

Senior Administrative Officer,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24,
D24 YNN5

Our Ref. 21080

17 June 2024

RE: PLANNING PERMISSION REG. REF. SDZ22A/0007

**CONSTRUCTION OF PHASE ONE OF THE ADAMSTOWN BOULEVARD DEVELOPMENT AREA; A
RESIDENTIAL DEVELOPMENT CONSISTING OF 423 RESIDENTIAL UNITS.**

COMPLIANCE SUBMISSION - CONDITION NO. 28 – MANAGEMENT COMPANY

Dear Sir/Madam,

We are instructed by our client, (the Developer), Quintain Ireland., Fitzwilliam Court, Leeson Close, Dublin 2, D02 YW24 to lodge this compliance submission in relation to the development outlined above.

This compliance submission refers to Condition 28 of Planning Reg. Ref. SDZ22A/0007 and the associated letter from South Dublin County Council dated 17 May 2024 confirming that the submission made on 28 March 2024 was deemed partially in compliance.

We would be grateful for written confirmation of the Planning Authority's acceptance of the content of this submission as soon as possible.

Should you have any queries in relation to this compliance submission, please do not hesitate to contact this office. We would be happy to discuss same or meet with you to clarify any issues arising.

Yours sincerely,

Niamh Robinson

Niamh Robinson

STEPHEN LITTLE & ASSOCIATES

COMPLIANCE - PLANNING REG REF. SDZ22A/0007- CONDITION 28

For the convenience of the Planning Authority, this compliance submission sets out below the text of Condition 28 and the associated letter from South Dublin County Council dated 17 May 2024 followed by the Applicant's compliance response.

CONDITION 28: 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.

LETTER FROM SOUTH DUBLIN COUNTY COUNCIL DATED 17 MAY 2024

The items of the condition for written agreement are items A and C. These are assessed as follows:

Item A

(i) The applicant/agent has submitted a plan that identifies the areas to be taken in charge, maintained by the management company or for outline permission. The Roads Department and the Public Realm Section have both reviewed this drawing.

The Roads Department state that the areas of road and footpath that will be offered for taking in charge are to its satisfaction.

The Public Realm Section state that ‘Accepting the tree planting areas between the front gardens would set an unhelpful precedent for SDCC. The map should be changed to take these areas out of the TIC area. The trees should still be planted in these locations’.

(ii) It is noted that since the permission does not provide for apartment development, a building lifecycle report is not required in this instance.

Item C

No copy of the Certificate of Incorporation has been submitted with the application. It is therefore considered that this item has not been satisfactorily addressed.

Having regard to above, the compliance submission is deemed to be in compliance with Item A(ii) but not in compliance with Item A (i) and Item C. It is therefore considered that the submission is partially in compliance with Condition 28.

Conclusion

The submission is partially in compliance with Condition 28. “

Applicant’s Response:

We refer the Planning Authority to the following materials, which accompany this submission: -

- A. (i) We refer the Planning Authority to enclosed Drawing No. 1238-MDO-ZZ-XX-DR-A-05003 ‘Proposed Site Layout Plan- Taking in Charge, prepared by McCauley Daye O’Connell Architects.
- C. (i) A Certificate of Incorporation is enclosed with this submission.

CONCLUSION

We would be grateful for written acknowledgement by the Planning Authority of compliance material submitted at its earliest possible convenience.

STEPHEN LITTLE & ASSOCIATES

June 2024

ENCLOSURES

- 1. Certificate of Incorporation.
- 2. Drawing No. 1238-MDO-ZZ-XX-DR-A-05003 ‘Proposed Site Layout Plan- Taking in Charge, prepared by McCauley Daye O’Connell Architects

Document Control: -

Author	Approved by	Purpose	Date
CMcG	<i>Niamh Robinson</i>	Draft	07.06.2024
-	<i>Niamh Robinson</i>	Final for Submission	17.06.2024