



20<sup>th</sup> June 2023

Land Use, Planning & Transportation Department,  
South Dublin City Council,  
County Hall,  
Tallaght,  
Dublin 24,  
D24 A3XC

**Re:**

**Compliance with Planning Condition No. 7 of  
Grant of Permission Ref. SDZ22A/0010.  
Permitted development in the  
Clonburris Urban Centre (CUC-S4)  
and Clonburris South East (CSE-S1 & CSE-S2)  
of the Clonburris Strategic Development Zone (SDZ).**

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Dear Sir/ Madam,

**1.0. Introduction**

- 1.1.** On behalf of our client, Kelland Homes Ltd., we, Armstrong Fenton Associates, of 13 The Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin 3, D03 A0H3, wish to submit the following and enclosed details of compliance with the planning condition no. 7 attached to the grant of permission under Ref. SDZ22A/0010
- 1.2.** An order to grant permission under Ref. SDZ22A/0010 was issued by South Dublin County Council on 3<sup>rd</sup> April 2023. The permitted development is located west of the Ninth Lock Road, south of the Dublin-Cork railway line, north of Cappaghmore housing estate and Whitton Avenue, and east of an existing carpark / park & ride facility at the Clondalkin Fonthill train station and the R113 (Fonthill Road)
- 1.3.** The development, as applied for, consisted of, *inter alia*, 294 no. dwellings, creche and retail / commercial unit. It should be noted that the grant of permission received includes for 32 no. conditions which have appropriately amended the development as applied for. These amendments are detailed in the various individual compliance submissions being issued to the Planning Authority for agreement.
- 1.4.** The subject compliance submission relates to **Condition No. 7** of the grant of permission received i.e., the submitted management company plan for the permitted development. The details of our compliance submission in relation to **Condition No. 7** can be found in section 2 below. Appendix A of this compliance letter details the full list of enclosures which accompany this compliance submission – please refer to same in conjunction with the reminder of this compliance letter.



## 2.0. Compliance Submission

### Subject Condition (Condition No. 7)

2.1. Condition No. 7 of the grant of permission received relates to submitted management company plan for the permitted development. Condition No. 7 reads as follows:

- 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.”*

### Compliance Submission for Condition No. 7

In compliance with Condition No. 7 of the grant of permission received, Appendix A at the end of this compliance letter provides for a full list of enclosures submitted as part of the subject compliance submission - please refer to the submitted drawings for full details - however, for convenience, the following sub-subsections refer the reader to the relevant drawings for each part of the condition of the grant of permission received.

2.2. In compliance with **Condition No. 7** of the grant of permission received, we refer the planning authority to Drawing No. 2004-PL- 002 prepared by Davey + Smith Architects which demonstrates areas retained by the Owner’s Management Company. The enclosed plan clearly demonstrates areas to be taking in charge by the council. The external common areas of the permitted development (red dotted line) are to be retained and maintained by the owner management company set up for the permitted development.

We submit a detailed Building Lifecycle Report prepared by Armstrong Fenton Associates which includes 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, in compliance with condition no. 7 (a)(ii).

We submit the following legal documents of the Certificate of Incorporation of “Keepers Lock Owners Management Company Limited By Guarantee”, in compliance with this condition, please refer to same.



For clarity, we ensure that any changes to the status or nature of the Owners Management Company will be notified to the planning authority, in compliance with condition no. 7 (d). We ensure that the owners management company will hold insurance for public liability risk at all times for all areas under its control and responsibility. We submit the following 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 2022-2028.

### 3.0. Conclusions & Enclosures

- 3.1. We fully consider the submitted management company plan showing compliance for the permitted development to be appropriate and in compliance with the grant of permission received. For clarity we confirm that, once agreed, all units will be provided in accordance with the agreed scheme, as per condition of the grant of permission.
- 3.2. We respectfully request that the Planning Authority assess the submitted management company plan for the permitted development in a judicious manner so development can progress as soon as possible, and much needed housing be provided on the subject site.
- 3.3. This compliance submission has been sent electronically via email to the Planning Authority as requested by the compliance section of South Dublin County Council. Should circumstances have changed and printed hard copies of this compliance submission now be required please do not hesitate to contact us at [alison@armstrongfenton.com](mailto:alison@armstrongfenton.com) or by telephone number on (01) 47 93 140. Appendix A below provides for a full list of enclosures forming part of the subject compliance submission – please refer to same for details.
- 3.4. We trust all the above and submitted are in order and we look forward to hearing back from the Planning Authority confirming that the submitted management company plan is acceptable and in compliance with **Condition No. 7** of the grant of permission received.

Yours Sincerely,

**Alison Nash**  
**Planner**  
**Armstrong Fenton Associates**

**Appendix A: Full List of Enclosures****Prepared by Armstrong Fenton Associates:**

<b>Drawing no.</b>	<b>Title</b>	<b>Scale</b>
N/A	Compliance <b>Condition No. 7</b> Cover Letter	A4 Letter
N/A	Building Life Cycle Report	A4 Document

**Prepared by Davey + Smith Architects:**

<b>Drawing no.</b>	<b>Title</b>	<b>Scale</b>
2004-PL-002	Owners Management Company Plan & Taking in Charge	1:1000

**Prepared by Kelland Homes Ltd:**

<b>Drawing no.</b>	<b>Title</b>	<b>Scale</b>
N/A	Form A1 – New Company Incorporation	A4 Document
N/A	CLG Constitution	A4 Document
N/A	OMC Declaration of Compliance	A4 Document
N/A	Signature page Keepers Lock OMC LBG	A4 Document

