

22/09/2025

Re: Freedom of Information request 202510 – Request Part Granted

Dear

I refer to your request dated and received on the 26th of August 2025 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

Records of communication between the LDA and the Health Service Executive Property Division relating to the St Finan's site in Killarney, between 22/07/2024 and 27/08/2025.

The request is for records to include:

- *Internal and external correspondence.*
- *Minutes of meetings.*
- *Notes or memos in relation to discussions or telephone calls.*

I wish to inform you that I have decided to part-grant your request on the 22nd of September 2025.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decisions to deny access.

On receipt your request was forwarded to the relevant sections within the LDA to identify records held which were within the scope of your request.

The records requested are attached to this decision letter for your information.

A number of redactions have been applied to the attached records under Sections 31(1)(a) and 37(1) of the Act. These redactions are detailed in the Schedule of Records in Appendix 1.

Section 37-Personal Information

Under the FOI Act, records are released without any restriction as to how they may be used and thus, release under the FOI Act, is in effect, and regarded as being released to the world at large. As a result, I am conscious of my obligations to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily.

Additionally, the LDA as a matter of course redacts the mobile phone numbers and email addresses of employees as these are part of the body's IT security management.

Section 2 of the FOI Act defines personal information as follows:

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.

Section 37(1) provides that a public body shall refuse to grant a request if access to the records concerned would involve the disclosure of personal information. I am satisfied that parts of certain records relate to third parties employed outside of the LDA and I am satisfied that the records consist of personal information.

As section 37 requires a public interest test be carried out. I have considered the public interest issues which arise in this case 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.
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records, I have taken account of the following:

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

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 against it. If you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Land Development Agency, 4th 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:

The Land Development Agency DAC
IE61AIBK93101264101092
BIC: AIBKIE2D

You must ensure that your FOI reference number (**FOI 202510**) is included in the payment details.

You should make your appeal within 4 weeks of 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 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,
Senior Compliance Manager

Appendix 1: Schedule of Records

Requester name:				Request Re:202510	
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision
1-3	Record 1: Forwarding email sent along with briefing note regarding site visit.	Email address and phone number of LDA staff. Personal information of LDA staff.	37	Personal Information	Part Grant
4-18	Record 2: Notice of decision to acquire public land and statutory request for information.	Email address and phone number of LDA/HSE staff.	37	Personal Information	Part Grant
19	Record 3: Letter from the LDA to Mr. Corkery regarding the development of the St Finans site.	N/A	N/A	N/A	Grant
20-21	Record 4: Email regarding S53 Notice for St Finans, Killarney	Email address and phone number of LDA staff.	37	Personal Information	Part Grant
22-23	Record 5 Response to invitation to edit S53 response letter and the invitation	Email address and phone number of LDA staff.	37	Personal Information	Part Grant
24-34	Record 6: Notice of decision to acquire public land and statutory request for information under the land development act 2021.	Email address and phone number of LDA/HSE staff.	37	Personal Information	Part Grant
35	Record 7: Email sent to public affairs by the planning department	Email address and phone number of LDA staff.	37	Personal Information	Part Grant
36-45	Record 8: Schedule: Information required under the LDA act	N/A	N/A	N/A	Grant
46-48	Record 9: Emails sent to the HSE regarding KY0016- St Finian's Hospital	Email address and phone number of LDA/HSE staff.	37	Personal Information	Part Grant
		Total number of pages			48
		Total number of pages for full release			36
		Total number of pages for partial release			12
		Total number of pages being withheld			0

Aoife Burgess

From: Sarah Crowley
Sent: Monday 19 August 2024 10:27
To: Cillian Lehmann; Alan Kelly
Subject: FW: St Finan's
Attachments: St. Finan's Killarney Briefing Note .pdf; Notes on St Finans from 03rd July 2024 Visit.docx

Hi both,

Dearbhla asked me for a briefing note of the 3 July site visit while ye were out of the office last week. Briefing note along with Killian's site notes attached for record.

Many thanks,
Sarah



Sarah Crowley
Planning Project Manager
M: + [REDACTED] | [REDACTED]

The Land Development Agency
4th Floor, Ashford House, Tara Street, Dublin,
D02 VX67
T: +353.1.9103400 | www.lda.ie



Stiúrthóirí / Directors: Mr C O'Rourke (Cathaoirleach / Chairperson), J Coleman (Chief Executive / Príomhfheidhmeannach), A Markey, G Smith, J O'Connor, B Keogh, S Neely.

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An Ghníomhaireacht Forbartha Talún, cuideachta ghníomhaíochta ainmnithe, faoi theorainn scaireanna, cláraithe in Éirinn ag Teach Ashford, Sráid na Teamhrach, Baile Átha Cliath D02 VX67. Uimhir 710453

From: Sarah Crowley
Sent: Tuesday, August 13, 2024 12:32 PM
To: Dearbhla Lawson
Subject: RE: St Finan's

Hi Dearbhla,

I have drafted up a briefing note with details of the site visit in July for your reference- please see attached. I am also attaching a note from Killian too which provides some of the site history and site photos.

I provided [REDACTED] with my contact details after our site visit and asked him to cc me in on HSE correspondence relating to the correspondence that was being provided under the further information

request, but I didn't get a copy in the end. I understand Siobhán may have a copy of that HSE correspondence that was sent to Cillian Lehmann on 4 July and will be forwarding it to you for info.

I am away this afternoon [REDACTED] will be back tomorrow should you need anything else or need to discuss material in more detail.

Kind regards,
Sarah



Sarah Crowley
Planning Project Manager

M: +[REDACTED] | [REDACTED]

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From: Dearbhla Lawson <[REDACTED]>
Sent: Tuesday, August 13, 2024 9:11 AM
To: Sarah Crowley <[REDACTED]>
Subject: St Finan's

Sarah

Please send me on a briefing note following your site visit and what was discussed and any follow up that you have had, this morning. Regards



Dearbhla Lawson
Head of Strategic Planning
M: +[REDACTED] | [REDACTED]

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NOTICE OF DECISION TO ACQUIRE RELEVANT PUBLIC LAND
and
STATUTORY REQUEST FOR INFORMATION
UNDER THE LAND DEVELOPMENT AGENCY ACT 2021

Subject to Contract/ Contract Denied

Date of Notice: 1 October 2024

FAO

Kevin O'Connor
Health Service Executive
CHO4 Property Manager, Estates South,
Capital & Estates Office HSE South,
Block 2, St. Finbarr's Hospital,
Douglas Road,
Cork T12 XH60

LDA Reference:
St. Finan's hospital
site

By email only: @hse.ie

Land: St. Finan's hospital site in Ballydribeen, Killarney, Co. Kerry (the "Land")

Dear Kevin

We refer to previous correspondence in respect of the Land. Thank you for your co-operation and assistance to date. We formally acknowledge your section 53 notification that the HSE intends to dispose of the Land.

