

07/01/2026

Re: Freedom of Information Request 202525 – Request Part-Granted

Dear

I refer to your request dated the 2nd of December 2025 and received on the 3rd of December 2025 which you have made under the Freedom of Information Act 2014 for records held by this FOI body. Your request sought:

- a copy of the following briefing note: - 10.4 *The board requested that the Head of Strategic Planning prepare a briefing note to the Department to outline concerns, viability gaps, risk analysis, barriers and potential solutions in respect of strategic sites. It was noted this briefing note would be presented to the board of Strategic Planning and Sustainability Committee in June or July.*
(MA0223052024)

I wish to inform you that I have decided to part-grant your request on the 7th of January.

The purpose of this letter is to explain that decision.

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

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

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, 202525.

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

A number of redactions have also been applied to the attached records under Sections 29, 30, 36 and 40 of the Act. These redactions are detailed in the Schedule of Records in **Appendix 1**.

Section 29 of the Act states:

Deliberations of FOI bodies

29. (1) A head may refuse to grant an FOI request—

(a) if the record concerned contains matter relating to the deliberative processes of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or of the staff of the body for the purpose of those processes), and

(b) the granting of the request would, in the opinion of the head, be contrary to the public interest,

A number of paragraphs of this record relate to the deliberative process of both the LDA and other public bodies. As these deliberations relate to matters that have not concluded.

Public Interest Test

As per section 29 of the FOI Act, 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.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied.

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

- Allowing a public body to make its decisions without undue intrusion into the process.
- The public interest is not best served by releasing these records.
- That these records contain references to ongoing processes between the LDA, and other public bodies
- Premature release could negatively affect future decision-making processes.
- Premature release could contaminate the decision-making process.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release I have, on balance, decided that the public interest in preserving the integrity of the negotiation process would be better served by withholding the relevant parts of these records.

Section 30 states:

Functions and negotiations of FOI bodies

30(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

I have decided that certain sections of the record requested might reveal strategies, tactics, or fallback positions that would disadvantage the LDA in negotiations and it could set a precedent making it harder for the LDA to protect similar information in future negotiations.

Section 30(2) of the Act directs a public interest test.

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.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied.

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

- May create an environment of mistrust or destabilisation in ongoing or future negotiations, thereby diminishing the Agency's capacity to carry out its statutory functions efficiently.
- Release of positions to be taken in negotiations prematurely may compromise the success of these negotiations.

A public interest test was carried out when considering the release of the records but, having balanced the factors both for and against the release I have, on balance, decided that the public interest in preserving the integrity of the negotiation process would be better served by withholding the relevant parts of these records.

Section 36 states that:

Commercially Sensitive Information

36 1) Subject to subsection (2), a head shall refuse to grant an FOI request if the record concerned contains:

b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation.

Therefore, I am refusing the release of parts of the records as well as refusing all attachments under the provisions of section 36(1)(b) as they contain commercially sensitive information.

Public Interest Test

There is a Public Interest Test associated with section 36 of the FOI Act whereby my decision must be made having fully considered the harm and public interest relevant to this request.

I have considered the public interest issues which arise in 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, especially with regards to the expenditure of public money.
- The public interest in members of the public exercising their rights under the FOI Act.
- Ensuring fairness of procedures and that decisions are fair and equitable and evenly applied.

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 this record.
- That these records contain references to ongoing commercial processes.

The valuations, restrictions and proposed development at a number of sites enclosed in this briefing note are commercially sensitive and disclosure could lead to a financial loss to the Agency.

Section 40(1)(d) states:

Financial and economic interests of the State

40. (1) A head may refuse to grant an FOI request in relation to a record (and, in particular, but without prejudice to the generality otherwise of this subsection, to a record to which subsection (2) applies) if, in the opinion of the head—

(d) access to the record could reasonably be expected to result in an unwarranted benefit or loss to a person or class of persons.

