

The Land Development Agency (LDA)

Feedback: Please see attached submission on behalf of the Land Development Agency.

A Chara,

The Land Development Agency (LDA) (4th Floor, Ashford House, Tara Street, Dublin 2, D02 VX67) welcomes the opportunity to comment on the Draft Development Contribution Scheme 2026 – 2029 (hereinafter the Draft Scheme) as advertised by Dublin City Council and requests that the following submission is taken into consideration.

1. Background and overview of the LDA

The LDA is a commercial, state-sponsored body that have been set up by the Government with two main functions:

- Coordinating appropriate State lands for regeneration and development, opening key sites which are not being used effectively for housing delivery; and
- Driving strategic land assembly, working with both public and private sector landowners to smooth out peaks and troughs of land supply, stabilising land values and delivering increased affordability.

The enactment of the Land Development Act 2021, which established the LDA, marks a historic move to identify and use certain relevant public lands to provide for housing and affordability needs into the future. Part 9 of the Act sets out the requirement in relation to the development of dwellings on relevant public land as they relate to social, affordable and cost rental units. Part 9 will apply to relevant public lands unless made exempt from the requirements of Part 9 of the LDA Act. Relevant public land is land owned by a relevant public body, being a local authority, Government Minister or state body listed in Schedule 1 and 2 of the Act, within a town the population of which is equal to or greater than 10,000 persons.

In line with the provisions of the LDA Act 2021, the LDA reports regularly to Government on the use of State Land. In this regard, the LDA has published a register of Relevant Public Land, as per Section 50 of the LDA Act, and has prepared the Second Report on Relevant Public Lands-2025 under Section 52. This report was submitted to Government on the 31st March 2025. This register provides an ongoing monitoring and review mechanism that supports the LDA's remit to identify and assess the potential for certain public lands to be better utilised for development of housing and sustainable communities into the future.

The report undertook assessments for 102 parcels of Relevant Public Land across 55 locations, cities, towns and urban areas, updating and expanding the review contained in the First Report, published in 2023. The lands identified have been assessed in terms

of their potential for housing development, and level of known constraints for development. The locations and potential support the objectives of the National Planning Framework and seeking balanced regional development.

Notably, there are 35 parcels of land that have been identified within the Dublin City & Suburbs that have the potential to deliver approx. 22,460 – 29,980 homes. Of those, majority of sites i.e. 25 no. of lands within Dublin City Council have been identified that have potential to deliver approx. 12,580 - 16,210 homes. The full report is available for viewing through the following link. <https://lda.ie/public-lands/report-on-relevant-lands>

Part 9 of the LDA Act came into effect on 1st January, 2023. Section 75 (11) a and b and S. 77(1) and (2) addresses the specified percentage of the dwelling to be built on the land.

In summary the Part 9 affordability requirement will apply to—

- an application for permission for the development of 5 or more dwellings on land which is relevant public land on the day on which Part 9 has been commenced,

or

- where an application relates to mixed-use development, to that part of the application which relates to the development of dwellings on land which is relevant public land on the day on which Part 9 has been commenced.

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

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

This percentage is in addition to the 20% Part V social and affordable housing obligation introduced under the Affordable Housing Act 2021 which will ensure a minimum of 70% social and affordable housing on relevant public land in urban areas with a population of 10,000 persons, and 100% affordable and social housing on relevant public land in Dublin and Cork cities.

2. Residential and Non-Residential Development Contributions

Having reviewed the Draft Scheme, the LDA notes that the proposed development contribution charge per sq.m for Residential development is €122.85 & Industrial/Commercial development is €128.10.

In relation to exemptions from contributions, as set in Section 10, the Draft Scheme states the following:

- Social & Affordable Purchase Housing Units provided

- o in accordance with an agreement made under Part V of the Planning and Development Act (as amended) or any subsequent or replacement section of legislation of the Act.

- o Social Housing units for which planning permission is sought by and granted to an Approved Housing Body (AHB) and constructed as social housing.

- o Social Housing units for which planning permission is sought by, and granted to the Land Development Agency (LDA) and constructed as social housing.

- o Affordable Purchase under the Council's Scheme of priority for Affordable Dwelling Purchase arrangements.

An exemption for Cost Rental Units delivered by, on behalf of, or facilitated by, the Council, AHBs or the LDA may be considered on a case-by-case basis, providing the Council's Housing Department confirms that the development contributions are not due.

Note: The above exemptions do not apply to housing provided under a leasing arrangement.

While the exemption relating to social and affordable housing is welcomed, the reference to exemptions for Cost Rental Units delivered by, on behalf of, or facilitated by the Council, AHBs, or the LDA being considered on a "case-by-case basis" introduces a level of uncertainty. In the absence of clear guidance on the criteria and grounds upon which such assessments will be made, the practical implementation of this policy is considered to be questionable.