Notice of Decision to Acquire Relevant Public Land

In preparing a LDA report to the Government (required under section 52 Land Development Agency Act 2021 (the “**LDA Act**”)) on relevant public land, including the Land, the LDA has had regard to the matters referred to in paragraphs (a) to (e) of section 52 (3) of the Land Development Agency Act 2021 (the “**LDA Act**”) and has identified a portion of the Land as having potential for housing development.

We hereby give notice to you of the Land Development Agency’s (the “**LDA**”) interest, subject to due diligence, in acquiring and developing a portion of the Land comprising approximately 6.6 hectares as outlined in red on Plan 1 **attached** at Appendix A.

The LDA has decided not to acquire the portion of the Land, containing St Finan’s Hospital Building and related structures, as outlined in blue on Plan 2 attached at Appendix B, as this portion of the Land is not deemed suitable for the furtherance of the LDA’s objectives under the LDA Act.

This is a notice for the purposes of section 53(4) of the Land Development Agency Act 2021 (the “**LDA Act**”).

The LDA is interested in further discussions and engagement with the HSE regarding the feasibility of development proposals to inform a plan led approach. To move forward with this process, a statutory request for information is set out below.

Statutory Request for Information

This is a statutory request for information made pursuant to the LDA Act. The information that you provide in response to this letter shall be used to inform the valuation (in accordance with the LDA Act and the Land Development Agency Act 2021 (Valuation of Relevant Public Land) Regulations 2023 (the “**Regulations**”) and to progress the acquisition process.

Please provide the following information:

- Part 1 - relevant information required under the LDA Act.
- Part 2 - details of the HSE nominated contact person(s) for the purposes of the valuation process and arranging access to the Land, required by the Regulations.
- Part 3 - property information required by the Regulations for the valuation process.
- Part 4 - general property information.



An Ghníomhaireacht Forbartha Talún
The Land Development Agency

Next Steps

Please acknowledge receipt by email to [REDACTED]@lda.ie and [REDACTED]@lda.ie with the suite of requested information to follow. We look forward to hearing from you.

Please note that this is not to be taken as a note or memorandum for the purposes of section 51 of the Land and Conveyancing Law Reform Act 2009.

Yours sincerely

Dearbhla Lawson

The Land Development Agency

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Stiúrthóir / Directors: Mr C O'Rourke (Cathaoirleach / Chairperson), J Coleman (Chief Executive / Príomhfhéidehmeannach), A Markey, G Smith, J O'Connor, B Keogh, S Neely.

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info@lda.ie +353 (0) 1910 3400 www.la.ie Media Queries: media@lda.ie Freedom of Information: foi@lda.ie Protected Disclosure: protected.disclosures@lda.ie

SCHEDULE

Part 1 - Information required under the LDA Act

1.	Disposing Relevant Public Body (please specify the landowning entity)	
2.	Description of Land (with reference to the relevant Land Registry Folio(s), in whole or in part)	
3.	Plan of the Land (please provide a colour Land Registry-compliant plan, or Folio Filed Plan(s))	
4.	Please confirm consent to, and the email address for, receipt of statutory notices under the LDA Act by electronic means.	
5.	Please confirm the date upon which vacant possession would be available to LDA. If applicable, what arrangements, are being put in place in order to deliver vacant possession to LDA.	

SCHEDULE (continued)

Part 2 - Nominated Contact Person(s)

for the purposes of the valuation process and arranging access to the Land

Health Service Executive	
Primary Contact	
Name:	
Address:	
Telephone:	
Email:	
Ref: (if any)	

Health Service Executive	
Secondary Contact, if any	
Name:	
Address:	
Telephone:	
Email:	
Ref: (if any)	

SCHEDULE (continued)

Part 3 - Property information required by the Regulation 5(6)(b)

Detailed information on the property concerned to include, where applicable, the following:	Enclosed – Yes/No/Not Applicable
(i). title information, include full copy title and replies to requisitions	
(ii). clear site boundaries marked on one, or more, maps of an appropriate scale, include declaration of identity where appropriate;	
(iii) site areas, including details of the following:	
1. uses;	
2. land use zonings;	
3. individual plots;	
(iv) details on the following:	
1. access and egress rights;	
2. wayleaves;	
3. easements;	
4. rights of way;	
5. any encumbrances affecting the property;	
(v) floor plans and floor areas of any structures or buildings on the property; (former power station if available)	
(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) any recent planning history of the property	
(x) details of all mains services connected;	

(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.	

SCHEDULE (continued)

Part 4 - Property information required by the LDA

Detailed information on the property concerned to include, where applicable, the following:	Enclosed – Yes/No/Not Applicable
Legal Considerations	
I. Boundaries	
II. Party-wall agreements	
III. Roads/Transport agreements	
IV. Local authority agreements	
V. Any corporate or commercial agreements relating to the site.	
VI. District Heating supply agreements if applicable	
VII. Business assets/intellectual property relating to the site	
VIII. Details of any litigation or potential litigation not lodged or disputes	
IX. Confirmation that all bond liabilities are discharged and that there is no recourse for successors in title in relation to defects rectification for areas to be taken in charge	
Management information (As applicable)	
I. Managing agents' contact details if applicable otherwise contact details for internal Management team and roles.	
II. Key site operation staff and organisational chart.	
III. List of all contractors internal/external currently involved in the site.	
IV. Copies of any leases/licences/side letters	
V. Commercial Tenancy schedule detailing lease breaks/expiries/WAULT	
VI. Details of any discussions held regarding surrenders/vacant possessions/lease renewals	

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VII.	Copies of most recent rent and service charge demands where applicable	
VIII.	Arrears schedule and confirmation of status of all arrears where applicable	
IX.	Current year's property and estate management budget	
X.	Current year's apportionment (showing percentage and areas)	
XI.	Last 3 years' service charge accounts	
XII.	'Reserve Fund' statement – and confirmation if it is allocated	
XIII.	Operational Expenditure to date of handover	
XIV.	Service charge collected to date	
XV.	Details of major service charge expenditure in the last 3 years and any anticipated expenditure	
XVI.	Insurance certificates	
XVII.	Copies of Insurance policy in place for 3 years prior to handover.	
XVIII.	Last insurance reinstatement valuation	
XIX.	Insurance claims history and details of any outstanding claims	
XX.	Details of any disputes	
XXI.	Ongoing management transactions	
XXII.	Schedule of maintenance/service contracts (including notice periods)	
XXIII.	Details of employees where TUPE applies	
XXIV.	Reliance on surveys carried out or Collateral Warranties in favour of the Land Development Agency	
XXV.	Traffic Management Plan	
XXVI.	Agreements with Car club operators or Bike Sharing Schemes	
	Utilities	
I.	Supply contracts including electricity, water, gas, broadband and	

	any other utility	
II.	Tariff arrangements and name of account managers.	
III.	Meter locations and keyholder for same	
IV.	Carbon Reduction Commitment or Energy Efficiency Plan	
V.	Any agreements in place with EV charging point Operators	
	Tax/financial	
I.	Any capital allowance claims, grant assistance or other state subventions relating to the site.	
II.	Details of allowances claimed or monies awarded and implications for title or obligations imposed.	
III.	VAT registration details if applicable.	
IV.	Any security/lien's and arrangements for discharge	
V.	Any LPT obligations?	
VI.	Any Residential Zoned Tax or Derelict Property charges outstanding/due?	
VII.	Rating OR LPT Land assessments as applicable	
VIII.	Any correspondence/appeals	
	Ongoing or Planned Works/Construction/Refurbishment	
I.	Building contract and all appendices/specifications	
II.	Consultant details and professional appointments	
III.	Warranties/guarantees/bonds	
IV.	Status of contractor/consultants	
V.	Details of consultants' professional indemnity insurance	
VI.	Practical completion/making good defects certificates	
VII.	Health and safety file (hard copy and electronic format)	

