

COMPLIANCE REPORT

Case Officer:	Evan Walsh
Register Reference:	SDZ21A/0014
Registered Date:	25-Jan-2022
Applicant:	Quintain Developments Ireland Ltd.
Location:	Development Area 8, Adderig, Adamstown, Lucan, Co. Dublin
Development:	Development of 227 dwellings (24,513.8sq.m gross floor area); 95 3-bed, 2 storey terraced houses and associated gardens; 28 4-bed, 3 storey terraced houses and associated gardens; 48 3-bed, 2 storey duplex apartments over 48 2-bed apartments (3 storey buildings with 2 storey duplex over single level ground floor unit) and associated communal and private open space; 4 3-bed, 2 storey duplex apartments over 4 3-bed, 2 storey duplex apartments (4 storey buildings with 2 storey duplex over 2 storey duplex) and associated communal and private open space; all associated site and development works including roads, central public open space (0.12ha), car parking (361 spaces), bicycle parking (168 spaces), bin storage areas, 2 ESB substations (22sq.m), associated pedestrian footpaths and cycle paths, hard and soft landscaping and boundary treatment. A section of the East - West Avenue Road

	<p>(referred to as Airlie Park Road) along the northern boundary of the site is included in the current application and 2 access points are proposed to this road; development is accessed from roads already approved or under construction. The road to the south (referred to as Adamstown Way) was permitted under SDZ06A/0005 and bounds the site to the south and 1 access point is proposed to this road. 4 access points are proposed to the east and west (2 each). The Celbridge Link Road permitted under SDZ17A/0009 bounds the site to the west and the north-south road to the eastern boundary (referred to as Linear Park Road) was permitted under SDZ20A/0017. 17 spaces were permitted under SDZ17A/0009 providing a total of 378 spaces for this development. Compliance with condition 12.</p>
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Statutory Due Date: 14th July 2022.

Compliance submission is (tick as appropriate):

In Compliance X

for the following reason(s): _____

Condition 12 states.

Condition 12 Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long-term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

Assessment:

In response to **Condition 12**, the applicant has submitted revised drawings and requirements by *BMA Planning and Development Consulting* dated 19th May 2022.

The following has been submitted:

- Building Lifecycle and Management Report (SCD Consulting)
- Drawing No. 6259-P-004 Taking in Charge Drawing (BKD)
- Certificate of Incorporation (Quintain)

A(i) The applicant has submitted Drawing No. 6259-P-004, titled *Taking in Charge Drawing* by BKD Architects.

- The plan identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the title '*Management taking in charge areas*' highlighted in Orange.
- The plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, under the title '*Public taking in charge areas*' highlighted in Blue.

(ii) A detailed building lifecycle report was submitted under *Building Lifecycle and Management Report* (SCD Consulting), under the following:

- 2.0 Assessment of Long-Term Maintenance and Running Expenses
- 2.3 Service Charge Scheme & Details
- 2.3.4 Optimising Maintenance and Life Cycle
- 2.3.5 OMC Structure
- 2.3.6 Service Charges
- 2.3.7 Service Charge Apportionment
- 2.3.8 OMC Annual General Meeting & Annual Report

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

As noted by the submitted Building Lifecycle and Management Report (SCD Consulting) the following Relevant Guidelines & Standards Section 6 of the Sustainable Urban Housing; Design Standards for New Apartments Guidelines for Planning Authorities (2020) includes the below sections which relate to the "Operations & Management of Apartment Developments" and require a Building Life Cycle Report to be submitted.

- Section 6.11 "Certainty regarding the long-term management and maintenance structures that are put in place for an apartment scheme is a critical aspect of

this form of residential development. It is essential that robust legal and financial arrangements are provided to ensure that an apartment development is properly managed, with effective and appropriately resourced maintenance and operational regimes.” Section

- 6.12 “In this regard, consideration of the long-term running costs and the eventual manner of the proposal with the Multi- Unit Developments Act, 2011 are matters which should be considered as part of any assessment of a proposed apartment development.”
- Section 6.13 – Apartment Guidelines 2020 require that apartment Applications shall “include a building lifecycle report, which in turn includes an assessment of long-term running and maintenance costs as they would apply on a per residential unit basis at the time of application as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents”

The Applicant notes:

This report aims to meet the requirements of these sections of the guidelines and will consider all elements of the proposed apartment aspect of the development. The report follows the assessment methodologies set out in the relevant European and British standards and in particular conforms to current BRE and EU guidance.

C. (i) A copy of the Certificate of Incorporation of the said Company ADERRIG GREEN PROPERTY OWNERS was submitted under Register Number: 701273 on Tuesday, the 10th day of August, 2021.

D. Any changes to the status or nature of the Owners’ Management Company shall be notified to the Council forthwith.

E. The Owners’ Management Company note insurance for public liability risk at all times by the submitted Building Lifecycle and Management Report (SCD Consulting) the following:

2.2.2 Insurance

All shared structures, land and property owned by the OMC and used by residents collectively must be insured against normal risks protecting shared and private property against all insurable risks. The appointed property managers will procure a comprehensive all risks property damage policy on behalf of the OMC prior to the sale of the first duplex apartment reflecting the full reinstatement value of the development as completed. In addition to buildings insurance the OMC will require public and employers liability insurance, directors and officers liability insurance, engineering insurance for lifts (where applicable), and other mechanical installations and contents

insurance for its, management office (if provided for the estate) and common areas.

Assessment

The Parks Department emailed report states:

The following trees are suitable for Taking in Charge:

- *All trees along Liner Park Road, Airlie Park Road, Celbridge Link Road and Adamstown Way as well as all trees in Central Green*
- *Trees on side street 2 and side street 3 which are fully in the Public Realm/not overhanging management company property-see trees circled below*

Trees not suitable for Takin In Charge include

- *all trees in home zones 1,2 and 3,*
- *trees in Side streets 1 and 4*
- *any street trees in side streets 2 and 3 closely adjoining/overhanging management company property.*

It should be noted that the Taking In Charge drawing submitted does not include all trees shown on the agreed landscape plan.

(Laurence Colleran, Parks Supervisor).

Recommendation:

The applicant has not fully outlined the requests of Conditions 12 (a) with Drawing No. 6259-P-004 Taking in Charge Drawing (BKD) and Certificate of Incorporation (Quintain). In the Building Lifecycle and Management Report (SCD Consulting), the applicant demonstrates the measures considered to effectively manage and reduce costs for the residents and the environment and have included a template for an Asset Register to aid in assessing the long-term running and maintenance costs.

- Conditions 12 (a) *Taking In Charge is not an agreed Compliance Submission.*
- Condition 12 (b) copy of the Certificate of Incorporation is agreed.
- Condition 12 (c) changes to the status or nature of the Owners' Management Company is agreed.
- Condition 12 (d) The Owners' Management Company note insurance for public liability risk is agreed.

Conclusion:

The applicant's submission is considered partially to comply with Condition C12.

- Conditions 12 (b)(c) and (d) are agreed.
- Conditions 12 (a) *Taking In Charge is not agreed.*

Signed: Evan Walsh, Assistant Planner.

Endorsed: __Colm Harte__