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**With reference to the proposed assignment of a lease of a site at 51A Old Kilmainham, Dublin 8.**

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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.

This site was transferred to the Council from the Irish Prison Service in December 2019, for the purpose of the onward transfer to Arlington Novas Ltd. Arlington Novas Ltd, an Approved Housing Body, intend to develop 11 units for social housing at this site. The proposed accommodation will go towards the Council's housing needs in accordance with the Housing Allocations Scheme.

The Department of Housing, Local Government & Heritage has approved Stage 1 funding for this project under the Capital Assistance Scheme (CAS). One of the conditions of CAS funding is that a mortgage in the amount of the funding is placed as a charge on the property.

In assigning the lease of this site 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.

It is therefore proposed to assign a lease of a site at 51A Old Kilmainham, Dublin 8 to Arlington NOVAS Ltd. (the assignee) subject to the following agreed terms and conditions:

1. The subject site at 51A Old Kilmainham, Dublin 8 is shown outlined in red on the attached map Index No. SM-2020-0430 Rev B.
2. The site is encumbered by a conduit for foul sewerage servicing the adjoining property (6 Prospect Terrace). Therefore the site shall be disposed subject to a wayleave of 6m width, shown shaded yellow on the attached map Index No. SM-2020-0430 Rev B to the adjoining property owner.
3. The Council shall assign the residue of the term of its leasehold interest.
4. The subject site will be assigned with vacant possession.
5. The site was acquired at a cost of €10 (ten euro) from the Irish Prison Service, for the purpose of the onward transfer to Arlington Novas Ltd, therefore the consideration shall be the sum of €10 (ten euro) if demanded.
6. The title shall be transferred to the proposed assignee subject to a Building Covenant.
7. There is an inhibition on the title that the subject site can only be used for social housing purposes.
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 Council
9. The proposed assignee 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 assignee shall insure the buildings during construction against fire and all other insurable risks with an approved insurance company and pay all necessary premiums. The amount 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 site 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 assignee 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 assignee 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 assignee 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 their own legal fees and professional fees.
18. The proposed assignee shall not assign, sublet or part with possession of the site 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.
19. That any dates/time frames outlined above may be extended by the Executive Manager at his absolute discretion and all notices must be given in writing.

The site was acquired from the Irish Prison Service.

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

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

This proposal was approved by the South Central Area Committee at its meeting on 21<sup>st</sup> April 2021.

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

**Resolution:**

That Dublin City Council notes the contents of Report No. 328/2021 and assents to the proposal outlined therein.

Dated this the 19<sup>th</sup> day of October 2021.

**Paul Clegg**  
**Executive Manager**

N: 733614.337

E: 712786.212

48

47

OLD KILMAINHAM

Prospect Tce

53

6

3

1

8

6

734

SOUTH CIRCULAR ROAD

E: 712692.667

N: 733542.389

# OLD KILMAINHAM - No. 51

Dublin City Council to Arlington Novas Ltd. AHB

Grant of Lease

Area: 1,223m<sup>2</sup>

Right of Way / Wayleave shown coloured yellow



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

3263-12

SCALE

1:500

INDEX No

DWG No

REV

FILE NO

F:\SM-2020-0430 - 001 - B.dgn

DATE

11-11-2020

SURVEYED /  
PRODUCED BY

T. Curran

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY  
DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE

SURVEY, MAPPING AND RELATED RESEARCH APPROVED

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CITY ENGINEER

APPROVED

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ACTING MANAGER LAND SURVEYING & MAPPING  
DUBLIN CITY COUNCIL

**INDEX No.**

**SM-2020-0430**