

2nd December, 2021.

To: The Lord Mayor, Chairperson and Members of
North Central Area Committee

Meeting: 13th December 2021

Replies to queries raised with regards to the Chivers Site at the November NCAC

Q1. More information required as to why the Chivers Site hasn't been put onto the Derelict Sites or the Vacant Sites Register, given that it is idle and derelict since 2017?

Reply:

The Chivers site was entered on the Derelict Sites Register in July 2014 and removed in June 2017 following the carrying out of various improvement works as requested i.e. covering over of holes in the roof and the removal of graffiti. No further action was taken under the Derelict Sites Act since then.

On 22nd October 2021, the Vacant Sites Unit had the site inspected and the site inspection report was forwarded on to the Planning Department for assessment for suitability for inclusion on the Vacant Sites Register in line with the criteria outlined in the Urban Regeneration and Housing Act 2015. The Planners Report has been received and the recommendation is that the site is suitable for inclusion on the register. However, it will be necessary to wait 12 months from the date of the planners inspection of the site – 29th November 2021, to confirm that the site is vacant for 12 months (in accordance with the legislation), before a Notice of Proposed Entry can be served on the owners.

Paul Clegg
Executive Manager

Date: 1st December, 2021.

Q2. Will Derelict Site Levies be applied retrospectively?

Reply:

Derelict site levies in the amount of €137,739 were paid in respect of the period of time the property was on the Derelict Sites Register. There are no outstanding levies on the property.

Paul Clegg
Executive Manager

Date: 1st December, 2021.

- Q3. Can the Law Agent please respond to the query regarding the validity of the rezoning carried out by councillors in March 2018, bearing in mind that they were given false information by the developer?

Reply:

On 23rd October 2017, the proposed variation was presented to the North Central Area Committee and following a 4 week consultation period, the variation was approved by the elected members of the City Council on 5th March 2018. A solemn decision of the elected members as a body in the exercise of their reserved functions following public consultation, consideration of submissions and representations made during that public consultation and a consideration of the proper planning and sustainable development for the area in question, enjoys a legal presumption of validity.

Yvonne Kelly
Law Agent

Date: 1st December, 2021.

- Q4. Can the council indicate that significant development levies will be applied to the site?

Reply:

The development levies due on this site will be €3 million approximately. The exact amount will be determined when development commences.

Paul Clegg
Executive Manager

Date: 1st December, 2021.

- Q5. Can a statement be made by Dave Dinnigan (Housing Delivery Unit) as to whether or not he has contacted the estate agent selling the land on behalf of the developer to state that there is no existing agreement that Dublin City Council will lease 30% of the properties and that all promotional literature regarding the sale should reflect this?

Reply:

The Housing Department has already contacted the estate agents for the Chivers Site and asked them to remove any reference to DCC. The company agreed to remove any such reference upon this request.

David Dinnigan
Assistant Chief Executive

Date: 1st December, 2021.

Current Status.

This submission was received under the enhanced lease initiative in 2018 and is being coordinated/overseen by the Housing Agency.

The Council indicated interest in a lease agreement of 157 units to include 55 units to comply with Part V of the Planning Act, subject to compliance with all legal/financial due diligence and the scheme guidelines.

Market rents were agreed with the initial proposer, however the Part V agreement was not signed by both parties. Therefore there is no agreement for Lease/ Lease in place for this scheme and a submission for approval has not been sent to the Department of Housing. The Department's approval is required before instruction can be given to commence any legal process.

Kayanne O'Mahony
Acting Senior Executive Officer

Date: 1st December, 2021.