



STATUTORY INSTRUMENTS.

S.I. No. 106 of 2023

LAND DEVELOPMENT AGENCY ACT 2021 (VALUATION OF
RELEVANT PUBLIC LAND) REGULATIONS 2023

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I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 6 and 55(4) and (5) of the Land Development Agency Act 2021 (No. 26 of 2021), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Land Development Agency Act 2021 (Valuation of Relevant Public Land) Regulations 2023.

(2) These Regulations shall come into operation on 10 March 2023.

Definition

2. In these Regulations—

“Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000);

“Principal Act” means the Land Development Agency Act 2021 (No. 26 of 2021).

Matters prescribed for purposes of section 55(5)(a) of Principal Act

3. The matters specified in Part 1 of the Schedule are prescribed for the purposes of section 55(5)(a) of the Principal Act.

Matters prescribed for purposes of section 55(5)(b) of Principal Act

4. The matters specified in Part 2 of the Schedule are prescribed for the purposes of section 55(5)(b) of the Principal Act.

Matters prescribed for purposes of section 55(5)(c) of Principal Act

5. The matters specified in Part 3 of the Schedule are prescribed for the purposes of section 55(5)(c) of the Principal Act.

Matters prescribed for purposes of section 55(5)(d) of Principal Act

6. The matters specified in Part 4 of the Schedule are prescribed for the purposes of section 55(5)(d) of the Principal Act.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th March, 2023.*

Matters prescribed for purposes of section 55(5)(e) of Principal Act

7. The matters specified in Part 5 of the Schedule are prescribed for the purposes of section 55(5)(e) of the Principal Act.

SCHEDULE

Part 1

Matters prescribed for the purposes of section 55(5)(a) of the Principal Act.

Regulation 3

Tailte Éireann shall nominate a person to determine the market value of the land.

Part 2

Matters prescribed for the purposes of section 55(5)(b) of the Principal Act.

Regulation 4

The person nominated by Tailte Éireann to determine the market value of the land shall be –

- (a) a qualified valuer with experience in valuing development land assets of a similar scale and nature, and
- (b) a member of one or more of the following:
 - (i) the Society of Chartered Surveyors Ireland (SCSI);
 - (ii) the Royal Institution of Chartered Surveyors (RICS);
 - (iii) the Institute of Professional Auctioneers and Valuers (IPAV);
 - (iv) such equivalent or successor bodies to one of the bodies mentioned in clauses (i) to (iii).

Part 3

Regulation 5

Matters prescribed for the purposes of section 55(5)(c) of the Principal Act.

1. As soon as practicable after the giving of a notice by the Land Development Agency under section 53(4), 54(3) or 55(2) of the Principal Act, and not later than six months after the date of the giving of that notice, other than where the relevant public body has agreed in writing to a later date, that agency shall request Tailte Éireann to carry out a valuation of the relevant public land.
2. The request of the Land Development Agency referred to in paragraph 1 shall include contact details for the relevant public body's nominated contact person or persons.
3. Tailte Éireann shall nominate an appropriately experienced and qualified valuer, in accordance with Part 2, to make the determination of value.
4. Subject to paragraph 5, Tailte Éireann shall draft, and determine, the terms of engagement with the Land Development Agency and the relevant public body not later than 15 working days after the date of the Land Development Agency's request under paragraph 1.
5. Where Tailte Éireann forms the opinion, based on reasonable grounds, that, because of circumstances outside of the reasonable control of the parties concerned, it would not be practicable to draft, and determine, the terms of engagement within the 15 working days mentioned in paragraph 4, such draft, and determination, shall be completed not later than 30 working days after the date of the request mentioned in paragraph 4.
6. Not later than 15 working days after the date of the terms of engagement, the Land Development Agency shall provide the following to Tailte Éireann and send a copy of each to the relevant public body:
 - (a) where the Minister has, by order, under section 77(1) of the Principal Act, set a percentage (other than the specified percentage within the meaning of section 75(11) of the Principal Act), a copy of that order;

- (b) detailed information on the property concerned to include, where applicable, the following:
 - (i) title information;
 - (ii) clear site boundaries marked on one, or more, maps of an appropriate scale;
 - (iii) site areas, including details of the following:
 - (I) uses;
 - (II) land use zonings;
 - (III) individual plots;
 - (iv) details on the following:
 - (I) access and egress rights;
 - (II) wayleaves;
 - (III) easements;
 - (IV) rights of way;
 - (V) any encumbrances affecting the property;
 - (v) floor plans and floor areas of any structures or buildings on the property;
 - (vi) any available condition and environmental reports concerning the property;
 - (vii) details of all tenancies, licenses, or associated occupational agreements or arrangements, concerning the property;

- (viii) details of any legal issues or disputes affecting the property;
 - (ix) planning history of the property;
 - (x) details of all mains services and transport infrastructure available to the property;
 - (xi) details of plans, and costs (where available), for any upgrades known to be required to services and infrastructure to allow for future development of the property;
 - (xii) details of any ground condition issues concerning the property, including contamination and flooding;
- (c) where available, planning or master planning reports, feasibility studies, environmental reports, sustainability reports, traffic reports, infrastructure reports, cost reports and engineering reports.

7. Not later than 15 working days after the date of the provision of the information under paragraph 6, the Land Development Agency shall arrange access to the property concerned for the valuer appointed by Tailte Éireann to carry out an inspection for the purposes of the valuation.

8. Additional information may be requested by the valuer appointed by Tailte Éireann, and where requested the information shall be provided by the Land Development Agency to the valuer and the relevant public body not later than 10 working days after the date of the request.

9. Tailte Éireann shall provide a valuation determined by an appropriately experienced and qualified valuer to the Land Development Agency and the relevant public body not later than 45 working days after the later of the following:

- (a) the date of the terms of engagement;
- (b) the date of receipt by the valuer of any additional information requested under paragraph 8.

10. Where appropriate, based on the complexity of the asset concerned or other extenuating circumstances, Tailte Éireann, with the written agreement of the Land Development Agency, may, on one occasion, extend the time mentioned in paragraph 9 by not more than 15 working days.

Part 4

Regulation 6

Matters prescribed for the purposes of section 55(5)(d) of the Principal Act.

Tailte Éireann shall pay the fees and costs in relation to a valuation from within his or her own resources.

Part 5

Regulation 7

Matters prescribed for the purposes of section 55(5)(e) of the Principal Act.

1. Where all, or part, of the land to be valued is designated for one or both of the following:

- (a) affordable housing under Part 9 of the Principal Act;
- (b) social and affordable housing under Part V of the Act of 2000;

the valuer appointed by Tailte Éireann to carry out the valuation shall value that land on an existing use value basis at the valuation date, within the meaning of section 55(3)(a) or (b) of the Principal Act, in accordance with section 96(6)(b) of the Act of 2000 as if the land concerned were designated for social and affordable housing under Part V of that Act.

2. Where any part of the land to be valued is not designated, based on information provided by the Land Development Agency, for a use mentioned

in subparagraph (a) or (b) of paragraph 1, such part of the land shall be valued on the basis of its market value.



GIVEN under my Official Seal,
8 March, 2023.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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