VIII. Operation and maintenance manuals	
IX. Snagging outstanding	
X. Payments (retention) outstanding	
Planning/statutory agreements/infrastructure	
Any assessment of:	
I. Effect of LAP (Proposed or Existing)	
II. Zoning (Proposed or Existing)	
Copies of:	
I. Planning applications	
II. Planning permissions	
III. Satisfaction of planning conditions	
IV. Confirmation of established use and certificate where relevant	
V. Maintenance/curation agreements of any Public Art installed	
VI. Any relevant Building control approvals	
Physical condition/environmental (As Applicable)	
Copies of any:	
I. Asbestos survey/assessment	
II. Measured/structural/mechanical and electrical surveys of buildings	
III. Environmental report on full site including invasive species assessment and identification of any protected animals	
IV. Environmental licences/notices on file.	
V. Energy Performance Certificate	

Site Investigations (As Applicable/where available)	
Copies of information supporting or finished documents comprising:	
I. Site Surveys	
II. Topographical Survey with spot levels	
III. Adjacent property survey	
IV. Structural survey	
V. Geotechnical investigation	
VI. Drainage and utilities survey	
VII. Contamination survey	
VIII. Traffic survey	
IX. Adjacent property survey	
X. Rights to Light	
XI. Archaeological survey	
XII. Invasive species e.g Japanese Knotweed	
XIII. Rodent Management Plan	
XIV. Roosting Mammals survey obligations	
XV. Arboricultural surveys	
Sustainability issues	
Copies of information supporting or finished documents comprising reports on or relating to:	
I. Effects of site or any proposed development on local environment	
II. Environmental impact assessment	
III. Flood risk	
IV. Carbon dioxide emissions	



