



With reference to the proposed grant of a lease of 13a Casement Drive and 307a Casement Road, Finglas, Dublin 11.

Approved Housing Bodies are a key part of the Government's strategy and policy on the delivery, regeneration and management of social housing and as such, are key partners for Dublin City Council. It is therefore proposed to grant of a lease of 13a Casement Drive and 307a Casement Road, Finglas, Dublin 11 to Arlington NOVAS Ltd.

Arlington NOVAS Ltd. is an Approved Housing Body, and proposes to develop two housing units at 13a Casement Drive and one unit at 307a Casement Road. Planning permission was granted for 13a Casement Drive in March 2020 (Planning ref. 4516/19). Permission is currently pending on a revised planning application for 307a Casement Road. The Department of Housing Local Government & Heritage has approved funding to Arlington NOVAS Ltd. Approved Housing Body for both these developments units under the Capital Assistance Scheme. The proposed accommodation will go towards the City Council's housing needs in accordance with the Housing Allocations Scheme.

In granting a lease of these sites to Arlington Novas Ltd Approved Housing Body, the following should be noted:

1. Approved Housing Bodies are not for profit bodies that provide and manage social housing.
2. Approved Housing Bodies are subject to a number of regulatory regimes, including the Companies office, the Charity Regulator, the Housing Regulator and are accountable to their stakeholders. In this regard, a Regulation Office was established within the Housing Agency in 2014 with responsibility for regulating Approved Housing Bodies. The Regulation Office oversees the assessment of Approved Housing Bodies in respect of their financial viability, governance and management along with the compliance with the Regulatory Framework. The majority of Approved Housing Bodies are Companies Limited by Guarantee and are required to comply with legal obligations set out in the Companies Acts, 2014 making their annual accounts freely available for public inspection.
3. In addition to being registered charities, they are regulated by the Charities Regulator and details of an AHB's activities are available for inspection on the Charities Regulator's public register.
4. They are not free to manage their assets in any way they wish. They must use their assets in accordance with their charitable status and any surpluses generated must be applied back to benefit their charitable aims.

5. A restriction on title will be applied to ensure the continued use of the units as social housing.
6. There are financial implications if they fail to comply with their loan obligations to use their properties for social housing.
7. Should they cease to exist, in the first instance, they will seek to transfer their assets to another organisation with similar charitable aims or their assets will be transferred free of charge to Dublin City Council.

The Housing Department has reported that agreement has now been reached with Arlington NOVAS Ltd. (the Lessee) subject to the following terms and conditions:

1. The lease shall consist of a site at 13a Casement Drive shown outlined in red on the attached map Index number SM-2019-0931Rev B and 307a Casement Road shown outlined in red on attached map Index No. SM-2020-0395 Rev B
2. The lease shall have a term of 31 years and be disposed of under the terms of the Low Cost Sites Scheme to the proposed Lessee, for the delivery of social housing.
3. The subject property will be leased with vacant possession.
4. Under the terms of the Lease and the Capital Assistance Scheme, the disposal price shall be the sum of €381 plus VAT (if applicable). This equates to €127 (one hundred and twenty seven euro) per residential unit.
5. The lease to be granted to the proposed Lessee shall be subject to a Building Covenant.
6. There is an inhibition on the title that the subject property can only be used for social housing purposes.
7. The Development is subject to planning permission issuing and all other necessary statutory approvals/regulations.
8. The development must be fully completed and made fit for occupation within 36 (thirty six) months from the date of the Section 183 approval by the City Council
9. The proposed Lessee shall satisfy the Council that it has adequate public liability and employer's liability insurance and shall indemnify the Council against any claims for compensation that may be made arising from its usage of the site. The current levels of insurance are €6.5 million public liability insurance and €13 million employer's liability insurance.
10. The proposed Lessee shall insure the buildings during construction against fire and all other insurable risks with an approved insurance company and pay all necessary premiums. The insurance shall be for such an amount as will provide cover for full reinstatement values of so much of the buildings as is erect at any time together with a sum for professional fees and removal of debris charges.
11. All roads and footpaths works shall be completed to the written satisfaction of the Council.

12. The Council shall have 100% nomination rights to all of the units.
13. Should the subject property cease to be used for social housing purposes at any stage, then the units will revert free of charge to the Council,
14. Should the proposed Lessee not proceed with the development or complete the development within the agreed timeline that the benefit/ownership of the planning permission, design of the scheme and certification shall transfer, free of charge, to the Council.
15. In the event of the proposed Lessee going into bankruptcy or insolvency, the Council reserves the right to take possession of the site and all of the housing units (partially completed or otherwise) at no cost to the Council.
16. The proposed Lessee shall be liable for the payment of VAT and/or Stamp Duty should any such payments arise from this disposal.
17. Each party shall be responsible for the own legal fees and professional fees.
18. The proposed Lessee shall not sell, assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the Council, with the exception of tenancy and licence agreements with tenants or licensees for supported housing.

The site at 307a Casement Road was acquired from Sarah Stewart and the site at 13a Casement Drive was acquired from John Byrne.

This proposal was approved by the North West Area Committee at its meeting on 20th October 2020.

The dates for the performance of any of the above requirements may be amended at the absolute discretion of the Executive Manager.

The agreement shall contain such other covenants and conditions as deemed appropriate by Dublin City Council's Law Agent.

