



Rialtas Áitiúil Éireann  
Local Government Ireland

# Advance Purchase Arrangements for Un-commenced Residential Developments Through Turnkey Agreements

A brief guide for home builders and  
housing developers



Rialtas na hÉireann  
Government of Ireland



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## 1. Introduction

'Housing for All - a New Housing Plan for Ireland' is the government's housing plan to 2030.

It is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes for people with different housing needs.

It is an objective of Kildare County Council to create sustainable communities by encouraging a mix of mixed tenure (i.e. affordable and social) and mono tenure (i.e. affordable or social) housing.

Kildare County Council is seeking to increase the availability of affordable and social housing through various delivery mechanisms including through advance purchase arrangements with home builders and housing developers.

In this call, home builders and housing developers are being asked to consider offering properties with planning permission, where construction of the development or a phase of a development has not yet commenced, to local authorities under an advance purchase turnkey arrangement, with payment on completion, primarily for affordable housing purposes. Please note that the requirements under Part V of the Planning and Development Act 2000 as amended will apply in the normal way to all proposals.

Joint venture arrangements that include an Approved Housing Body will be considered.

### 1.1 Affordable Housing Funding (AHF)

#### 1.1.1 Affordable Purchase

Where appropriate proposals for affordable or mixed tenure dwellings are received and considered acceptable, Kildare County Council can seek Affordable Housing Funding (AHF) from the Department of Housing, Local Government and Heritage (DHLGH).

The Affordable Housing Fund (AHF) provides Exchequer funding support to local authorities to assist in meeting the cost of delivery of affordable homes via an equity share in the property. The AHF funding is dependent on several criteria and 3 funding limits. Please refer to the below table.

#### Funding Limit Categorisation<sup>1</sup>

| Scheme density   | Funding limit |
|--|---------------|
| Dwellings in schemes with a net density of <b>over 50 dwellings per hectare</b> in cities designated under the National Planning Framework | €100,000      |
| Dwellings in schemes with a net density of <b>over 35 dwellings and under 50 dwellings per hectare</b> in all urban areas                  | €75,000       |
| Dwellings in schemes with a net density of <b>less than 35 dwellings per hectare</b>   | €50,000       |

<sup>1</sup> Depending on the nature of the constraints and the efforts to address this in designing the proposed scheme, account may be taken of the impact of the constraint in calculating the proposal's density and /or scheme layout.

The AHF funding must achieve a minimum 15% discount on open market values of comparable new build properties for affordable purchase, with the benefit of the applied for AHF funding taken into account.

The calculation of the 15% discount is set out in the below examples.

### Example 1

Achieves minimum 15% discount is achieved on open market values of comparable new build properties

|  |          |
|--|----------|
| <b>Local Authority Affordable Housing</b>          |          |
| Cost of Provision (all-in costs) <sup>2</sup>      | €220,000 |
| Affordable Housing Funding (AHF)                   | €50,000  |
| Purchaser contribution (i.e. Mortgage and deposit) | €170,000 |
| Open market values of comparable new build         | €200,000 |
| Discount <b>15.00%</b>                             | €30,000  |

### Example 2

Achieves minimum 15% discount is achieved on open market values of comparable new build properties

|   |          |
|---|----------|
| <b>Local Authority Affordable Housing</b>     |          |
| Cost of Provision (all-in costs) <sup>2</sup> | €400,000 |
| Affordable Housing Funding (AHF)              | €75,000  |
| Purchaser contribution                        | €325,000 |
| Open market values of comparable new build    | €410,000 |
| Discount: <b>20.73%</b>                       | €85,000  |

### Example 3

Does not achieve minimum 15% discount is achieved on open market values of comparable new build properties

|   |          |
|---|----------|
| <b>Local Authority Affordable Housing</b>   |          |
| Cost of Provision (all-in costs) <sup>2</sup> Cost of Provision (all-in costs) <sup>2</sup> | €400,000 |
| Affordable Housing Funding (AHF)  | €50,000  |
| Purchaser contribution Purchaser Equity Cost  | €350,000 |
| Open market values of comparable new build  | €410,000 |
| Discount: <b>14.63%</b>   | €60,000  |

<sup>2</sup> The all-in cost of the development includes, land costs, construction costs, design fees and other costs such as development levies, utilities, financing costs, sales, marketing, profit etc.

