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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 9th September 2019**

**H-I 7 (e)**

**LD 1501 Leasehold disposal of indoor substation site to the ESB –**

 **HSE Community Nursing Unit, Tymon North Rd., Tallaght**

The Council at its meeting on 14 July 2014 approved the disposal of a site at Tymon North Road, Tallaght, Dublin 24 to the Health Service Executive (HSE) to facilitate the provision of a Community Nursing Unit (CNU). Chief Executive’s Order Dev/16A/14 and Minute No. H7b/0714 refer.

Due to constraints of the site regarding access to services, the Council at its meeting on 11 May 2015, approved the disposal of a further adjoining plot of land to the HSE. Chief Executive’s Order Dev/27/15 and Minute No. H7a/0515 refer.

The combined disposal by Agreement to Lease is nearing completion and work is well underway on the Community Nursing Unit development.

The Electricity Supply Board (ESB) have made an application to acquire the leasehold interest in an area of the Community Nursing Unit for the erection of an indoor substation which will provide essential service to the Unit. The application also includes a request for a Right-of-Way to provide access to the substation. The HSE has agreed to these requests.

I recommend that the Council dispose of its leasehold interest in the site outlined in red and identified as ‘ESB Substation Site’, and grant a Right-of Way for area of land shaded yellow on Drawing No. LA/37/18, 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:-

1. That the Council dispose of its leasehold interest in the site outlined in red and identified ‘ESB Substation Site’ on Drawing No. LA/37/18 comprising 0.81 hectares or thereabouts for the consideration of €10 (ten euro).
2. That the Council grant a Right-of-Way over land shaded yellow on Drawing No. LA/37/18.
3. That the ESB shall pay a contribution in respect of the Council’s legal fees.
4. That in the event of any name change to Applicant prior to formal completion of the legal transfer, the Applicant must provide documentary evidence to the Council proving that the new named party is one and the same as the named Applicant heretofore to enable the transfer to complete.
5. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
6. That the Law Agent shall draft the necessary documents and shall include any further terms deemed appropriate in Agreements of this nature.
7. That no contract enforceable at law is created or intended to be created until such time as contracts have been exchanged.
8. That the disposal is subject to the necessary approvals and consents being obtained.

The site disposed of is part of lands acquired from M. Waterman in 1975 for housing and open space purposes.

**Daniel McLoughlin**

**Chief Executive**