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

**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 8th May 2017**

**ITEM NO. H-I 7 (c)**

**Proposed disposal and grant of wayleave in respect of site at Ballybane, Clondalkin, Dublin 22 to Electricity Supply Board - LD 1448/GC 188**

Eirgrid has identified the need to reinforce the electricity network in the Grange Castle area of west Dublin, south of Adamstown, which is evolving as a major cluster for FDI companies, especially in recent times in the area of pharmaceuticals, technology and datacentres. Consequently, given the nature and activities of these companies, it is critical to ensure a secure, reliable and adequate provision of electricity to the west Dublin area.

There is a substantial amount of new demand (144 MVA) currently seeking to connect to the network in the Grange Castle area. This new demand cannot be accommodated by the existing grid network, as it has reached its supply capacity. EirGrid therefore proposed the West Dublin 220/110 kV Substation and Associated Works project to reinforce the network in the Grange Castle area, and potentially, the wider environs thereof. As part of this project rollout, planning permission was granted on 27th June 2016 to Eirgrid by An Bord Pleanala under a Strategic Infrastructure Application reference 06S.VA0019 for West Dublin 220/110kV substation and associated works on Council owned lands at Ballybane, Clondalkin, Co Dublin

A subsequent Judicial Review was completed and the project is approved to proceed.

The Electricity Supply Board is responsible for the construction and maintenance of the assets associated with the electricity transmission network which is managed and developed by Eirgrid.

The Electricity Supply Board have now made an application to acquire the Council owned lands and for a wayleave over Council owned lands at Ballybane, Clondalkin, Dublin 22 for the provision of the new **2**20/110 kV substation and all associated works in respect of which planning permission was granted**.** The Chief Valuer was instructed to enter into negotiations for the disposal of the lands and granting of wayleave. He now recommends the following terms and conditions as being fair and reasonable and have been accepted by the applicant

Accordingly, I recommend (i) that the Council disposes of plot of land measuring 3.18 hectares or thereabouts as outlined in red on indicative drawing reference LD 1448/A and (ii) that the Council grant a permanent wayleave over an area comprising 0.42 hectares or thereabouts as identified shaded yellow on indicative drawing reference LD 1448/A in respect of lands at Ballybane, Clondalkin, Co Dublin to The Electricity Supply Board 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 areas to be disposed of comprise as follows:
2. 3.18 hectares or thereabouts as outlined in red on indicative drawing reference LD1448/A

(ii) Grant of wayleave over the area shown coloured yellow on indicative drawing reference LD1448/A comprising an area of 0.42 hectares or thereabouts.

1. That the Council shall dispose of the full freehold title in the area shown outlined in red on indicative drawing reference LD 1448/A.
2. That the Council shall retain a wayleave over the area indicated hatched in yellow on drawing reference LD1448/A as identified from point A-B.
3. That the applicant acknowledges and accepts that the burden identified number 6, Part 3 of folio reference DN10892 shall form part of the freehold disposal of the site as identified outlined in red on indicative drawing reference LD 1448/A

5. That the Council shall grant a permanent wayleave over the area identified coloured yellow on drawing reference LD 1448/A. The area of the wayleave extends to 0.42 hectares or thereabouts. The applicant to carry out works to include 4 joint bays which will be comprised in part of the wayleave area.

 6. That the Council will retain the freehold title to the wayleave area identified coloured yellow and which includes an access way as shown hatched in black to an existing mast structure site identified “2” on indicative drawing LD 1448/A.

7. That the total consideration shall be the sum of €2,125,000 (two million one hundred and twenty five thousand euro) plus VAT, apportioned as follows:

1. 3.18 hectares as shown coloured red on the attached indicative drawing reference LD 1448/A - €2,100,000 (two million one hundred thousand euro) plus VAT if applicable.
2. Grant of wayleave over the area shown coloured yellow on attached indicative drawing reference LD1448/A comprising an area of 0.42 hectares- €25,000 (twenty five thousand euro) plus VAT if applicable, in full and final settlement**.**

 8. That in respect of the wayleave area a full reinstatement of the lands to their pre-construction

 condition will be carried out by Electricity Supply Board or their appointed contractor. Prior to

 the commencement of the reinstatement a full Method Statement is to be agreed with the

 Council.

9. That the Council shall reserve the right to create other legal interests in the wayleave area, subject to them not interfering with the underground pipeline. The Council agree not to plant any forestry trees, to erect any building structure or erection or to place any concrete or similar surface or foundation or to carry out any excavation or development under or on that portion of land shown coloured yellow on indicative drawing reference LD 1448/A.

10. That the applicant shall have access to the wayleave area for the purpose of inspecting, repairing and maintaining cables. The applicant shall provide fourteen days advance written notice to the Council’s of any intended works and shall complete reinstatement works to the satisfaction of the Council. All works to be carried out with minimum disruption. In the event of an emergency the above requirements can be waived. All works and work procedures shall comply with Health and Safety regulations.

1. That the applicant shall hold the necessary Public and Employers Liability Insurance to the satisfaction of the Council. The applicant shall take out and produce Public Liability Insurance in the sum of €6,500,000 (six million, five hundred thousand euro) and Employer Liability Insurance in the sum of €13,000,000 (thirteen million, seven hundred thousand euro) for any incident with a recognised Insurance Company with offices in the State .The applicant shall indemnify South Dublin County Council against any claim for compensation which may be made by any party arising out of works being carried out by the applicant on the wayleave area and any access points thereto.
2. That the applicant shall pay the Council’s Valuers fee of €10,500 (ten thousand five hundred euro) and legal fees, plus VAT and the Councils legal fees of €10,500 (ten thousand five hundred euro) plus VAT.
3. That this proposal is subject to approval of the Chief Executive and the Elected Members of the Council.
4. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution
5. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.

The lands to be disposed were acquired from Kenneth Beattie and Richard John Beattie in 2003 and 2004 respectively for the purposes of future development.

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**Daniel McLoughlin**

**Chief Executive**