responsible for ensuring that this requirement has been complied with on completion of the development.



Dwellings to which Part 9 is not applicable

Any dwelling which is the subject of a Part V agreement under Part 96 of the Planning and Development Act 2000, as amended, shall not be included in meeting the Part 9 affordable housing dwelling requirement. Any such Part V dwellings shall be in addition to the Part 9 affordability requirement.

Additionally, the Part 9 affordability requirement will not apply to an application for permission for the development of houses by a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992, for the provision of housing required for households assessed under section 20 of the Act of 2009 as being qualified for social housing support, where such houses are to be made available for letting or sale, regardless of whether the land to be developed is relevant public land.

Exemptions from the Affordability Requirement

Certain relevant public land may be exempted from the affordability requirement on a site-by-site basis at the request of the Minister for Housing, Local Government and Heritage and on agreement by the Government. Such an exemption will be confirmed by way of Government Order. Such land to be exempted may include land which is:

- (a) owned by a commercial state body and the sale of which has been consented to by any Minister of the Government that holds shares in the body, and the Minister for Public Expenditure and Reform, subject to the re-investment of the proceeds of such sale by the body for the purposes of the performance of its functions,
- (b) referred to in Schedule 3 to the Grangegorman Development Agency Act 2005 and owned by Technological University Dublin, or
- (c) owned by a local authority that wishes to dispose of the land in order to use the proceeds of such sale for the purposes of the performance of its public functions.



All lands detailed under (a), (b) and (c) above will be subject to the Part 9 affordability requirement unless and until a Government Order is made exempting such land. The LDA will have responsibility for updating the Register of Relevant Public Land to reflect any exemption order granted by Government. As such, planning authorities should refer to the Register of Relevant Public Land to verify if there are any exemptions in place.

An FAQ document is included at Appendix 1 to provide further information, and the text of Part 9 of the Act is included at Appendix 2 for ease of reference.

Referrals to An Bord Pleanála

In accordance with section 76 of the Act, in the case of a dispute in relation to any matter which may be the subject of a Part 9 agreement referred to in section 75(3), the matter may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Part 7 – Disposal of relevant public land by local authorities and first refusal of LDA

Part 7 of the Act was commenced in March 2022 and it requires that any public body (including a local authority) disposing of relevant public lands must first offer such land for sale to the LDA. Section 53 of the Act provides that a relevant public body shall not dispose of relevant public land without first offering it for sale to the LDA, with the LDA required to give notice of their decision within 8 weeks of the offer and/ or information on the land being received by the LDA, whichever is the latter.

As already stated, the affordable housing delivery requirement will continue to apply to such land if it is sold to another public or private purchaser, other than the LDA, or indeed if it is developed for housing by the local authority itself.



It should be noted that under section 58 of the Land Development Agency Act 2021, section 211(2) of the Planning and Development Act 2000, as amended, and section 183 of the Local Government Act 2001 shall not apply to the disposal of relevant public land owned by a local authority to the LDA where the land—

(a) is situated—

(i) in the local authority area in respect of which a development plan is in force,

or

(ii) in the functional area, within the meaning of the Planning and Development Act 2000, as amended, of, or any particular area within the functional area of, a planning authority in respect of which a local area plan is in force,

and

(b) is zoned for solely residential use or a mixture of residential and other uses in the development plan or local area plan.

As detailed above, relevant public land owned by a local authority that wishes to dispose of the land in order to use the proceeds of such sale for the purposes of the performance of its public functions may be exempted from the affordability requirement at the request of the Minister and on agreement by the Government. Such an exemption will be done by way of Government Order.

Valuation of Relevant Public Lands to be sold to the LDA

The Land Development Agency Act 2021 (Valuation of Relevant Public Land) Regulations 2023, which prescribe the manner in which relevant public land to be sold to the LDA by other relevant public bodies under certain provisions of the Act, took effect on 10 March 2023.



