

Meeting: 10th December 2019

Item No: 9

With reference to the proposed disposal of lands at Silloge Road, Ballymun, Dublin 11.

It is proposed to dispose of a site located at Silloge Road, Ballymun, Dublin 11, immediately to the south of the Ballymun Shopping Centre site and west of the Ballymun Leisure Centre for mixed use development. Part of the western edge of the site previously included residential flats which have since been demolished to allow for future development to take place. The subject site is shown outlined in red on Map Index No SM-2019-0193, a copy of which is submitted with this report.

Background:

Since the adoption of the Ballymun Local Area Plan (LAP) in 2017, the City Council has been actively pursuing its implementation on a number of fronts, in order to build out the vacant sites to meet the needs of the existing and future population.

Examples of progress to date include: -

- new Lidl supermarket and associated offices, and student accommodation is currently on site and is due to open in September 2020 (Site 4);
- 50 co-operative housing units are under construction or in planning on Sites 21-23 and
- new Decathlon store, the first in the Republic of Ireland, is due to open next Spring, on the site beside IKEA.

Progress is also being made in the provision of new infrastructure in Ballymun. The construction of Silloge Avenue for example, opens up both a new link to Main Street and the adjoining sites for affordable housing. The new junction at Hampton Wood is also commencing next year providing a new connection between Ballymun and the 'new' residential areas of Lanesborough, Mayeston and Hampton Wood.

The LAP has also been successful in ensuring the proposed new Metrolink runs underground (rather than along Main Street as previously proposed) with new stations at Northwood and the Ballymun Shopping Centre Site servicing the area.

In relation to the new GAA facility at site 31, the LAP team have engaged consultants who are due to report on how the recreational, employment and / or residential uses can be accommodated on this key site.

The Shopping Centre Site (No.1) is currently being demolished affording opportunities for a major new retail and residential mixed use hub at the centre of Ballymun, integrated with the new Metro station.

As part of the growing confidence in Ballymun, successful retail / restaurants / cultural uses need mixed tenure neighbourhoods and a surrounding catchment of people to support them (as highlighted in the 'Retail Study' which was prepared in tandem with the LAP).

The bringing forward of Site No. 2, to the south of the Shopping Centre is thus crucial to further increase confidence in the regeneration of Ballymun and to build on the progress made to date on implementing the LAP.

Site no. 2 went out to tender recently and the preferred bid, for a mixed use scheme, comprising 301 apartments, 40 senior citizens homes, a crèche and community open space fully accords with the principles of the LAP. The scheme makes optimum use of the site and will contribute hugely to the liveability and vitality of the locality. It will also complete a key vacant site to the south of the shopping centre, to the west of the Leisure Centre and north of Gateway Crescent.

In addition to the above, there are a number of other developments which the Council is promoting for Ballymun (set out below) that will further improve the mix of house types, tenures, units and designs available in the area; a key aim of the Local Area Plan: -

- Site nos. 12 & 14: Affordable Housing
 - The City Council has secured funding under the 'Serviced Sites Fund' for two sites in Ballymun in Silloge and Balbutcher from the Dept. of Housing, Planning and Local Government to deliver Affordable Housing. The two sites will generate circa 157 affordable units; predominately houses – family and starter homes, with some apartments and duplexes.
 - The City Council held a workshop with prospective builders/developers on the 7th November to advance the projects and discuss pertinent issues such as procurement and planning etc.
- Site no. 6: Cost Rental
 - Expressions of interest have been sought from the Approved Housing Bodies protocol to deliver cost rental on this site.
 - Three submissions have been received and will now be reviewed by the Council.
- Site No 10 : PPP for Social Housing
 - DHPLG has provisionally approved the development of circa 100 units on the Shangan site as part of Bundle 3 (subject to detailed design & full financial appraisal of the Bundle 3 proposal . The site selection process for Bundle 3 is not fully finalised but indications are that the department is favourably disposed to including Site No.10.

