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



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 11th September 2023**

**H-I 7 (a)**

**LD 1587 Proposed disposal of substation site to ESB - Brady's Court, Old Bawn, Tallaght, D. 24**

Part VIII Public Consultation Process for the Brady’s Court social housing development was approved at Council meeting on 11th February 2020 – Certified Minute No. H11/0220 refers.

In order to facilitate power supply to this housing development, the 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 coloured red with the ROW coloured yellow on attached OS Sheet No. 3390-17 – Council Folio DN1933 refers.

Accordingly, I recommend that the Council disposes of its freehold interest in the plot of land coloured red, and grants a ROW to access same as coloured yellow on OS Sheet No. 3390-17, to the ESB in accordance with Section 211 & 212 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 disposes of its freehold interest in the plot of land coloured red comprising 5.72 square metres or thereabouts, on OS Sheet No. 3390-17.
2. That the Council grants a ROW to the ESB to access the above plot as coloured yellow, on OS Sheet No. 3390-17.
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 three metres of Irish Water/Water Services infrastructure.
5. That the ESB shall have access to inspect, repair, and maintain 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.
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 in the amount of €75O.
8. 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.
9. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
10. That the Law Agent shall draft the necessary documents and include any further terms deemed appropriate in Agreements of this nature.
11. That no contract enforceable at law is created or intended to be created until such time as contracts have been exchanged.
12. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed form part of the lands acquired by Compulsory Purchase Order in 1973 from Ms. Una Brady for roads and open space purposes.

**Chief Executive**