Under the regulation, Tailte Éireann is responsible for valuing the relevant public lands to be sold to the LDA. Tailte Éireann have existing responsibility to carry out valuations in respect of intra-state transfer of state property assets. The Regulation utilises the Existing Use Value (EUV) method of valuation used under Part V of the Planning and Development Act 2000, as amended.

A valuation made under this Regulation will take account of the Part 9 affordability requirement (a minimum of 50% to 80% affordable housing) where applicable. Where a site is intended for mixed use development, e.g. commercial and residential, the valuation will take account of the affordability requirement only for the intended residential part of the site.

The text of the relevant sections of Part 7 of the Act is included at Appendix 3 for ease of reference.

Any queries in relation to this Circular letter should be emailed to aoibheann.nevin@housing.gov.ie and olivia.keenan@housing.gov.ie.

Any queries in relation to the Affordable Housing Act and Affordable Purchase or Cost Rental provisions under the Act should be directed to costrental@housing.gov.ie or LAaffordablepurchase@housing.gov.ie as appropriate.

Planning Governance and Oversight Unit

31 March 2023



Appendix 1

Frequently Asked Questions

1. What is the Part 9 Affordability Requirement?

Part 9 of the Land Development Agency Act 2021 requires that a specified percentage of relevant public land which is being developed for residential use must be used for affordable housing.

2. When does the Part 9 requirement come into effect?

Part 9 of the LDA Act which includes provision for the new affordability requirement came into effect on 1 January 2023.

3. What is Relevant Public Land?

Relevant public land is land owned by a relevant public body, being a local authority, Government Minister or state body listed in Schedule 1 and 2 of the LDA Act, within a town the population of which is equal to or greater than 10,000 persons.

4. Will the LDA Act Part 9 affordable housing delivery planning condition be applicable to local authority consents for their own housing developments on relevant public lands in their ownership?

No. The provisions of Part 9 are only relevant to applications for ‘permissions’ as defined under the Planning and Development Act 2000 (as amended), whether they be planning permission applications to a planning authority or appeals to An Bord Pleanála for five or more dwellings on relevant public land.

5. What is the specified percentage of affordable housing to be delivered under Part 9?

The percentage of affordable housing to be delivered in residential developments on relevant public land is currently set at 80% in population



centres over 150,000, being Dublin and Cork cities, and 50% in all other urban areas over 10,000 population.

To note, a population centre of over 150,000 refers to a town (including all the environs of the town for the purpose of the census of the population concerned) the population of which, when rounded to the nearest 500 as shown on the latest census report of the Central Statistics Office, is equal or greater to 150,000. Thus, the specified percentage of 80% will apply to any relevant public land to be developed for 5 or more dwellings in all Dublin local authority areas.

6. Does this percentage include dwellings delivered as Part V social and affordable housing units?

This percentage is in addition to the 20% Part V social and affordable housing obligation introduced under the Affordable Housing Act 2021 which will ensure a minimum of 70% social and affordable housing on relevant public land in urban areas, with 100% affordable and social housing in Dublin and Cork cities.

7. What developments will be subject to the affordability requirement?

The provisions of Part 9 applies to any development of 5 or more dwellings on land which was relevant public land on the day on which Part 9 was commenced.

8. Does the Part 9 affordability requirement apply to an application for a mixture of developments?

Where an application relates to a mixture of developments, the Part 9 affordability requirement will apply to the part of the application which relates to the development of dwellings on the piece of land which is relevant public land.

9. How will the affordable housing units be delivered?



The relevant planning authority will attach and enforce a planning condition on any development subject to the Part 9 affordability requirement ensuring that an agreement is in place with the developer to deliver the specified percentage of affordable units. These units can be delivered by way of designated cost rental units, or as affordable purchase units which will transfer on completion either to the ownership of the planning authority or to eligible applicants nominated by the housing authority in accordance with a direct sales agreement within the meaning of the Affordable Housing Act 2021.

10. Who is responsible for enforcing the planning condition?

Planning authorities will have responsibility for enforcing the Part 9 planning condition, ensuring that an agreement is in place with the developer to deliver a percentage of affordable units on the relevant public land where it is being developed for residential use.