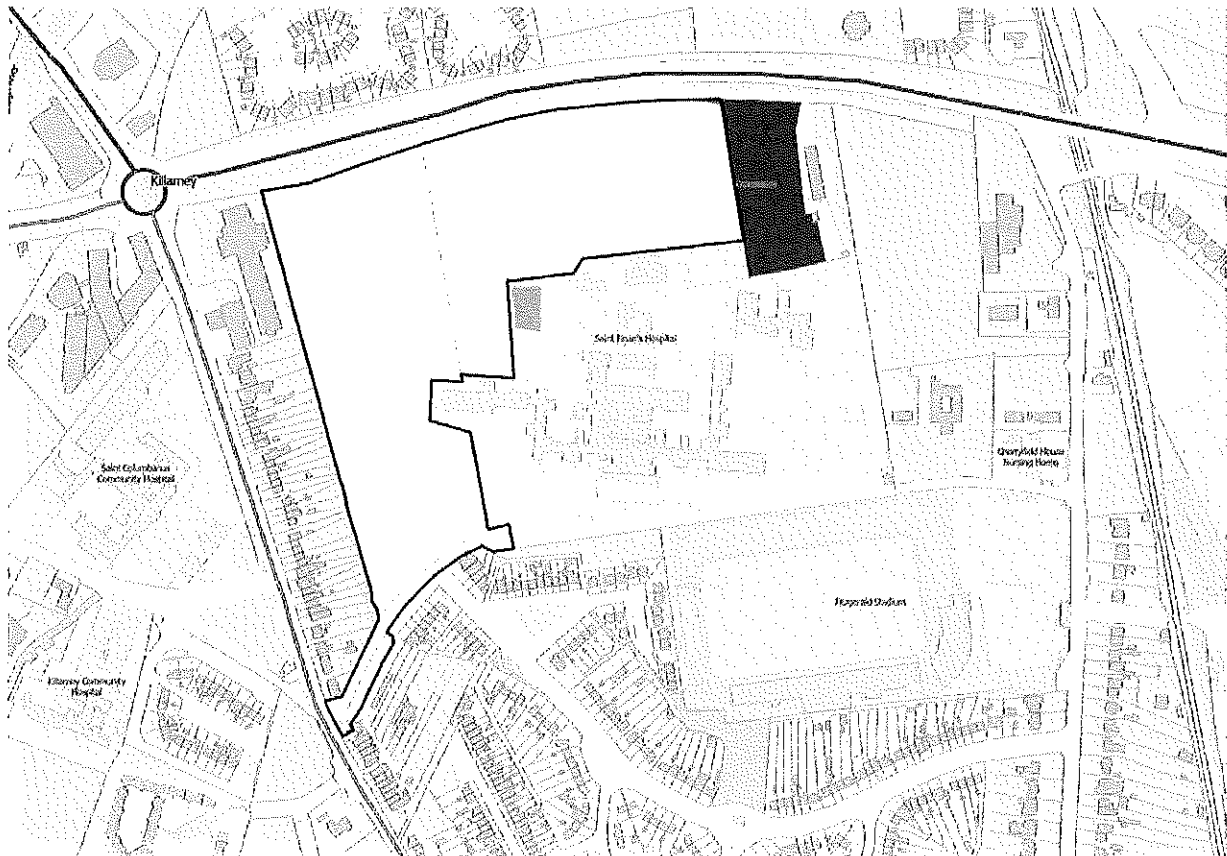
An Ghníomha
The Land Dev

V.	Waste Management	
VI.	Pollution	
VII.	Ecology and biodiversity	
VIII.	Health and well-being	
IX.	Social issues.	

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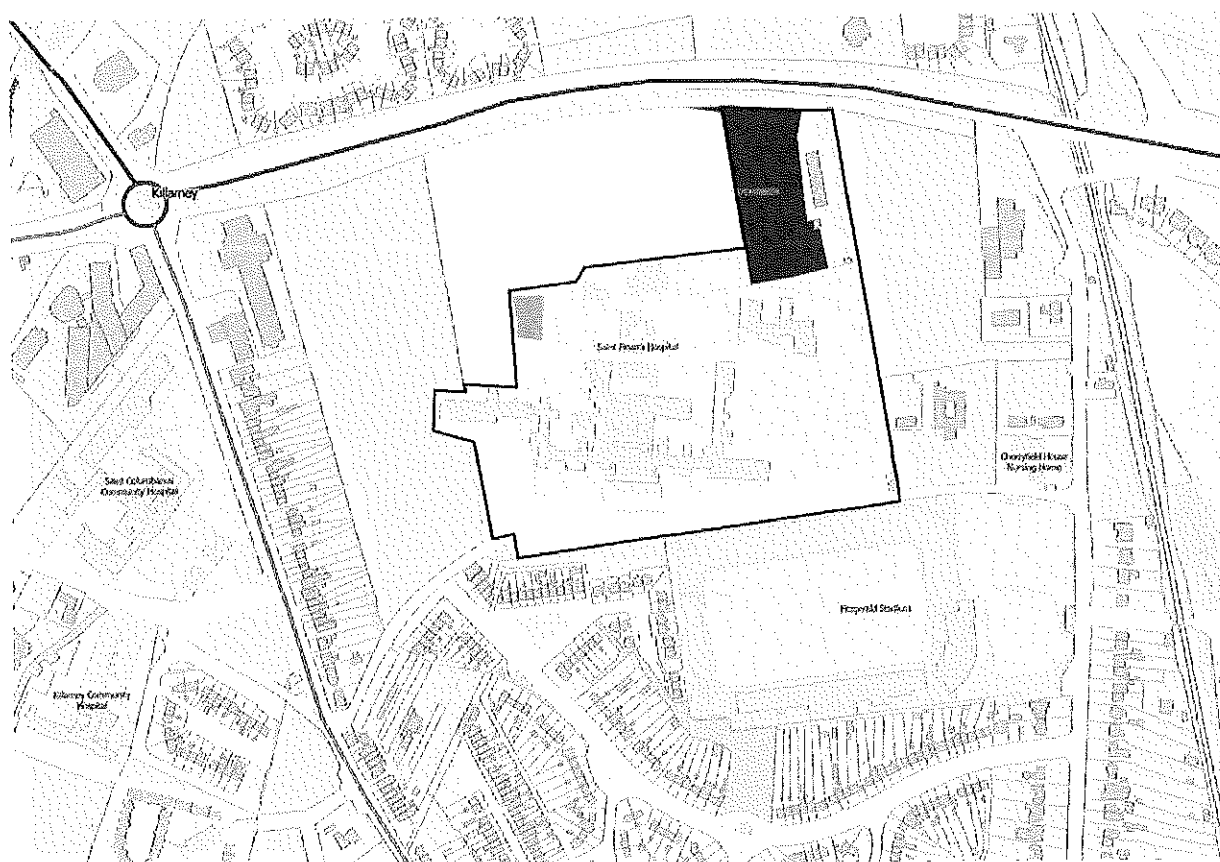
APPENDIX A

Plan 1: Portion of the Land comprising approximately 6.6 hectares as outlined in red



APPENDIX B

Plan 2: Portion of the Land, containing St Finan's Hospital Building and related structures, as outlined in blue



Dear Mr. Corkery,

Many thanks for your correspondence to our Chief Executive dated 04 October 2024 (PC/CF/Sept24/18a NoM 31) and myself on 24 September 2024 (Ref 9 Item 6b Sept 24 KLY) regarding the St. Finian's hospital site in Killarney.

As Council members will be aware, the Land Development Agency has been engaging with the HSE and undertaking an assessment to establish the potential of the site for the development of affordable and social housing.

During the course of this process, the LDA met with officials from Kerry County Council at the St. Finian's site, and has engaged extensively with the HSE as part of the Section 53 'Notice of Disposals' process.

Under the terms of the Land Development Agency Act 2021, and, having regard to the matters referred to in *paragraphs (a) to (e) of section 52 (3)*, the assessment has concluded that while the existing St Finan's hospital building itself is not deemed suitable, a portion of the lands in the vicinity of the hospital, is of interest to the LDA for the development and delivery of affordable homes subject to due diligence and approvals.

The hospital building is a protected structure, which has been vacant for quite some time and requires considerable running repairs to retain its structural integrity. Given the design and constraints, it is not deemed suitable for provision of affordable residential development.

As the State's affordable housing delivery body, the LDA's focus is on affordable housing development in line with our remit under the Land Development Agency Act. The LDA is however keen to support partners in exploring other potential uses for the hospital building to facilitate the development of the overall site, in line with the County Development Plan.

The LDA is happy to engage with Kerry County Council, the HSE and other relevant stakeholders to discuss a potential path forward and assist in identifying a strategic plan-led approach.

Kind regards,

Chris Lowe

From: Dearbhla Lawson
Sent: Thursday 10 October 2024 16:20
To: Alan Kelly
Subject: FW: S53 notice for St. Finans, Killarney
Attachments: St Finans S.53 Notice and Statutory Request to RPB for Information..docx



An Ghníomhaireacht Forbartha Talún
The Land Development Agency



Dearbhla Lawson
Head of Strategic Planning
M: +[REDACTED] | [REDACTED]@lda.ie

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From: Sarah-Jane Caldwell <[REDACTED]>
Sent: Tuesday 1 October 2024 11:17
To: Dearbhla Lawson <[REDACTED]>
Cc: Cillian Lehmann <[REDACTED]>; LDA - Legal <[REDACTED]>
Subject: S53 notice for St. Finans, Killarney

Hi Dearbhla

I am advised that EMT recently approved the recommendation to acquire half of the site at St. Finans Killarney.

I have prepared the attached letter notifying the HSE of LDA's interest in acquiring a portion of the Land and requesting information.

You might please review and if you are happy to issue, please sign and return to me and I can send it out.

Thanks.
Sarah-Jane



An Ghníomhaireacht Forbartha Talún
The Land Development Agency



Sarah-Jane Caldwell
Solicitor
M: +[REDACTED] | [REDACTED]

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Aoife Burgess

From: Lisa-Dee Collery
Sent: Thursday 17 October 2024 11:47
To: Dearbhla Lawson; Alan Kelly; Cillian Lehmann; Sarah-Jane Caldwell
Subject: RE: Dearbhla Lawson shared "St Finans S.53 Notice and Statutory Request to RPB for Information_ Draft Rev1" with you
Attachments: 241017 DRAFT Response St. Finians.docx; 241004 St. Finians JC.pdf; 240924 St. Finians LDC.pdf

Hi All,

This is a great basis for a response to the two queries we have from Kerry County Council. I've attached a suggested reply to the KCC reps, which I can send once the S53 response issues. Happy to incorporate any changes to this as well.