It is in this overall strategic context, under the auspices of the statutory Local Area Plan that the Council is aiming to deliver a wide range of new housing in the area for all the different segments of the housing market (owner occupiers, renters, students, starter home etc.). The development of site No. 2 and the future development sites have the potential to provide a significant increase in residential population, assisting in generating the critical mass of population to sustain social and community services, business and public transport.

Winterbrook Homes (Silloge) Limited, was selected as the preferred bidder and it is proposed to dispose of this site to Winterbrook Homes (Silloge) Limited subject to the following terms and conditions:

1. That the subject site comprises an area of 3.38 acres and is shown outlined in red on attached Map Index No. SM-2019-0193.

2. That the disposal price shall be the sum of €3,000,000 (three million euro) plus VAT, payable in the following manner:
 - a) 10% i.e. €300,000 (three hundred thousand euro) upon signing of the disposal contract which is conditional on receipt of satisfactory planning permission less refundable booking deposit of €50,000 (fifty thousand euro) paid to Hooke & McDonald, the Council's sales agent. Amount to be paid upon signing €250,000 (two hundred & fifty thousand euro).

The disposal contract shall be issued to Winterbrook Homes (Silloge) Limited (the proposed purchaser) within 4 (four) weeks of Council approval to the disposal of the Site (if approved). The proposed purchaser will sign and return the disposal contract in the agreed form to the Council's Solicitor within 15 (fifteen) working days of issue. The balance of monies shall be payable as follows:

- b) a further 30% i.e. €900,000 (nine hundred thousand euro) prior to entry on site, and
- c) 60% i.e. €1,800,000 (one million eight hundred thousand euro) balance upon practical completion and transfer of Freehold title. The balancing payment shall be apportioned on a pro-rata basis as per the agreed phases of the development (see term 12 below).

A 12% per annum interest rate shall apply to the late payment of any outstanding sums.

3. That Dublin City Council holds Registered Freehold Title.
4. That this transaction is subject to the proposed purchaser being satisfied with the results of site surveys for the property including, but not limited to, topographical, boundary, geotechnical and environmental surveys at its own cost. Results of site surveys will be confirmed within 6 (six) weeks of Council approval to the disposal.
5. That the proposed purchaser will lodge a planning application for the proposed scheme within 6 (six) months of signing and exchanging the disposal contract. Failure to lodge a planning application within the stated period shall entitle the Council to rescind the contract on giving not less than 7 days written notice to the proposed purchaser.
6. That the disposal is subject to the receipt of an acceptable planning permission for a mixed use residential development. The proposed purchaser (acting reasonably) shall be obliged to confirm in writing to the Council within 40 (forty) days of the date of final grant, that a planning permission received from the Planning Authority or An Bord Pleanala is acceptable or not to them. If a planning permission is notified to the Council as being acceptable, building works under a Building Licence Agreement must commence no later than 9 (nine) months from the date of such notification.
7. That the proposed purchaser shall be permitted to lodge a maximum of two comprehensive planning applications to the Planning Authority (where necessary) and two planning appeals to An Bord Pleanala in respect of the subject property.

The entitlement to lodge a second comprehensive planning application shall only arise if the Planning Authority refuses permission for the first application or if the proposed purchaser (acting reasonably) deems the grant of planning permission by the Planning Authority to be unacceptable for stated reasons. The second comprehensive planning

application, if it arises, must be lodged within 12 (twelve) weeks of the date of the Planning Authority's final decision.

The proposed purchaser (acting reasonably) shall be obliged to confirm in writing to the Council within 40 (forty) days of the date of final grant, that a planning permission received from the Planning Authority or An Bord Pleanala is acceptable or not to them.

If a planning permission is notified to the Council as being acceptable, building works under a Building Licence Agreement must commence no later than 9 (nine) months from the date of such notification.

