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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 11th April 2022**

**H-I 7 (A)**

**LD 1557 Proposed disposal of substation site and grant of Right of Way to the ESB - St Catherine's Row, Killinarden Heights, Tallaght, Dublin 24**

The Electricity Supply Board (ESB) have made an application to acquire the freehold interest in a plot of land for a substation at the above address and a Right of Way (ROW) to access same.  The subject plot is outlined in red with the ROW coloured yellow on attached Drawing No. LR-ASD-2022-18019-01.

The substation will provide essential service to the proposed Part 8 social housing development of 12 units at Catherine’s Row, Killinarden Heights, Tallaght, Dublin 24.

Accordingly, I recommend that South Dublin County Council disposes of its freehold interest in the plot of land outlined in red, and grants a ROW to access same as coloured yellow on Drawing No. LR-ASD-2022-18019-01 to Electricity Supply Board (ESB) 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 freehold interest in the plot of land outlined in red, subject area comprising of approximately 9.01 square metres or thereabouts, on Drawing No. LR-ASD-2022-18019-01.
2. That the Council grants a ROW to access the above plot as coloured yellow, subject area comprising of approximately 17.425 square metres or thereabouts, on Drawing No. LR-ASD-2022-18019-01.
3. That the total consideration shall be the sum of €1 (one euro)plus VAT (if applicable). The consideration figure is exclusive of accommodation works, fees and reinstatement costs.
4. That there should be no building within 3 metres of Irish Water/Water Services Infrastructure.
5. On completion of the works, the Applicant (ESB), shall have access to the wayleave area for the purpose of inspecting, repairing, and maintaining the underground cables.  They shall provide satisfactory advance written notice to the Council of any intended works to the cables and shall complete reinstatement works to the satisfaction of Council. All works to be carried out with minimum disruption to the Council and members of the public. All works and work procedures shall comply with Health and Safety regulations.
6. That the works are carried out in an efficient and reasonable timeframe once entry is made on site. All works to be carried out with minimum disruption to the Council and members of the public. All works and work procedures shall comply with Health and Safety regulations.
7. That the ESB shall pay a contribution in respect of the Council’s legal fees.
8. That South Dublin County Council holds the freehold title to the wayleave area.
9. 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.
10. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
11. That the Law Agent shall draft the necessary documents and include any further terms deemed appropriate in Agreements of this nature.
12. That no contract enforceable at law is created or intended to be created until such time as contracts have been exchanged.
13. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed of form part of the lands acquired from Dublin City Council (formerly Dublin Corporation) in 1997 under the Scheme of Transfer of Lands pursuant to the Local Government (Dublin) Act, 1993.

**D. McLoughlin**

**Chief Executive**