Kind regards,
Lisa-Dee



An Ghnóimhaireacht Forbartha Talún
The Land Development Agency

**Lisa-Dee Collery**

Public Affairs Lead

M: +[REDACTED]

The Land Development Agency

4th Floor, Ashford House, Tara Street, Dublin, D02 VX67

T: +353.1.9103400 | www.lda.ie

Stiúrthóirí / Directors: Mr C O'Rourke (Cathaoiríeach / Chairperson), J Coleman (Chief Executive / Príomhfheidhmeannach), A Markey, G Smith, J O'Connor, B Keogh, S Neely.
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From: Dearbhla Lawson <[REDACTED]>

Sent: Wednesday 16 October 2024 17:57

To: Alan Kelly <[REDACTED]>; Cillian Lehmann <[REDACTED]>; Lisa-Dee Collery <[REDACTED]>; Sarah-Jane Caldwell <[REDACTED]>

Subject: Dearbhla Lawson shared "St Finans S.53 Notice and Statutory Request to RPB for Information_ Draft Rev1" with you



Dearbhla Lawson invited you to edit a file

Dear all

I've made a few changes to the Draft S53 response letter that Sarah-Jane drafted for HSE. See what you think in terms of context and approach. Do review and make suggested amends and we might have a catch up Friday to finalise?



St Finans S.53 Notice and Statutory Request to RPB for Information Draft Rev1



This invite will only work for you and people with existing access.

Open

Share



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**NOTICE OF DECISION TO ACQUIRE RELEVANT PUBLIC LAND
and
STATUTORY REQUEST FOR INFORMATION
UNDER THE LAND DEVELOPMENT AGENCY ACT 2021
Subject to Contract/ Contract Denied**

Date of Notice: 18th October
2024

FAO

Kevin O'Connor
Health Service Executive
CHO4 Property Manager, Estates South,
Capital & Estates Office HSE South,
Block 2, St. Finbarr's Hospital,
Douglas Road,
Cork T12 XH60

LDA Reference:
**St. Finan's hospital
site**

By email only: [REDACTED]@hse.ie

Land: St. Finan's hospital site in Ballydribeen, Killarney, Co. Kerry (the "Land")

Dear Kevin

We refer to previous correspondence dated 23 January 2024 in respect of the Section 53 notification that the HSE issued to the LDA outlining its intention to dispose of the relevant public Land: **St. Finan's hospital site in Ballydribeen, Killarney, Co. Kerry (the "Land")** and that the HSE shall provide to the Agency any information sought by it in relation to the land concerned.

The Agency has been undertaking an assessment as to 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)*, and on that basis shall decide to acquire or refuse to acquire that land.

The LDA has been assessing the site's potential for future development for affordable and social housing. This has involved seeking further information from the HSE as part of our due diligence process and a site visit and meeting was held with yourselves during July to support the assessment.

This assessment has concluded that while the existing St Finan's hospital building itself is not deemed suitable for the purpose of the LDA Act, that a portion of the lands in the vicinity of the Hospital, is of interest to the LDA for acquisition for the purposes of the LDA Act, as set out below.

The Hospital Building itself, as a protected structure which has been vacant for some time and in need of running repairs to retain its structural integrity, does not lend itself for conversion to provide for affordable residential development. It is further noted that the HSE is at an advanced stage of progressing plans for a new Community Nursing Unit through Public Private Partnership on the north-eastern section of land at St Finan's Hospital.

As the State's affordable housing delivery body, this is the main area of focus for the LDA in line with the Land Development Agency Act. We note that there may be other uses that could be explored for the building itself, while the overall site has potential for development in line with the objectives of the adopted Development Plan.

The LDA would be interested in further discussions with the HSE and Kerry County Council regarding the potential feasibility for the site to inform a plan led approach, that considers the hospital buildings which may have potential for other community/ leisure or cultural uses. To move forward with this process, a statutory request for information is set out below.

Notice of Decision to Acquire Relevant Public Land

We hereby give notice to you of the Land Development Agency's (the "**LDA**") interest, subject to due diligence, in acquiring and developing a portion of the Land comprising approximately 6.6 hectares as outlined in red on Plan 1 **attached** at Appendix A.

The LDA has decided not to acquire the portion of the Land, containing St Finan's Hospital Building and related structures itself, as outlined in blue on Plan 2 attached at Appendix B, as this portion of the Land is not deemed suitable for the furtherance of the LDA's objectives under the LDA Act.

This is a notice for the purposes of section 53(4) of the Land Development Agency Act 2021 (the "**LDA Act**").

Statutory Request for Information

This is a statutory request for information made pursuant to the LDA Act. The information that you provide in response to this letter shall be used to inform the valuation (in accordance with the LDA Act and the Land Development Agency Act 2021 (Valuation of Relevant Public Land) Regulations 2023 (the "**Regulations**") and to progress the acquisition process.

Please provide the following information:

- Part 1 - relevant information required under the LDA Act.
- Part 2 - details of the HSE nominated contact person(s) for the purposes of the valuation process and arranging access to the Land, required by the Regulations.
- Part 3 - property information required by the Regulations for the valuation process.
- Part 4 - general property information.



An Ghníomhaireacht Forbartha Talún
The Land Development Agency

Next Steps

Please acknowledge receipt by email to [REDACTED]@lda.ie and [REDACTED]@lda.ie with the suite of requested information to follow. We look forward to hearing from you and to arranging a follow up meeting to discuss.

Please note that this is not to be taken as a note or memorandum for the purposes of section 51 of the Land and Conveyancing Law Reform Act 2009.

Yours sincerely

Dearbhla Lawson
The Land Development Agency

SCHEDULE

Part 1 - Information required under the LDA Act

1.	Disposing Relevant Public Body (please specify the landowning entity)	
2.	Description of Land (with reference to the relevant Land Registry Folio(s), in whole or in part)	
3.	Plan of the Land (please provide a colour Land Registry-compliant plan, or Folio Filed Plan(s))	
4.	Please confirm consent to, and the email address for, receipt of statutory notices under the LDA Act by electronic means.	
5.	Please confirm the date upon which vacant possession would be available to LDA. If applicable, what arrangements, are being put in place in order to deliver vacant possession to LDA.	

SCHEDULE (continued)
Part 2 - Nominated Contact Person(s)

for the purposes of the valuation process and arranging access to the Land

Health Service Executive Primary Contact	
Name:	
Address:	
Telephone:	
Email:	
Ref: (if any)	

Health Service Executive Secondary Contact, if any	
Name:	
Address:	
Telephone:	
Email:	
Ref: (if any)	

SCHEDULE (continued)
Part 3 - Property information required by the Regulation 5(6)(b)

Detailed information on the property concerned to include, where applicable, the following:	Enclosed – Yes/No/Not Applicable
i.title information, include full copy title and replies to requisitions	
ii.clear site boundaries marked on one, or more, maps of an appropriate scale, include declaration of identity where appropriate;	
iii.site areas, including details of the following:	
1. uses;	
2. land use zonings;	
3. individual plots;	
iv.details on the following:	
1. access and egress rights;	
2. wayleaves;	
3. easements;	
4. rights of way;	
5. any encumbrances affecting the property;	

v. floor plans and floor areas of any structures or buildings on the property; (former power station if available)	
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. any recent planning history of the property	
x. details of all mains services connected;	
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.	