## 1.2 Background information

### 1.2.1 Areas of Need

Proposals are invited for the advance purchase of turnkey properties for affordable, mixed tenure or social housing within the functional area of Kildare County Council.

### 1.2.2 Proximity to Services/Amenities

Ideally, proposals should be well located within or very close to town boundaries and be within walking distance of primary services such as school, shop, community facility etc.

Where a zoning map for the town has been adopted by the Local Authority, the zoning of the site in the relevant Local Area/County Development Plan must be compatible with residential development.

## 1.3 Submission Process

A two-stage process will be used.

**In the Stage 1 submission, information in relation to the proposed site location will be sought. (See Expressions of Interest Form for further details).**

Only those submissions which are deemed acceptable to the Local Authority following evaluation of Stage 1 submissions will progress to the Stage 2 submission and evaluation process

### 1.3.1 Stage 1 Submission

At Stage 1, the following information must be submitted;

- Details of individual or company submitting the proposal, including a contact, name, address, phone number and email;
- Site details, (planning reference number, Irish Water reference number, residential density);
- Details of planned development;
- Indicative all-in costs pricing schedule;<sup>3</sup>
- Site location map showing the proposed site and proximity of local services and amenities;

### Evaluation of Stage 1 Submissions

All Stage 1 submissions will be evaluated against Pass/Fail criteria. Only those submissions which achieve a Pass mark against all criteria, will move to the second stage of the process.

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<sup>3</sup> The all-in cost of the development includes, land costs, construction costs, design fees and other costs such as development levies, utilities, financing costs, sales, marketing, profit etc. It is accepted that there could be a difference between all in costs at stage 1 and stage 2.

The Pass/Fail criteria are as follows:

|   |   |           |
|---|---|-----------|
| 1 | Location and suitability of the site,   | Pass/fail |
| 2 | Land zoning status (if applicable). Zoning must be compatible with residential development;                             | Pass/fail |
| 3 | All necessary utilities available, e.g. water, sewage, electricity, communications; etc.                                | Pass/fail |
| 4 | Initial indicative assessment of Affordability Gain <sup>4</sup> (only applicable on affordable or mixed tenure sites); | Pass/fail |

Following evaluation of Stage 1 submissions, proposals which are deemed acceptable will move to Stage 2 in the process.

### 1.3.2 Stage 2 Submission

Successful applicants at Stage 1 will advance to Stage 2. If your proposal advances to Stage 2, you will be written to at that time under separate cover, outlining the full requirements in respect of the Stage 2 submission. The following are possible outline requirements that maybe required for Stage 2:

- Number and mix of units proposed, and density in phase or phases;
- Schedule of materials and finishes being proposed;
- The all-in cost of the development broken down between land costs, construction costs, design fees and other costs such as development levies, utilities, financing costs, sales, marketing, profit etc. It is a requirement that this information be provided for the different unit types;
- A timeframe/programme for the completion of the proposed development;
- Details of any Approved Housing Body, if applicable, and proposed role in delivering the development;
- Any other relevant information;

Included in the evaluation of Stage 2 submissions, is the availability of AHF subsidy for affordable and mixed tenure dwellings, which is subject to a review by the Department of Housing, Local Government and Heritage (DHLGH).

Subject to the stage 2 assessment the Local Authority will revert with confirmation that the scheme has been selected or declined for approval.

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<sup>4</sup> It is a requirement of AHF funding eligibility that a minimum 15% discount is achieved on open market values of comparable new build properties for affordable purchase proposals with the benefit of the applied AHF funding taken into account.

It is a requirement of AHF funding eligibility that a minimum 25% discount on open market rents of comparable properties for Cost Rental proposals with the benefit of the applied AHF funding taken into account.

## 2. Contractual arrangements

Where agreement is reached between the proposer and Kildare County Council on the scheme of development, a project specific Development Agreement will be required between the parties regarding the advance purchase of any affordable properties and will be determined by the particular characteristic of each development.

