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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 13th September 2021**

**H-I 7 (b)**

**LD 1516 Proposed disposal of plot of land, Grant of Permanent Wayleaves, Temporary Wayleaves and Permanent Right of Way to Irish Water in respect to Pumping Station for Clonburris Strategic Development Zone (SDZ)**

The Clonburris Strategic Development Zone Planning Scheme was adopted by South Dublin County Council and approved, with modifications, by An Bord Pleanála in 2019. The Planning Scheme sets out a blueprint for the development of approximately 9,000 homes to accommodate approximately 23,000 residents, in addition to employment, retail, leisure, community and education uses, all focussed on delivering a sustainable community centred on proximity to two train stations.

South Dublin County Council has been collaborating with the three main private landowners on the delivery of strategic joint infrastructure across multiple land ownerships within the SDZ which are necessary to facilitate the opening of development land for housing construction. The strategic joint infrastructure broadly comprises of key link streets, bridges, surface water drainage, foul water drainage, water supply, public parks, and community facilities. The Department of Housing, Local Government and Heritage, has allocated funding from the Urban Regeneration and Development Fund to deliver this infrastructure. The subject pumping station will serve as one of the key pieces of strategic infrastructure. It is being progressed and funded via Irish Water, while the broader SDZ-wide network and other infrastructural projects are being progressed by SDCC and the main landowners.

All new developments within the Clonburris Strategic Development Zone will be required to utilise and connect to public wastewater infrastructure. The Planning Scheme broadly outlines how wastewater in the SDZ should discharge to the existing network. The Planning Scheme identifies the need for three pumping stations to serve the overall development of the Strategic Development Zone. The function of the subject pumping station is to pump foul discharge from the development lands to the south of the railway line northwards across the railway line towards the 9B sewer.

The subject pumping station is required to serve approximately 4,000 residential units in a geographical area broadly bounded by the railway line to the north, the Ninth Lock Road to the east, the Grand Canal to the south and the Outer Ring Road to the west. The pumping station does not serve any significant function beyond the SDZ lands. There are currently approximately 1,000 residential units at the pre-planning stage which are dependent on the subject pumping station. This includes SDCC owned lands to the south of the canal and to the west of the Outer Ring Road. Current plans by the landowners, including SDCC, are to commence construction of housing in 2022 and to begin occupying housing units from Q2 2023. These timelines can only be achieved if the Irish Water pumping station is delivered and operational in time for the occupation of housing. It is understood that the current Irish Water plan is for a 12-month construction programme to commence in Q1 2022. So subject to no delays, the pump station will be ready to allow housing occupation and the delivery of Clonburris SDZ.

I recommend that the Council dispose of the respective plot, wayleaves and right of way to Irish Water (IW) in accordance with Section 211 of the Planning and Development Act 2000 and subject to the provision of Section 183 of the Local Government Act 2001 subject to the following terms and conditions: -

1.That South Dublin County Council shall dispose of the unencumbered freehold title in Plot 001 which is shown outlined in red and shaded in white on drawing IW/10028331/ACQ/0001 and which extends to 0.0354 hectares. That a five-year option agreement be drawn up in this regard the purpose of which is to enable IW to obtain the necessary statutory consents for the project. IW to exercise the option agreements as soon as these consents are in place.

2. That a permanent wayleave shall be granted over Plots 004 and 005 (plot 005 will contain an underground storage tank) which are shown coloured yellow and hatched red on drawing IW/10028331/ACQ/0001 and which extend to 0.1321 hectares.

3. That a permanent wayleave shall be granted over Plot 014 shown coloured yellow on the attached copy drawing IW/10028331/WL/0005 and which comprises an area of 0.0455 hectares.

4. That a permanent right of way shall be granted over Plot 018 shown hatched red on the attached copy drawing IW/10028331/WL/0005 and which extends to an area of 0.0793 hectares.

5. That temporary wayleave, which are to be used as working areas during the construction of the pumping station, installation of the underground tank and laying of the pipeline, shall be granted over the lands, identified as follows:

(a) Plots 002 & 003 comprising an area of 0.0786 hectares and shown coloured green on drawing IW/10028331/ACQ/0001.

(b) Plots 015, 016 & 017 comprising an area of 0.0426 hectares and shown coloured green on drawing IW/10028331/WL/0005.

6. That the Irish Water shall compensate South Dublin County Council to the value of €170,000 (one hundred & seventy thousand euro).

7. The estimated cost of the Public Realm/Accommodation works being carried out by Irish Water is €150,000 and the Council is prepared to ameliorate this value against the compensation amount recommended by the Valuer of €170,000 (to €20,000). This ameliorated amount is subject to the proposed works being carried out by Irish Water and to the satisfaction of the Council. If the works are not completed to our satisfaction, then the Council will seek monetary compensation of €170,000 in respect to the consideration due.

8. That Irish Water shall pay any taxes payable on this transaction, including VAT and Stamp Duty if applicable.

9. That South Dublin County Council holds freehold title to all the subject plots.

10. That all accommodation/reinstatement works will be carried out in compliance with the terms set out in Irish Water’s Code of Practice.

11. That access to the wayleave area shall follow the standard set out in the Irish Water Deed of Easement.

12. That a Method Statement and Programme for the works is to be submitted to South Dublin County Council Development Department and Parks Department for agreement.

13. That Irish Water shall provide the standard indemnity included in the Deed of Easement which 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 Irish Water and agents/contractors working on their behalf on the subject plots and any access points thereto.

14. Irish Water shall provide the standard indemnity included in the Deed of Easement and indemnify South Dublin County Council against any claim for compensation which may be made by any party arising operation of the pumping station and related infrastructure.

15. That Irish Water shall pay €3,000 (three thousand euro) plus VAT towards SDCC’s Valuer’s fee This amount due is in addition to amount due as per term 6 of this letter.

16. That Irish Water shall pay a legal fees contribution of €1,500 (one thousand five hundred euro) plus VAT. This amount due is in addition to amount due as per term 6 of this letter.

17. That South Dublin County Council reserve the right to create other legal interests in wayleave areas, subject to them not interfering with the underground pipeline and subject to compliance with the terms of the Irish Water Deed of Easement.

18. That this proposal is subject to the necessary approvals and consents being obtained from South Dublin County Council.

19. That no agreement enforceable at law is created or intended to be created until necessary exchange of legal contracts/option agreements has taken place.

20. That the Council’s Solicitor shall draft the Contract for sale and may include further reasonable terms and conditions as deemed appropriate to give effect to the terms set out herein. Irish Water will provide their standard wayleave and temporary working area agreements.

The lands being disposed of form part of lands acquired from P. H. I Investments Limited in 1994 for road purposes, and form part of the land acquired from Dublin City Council (Formerly Dublin Corporation) in 1997 as part of the Scheme of Transfer of Lands pursuant to the Local Government (Dublin) Act, 1993.

**Daniel McLoughlin**

**Chief Executive**