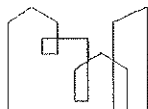
SCHEDULE (continued)
Part 4 - Property information required by the LDA

Detailed information on the property concerned to include, where applicable, the following:	Enclosed – Yes/No/Not Applicable
Legal Considerations	
I. Boundaries	
II. Party-wall agreements	
III. Roads/Transport agreements	
IV. Local authority agreements	
V. Any corporate or commercial agreements relating to the site.	
VI. District Heating supply agreements if applicable	
VII. Business assets/intellectual property relating to the site	
VIII. Details of any litigation or potential litigation not lodged or disputes	
IX. Confirmation that all bond liabilities are discharged and that there is no recourse for successors in title in relation to defects rectification for areas to be taken in charge	
Management information (As applicable)	
I. Managing agents' contact details if applicable otherwise contact details for internal Management team and roles.	
II. Key site operation staff and organisational chart.	
III. List of all contractors internal/external currently involved in the site.	

The Land Development Agency | Unlocking State Lands, Opening Doors to Affordable Housing

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IV. Copies of any leases/licences/side letters	
V. Commercial Tenancy schedule detailing lease breaks/expiries/WAULT	
VI. Details of any discussions held regarding surrenders/vacant possessions/lease renewals	
VII. Copies of most recent rent and service charge demands where applicable	
VIII. Arrears schedule and confirmation of status of all arrears where applicable	
IX. Current year's property and estate management budget	
X. Current year's apportionment (showing percentage and areas)	
XI. Last 3 years' service charge accounts	
XII. 'Reserve Fund' statement – and confirmation if it is allocated	
XIII. Operational Expenditure to date of handover	
XIV. Service charge collected to date	
XV. Details of major service charge expenditure in the last 3 years and any anticipated expenditure	
XVI. Insurance certificates	
XVII. Copies of Insurance policy in place for 3 years prior to handover.	
XVIII. Last insurance reinstatement valuation	
XIX. Insurance claims history and details of any outstanding claims	
XX. Details of any disputes	
XXI. Ongoing management transactions	
XXII. Schedule of maintenance/service contracts (including notice periods)	
XXIII. Details of employees where TUPE applies	
XXIV. Reliance on surveys carried out or Collateral Warranties in favour of the Land Development Agency	
XXV. Traffic Management Plan	
XXVI. Agreements with Car club operators or Bike Sharing Schemes	
Utilities	
I. Supply contracts including electricity, water, gas, broadband and any other utility	
II. Tariff arrangements and name of account managers.	
III. Meter locations and keyholder for same	
IV. Carbon Reduction Commitment or Energy Efficiency Plan	
V. Any agreements in place with EV charging point Operators	

Tax/financial	
I.Any capital allowance claims, grant assistance or other state subventions relating to the site.	
II.Details of allowances claimed or monies awarded and implications for title or obligations imposed.	
III.VAT registration details if applicable.	
IV.Any security/lien's and arrangements for discharge	
V.Any LPT obligations?	
VI.Any Residential Zoned Tax or Derelict Property charges outstanding/due?	
VII.Rating OR LPT Land assessments as applicable	
VIII.Any correspondence/appeals	
Ongoing or Planned Works/Construction/Refurbishment	
I.Building contract and all appendices/specifications	
II.Consultant details and professional appointments	
III.Warranties/guarantees/bonds	
IV.Status of contractor/consultants	
V.Details of consultants' professional indemnity insurance	
VI.Practical completion/making good defects certificates	
VII.Health and safety file (hard copy and electronic format)	
VIII.Operation and maintenance manuals	
IX.Snagging outstanding	
X.Payments (retention) outstanding	
Planning/statutory agreements/infrastructure	
Any assessment of:	
I.Effect of LAP (Proposed or Existing)	
II.Zoning (Proposed or Existing)	
Copies of:	
I.Planning applications	
II.Planning permissions	
III.Satisfaction of planning conditions	
IV.Confirmation of established use and certificate where relevant	
V.Maintenance/curation agreements of any Public Art installed	
VI.Any relevant Building control approvals	
Physical condition/environmental (As Applicable)	

Copies of any:	
I.Asbestos survey/assessment	
II.Measured/structural/mechanical and electrical surveys of buildings	
III.Environmental report on full site including invasive species assessment and identification of any protected animals	
IV.Environmental licences/notices on file.	
V.Energy Performance Certificate	
Site Investigations (As Applicable/where available)	
Copies of information supporting or finished documents comprising:	
I.Site Surveys	
II.Topographical Survey with spot levels	
III.Adjacent property survey	
IV.Structural survey	
V.Geotechnical investigation	
VI.Drainage and utilities survey	
VII.Contamination survey	
VIII.Traffic survey	
IX.Adjacent property survey	
X.Rights to Light	
XI.Archaeological survey	
XII.Invasive species e.g Japanese Knotweed	
XIII.Rodent Management Plan	
XIV.Roosting Mammals survey obligations	
XV.Arboricultural surveys	
Sustainability issues	
Copies of information supporting or finished documents comprising reports on or relating to:	
I.Effects of site or any proposed development on local environment	
II.Environmental impact assessment	
III.Flood risk	
IV.Carbon dioxide emissions	
V.Waste Management	
VI.Pollution	
VII.Ecology and biodiversity	
VIII.Health and well-being	
IX.Social issues.	