11. What process is in place for a dispute arising in relation to an agreement under section 75(3)?

In accordance with section 76 of the Act, in the case of a dispute in relation to any matter which may be the subject of a Part 9 agreement referred to in section 75(3), the matter may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

12. How will a planning authority confirm if the land to be developed is relevant public land and is subject to the part 9 affordability requirement?

The LDA has developed a register of all relevant public land which contains information as to whether the land is subject to the Part 9 affordability requirement. This register is publicly available and will allow for the relevant



planning authority to confirm that the land to be developed is subject to this Part 9 requirement.

- 13.** Will the affordability requirement apply to relevant public lands which are sold to another party following the commencement of Part 9?

The Part 9 affordability requirement will continue to apply to lands which are sold on to another party, including a private purchaser, after the date on which Part 9 was commenced, unless a Government Order has been made exempting that land pursuant to Section 75(2)(c) of the Act.

- 14.** Will the affordability requirement apply to relevant public land being developed for housing by a private developer?

If a private developer submits a planning application for 5 or more dwellings on land which was relevant public land on the day Part 9 was commenced, the Part 9 affordability requirement will apply to that development.

- 15.** Will any relevant public lands be exempt from the Part 9 affordability requirement?

Certain relevant public land may be exempted from the affordability requirement at the request of the Minister and on agreement by the Government. Such a site by site exemption will be done by way of Government Order. Such land to be exempted may include land which is owned by a commercial state body and proposed for sale, lands held by the Grangegorman Development Agency, and lands for sale by local authorities the proceeds of which are to be used in the course of their functions.

- 16.** Will land held by commercial state bodies be subject to the Part 9 affordability requirement?



All relevant public lands, including those held by commercial state bodies, will be subject to the Part 9 affordability requirement unless and until a Government Order is made exempting such land on a site by site basis.

17. Where can I find more information on the Affordable Purchase and Cost Rental Provisions under the Affordable Housing Act 2021?

Any queries in relation to cost rental or affordable purchase dwelling provisions should be directed to costrental@housing.gov.ie or LAaffordablepurchase@housing.gov.ie as appropriate.

18. Where can I find more information?

Queries in relation to this Circular can be directed to aobheann.nevin@housing.gov.ie and Olivia.keenan@housing.gov.ie.

Note: The above FAQ is intended to provide a general guidance on the application of Part 9 of the Land Development Agency Act 2021 and does not purport to be a legal interpretation of that Act.



Appendix 2

Text of Part 9 of the Land Development Agency Act 2021

Interpretation – Part 9

74. In this Part—

“Board”, “permission”, and “planning authority” each has the same meaning as it has in the Act of 2000;

“cost rental dwelling” has the meaning assigned to it by Part 3 of the Affordable Housing Act 2021;

“dwelling” has the same meaning as it has in the Act of 2009;

“specified percentage” has the meaning assigned to it by section 75(11).

Requirement in relation to development of dwellings on relevant public land and former relevant public land

75. (1) The provisions of this Part shall, subject to subsections (2) and (10), apply to—

(a) an application for permission for the development of 5 or more dwellings on land which is relevant public land on the day on which this section comes into operation, or

(b) where such an application relates to a mixture of developments, to that part of the application which relates to the development of dwellings on such land,

in addition to the provisions of section 34 and, where applicable, Part V of the Act of 2000.

(2) The Government may, by order, at the request of the Minister, exempt relevant public land from the provisions of this Part where the land—

(a) is owned by a body which the Government is satisfied is required to act in a commercial manner and the sale of which has been consented to by—

(i) any Minister of the Government that holds shares in the body, and

(ii) the Minister for Public Expenditure and Reform,



subject to the re-investment of the proceeds of such sale by the body for the purposes of the performance of its functions,

(b) is referred to in Schedule 3 to the Grangegorman Development Agency Act 2005 and owned by Technological University Dublin, or

(c) is owned by a local authority that wishes to dispose of the land in order to use the proceeds of such sale for the purposes of the performance of its public functions.