The conveyance of any social housing included in the proposal will be by way of a standard 'Contract for Sale', with a deposit payment of 10% being paid (in escrow) on execution of the contract. Please note that Part V of the Planning and Development Act 2000 as amended applies

**The turnkey contract agreement is not and should not be construed as a building agreement or public works contract.**

The acceptance of any proposal(s) by Kildare County Council shall be subject to the final agreement of satisfactory terms of contract with the developer and will also be subject to the availability of funding and the approval of the Department of Housing, Local Government and Heritage.

All costs and expenses incurred by applicants relating to and including the engagement of design consultants, securing planning permission, etc. is to be considered as 'work at risk' and no recovery of any costs from the council will be entertained. Kildare County Council will have no financial liability prior to the signing of a contract.

## 3. Confidentiality

Kildare County Council will use its best efforts to hold confidential any information provided by proposers subject to its obligations under law, including the Freedom of Information Act 1997 and 2003 and will consult with proposers about sensitive information before deciding on any FOI request received. Similarly, Kildare County Council requires that all information provided pursuant to this invitation will be treated in strict confidence by tenderers.

## 4. Irish legislation

Applicants should be aware that national legislation applies in other matters such as Official Secrets, Data Protection and Health and Safety.

Applicants must have regard to statutory terms relating to minimum pay and to legally binding industrial or sectorial agreements in formulating proposals.

## 5. Meetings

Kildare County Council reserves the right to meet with Proposers if considered necessary, for the purposes of clarification of information received as part of the submission.

## **6. Conflict of interest**

Any conflict of interest or potential conflict of interest on the part of an Applicant, individual employees, agents, or subcontractors of an Applicant must be fully disclosed to Kildare County Council, as soon as the conflict or potential conflict is or becomes apparent. In the event of any conflict or potential conflict of interest, the Local Authority may invite Applicants to propose means by which the conflict might be removed. The Local Authority will, at its absolute discretion, decide on the appropriate course of action, which may in appropriate circumstances, include eliminating an Applicant from the process or terminating any contract entered into by an Applicant.

## **7. Applicant exclusion**

An Applicant shall be excluded if, to Kildare County Council's knowledge at the time of the award decision, it has been convicted of an offence involving participation in a proscribed criminal organisation or corruption, fraud or money laundering.

An Applicant may be excluded if s/he:

- is subject to a bankruptcy or insolvency procedure or process of a kind specified in Regulation 53, paragraph (5) of the European Communities (Award of Public Authorities' Contracts) Regulations 2006 or
- has been found guilty of professional misconduct by a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons that include the Applicant or has committed grave professional misconduct provable by means that the Local Authority can demonstrate or
- has not fulfilled an obligation to pay a social security contribution as required by a law of Ireland or the country or territory where the Applicant ordinarily resides or carries on business or
- has not fulfilled an obligation to pay a tax or levy imposed by or under a law of Ireland or the country or territory where the Applicant ordinarily resides or carries on business or
- has provided a statement or information to the Local Authority or another contracting authority knowing it to be false or misleading or has failed to provide to the Local Authority or another such authority, a statement or information that is reasonably required by the Local Authority or other authority for the purpose of awarding the public contract concerned.

## **8. Funding Support**

It may be noted that various funding parties have been informed of this call for expression of interest. The Home Building Finance Ireland (HBFI) who have advised of their interest in supporting affordable housing delivery. Funding may be available via the HBFI amongst other sources.



## 9. Queries

Queries can be made by submitting questions to [expressionsofinterest@kildarecoco.ie](mailto:expressionsofinterest@kildarecoco.ie)

Any queries made that give rise to any new information or clarification, may be issued to all Applicants depending on relevance. The identity of the Applicant who raised the initial query shall not be disclosed to other interested parties.