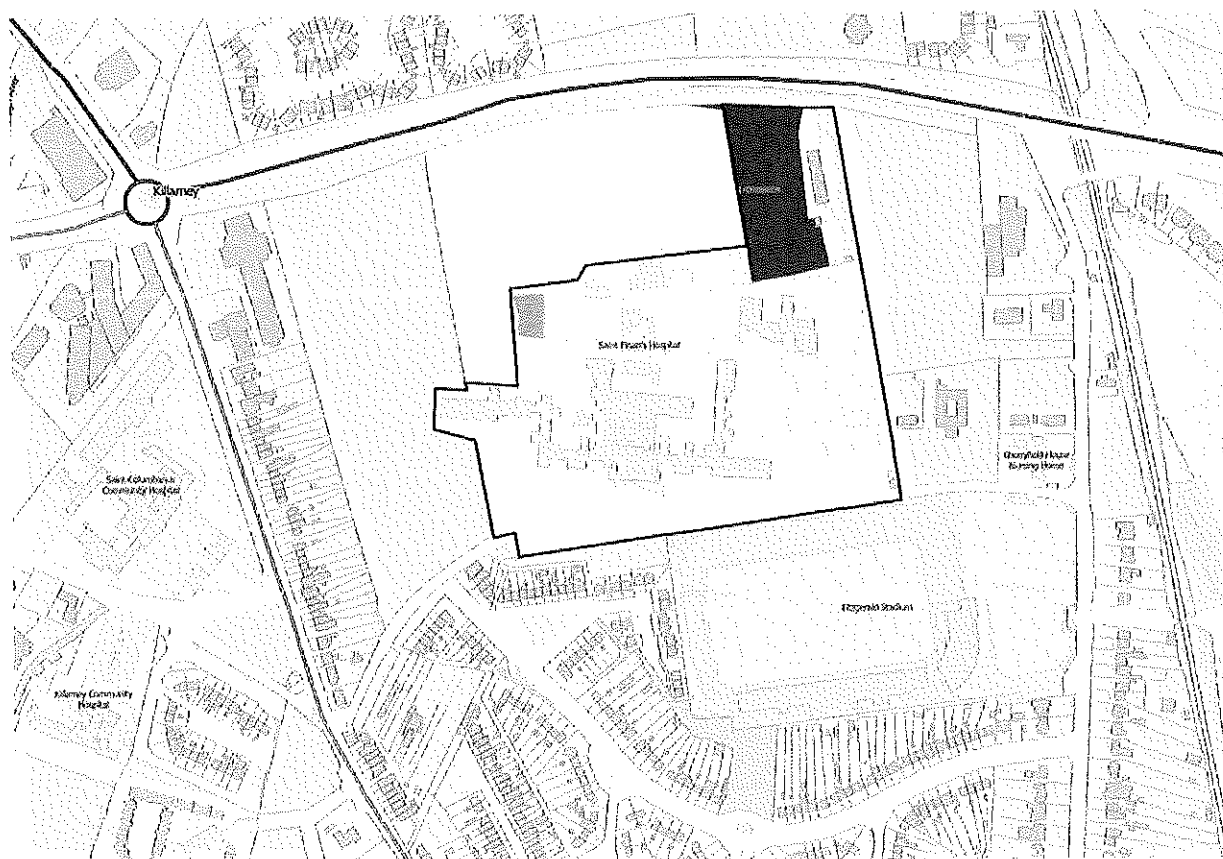
APPENDIX A

Plan 1: Portion of the Land comprising approximately 6.6 hectares as outlined in red



APPENDIX B

Plan 2: Portion of the Land, containing St Finan's Hospital Building and related structures, as outlined in blue



Aoife Burgess

From: Dearbhla Lawson
Sent: Thursday 9 January 2025 10:43
To: Lisa-Dee Collery
Cc: Alan Kelly
Subject: FW: St. Finan's hospital site in Ballydribeen, Killarney, Co. Kerry
Attachments: St Finans S.53 Notice and Statutory Request to RPB for Information.pdf; St Finans S53 Word Schedule Request to RPB for Information.docx

Lisa- Dee

Please see attached letter issued to HSE, for your info, not for sending on as this is with HSE for their attention and we are awaiting response on this, unless Alan or Cillian heard different.

I had reached out to Kerry Co Co in October to ask for a meeting but no response to that. However I see that KCC has a new CE, Feargal Reidy formerly Cork City so we can suggest a follow up.

Kind regards



Dearbhla Lawson
Director of Planning Services
M: +[REDACTED] | [REDACTED]

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SCHEDULE

Part 1 - Information required under the LDA Act

1.	Disposing Relevant Public Body (please specify the landowning entity)	
2.	Description of Land (with reference to the relevant Land Registry Folio(s), in whole or in part)	
3.	Plan of the Land (please provide a colour Land Registry-compliant plan, or Folio Filed Plan(s))	
4.	Please confirm consent to, and the email address for, receipt of statutory notices under the LDA Act by electronic means.	
5.	Please confirm the date upon which vacant possession would be available to LDA. If applicable, what arrangements, are being put in place in order to deliver vacant possession to LDA.	

SCHEDULE (continued)

Part 2 - Nominated Contact Person(s) for the purposes of the valuation process and arranging access to the Land

Health Service Executive Primary Contact	
Name:	
Address:	
Telephone:	
Email:	
Ref: (if any)	

Health Service Executive Secondary Contact, if any	
Name:	
Address:	
Telephone:	
Email:	
Ref: (if any)	

SCHEDULE (continued)

Part 3 - Property information required by the Regulation 5(6)(b)

Detailed information on the property concerned to include, where applicable, the following:	Enclosed – Yes/No/Not Applicable
(i). title information, include full copy title and replies to requisitions	
(ii). clear site boundaries marked on one, or more, maps of an appropriate scale, include declaration of identity where appropriate;	
(iii) site areas, including details of the following:	
1. uses;	
2. land use zonings;	
3. individual plots;	
(iv) details on the following:	
1. access and egress rights;	
2. wayleaves;	
3. easements;	
4. rights of way;	
5. any encumbrances affecting the property;	
(v) floor plans and floor areas of any structures or buildings on the property; (former power station if available)	
(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) any recent planning history of the property	
(x) details of all mains services connected;	

(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.	

SCHEDULE (continued)

Part 4 - Property information required by the LDA

Detailed information on the property concerned to include, where applicable, the following:	Enclosed – Yes/No/Not Applicable
Legal Considerations	
I. Boundaries	
II. Party-wall agreements	
III. Roads/Transport agreements	
IV. Local authority agreements	
V. Any corporate or commercial agreements relating to the site.	
VI. District Heating supply agreements if applicable	
VII. Business assets/intellectual property relating to the site	
VIII. Details of any litigation or potential litigation not lodged or disputes	
IX. Confirmation that all bond liabilities are discharged and that there is no recourse for successors in title in relation to defects rectification for areas to be taken in charge	
Management information (As applicable)	
I. Managing agents' contact details if applicable otherwise contact details for internal Management team and roles.	
II. Key site operation staff and organisational chart.	
III. List of all contractors internal/external currently involved in the site.	
IV. Copies of any leases/licences/side letters	
V. Commercial Tenancy schedule detailing lease breaks/expiries/WAULT	
VI. Details of any discussions held regarding surrenders/vacant possessions/lease renewals	

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VII.	Copies of most recent rent and service charge demands where applicable	
VIII.	Arrears schedule and confirmation of status of all arrears where applicable	
IX.	Current year's property and estate management budget	
X.	Current year's apportionment (showing percentage and areas)	
XI.	Last 3 years' service charge accounts	
XII.	'Reserve Fund' statement – and confirmation if it is allocated	
XIII.	Operational Expenditure to date of handover	
XIV.	Service charge collected to date	
XV.	Details of major service charge expenditure in the last 3 years and any anticipated expenditure	
XVI.	Insurance certificates	
XVII.	Copies of Insurance policy in place for 3 years prior to handover.	
XVIII.	Last insurance reinstatement valuation	
XIX.	Insurance claims history and details of any outstanding claims	
XX.	Details of any disputes	
XXI.	Ongoing management transactions	
XXII.	Schedule of maintenance/service contracts (including notice periods)	
XXIII.	Details of employees where TUPE applies	
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XXV.	Traffic Management Plan	
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	Utilities	
I.	Supply contracts including electricity, water, gas, broadband and	

any other utility	
II. Tariff arrangements and name of account managers.	
III. Meter locations and keyholder for same	
IV. Carbon Reduction Commitment or Energy Efficiency Plan	
V. Any agreements in place with EV charging point Operators	
Tax/financial	
I. Any capital allowance claims, grant assistance or other state subventions relating to the site.	
II. Details of allowances claimed or monies awarded and implications for title or obligations imposed.	
III. VAT registration details if applicable.	
IV. Any security/lien's and arrangements for discharge	
V. Any LPT obligations?	
VI. Any Residential Zoned Tax or Derelict Property charges outstanding/due?	
VII. Rating OR LPT Land assessments as applicable	
VIII. Any correspondence/appeals	
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I. Building contract and all appendices/specifications	
II. Consultant details and professional appointments	
III. Warranties/guarantees/bonds	
IV. Status of contractor/consultants	
V. Details of consultants' professional indemnity insurance	
VI. Practical completion/making good defects certificates	
VII. Health and safety file (hard copy and electronic format)	

