**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS  
SOUTH DUBLIN COUNTY COUNCIL**



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 21st September 2015**

**ITEM NO. H – I (8 ) (e)**

**RE: Proposed disposal of plots of land to rear 10,16 and 17 Maple Grove, Rathcoole, Co. Dublin .**

Following the construction and completion of the Saggart/Rathcoole Interchange a land tract adjacent the rear of properties 10 – 20 Maple Grove, Rathcoole remained in Council ownership. This land tract was identified as surplus to Council requirements and unsuitable for development due to its landlocked nature and the presence of underground services.

A number of houseowners adjoining the plot of land expressed an interest in acquiring a portion of the land for incorporation into their private rear gardens and to date, the Council has disposed of areas to the rear of Nos. 18-20 Maple Grove, together with a strip of land to the side of No. 10 Maple Grove, to the adjoining houseowners.

The remaining plot which comprises 274 sq m in total of which 112 sq m is subject to wayleave is bounded by the rear gardens of house numbers 10, 11, 16 and 17 Maple Grove. In the interest of fairness and good land management, the Council entered into negotiations with the four relevant houseowners for sub-division of the plot and onward disposal. It has not been possible to secure agreement with all four houseowners. However following a protracted negotiation process in consultation with the Council’s Valuer agreement was reached which provides for the subdivision of the plot amongst three of the four households namely numbers 10, 16 and 17.

The Council’s Valuer has recommended terms and conditions to all relevant houseowners as set out hereunder, which he considers to be fair and reasonable and which have been accepted by the houseowners.

Accordingly, I recommend that the Council disposes of the plots of land as shown outlined in magenta, blue and green on Drawing No. LA/23/15 in accordance with Section 211 of the Planning and Development Act, 2000 and subject to the provisions of Section 183 of the Local Government Act, 2001 subject to the following terms and conditions as recommended by the Council’s Valuer:-

1. That the Council disposes of area hatched in magenta on Drawing No. LA/23/15 comprising an area of 58 sq. m of which 45 sq. m is subject to wayleave, to houseowner of No. 10 Maple Grove, Edward McConnon at an agreed sum of €630.
2. That the Council disposes of area hatched in green on Drawing No. LA/23/15 comprising an area of 158 sq. m of which 67 sq. m is subject to wayleave, to houseowners of No. 17 Maple Grove, Shane & Sonya Donnelly at an agreed sum of €2,035.
3. That the Council disposes of area hatched in blue on Drawing No. LA/23/15 comprising an area of 58 sq. m to houseowners of No. 16 Maple Grove, Kathleen & Laurence Walsh at an agreed sum of €1,250.
4. That the land is disposed of with full freehold title and vacant possession save for the wayleave requirements in respect of plots being disposed to houseowners numbers 10 and 17.
5. That the Council shall retain a wayleave over the area shown shaded in yellow on attached drawing and shall require unimpeded access at all times to services that exist in the above land in so far as it relates to the plots for disposal to houseowners numbers 10 and 17.
6. That in relation to Nos. 10 & 17 Maple Grove, no structure either temporary or permanent is to be located within the wayleave area.
7. That the Applicants shall incorporate the subject plot into their property and shall construct a boundary feature in accordance with the Planning & Development and the Building Control legislation.
8. That in relation to Nos. 10 & 17 Maple Grove, no load bearing walls, hedging or boundary treatments shall be erected that would prevent access between properties along the area of the wayleave including plots to the rear of neighbouring properties. Any boundary feature erected shall not interfere with the noise barrier along the N7 which adjoins the subject plot.
9. That in relation to Nos. 10 & 17 Maple Grove, the Applicants shall be responsible for the maintenance and upkeep of the subject plot including all boundary fences, walls, gates, etc.
10. That the Applicants shall pay the Council’s legal fees in this matter.
11. That the Applicants in Nos. 10 & 17 Maple Grove shall pay the Council’s Valuer’s fees of €62.50 (sixty two euro and fifty euro) plus VAT and the Applicants in No. 16 shall pay the Council’s Valuer’s fees of €250 (two hundred and fifty euro) plus VAT.
12. That the Council’s A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
13. That the disposals are subject to the necessary statutory approval of the Council being obtained.
14. That the transactions are completed within 3 months of the date of the Council’s approval of the disposals.
15. That no exchange enforceable at law is created or intended to be created until exchange of contracts has taken place.

The lands to be disposed of form part of lands acquired from Mulholland Development Company Limited under the Dublin County Council Compulsory Purchase(Saggart/Rathcoole Interchange) Order 1993 for roads purposes.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Daniel McLoughlin**

**Chief Executive**