(3) A planning authority, or the Board on appeal, shall require as a condition of a grant of permission that the applicant, or any other person with an interest in the land to which the application relates, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997 (S.I. No. 496 of 1997), enter into an agreement with the planning authority, providing, in accordance with this Part, for the matters referred to in subsection (4).

(4) An agreement under this section shall provide for the specified percentage, or such other percentage as the Minister may prescribe under section 77, of the dwellings to be built on the land which is subject to the application for permission, of such description as may be specified in the agreement, to be built and—

(a) designated and leased as cost rental dwellings, or

(b) transferred on completion—

(i) to the ownership of the planning authority, or

(ii) to the ownership of eligible applicants nominated by the housing authority in accordance with a direct sales agreement within the meaning of the Affordable Housing Act 2021.

(5) Where dwellings are to be transferred to the planning authority in accordance with an agreement under this section, the price of such dwellings shall be determined on the basis of—

(a) the site cost of the dwelling (calculated in accordance with section 55), and



(b) the costs, including normal construction costs and profit on those costs and development costs, calculated at open market rates that would have been incurred by the planning authority had it retained an independent builder to undertake the works, including the appropriate share of any common development works, as agreed between the authority and the developer.

(6) An applicant for permission shall, when making an application to which this section applies, specify the manner in which he or she would propose to comply with a condition to which subsection (3) relates were the planning authority to attach such a condition to any permission granted on foot of such application, and where the planning authority grants permission to the applicant subject to any such condition it shall have regard to any proposals so specified.

(7) For the purposes of an agreement under this section, the planning authority shall consider—

(a) the proper planning and sustainable development of the area to which the application relates,

(b) the housing strategy and the specific objectives of the development plan which relate to the implementation of the strategy,

(c) the need to ensure the overall coherence of the development to which the application relates, where appropriate,

(d) the need to counteract segregation in housing between persons of different social background in the area to which the application relates, and

(e) the time within which housing is likely to be provided as a consequence of the agreement.

(8) An agreement under this section shall identify the dwellings to be transferred, or as the case may be, designated as cost rental dwellings, whether in one or more parts.

(9) A dwelling that is the subject of an agreement referred to in section 96 of the Act of 2000 shall not be reckoned in determining whether or not the condition imposed by this section has been complied with.



(10) This section shall not apply to applications for permission for development consisting of the provision of houses by a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992, for the provision of housing required for households assessed under section 20 of the Act of 2009 as being qualified for social housing support, where such houses are to be made available for letting or sale.

(11) In this section, “specified percentage” —

- (a) in relation to housing to be built on land located in the area of a town (including all the environs of the town for the purpose of the census of the population concerned) the population of which, when rounded to the nearest 500 as shown on the latest census report of the Central Statistics Office, is equal or greater to 150,000, means 80 per cent,
- (b) in relation to housing to be built on any other land, means 50 per cent.

Referrals to Board

76. (1) In the case of a dispute in relation to any matter which may be the subject of an agreement referred to in section 75(3) the matter may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

(2) Where it is a condition of the grant of permission that an agreement be entered into in accordance with section 75(3) and, because of a dispute in respect of any matter relating to the terms of such an agreement, parties are unable to reach an agreement, the planning authority, the applicant or any other person with an interest in the land to which the application relates may refer the dispute to the Board and the Board shall determine the matter as soon as practicable.



Minister may set percentage

77. (1) The Minister may by order, set a percentage of housing higher or lower than the specified percentage, up to a maximum of 80 per cent, for the purposes of an agreement under section 75(3) and may set different percentages in respect of different geographical or administrative areas.

(2) For the purposes of setting a percentage in relation to an area under subsection (1) the Minister shall have regard to the likely future demand for cost rental dwellings and dwellings for sale in the State and to the following matters in relation to the area concerned:

- (a) the percentage of housing that will most effectively serve the purposes of this Act;
- (b) the need for housing and the availability of housing, in terms of overall scale, type and tenure;
- (c) the need to counteract segregation in housing between persons of different social background;
- (d) housing strategies developed by the local authority concerned;
- (e) the particular demands and requirements of housing;
- (f) the particular need for dwellings for sale or rent under Parts 2 or 3 of the Affordable Housing Act 2021;
- (g) the cost of housing;
- (h) the cost of site development.