## 10. Reference documents

The following documents may be of assistance to parties interested in making a submission under this call for proposals:

- Kildare County Council Development Plan 2023-2029  
<https://kildare.ie/CountyCouncil/AllServices/Planning/DevelopmentPlans/KildareCountyDevelopmentPlan2023-2029/>
- Quality Homes for Sustainability Communities and Delivering Homes Sustaining Communities, 2007 (<https://www.gov.ie/en/publication/60868-quality-housing-for-sustainable-communities/> & <https://www.opr.ie/wp-content/uploads/2019/08/2007-Delivering-Homes-Sustaining-Communities-Hsing-Policy-1.pdf> )
- Standard Specification for Materials and Finishes for Social Housing  
(<http://www.housing.old.gov.ie/housing/quality-housing-design-series/employers-requirements-detail-design-quality-housing-0> )
- Design Standards for New Apartments - Guidelines for Planning Authorities  
([http://www.housing.old.gov.ie/sites/default/files/publications/files/december\\_2020\\_-\\_design\\_standards\\_for\\_new\\_apartments.pdf](http://www.housing.old.gov.ie/sites/default/files/publications/files/december_2020_-_design_standards_for_new_apartments.pdf) )
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009 (<https://www.gov.ie/en/publication/a8c85-sustainable-residential-developments-in-urban-areas-guidelines-for-planning-authorities-may-09/> )
- Design Manual For Urban Roads and Streets, 2019  
(<https://www.gov.ie/en/publication/3360b1-design-manual-for-urban-roads-and-streets/>)
- Building Control Regulations 1997 – 2015, as amended.

## 11. Return of submissions

Submissions can be made in writing or by email and should include all information requested.

Written submission should be enclosed in a sealed envelope marked and addressed as follows:

“Expressions of Interest for the Provision of Turnkey Housing Developments to Kildare County Council, Housing Capital Section, Áras Chill Dara, Devoy Park, Naas, Kildare W91 X77F F.A.O. Fiona Byrne

Emailed submissions should be sent to [expressionsofinterest@kildarecoco.ie](mailto:expressionsofinterest@kildarecoco.ie) please ensure expression of interest is entered in the subject box.

We would encourage interested parties that believe they fit within the above criteria and that are interested in exploring a forward purchasing agreement with the council to submit complete the Expression of Interest Application Form as soon as possible.

## **12. Disclaimer**

Kildare County Council has prepared and issued this document for the sole purpose of inviting expressions of interest from potential vendors. This document does not purport to be, in any way, comprehensive in respect of all matters relevant to the Local Authority requirements.

Nothing in this document constitutes an offer to enter into a contract, or a commitment or representation to enter into a contractual arrangement. No legal relationship or other obligation shall arise between the Kildare County Council and any interested party until formal legal agreements have been put in place and any deposit paid.

The council reserves the right to withdraw its request for Expressions of Interest and to alter any aspect of it at its sole discretion.

Each completed Expression of Interest which is returned to Kildare County Council constitutes agreement to, and acceptance of, this disclaimer.

13. Sample stage 1 Marking Sheet

| Evaluation of Turnkey affordable and mixed tenure submission – Stage 1 Marking sheet |      |                 |   |                    |                               |                    |                      |          |
|--|------|-----------------|---|--------------------|-------------------------------|--------------------|----------------------|----------|
| Fields to be complete by LA  |      |                 | Fields to be filled by Evaluation Panel |                    |                               |                    |                      |          |
|  | Name | Address of site | Location and suitability                | Land zoning status | Necessary utilities available | Affordability Gain | Outcome Pass or Fail | Comments |
|  |      |                 |   |                    |                               |                    |                      |          |
|  |      |                 |   |                    |                               |                    |                      |          |
|  |      |                 |   |                    |                               |                    |                      |          |
| 1  |      |                 |   |                    |                               |                    |                      |          |
| 2  |      |                 |   |                    |                               |                    |                      |          |
| 3  |      |                 |   |                    |                               |                    |                      |          |
| 4  |      |                 |   |                    |                               |                    |                      |          |
| 5  |      |                 |   |                    |                               |                    |                      |          |
| Signed:  |      |                 |   |                    |                               |                    |                      |          |
| Signed:  |      |                 |   |                    |                               |                    |                      |          |
| Signed:  |      |                 |   |                    |                               |                    |                      |          |
| Date   |      |                 |   |                    |                               |                    |                      |          |