VIII. Operation and maintenance manuals	
IX. Snagging outstanding	
X. Payments (retention) outstanding	
Planning/statutory agreements/infrastructure	
Any assessment of:	
I. Effect of LAP (Proposed or Existing)	
II. Zoning (Proposed or Existing)	
Copies of:	
I. Planning applications	
II. Planning permissions	
III. Satisfaction of planning conditions	
IV. Confirmation of established use and certificate where relevant	
V. Maintenance/curation agreements of any Public Art installed	
VI. Any relevant Building control approvals	
Physical condition/environmental (As Applicable)	
Copies of any:	
I. Asbestos survey/assessment	
II. Measured/structural/mechanical and electrical surveys of buildings	
III. Environmental report on full site including invasive species assessment and identification of any protected animals	
IV. Environmental licences/notices on file.	
V. Energy Performance Certificate	

Site Investigations (As Applicable/where available)	
Copies of information supporting or finished documents comprising:	
I. Site Surveys	
II. Topographical Survey with spot levels	
III. Adjacent property survey	
IV. Structural survey	
V. Geotechnical investigation	
VI. Drainage and utilities survey	
VII. Contamination survey	
VIII. Traffic survey	
IX. Adjacent property survey	
X. Rights to Light	
XI. Archaeological survey	
XII. Invasive species e.g Japanese Knotweed	
XIII. Rodent Management Plan	
XIV. Roosting Mammals survey obligations	
XV. Arboricultural surveys	
Sustainability issues	
Copies of information supporting or finished documents comprising reports on or relating to:	
I. Effects of site or any proposed development on local environment	
II. Environmental impact assessment	
III. Flood risk	
IV. Carbon dioxide emissions	

V.	Waste Management	
VI.	Pollution	
VII.	Ecology and biodiversity	
VIII.	Health and well-being	
IX.	Social issues.	

Aoife Burgess

From: Dearbhla Lawson
Sent: Tuesday 13 August 2024 11:32
To: [REDACTED]
Cc: Siobhán Campbell; Cillian Lehmann
Subject: RE: KY0016 - St. Finan's Hospital - LDA

Morning [REDACTED]

Happy to discuss if you want to give me a call on the number below. Cillian is on leave at present. Further to receipt of a notice from HSE under the Section 53 'Notice of Disposals' process, the LDA has been assessing the site's potential for future development for affordable and social housing. This has involved seeking further information as part of our due diligence process and a site visit and meeting was held with yourselves during July to support the assessment. This process is expected to be concluded soon, and the LDA will formally notify the HSE whether the property is expected to be required under LDA remit. We note that the HSE is progressing plans for a new Community Nursing Unit through Public Private Partnership on the north-eastern section of land at St Finan's Hospital. While the LDA's assessment will need to be concluded, at this stage, it is considered unlikely that the existing hospital building itself will be deemed suitable for the purpose of the LDA Act. As a protected structure which has been vacant for some time and in need of running repairs to retain its structural integrity, it does not lend itself for conversion to provide for affordable residential development. As the State's affordable housing delivery body, this is the main area of focus for us in line with the Land Development Agency Act. We note that there may be other uses that could be explored for the building itself, while the overall site has potential for development in line with the Development Plan. We will be in touch in the coming weeks regarding the S53notice. I do hope this is helpful in the interim and if any queries please advise.

Kind regards



Dearbhla Lawson
Head of Strategic Planning
M: +[REDACTED] | [REDACTED]@lda.ie

The Land Development Agency
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From: [REDACTED]
Sent: Tuesday, August 13, 2024 7:33 AM
To: LDA - Planning
Subject: FW: KY0016 - St. Finan's Hospital - LDA
Importance: High

Some people who received this message don't often get email from [REDACTED]@hse.ie. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

In Cillian's absence can you please provide an update on this matter please? Many thanks.

Regards, [REDACTED]

Thank you for your email. I am currently on annual leave until Friday the 16th of August. For any urgent queries please email [REDACTED]@lda.ie and one of my colleagues will be in touch or I will respond on my return.

Kind regards,

Cillian Lehmann.

From: [REDACTED]
Sent: Tuesday 13 August 2024 07:27
To: Cillian Lehmann <[REDACTED]>
Cc: Land Queries <[REDACTED]>; Siobhán Campbell <[REDACTED]>
Subject: RE: KY0016 - St. Finan's Hospital - LDA

Good morning Cillian,

Hope you are keeping well.

We have a property management meeting this morning and for the avoidance of doubt, can you provide HSE Estates with a status update and advise if the LDA will be taking possession of St. Finan's please? Many thanks.

Regards, [REDACTED]

From: Cillian Lehmann <[REDACTED]>
Sent: Tuesday 30 April 2024 15:28
To: [REDACTED] <[REDACTED]@hse.ie>
Cc: Land Queries [REDACTED]@lda.ie>; Siobhán Campbell [REDACTED]@lda.ie>
Subject: St. Finans Hospital FI Request

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Thank you for your patience regarding the LDA's response to the S53 notice for St. Finan's Hospital, Killarney. We are still reviewing this site and want to proceed with meetings with the HSE and Kerry Council to further advance our understanding of the site and to develop a strategy to proceed. I've attached a further information request which will greatly assist us with our assessment of the site. This information will be presented to the LDA management team who will ultimately decide on the LDA's final decision regarding the acquisition of the site.

Kind Regards

Cillian



An Ghníomhaireacht Forbartha Talún
The Land Development Agency



Stiúrthóirí / Directors: Mr C O'Rourke (Cathaoirleach / Chairperson), J Coleman (Chief Executive / Príomhfeidhmeannach), A Markey, G Smith, J O'Connor, B Keogh, S Neely.

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Cillian Lehmann

Public Lands Database Manager

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Má fuair tú an ríomhphost seo trí dhearmad, bheadh muid buíoch dá gcuirfeá in iúl don Deasc Seirbhíse ECT ar an nguthán ag [+353 818 300300](tel:+353818300300) nó ar an ríomhphost chuig service.desk@hse.ie agus ansin glan an ríomhphost seo ded' chóras."

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