(3) An order under subsection (1) shall apply only to land that is relevant public land on the day on which such order comes into force.



Appendix 3

Text of Part 7 of the Land Development Agency Act 2021

Register of Relevant Public Land

50. (1) The Agency shall establish and maintain a register (in this Act referred to as the “Register”) of all relevant public land and land owned by the Agency or a subsidiary DAC, to be known as the Register of Relevant Public Land.

(2) The Agency shall as soon as practicable after the coming into operation of this section—

(a) enter in the Register such of the information specified in subsection (3) as is in the Agency’s possession or control, and

(b) where necessary, request the information specified in subsection (3) from a relevant public body and, on receipt of that information, enter it in the Register.

(3) The following, identifying relevant public land and land owned by the Agency or a subsidiary DAC, shall be entered in the Register:

(a) a description, including area and location, of the land;

(b) an ordnance map drawn to such scale as is appropriate, or other suitable map approved by the Agency, showing the relevant public land;

(c) information as to whether or not the relevant public land or land owned by the Agency or a subsidiary DAC is land—

(i) referred to in section 75(1),

(ii) which has been exempted from the provisions of Part 9 under section 75(2),

(iii) referred to in section 75(1) and to which either an order under section 77 applies or regulations under section 78 apply.

(4) A relevant public body shall furnish to the Agency information in its possession or control, requested by the Agency under subsection (2)(b), within eight weeks of receipt of the request.



(5) The Register shall be published and made available for inspection by the Agency on its website.

(6) A relevant public body shall, in relation to an entry in the Register relating to relevant public land owned by the body, give notice to the Agency of—

- (a) an error that the relevant public body knows of in the entry, and
- (b) a change in circumstances that is likely to have a bearing on the accuracy of the entry,

as soon as practicable after the relevant public body becomes aware of the error or change in circumstances and the Agency shall, as soon as practicable, correct the error or record the change in circumstances.

(7) The Agency shall, in relation to an entry in the Register of land owned by it or a subsidiary DAC, correct an error that it becomes aware of or record a change in circumstances that is likely to have a bearing on the accuracy of the entry.

(8) Notwithstanding any enactment or rule of law, the Property Registration Authority, Ordnance Survey Ireland and the Valuation Office shall each, upon a request from the Agency, provide to the Agency such information in their possession or control as the Agency may reasonably require for the purpose of enabling the Agency to perform its functions under this section.

(9) No fee shall be charged by the Property Registration Authority, Ordnance Survey Ireland or the Valuation Office for or relating to the provision of information to the Agency under subsection (8).

Proposal to dispose of relevant public land

53. (1) A relevant public body shall not dispose of relevant public land unless the body has given notice under subsection (2) and offered the land for sale to the Agency within the period of 12 months immediately prior to the disposal.



(2) A relevant public body shall give notice to the Agency of its intention to dispose of relevant public land and shall provide to the Agency any information sought by it in relation to the land concerned.

(3) The Agency shall assess whether the relevant public land is fit for use for the purposes of this Act, and, having regard to the matters referred to in paragraphs (a) to (e) of section 52(3) and any information provided to the Agency under subsection (2), shall decide to acquire or refuse to acquire that land.

(4) The Agency shall decide under subsection (3), and give notice to the relevant public body concerned of the decision, within eight weeks of the latter of either of the following occurring:

- (a) receipt of a notice under subsection (2);
- (b) receipt of information requested under subsection (2).

Provision for determination of value of relevant public land

55. (1) A relevant public body notified of a decision of the Agency under section 53(3) to acquire its land, or a direction of the Government under section 54(2) to acquire its land, or, in relation to relevant public land referred to in column (1) of Schedule 3, the Schedule 1 public body referred to in column (2) opposite the mention of the relevant public land concerned, shall be entitled to receive an amount equal to the market value of the relevant public land being acquired by the Agency.

