

## Background

The lands at Cappaghmore have been registered to T. Flynn Limited, St. Ita's, Grange Road, Rathfarham since 30 September, 1965 (Folio 1719).

Below (Fig.1) is the 1969 Revision of Ordnance Survey Sheet 17-15. The map shows the location of the Grand Canal (coloured yellow), a stream (coloured blue), a natural drain (coloured red) and the old Cappaghmore Estate.

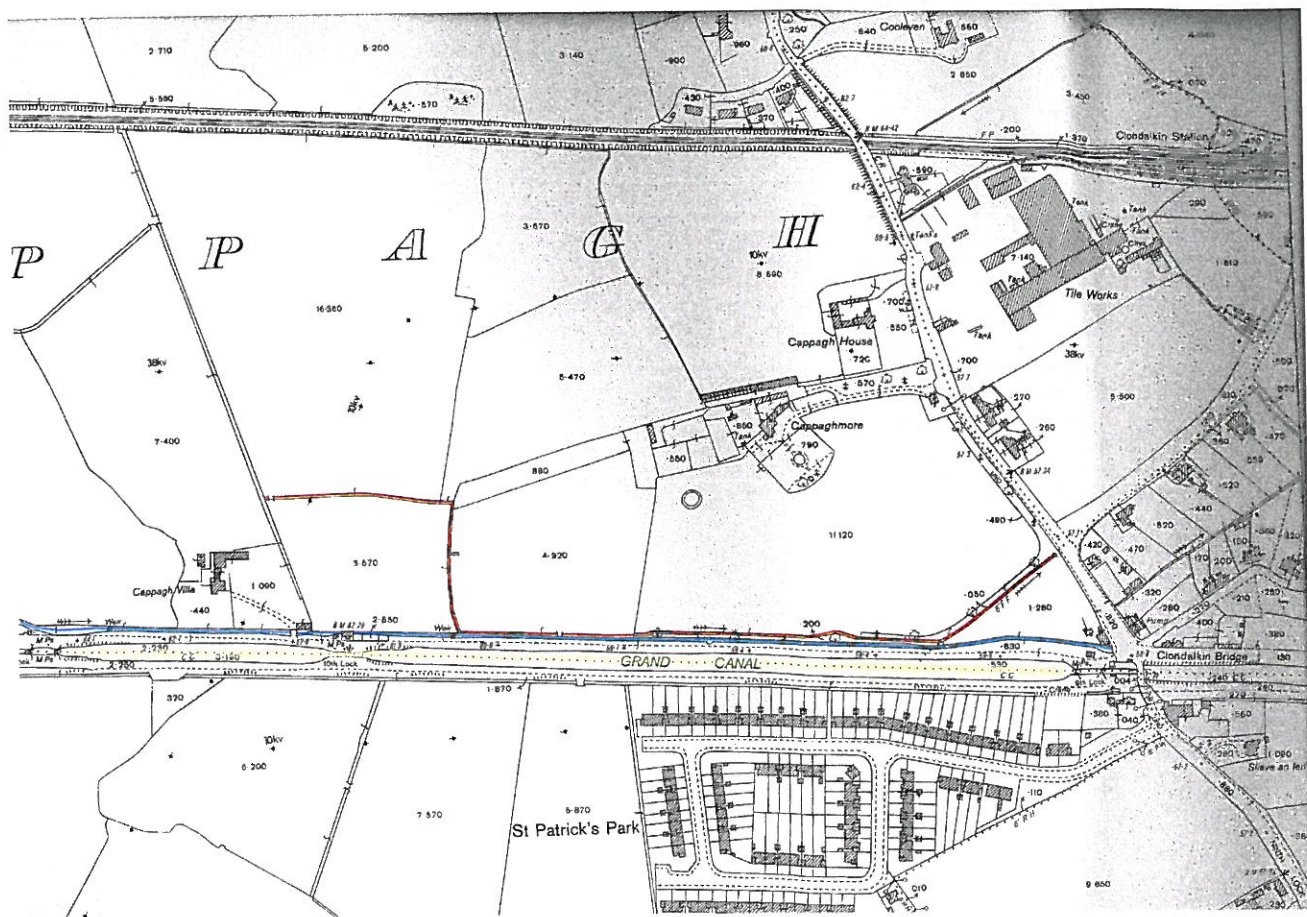


Fig.1

The Cappaghmore housing estate was Taken In Charge in February 1978 as per map below. Note the almost straight boundary that runs from the back of house no.'s 12 to 51A.