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

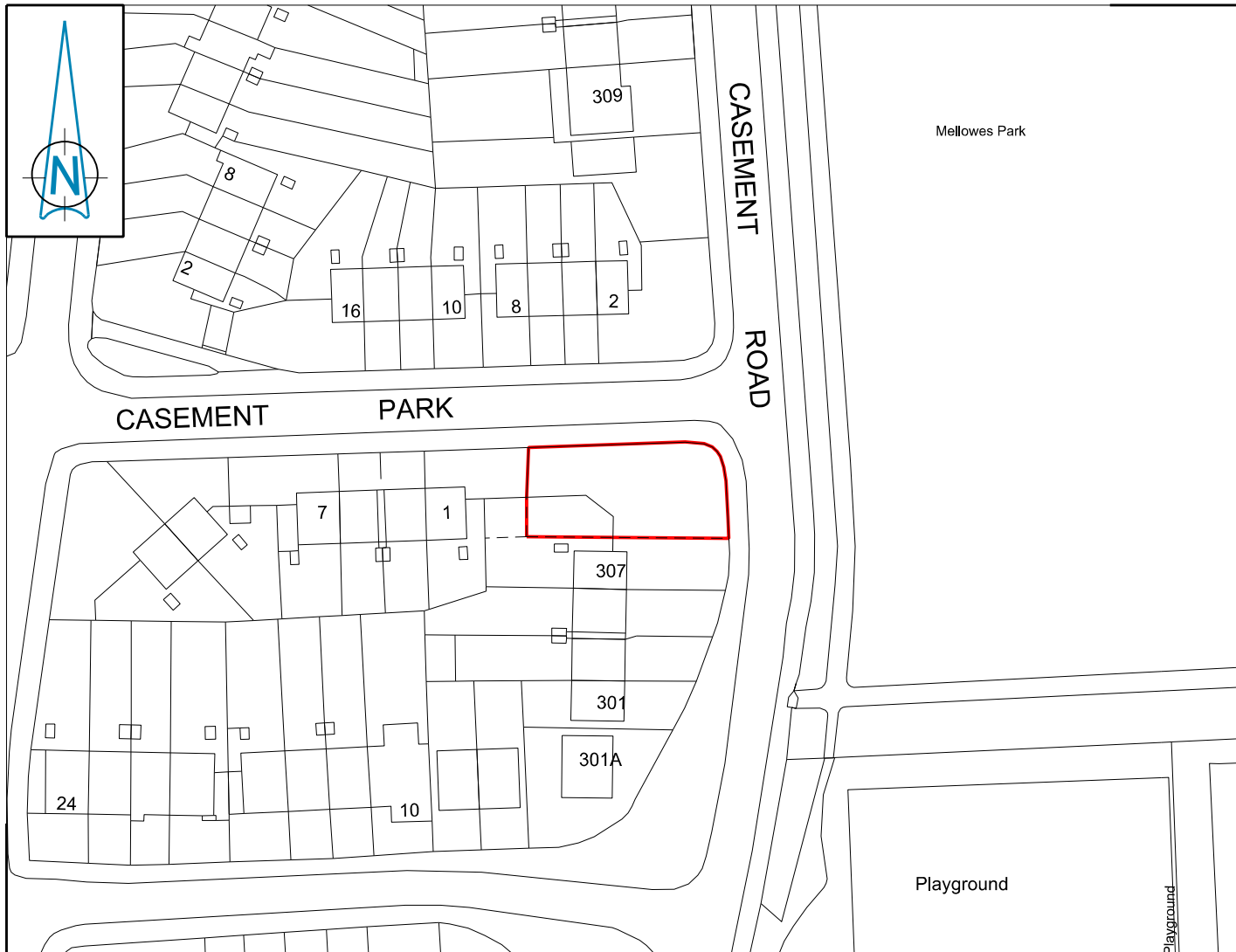
This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

Resolution to be adopted:

That Dublin City Council notes the contents of Report No. 45/2021 and assents to the proposal outlined therein.

Paul Clegg
Executive Manager

20th January 2020



E: 712551.510

N: 739231.289

CASEMENT ROAD - No. 307a
 Dublin City Council to NOVAS
 Grant of Lease
 Area: 421m²



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 3131-11	SCALE 1:1000
DATE 25-09-2020	SURVEYED / PRODUCED BY T. Curran

INDEX No	DWG No	REV
FILE NO	F:\SM-2020-0395 - 001 - B.dgn	

Dr JOHN W. FLANAGAN
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 CITY ENGINEER

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 SURVEY, MAPPING AND RELATED RESEARCH APPROVED
 APPROVED **THOMAS CURRAN**
 ACTING MANAGER LAND SURVEYING & MAPPING
 DUBLIN CITY COUNCIL

INDEX No.
SM-2020-0395



CASEMENT DRIVE - No. 13a

Dublin City Council to Arlington Novas Ireland Approved Housing Body

Grant of Lease

Area - 259m²



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 3131-11	SCALE 1:1000
DATE 28-09-2020	SURVEYED / PRODUCED BY T. Curran

INDEX No	FOLDER No	CODE	DWG No	REV
FILE NO	SM-2019-0931- 0204- C5 - 001 - B.dgn			

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ACTING CITY ENGINEER

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THOMAS CURRAN
ACTING MANAGER LAND SURVEYING & MAPPING
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SM-2019-0931