(2) The Agency may give notice to a Schedule 1 public body specified in column (2) of Schedule 3 of the Agency's intention to acquire relevant public land specified in column (1) of the schedule opposite the Schedule 1 public body so specified.

(3) For the purpose of determining the market value of relevant public land, the valuation date shall be—

- (a) the date on which the Agency gives notice under section 53 to the relevant public body or, under section 54(3) to the Schedule 1 public body, that the land shall be acquired, or



(b) in relation to relevant public land referred to in Schedule 3, the date on which the Agency gives notice under subsection (2).

(4) The Minister shall prescribe the manner in which the market value of relevant public land shall be determined.

(5) Matters to be prescribed by the Minister under subsection (4) shall include—

(a) procedures for nomination of a person to determine the market value of the land,

(b) the relevant experience, qualifications, membership of a professional body that may be required, training or expertise required to be held by a person nominated in accordance with procedures prescribed under paragraph (a),

(c) procedures and time limits to apply, including in relation to requests for further information or the giving of a notice of the determination,

(d) fees and costs, if any, to be paid, and to and by whom, in respect of the determination,

(e) provisions of other enactments relating to valuation of land to be applied for the purpose of the regulations where the Minister considers it appropriate,

(f) any other matter the Minister considers necessary or appropriate to include in the regulations for the purpose of determining the market value of the land.

(6) Section 67 shall apply to land proposed to be acquired by the Agency under this Part as it applies to land proposed to be purchased compulsorily under Part 8 subject to the following and any other necessary modifications:

(a) a reference in section 67 to land shall be read as a reference to relevant public land;

(b) a reference in section 68(1) to an acquisition order shall be read as a reference to a decision under section 53(3) or a direction under section 54(2) to acquire relevant public land.



(7) Any calculation of the market value of the relevant public land shall take into account the obligations in Part 9 that apply to the development of dwellings on relevant public land.

Vesting of certain relevant public land in Agency

56. (1) The Minister may by order (in this Part referred to as a “vesting order”) transfer the relevant public land concerned to the Agency from—

- (a) where a decision under section 53(3) relates to relevant public land owned by a local authority or a Schedule 1 public body, that local authority or Schedule 1 public body,
- (b) where a direction under section 54(2) relates to land owned by a Schedule 1 public body, that Schedule 1 public body, or
- (c) where the transfer relates to relevant public land specified in column (1) of Schedule 3, the Schedule 1 public body specified in column (2) of that Schedule opposite the relevant public land so specified.

(2) Before making a vesting order, the Minister shall—

- (a) consult with the relevant public body concerned and the Minister for Public Expenditure and Reform, and
- (b) be satisfied that the Agency has paid to the relevant public body concerned an amount equal to the market value of the land concerned.

(3) A vesting order in relation to the relevant public land concerned shall operate to vest without any further conveyance, transfer or assignment for all the estate or interest in that relevant public land in the Agency but subject to all trusts and equities subsisting and capable of being performed affecting that land.

(4) A vesting order shall be in such form as may be approved by the Minister and shall refer to a map identifying the land to which it relates.



(5) A vesting order shall come into operation on such day or days as may be specified in the order and different days may be so specified in relation to different parts of the land to which the order relates.

(6) The Agency shall cause a vesting order made by the Minister under this section and a map identifying the land to be lodged with the Property Registration Authority and that Authority shall cause the Agency to be registered as the owner of the land to which the order relates in accordance with the order.

Provision relating to local authority land under this Part

58. Section 211(2) of the Act of 2000 and section 183 of the Local Government Act 2001 shall not apply to the disposal by a local authority to the Agency under this Part of relevant public land owned by the local authority which land—

(a) is situated—

(i) in the local authority area in respect of which a development plan is in force,

or

(ii) in the functional area, within the meaning of the Act of 2000, of, or any particular area within the functional area of, a planning authority in respect of which a local area plan is in force,

and

(b) is zoned for solely residential use or a mixture of residential and other uses in, as the case may be, the development plan or local area plan.