Given the LDA's pipeline for the delivery of cost rental units within Dublin City jurisdiction, the provision of a 100% exemption from development contributions will positively impact the delivery of these affordable homes. This would significantly improve value-for-money in the public interest, and help to ensure that these homes can be delivered at the aspiration of 25% below the open market rate.

Cost rental units comprise a housing tenure which was created under the Affordable Housing Act 2021. It offers a long-term, secure rental option that contributes to the development of a sustainable housing market within Ireland. Cost rental homes form an integral tenure within the affordable housing tenure alongside 'affordable for sale' (AFS) homes. It is a not-for-profit model, where rents are set solely to recover the cost of construction, management, and maintenance, rather than reflecting market rates. This ensures rents remain significantly below market levels while offering long-term, secure tenancies for moderate-income households who do not qualify for social housing but face affordability constraints in the private rental sector.

Unlike other accommodation types identified as non-exempt from contributions (such as student accommodation), cost rental homes are specifically targeted at addressing affordability challenges within a defined cohort, while also providing enhanced security of tenure. As such, it forms a permanent and essential component of the social and affordable housing landscape.

In this context, it is unclear why cost rental housing would be treated on a case by case basis from development contributions. Given its clear public benefit and policy alignment, its delivery should be actively supported through a full exemption from development contribution fees.

3. Car Parking

Section 9 of the Draft Contribution Scheme sets out a number of notes in relation to the levels of contribution payable. Note 2 states that in all cases, the floor area of proposed development shall be calculated to include car parking. The LDA considers that where car parking is provided incidental to a residential or commercial use and is compliant with Development Plan requirements, the floor area of same should be excluded from the calculation of gross floor area for the purpose of calculating the level of contribution payable. The costs associated with the provision of car parking can be significant, particularly in relation to basement parking. In circumstances where the provision of car parking is considered to be a requirement to support residential or commercial uses, and has been permitted with the agreement of Dublin City Council, such floor areas should not be subject to development contributions.

4. CUO25

Within the Current Development Plan, DCC has listed one of the policies within CUO25 that

“all new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance and artist workspace predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be better outcome and that it can be contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.”

Upon reviewing the above statement, DCC Development Plan objective CUO25 explicitly allows for flexibility where the provision of cultural, arts and community space can be more effectively achieved through a contribution to an existing project within the immediate vicinity. In this regard, the approach being taken by the LDA is consistent with the intent of the policy and represents a significant opportunity to support and strengthen existing cultural or community initiatives in the area. Rather than requiring all such space to be delivered strictly within the red line boundary of the development, the above policy recognises that a more effective outcome may be achieved through a wider strategic approach.

Furthermore, the provision allowing a portion of the required space to be relocated to a site immediately adjacent to the development clearly demonstrates that the policy is intended to provide flexibility and enable practical solutions. In many cases, directing part of this requirement towards enhancing, upgrading, or expanding existing cultural or community facilities in the immediate vicinity can deliver greater value, better utilisation, and stronger long-term benefits for the local community.

In this regard, upgrading and adding value to existing facilities in the vicinity can represent a more effective and sustainable outcome. We therefore request that the upgrading of existing facilities should include financial contribution as an option within the draft contribution scheme.

5. Protected Structures

The LDA notes that in certain cases, a change of use of protected structures from commercial to residential use within the curtilage has been exempted in the draft. However, under Section 11, one category of development eligible for a reduced rate provides that:

“In the case of Protected Structures change of use from commercial to residential use, the development contributions will be calculated at 25% of the applicable rate. Protected Structure refers to the actual existing structure(s) and does not include development within its curtilage. Where development contributions under a Section 48 Scheme were paid in respect of the former use, the contribution payable on the new proposal will be net of the quantum of development previously paid for. The Development Contribution Scheme does not provide for any rebate or refund in this regard. Agents/applicants should provide evidence of prior payment at application stage in order to expedite assessment and avail of this provision”

The LDA acknowledges that restoration and conversion of protected structures is a form of sustainable urban regeneration, as it extends the building’s life and avoids demolition

waste, encourages reuse of the embodied energy, and also provides significant social and economic benefits to society.

Given the substantial costs typically associated with the adaptive reuse and change of use of large-scale protected structures, it is considered that a more supportive approach is warranted. In particular, there should be provision for a 100% exemption from development contributions rather than the current 25% reduced rate for works to protected structures, including extensions, where the development forms part of social and/or affordable residential schemes. This would help ensure the economic viability of such projects and support their delivery.

6. Conclusion

The LDA requests that this submission is taken into consideration before the adoption of the Dublin City Council Development Contribution Scheme. The LDA looks forward to working with Dublin City Council and other stakeholders to progress the delivery of social, affordable, and cost rental units.

Kind Regards,

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