(i) property or other assets held by or on behalf of the State or a public body and transactions or proposed or contemplated transactions involving such property, or other assets,

(n) information the disclosure of which could reasonably be expected to affect adversely the competitive position of a public body in relation to activities carried on by it on a commercial basis,

(o) the economic or financial circumstances of a public body,

(p) investment or provision of financial support by or on behalf of the State or a public body,

For this exemption to apply the record must relate to subsection (2)-

(2) This subsection applies to a record relating to—

(m) trade secrets or financial, commercial, industrial, scientific or technical information belonging to the State or a public body, that are of substantial value or reasonably likely to be of substantial value,

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

- Ensuring openness and transparency of organisational functions to the greatest possible extent.

- The public interest in members of the public exercising their rights under the FOI Act.
- That there is more than just a transitory interest by the public in this information being released.
- The right to commercial confidentiality is outweighed by the needs of the public.

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

- Allowing a public body to hold commercial information without undue access by members of the public.
- That the LDA is not prevented or impeded from the effective pursuit of its legitimate business.
- That the LDA can conduct its commercial operations without fear of premature disclosure.

The redacted material includes estimated valuations of state lands, the scale of the proposed purchases by the Agency, required Strategic Infrastructure Works, and discussions of which projects are funded. These could in turn hinder the LDA's ability to operate effectively in the open market or result in a material financial loss to the agency.

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, 4th 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 202525**) 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 a complete reconsideration of the matter by a more senior member of the staff of this body.

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

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

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

Yours sincerely,



Monika Szyszko,
Senior Compliance Manager

Appendix 1: Schedule of Records

Requester name:		Request Re:202525				
Page number	Description of document	Deletions	Relevant section of FOI Act	Reasons for deletion	Decision Maker's decision	
1-9	Briefing Note _3.2 Matters to Consider to Support Unlocking of LDA Strategic Sites fv	Deliberations of FOI bodies	29	Deliberative Process	Part-Grant	
		Functions and Negotiations of FOI Bodies	30	Functions and Negotiations of FOI Bodies		
		Commercially Sensitive Information	36	Commercially Sensitive Information		
		Financial and Economic Interests of the State	40	Financial and Economic Interests of the State		
		Total number of pages			9	
		Total number of pages for full release			1	
		Total number of pages for partial release			8	
		Total number of pages being withheld			0	



SPS Committee Meeting

16 September 2024

Agenda Item 3 Work Programme Appendix 2

Matters to Consider for Unlocking State Lands / Strategic Sites

FOR NOTING/ DISCUSSION

1.0 Introduction and Purpose

The purpose of this briefing paper is to set out some of the current key challenges and examples of indicative costs related to accessing and acquiring public lands.

This paper sets out several high-level considerations that are pertinent for follow up with the Government over current issues and barriers for addressing to ensure that the LDA can progress with its mandate.

In its broadest sense it is considered that the following key issues need to be addressed to support the delivery of sites identified initially in Housing for All and the Report on Relevant Public Land.

- 1) LDA's ability to access and acquire lands identified for housing in a timely manner
- 2) the Valuation mechanism for state lands and who pays for Government decision
- 3) funding to support and unlock the delivery of new homes on strategic, long-term sites

1.1 Context and Issues for Consideration

Governments Housing for All published in September 2021 included an action to transfer lands to the LDA to support and expedite progress on pipeline and development of state lands for housing.

Action 14.1: New tranche of State lands to be provided to the LDA with potential to deliver up to 15,000 homes

The lands identified for transfer to the LDA in Housing for All included a mix of 20 significant sites, many of which are in operational use or have facilities that would need relocating or other challenges to be overcome before they could be ready for development for housing. Importantly the list set out the potential opportunities for state lands to support in achieving Government policy priorities. However, this was early stage, and no work had been done to assess the potential for each of the sites identified and engage with the landowning bodies and interests regarding proposals, constraints or challenges or opportunities.

Since Housing for All was published 3 years ago, the LDA has been engaging with land-owning bodies and the Government to make progress towards the transfer of relevant lands or some other framework to bring them close to fruition, such as advancing feasibility, surveys, planning, investigations, agreements for vacating over time, for a phased approach or licences to progress in the interim. This is particularly for the priority sites which have less impediments and are more development ready, such as Kinsealy Teagasc, Wilton Cork (ESB), HRI Carrickmines and HSE St Joseph's Limerick. In the more strategic sites with operational interests, there are ongoing challenges to be overcome, and phased transfer of the sites may be the most appropriate way forward.