8. That in the event that the Planning Authority or An Bord Pleanala refuses permission for the proposed development, or the proposed purchaser (acting reasonably) deems a planning permission to be unacceptable for stated reasons, the Council and/or proposed purchaser shall have the right to rescind the contract on giving not less than 7 days notice in writing to the other party in which case all monies received will be returned, without the payment of interest.
9. That the proposed purchaser will be responsible for all costs in relation to the planning process.
10. That the entire Development must be completed under one building contract in not more than three consecutive phases. That should the entire development not be practically complete within 36 (thirty six) months (as may be extended in cases of force majeure, strikes or adverse weather conditions which cause delay) following the grant of planning permission, Dublin City Council reserves the right to rescind the contracts for the unfinished phases and resume possession of the unfinished phases of the site and buildings erected thereon with an allowance being made for the market value of any buildings constructed, subject to term 12 below.
11. That Freehold title in each phase will be conveyed once practical completion has been certified by the Council's Architect. The proposed purchaser will be allowed enter on the lands under a Building Licence Agreement, on standard terms (including appropriate insurances), following a final grant of planning permission. Phasing of the development will be agreed between the parties and will be set out in appendices to the Building Licence Agreement, together with formal mapping of the phases.
12. That the Building Licence Agreement shall not be transferable save, if applicable, in the case of another proposed purchaser group company, or a financial institution which has entered into a mortgage with proposed purchaser. The mortgage must be approved by the Council in writing and must have been entered into specifically for the purposes of the purchase and/or financing of the purchase and development of the site by the proposed purchaser.
13. That in the event of a dispute arising between the parties at any time after the proposed purchaser has commenced the proposed development, the parties shall in the first instance refer the matter to a mediator to determine the dispute by mediation and failing resolution of the dispute between the parties through mediation then either party may refer the issue in dispute to an independent expert to determine the issue in dispute. The independent expert shall be appointed on the written application of either party to the Royal Institute of the Architects of Ireland (RIAI) or the Society of Chartered Surveyors Ireland (SCSI).
14. That the Ballymun Town Centre Facilities Charge shall apply to the site. The Ballymun Town Centre Facilities Charge means a contribution to the cost to DCC of providing

the Ballymun Town Centre Facilities which the purchaser shall pay DCC, if demanded. It is a yearly sum of €2.69 per square metre of the gross floor area of the commercial buildings from time to time erected on the site; calculated, in the first instance (but subject to revision thereafter under the terms of the transaction documentation), upon the practical completion of the development in accordance with the SCSl Code of Measuring Practice, such contribution to be CPI linked as provided in the transaction documentation.