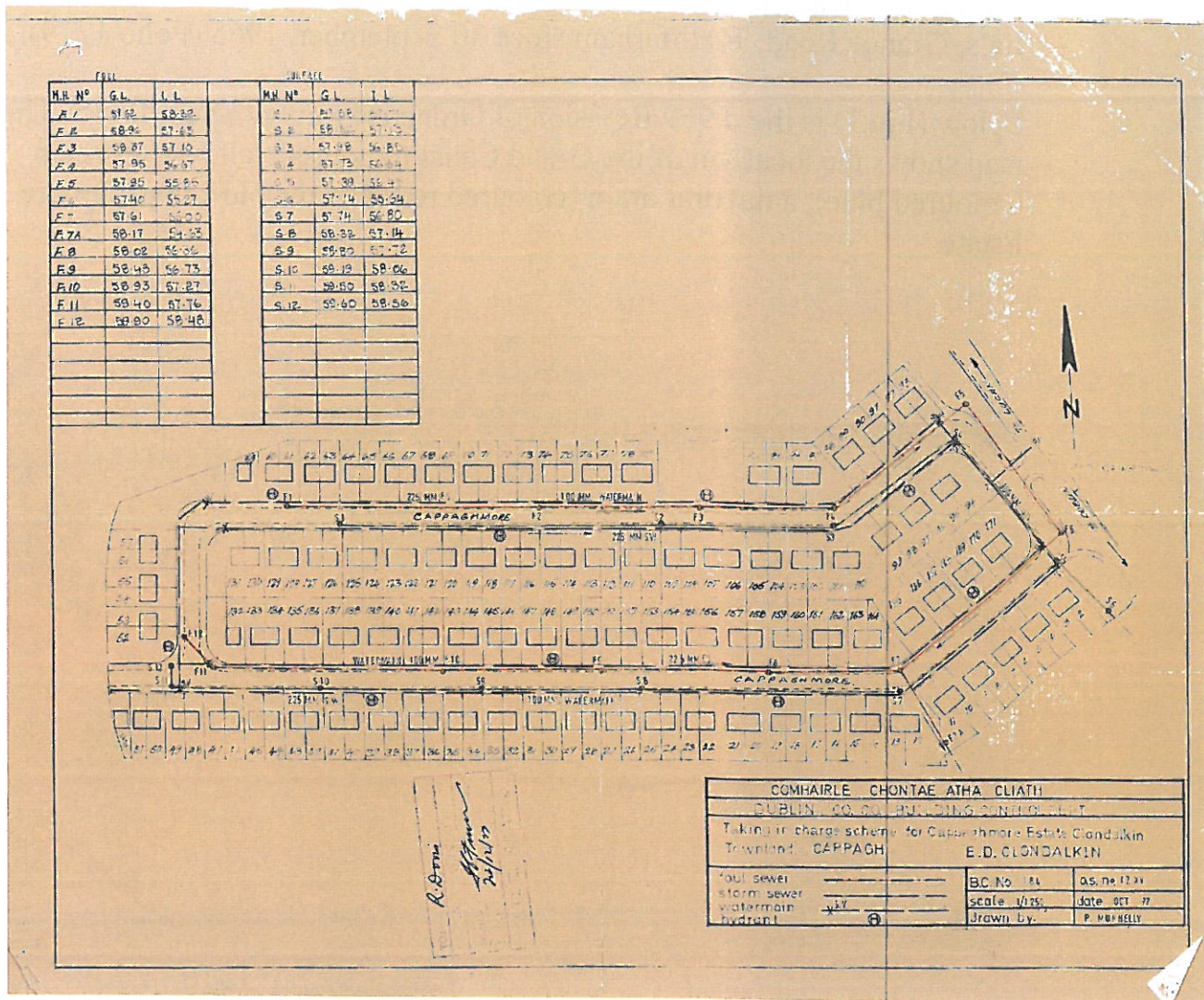