The process for identification and transfer of State Lands to the LDA is governed by the Land Development Agency Act 2021, and the relevant Valuation Regulations (S.I. 106 / 2023), which provide that relevant public land to be transferred to the LDA to be valued using the Existing Use Value (EUV) method of valuation. This aims to support viability for the delivery of more social and affordable homes.

Under S52 of the LDA Act, the Government can direct the agency to acquire Schedule 1 lands (i.e. primarily those owned by non-commercial semi-state bodies) and the site owner and the LDA then agree a transfer timeline. However, no provisions are made in the LDA Act to compel transfer of lands to the LDA for Schedule 2 bodies (commercial semi-state bodies) and the transfer is dependent on the bodies concerned offering the land to the LDA to advance housing delivery on it.

This is a significant issue as 15 of the 20 Sites identified for transfer to the LDA under Housing for All are Schedule 2/ Commercial Semi State agencies. [REDACTED]

[REDACTED]

At the Government Departmental level, consideration is being given to legislative changes seeking powers for direction by the Minister for both Schedule 1 and Schedule 2 bodies. This would be welcome, and decisions will be needed following Ministerial level engagements. Nonetheless, from the LDA's perspective, the valuation issue also needs to be addressed to ensure adequate incentive to progress transfer of sites to the LDA, whether OMV or EUV. There also needs to be recognition that a government decision to transfer lands to the LDA may also necessitate the relocation of services or facilities and that issue needs to be addressed at Departmental level as to priorities and approach for assessing and covering such costs, as this is not for the LDA and currently is a barrier to progressing sites.

1.2 State Lands Valuation Mechanism

The current valuation mechanism means that values being achieved for selling to the LDA are generally less than market value and less than what was anticipated or expected by state agencies. As such they are more likely to hold onto their assets at this point. Aligned with this, there is no budget or funding provision from Government or the Landowning bodies to fund costs for relocation or related costs. In most cases, there are significant uncertainties regarding how the potential for these state lands can be realized if LDA cannot secure vacant possession in a timely manner. This is leading to delays and or impacting progress for transfer and development of lands identified for transfer.

For example, this emerged regarding the Bord Na Mona site in Cork which was previously identified as surplus to requirements. [REDACTED]. Similarly, while there was an agreement in principle, regarding the extent of HRI lands for transfer to the LDA, progress has stalled on this, largely due to the 'conditions' of sale [REDACTED]. HRI has refused the LDA access to the lands to progress site surveys and related work, so the work to progress a masterplan is on hold.

There are 2 other case studies that help to demonstrate this – and Appendix 1 provides more information on the indicative costs of these and Colbert

(A) **Sandy Road in Galway**, where there is an approved Masterplan in place. However, the relocation of the ESB and GCC/GCoCo Depots will be required to enable the delivery of c 750 homes on this strategic site. Information has been requested from the landowners regarding requirements and indicative costs to pull together a request to Government for funding to support the relocation. Early indications are that the ESB is estimating a cost of circa [REDACTED] for new site and to reprovide the depot facilities, and there is a similar request made by the Councils, so indicative figures for relocation and provisions are in the order of [REDACTED]. This does not consider enabling works for the redevelopment of the Sandy Quarter.

(B) In the case of **Conyngham Rd**, CIE confirmed that the site is expected to be available for development in the next five to six years, if they can secure an alternative depot site. [REDACTED]

[REDACTED] This is particularly given that there is expected to be a significant gap between the value likely to be achieved from the sale of the Conyngham Road site to the LDA under the EUV method which is estimated to be c [REDACTED] and the cost of the reprovision of a similar facility. Estimates suggest the gap may be in the range of [REDACTED]. When cost of land is factored in this range could rise to approximately [REDACTED].