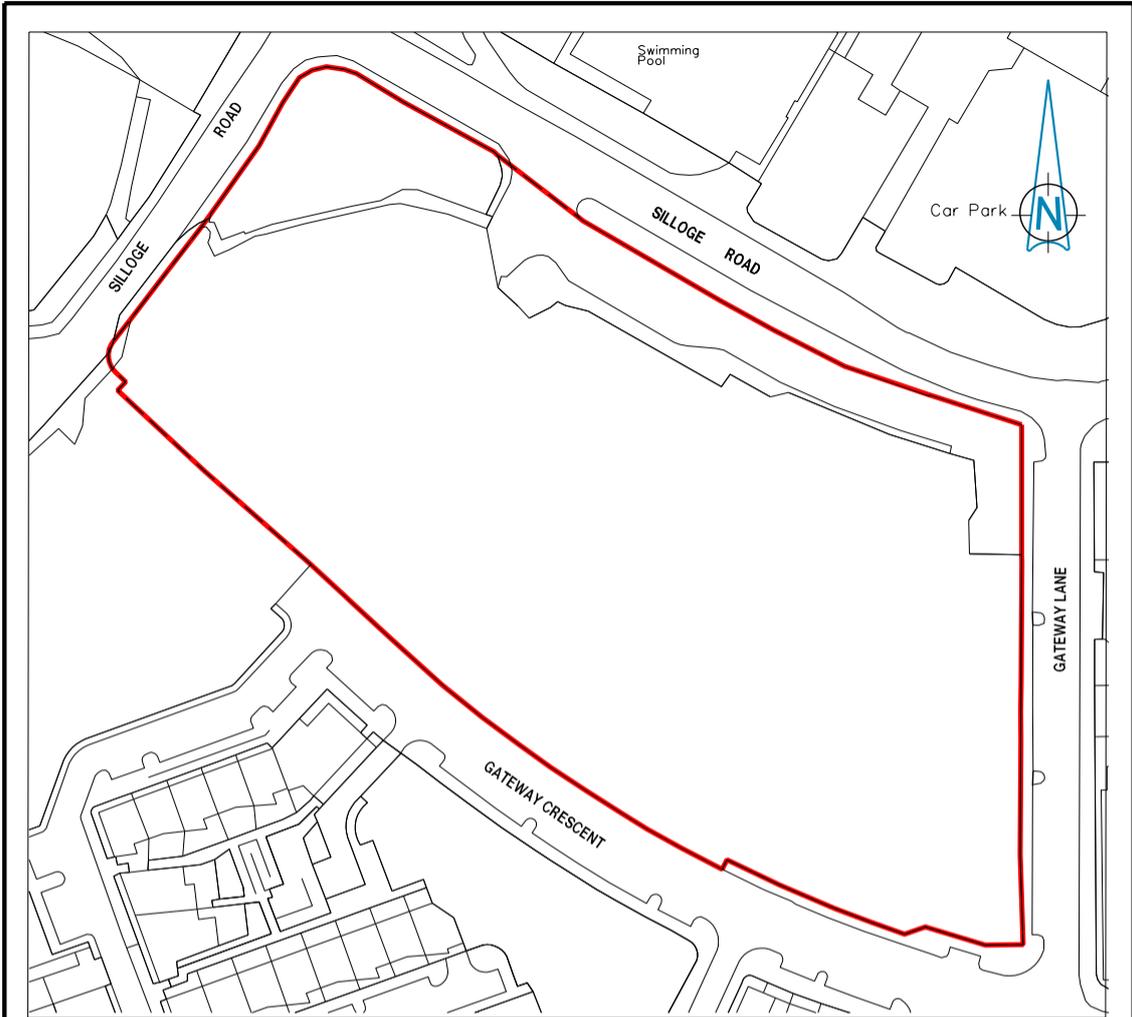
15. That each party shall be responsible for their own costs and fees in this matter.
16. That this proposed disposal is subject to the necessary consents and approvals being obtained from the Council. This disposal is also subject to the proposed purchaser's Board approval.
17. That no agreement enforceable at law is created or is intended to be created until exchange of contracts has taken place.

That the dates for the performance of any of the requirements of the proposed agreement may be amended at the absolute discretion of the Executive Manager.

The disposal shall be subject to such covenants and conditions as the Law Agent in her discretion shall stipulate.

No agreement enforceable at law is created or is intended to be created until exchange of contracts has taken place.

Richard Shakespeare
Assistant Chief Executive



BALLYMUN, DUBLIN 11 - Site 2
 Map for Area Committee



Comhairle Cathrach
 Bhaile Átha Cliath
 Dublin City Council

An Roinn Comhshaoil agus Iompair
 Rannán Suirbhéireachta agus Léarscáilithe
 Environment and Transportation Department
 Survey and Mapping Division

O.S REF 3131-15	SCALE 1-1000
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DATE 26-07-2019	SURVEYED / PRODUCED BY PMcGinn
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 SURVEY, MAPPING AND RELATED RESEARCH APPROVED

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 CITY ENGINEER

APPROVED _____
THOMAS CURRAN
 ACTING MANAGER LAND SURVEYING & MAPPING
 DUBLIN CITY COUNCIL

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