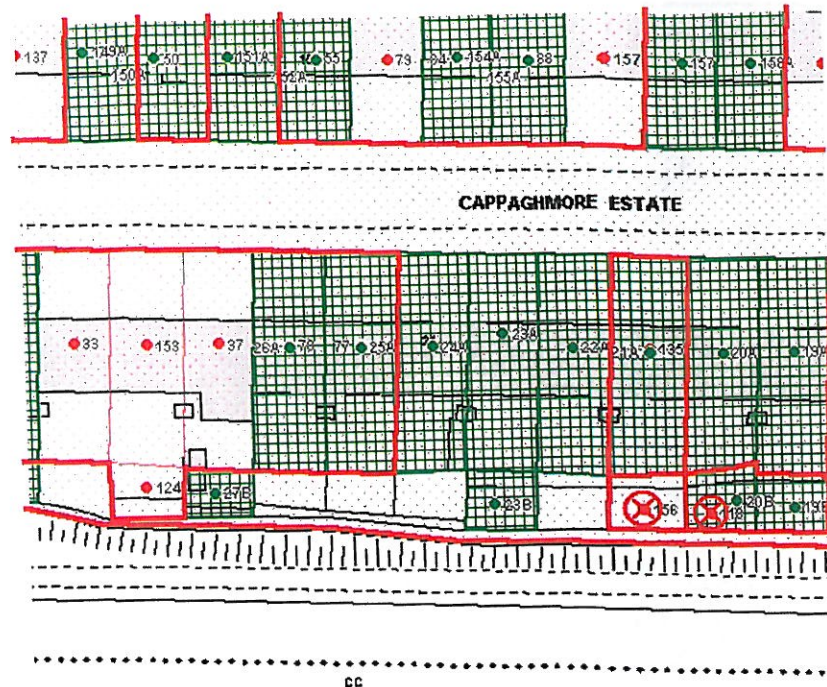