Furthermore, the relocation of such facilities has not been factored into the landowner/ site operator's capital budgets and as commercial operators there is not currently an identified funding stream to support relocation. When coupled together the generally lower value at EUV for the lands identified, when sold to the LDA, with the lack of funding to support relocation and or reprovision of existing services and facilities, means that the government decision to transfer lands to the LDA represents a significant net cost / loss to the state body.

This is an important consideration and a significant challenge, especially given that the costs of relocation or reprovision are triggered by a government decision to transfer the land for

redevelopment. Unless and until the funding issue is addressed this will continue to be an ongoing barrier. The lack of means of access to funding and incentivisation means there is little or no basis currently for commercial state agencies to offer up the lands identified for transfer and these needs addressing now as a priority.

The LDA's own mandate and key focus is on the development and delivery of affordable housing and as a commercial state body itself, it must operate in a financially sustainable manner. The LDA cannot carry extra costs at risk or take on risks over and above its mandate. Viability and affordability are key drivers for the LDA.

It is important to recognize that progressing many of these sites under Housing for All to housing delivery stage is complex. [REDACTED]

[REDACTED]

2.0 Conclusions

This note provides examples to illustrate the key issues /challenges and examples for raising with Government for consideration in order to support implementation of Government's Housing for All objectives. This is particularly for those sites where services or facilities are required to be reprovided and where the EUV is a disincentive to sell land to the LDA.

The valuation of state lands as currently is not incentivizing state bodies to offer or sell surplus or other lands identified to the LDA, and this is impacting pipeline for development.

In many Housing for All sites, there is expected to be significant funding gap. In cases such as Conyngham Road, Sandy Quarter, Colbert Quarter and others [REDACTED]

[REDACTED]

Gap between value of the land generated and costs of relocation and reprovion services/ facilities

Based on the estimates provided in the case study here, it is evident that there is expected to be a significant gap between the value likely to be achieved from the sale of the [REDACTED] and the cost of the reprovion of a similar facility. This needs consideration as to the mechanism for valuation and what is the most appropriate way to achieve the objectives for the redevelopment of this land to deliver wider benefits and viability.

[REDACTED]

[REDACTED] it is not appropriate or not possible for the LDA to carry these costs related to wider government objectives, and successfully deliver affordable homes. Furthermore, as it stands currently, the relocation of such facilities has not been factored into the Government or landowner/site operator's capital budgets and as commercial operators, no funding stream to support relocation.

Public interest & Costs and Benefits of Optimising Public Lands in Operational Use

It is worth noting that Conyngham Road depot is at the smaller end of the scale when it comes to many of the sites in Housing for All (HfA). Broadstone bus depot (at least twice as

big and containing more supporting operations), Tivoli Port, Sandy Road in Galway, Inchicore and many other equally large and complex sites will require significant relocation/consolidation of facilities and provision of enabling infrastructure in order to enable the successful redevelopment of these sites. Similar to Conyngham Road, the LDA cannot carry the cost of these relocations/infrastructure and successfully deliver affordable homes, while the land owning bodies or site operators have not factored these costs into their capital budgets and there is no funding source to support with unlocking by relocation and provision of services and facilities as required, and priorities will need to be identified and a funding mechanism identified.

The benefits of developing sites such as Conyngham Road are however not contested. Brownfield, underutilised land in our cities should be redeveloped to provide new homes, to suitable density standards and in line with the aspirations set out in our National Planning Framework, Regional Spatial & Economic Strategies and County and City Development Plans. Their redevelopment supports the concept of compact sustainable growth, delivers on the objectives in the climate action plan and provides significant social value that goes beyond simple monetary terms.

Capital Funding Pot

The regeneration of priority sites such as Conyngham Road and many of the sites in HfA and key sites in the Report on Relevant Public Land (RRPL) will require funding to support unlocking the potential in the public interest and in line with Government objectives. Such proposals take time and yield wider socio-economic benefits of enabling such centrally located sites to be optimised in the public interest.

[REDACTED]

[REDACTED] This evidence led approach, including the provision of socio-economic cost benefit analysis is considered critical in demonstrating the value to gained by development sites such as those in HfA and the RRPL.

