

THIS AGREEMENT made the day of 20

BETWEEN:

BARTRA PROPERTY (CASTLEKNOCK) LIMITED (company registration number 624855) having its registered office at Third Floor, Longphort House, Earlsfort Centre, Dublin 2 (hereinafter called “**the Applicant**” which expression shall where the context so admits or requires include its successors and assigns) of the one part and **FINGAL COUNTY COUNCIL** of [insert] of the other part.

WHEREAS:

1. The Applicant is the registered owner of the property more particularly described in the Schedule hereto (“**the Scheduled Property**”) and known as Brady’s Public House, Old Navan Road, Dublin 15, D15 W3FW.
2. The Applicant has applied to An Bord Pleanála for a grant of planning permission (“**the Grant**”) for a strategic housing development on the Scheduled Property.
3. The development will principally consist of: the demolition of the existing part 1 to part 2 No. storey over partial basement public house and restaurant building (1,243 sq m) and the construction of a part 1 to part 5 No. storey over basement Build-to-Rent Shared Living Residential Development (6,549 sq m) comprising 210 No. bedspaces (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms) (“**the Shared Accommodation Units**” and each a “**Shared Accommodation Unit**”).
4. The development also consists of the provision of communal living/kitchen/dining rooms at each floor level to serve the residents of each floor; communal resident amenity spaces for all residents including tv/cinema room at basement level, gymnasium and lounge/reception area at ground floor level, a library/study at third floor level and a private dining room at fourth floor level; external roof terrace at third floor level (78 sq m) facing north-east, north-west and south-west; external communal amenity courtyards at basement (170 sq m) and ground floor level (336 sq m); external amenity space at basement level accessed from the communal living/kitchen/dining room (30 sq m); balconies at third floor level facing north-east/north-west (14.35 sq m); resident facilities including launderette, linen store, accessible WC and bin store; 2 No. accesses to the public park along the north-eastern boundary; 2 No. car-share parking spaces; a lay-by and delivery bay; emergency gate access to the courtyard (north-west boundary); bicycle parking; boundary treatments; hard and soft landscaping; plant; PV panels; substation; switch room; generator; lighting; and all other associated site works above and below ground (“**the Development**”).
5. An Bord Pleanála has requested that the Applicant enter a binding agreement with Fingal County Council to which the conditions of which may be attached to any grant to ensure that the Development is carried out in accordance with the Grant, once granted, and that the Shared Accommodation Units remain in use as residential Shared Accommodation Units and imposes a requirement that the Shared Accommodation Units, once completed, remain owned and operated by an institutional entity and that no individual Shared Accommodation Unit within the Development be sold or rented

separately, upon completion of the Development, for a minimum period of at least 15 (fifteen) years.

NOW THIS INDENTURE WITNESSETH that in consideration of the Grant of Planning Permission register reference [insert] and in compliance with condition [insert] thereof it is hereby **AGREED** and **DECLARED** as follows:-

Upon completion of the construction of the Development upon the Scheduled Property, the Shared Accommodation Units shall be used as residential accommodation and shall remain owned and operated by an institutional entity and furthermore no Shared Accommodation Unit within the Development shall be sold or rented separately **TO THE INTENT AND PURPOSE** that this Agreement shall bind the Applicant for a period of 15 (fifteen) years from the date of practical completion of the Development.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and affixed their seals the day and year first herein written.

SCHEDULE

“the Scheduled Property”

ALL THAT AND THOSE the property comprised in Folio 221737F of the Register County Dublin and known as Brady’s Public House, Old Navan Road, Dublin 15, D15 W3FW.

PRESENT when the Common Seal of Bartra Property (Castleknock) Limited was affixed hereto and this **DEED** was **DELIVERED**:

Director

Director / Secretary

[Insert execution block for the relevant Planning Authority]