Fig.2 Original Taking In Charge Map:



Some of the residents of Cappaghmore on the southern side of the estate have extended their rear boundaries in recent years where they back onto the Grand Canal. Please see an extract from the Land Registry Map below (Fig 3). This shows the current status of the title held on properties no.'s 19 – 29.



**Fig.3**

### Legend

The Green hatch area signifies properties registered as leasehold.

The Red circles with an X within the circle signifies properties registered as freehold.

The Pink dotted area signifies land still registered to T. Flynn Ltd.

## The Present Situation

Between the original boundary walls and the Grand Canal lies a stream and a natural drain. The drain runs at the back of those boundary walls so when the residents extended their rear gardens they took the drain into the extents of their properties. Please see Fig.4 below the 2012 Ordnance Survey Map is overlaid onto the 1969 Revision Map to illustrate the location of Grand Canal, stream, drain and the Cappaghmore housing estate.

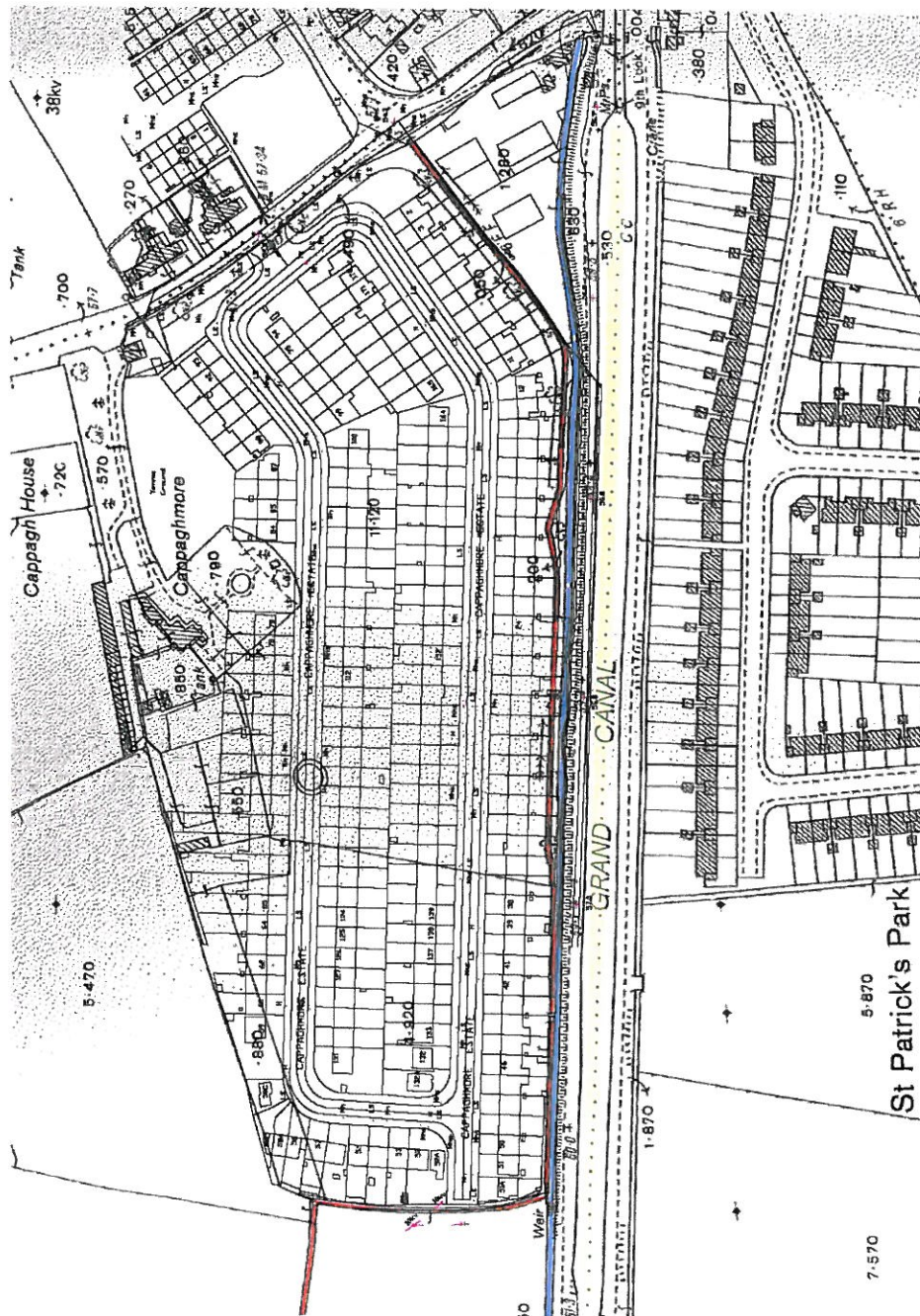


Fig.4



## **Concerns**

This then raises the question of whether or not the drain was properly piped when it was filled in by each resident and if so then what dimension and type of pipe was used, the quality of workmanship, etc.?

As this was private land acquired by the residents, South Dublin County Council were not informed or consulted regarding work being carried out on the drain.

Subsequently in times of heavy rain and high water levels this drain has been known to flood gardens and the residents have now requested South Dublin County Council to get involved and help solve this ongoing problem.

As already stated, the drain has been incorporated in the rear gardens of a number of houses and is now in private ownership of those residents.

## **Solution**

A Taken In Charge request signed by all the residents who's garden the drain runs through is required.

An acceptance by all of the residents to share the cost of the works.

We also need to look at the logistics of carrying out this work, and one major obstacle is gaining access to the rear gardens in question across the stream running the full length of the estate. Given that the stream is the natural habitat of various fish and animals, the appropriate permission from the Department of Agriculture, Food and the Marine will be required.