Appendix 1 – Valuation and Relocation Costs – Indicative Costs/ Examples

Image 1 below identifies indicatively the sites and what is the main barrier to be overcome.



Sites Supported by OMV & Funding

2.0 Market Value v Existing Use Value – E.G. – Conyngham Road

The LDA have a very high-level assessment which seeks to highlight the issue of indicative costs associated with the development of a bus depot site identified under Housing for All (Conyngham Road) versus the land value which is achievable under the EUV and OMV mechanism and the lacunae that exists. The study estimated the potential capacity for affordable homes within the context of an indicative masterplan/development for each site, considering key known constraints, policy objectives and requirements, and consulting.

The purpose of this note is to provide an overview of a site identified for transfer to the LDA as part of Housing for All and provide indicative development potential, land values and indicative costs of relocation and reprovision of a depot as an example as the latter costs are not provided for as part of the overall land values.

2.1 Open Market Value

Based on the site redevelopment capacity assessment prepared for the site, with a potential apartment unit yield from 329 to 375 units, the open market site value range of the site is [REDACTED]

2.2 Existing Use Value

Valuation in accordance with the Requirements of the Land Development Agency Act 2021 and the Land Development Agency Act 2021 (Valuation of Relevant Public Land) Regulations 2023 is c. [REDACTED]

[REDACTED]

[Redacted text block]

3.2 Sandy Quarter

3.2.1 Galway City Council

It must also be considered that the existing uses on-site support the sustainable management of Galway City and its environs, accommodating required uses around maintenance and renewal of required services, including those provided by Galway City Council, Galway County Council and ESB Networks. With regard to the relocation of the City Council's Machinery and Storage Depot, it is a requirement that the new location is suitable with particular regard to size and accessibility. It is also essential that the phasing of this relocation ensures the continuous and uninterrupted services from the City Council.

[Redacted text block]

[Redacted text block]



3.2.2 ESB

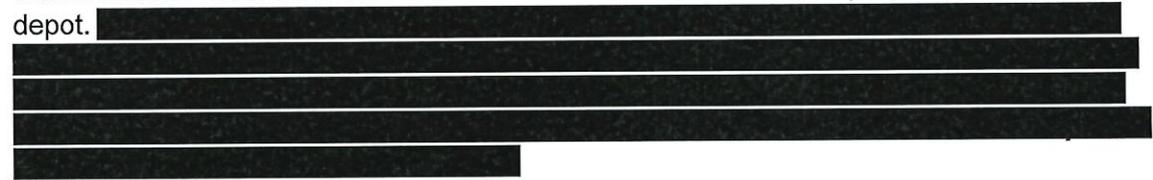
ESBN has prepared a high-level brief to identify the requirements for a replacement depot, should the existing facility be relocated from Sean Mulvoy Road. ESB Group Property have interpreted this brief and produced a schedule of accommodation for a replacement, rationalised depot.



3.2.3 Galway County Council

The delivery of The Sandy Quarter will require the relocation of the existing uses on the land owned by Galway County Council.

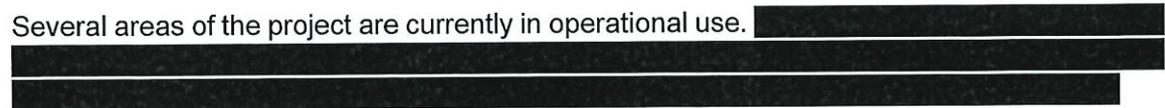
A Galway County Council Roads Maintenance Depot is located at Sandy Road. Salt is stored in in open storage at the depot which has a maximum storage capacity of 500 tonnes. Four demountable salt spreaders are also stored at the depot, which serve several routes as outlined in the Council's Winter Service Plan. Some other machinery is also stored at the depot.



3.3 Colbert Quarter

Colbert Quarter is one of the furthest advanced strategic regeneration sites being developed by the LDA. There is a well-developed understanding of the costs associated with the delivery of the necessary infrastructure and relocation of operational uses.

Several areas of the project are currently in operational use.



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

2

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