COMHAIRLE CONTAE ÁTHA CLIATH THEAS

SOUTH DUBLIN COUNTY COUNCIL

Minutes of South Dublin County Council Meeting held on 13th July 2015

PRESENT

|  |  |  |
| --- | --- | --- |
| **Councillors** |  | **Councillors** |
| Brophy, C. |  | Kenny, G. |
| Casserly, V. |  | King, C. |
| Dermody, A-M. |  | Lahart, J. |
| Devine, M. |  | Lavelle, W. |
| Donovan, P. |  | Leech, B. |
| Duff, M. |  | Looney, D. |
| Duffy, F. |  | McMahon, R. |
| Dunne, L. |  | Mahon, K. |
| Egan, K. |  | Murphy, M. |
| Foley, P. |  | Nolan, R. |
| Genockey, M. |  | O’Brien, D. |
| Gilligan, T. |  | O’Brien, E. |
| Gogarty, P. |  | Ó Broin, E. |
| Graham, J. |  | O’Connell, G. |
| Higgins, E. |  | O’Connor, C. |
| Holland, S. |  | O’Donovan, D. |
| Kearns, P. |  | O’Toole, L. |
|  |  | Richardson, D. |
|  |  | Timmons, F. |
|  |  | Warfield, F. |
|  |  |  |

**OFFICIALS PRESENT**

|  |  |
| --- | --- |
| Chief Executive | D. McLoughlin |
| Directors/ Heads of Function | C. Henehan, L. Maxwell,  F. Nevin, T. Walsh, B. Coman |
| County Architect | E. Conroy |
| Senior Executive Officers | P. Murphy, H. Hogan, M. Maguire, L. Leonard |
| A/Senior Executive Officer | E. O’Gorman |
| Senior Planner | C. Ryan, N. O’Byrne |
| Senior Executive Parks Superintendent | M. Hannon, M. Keenan |
| Senior Parks Superintendent | B. Sheehan |
| I. T Research and Development Officer | R. Herron |
| Administrative Officers | T. O’Neill, E. Leech, B. Fogarty |
| Staff Officer | N. Cahill |
| Assistant Staff Officer | M. Somers |
| Clerical Officer. | M. Dunne |

The Mayor Councillor S. Holland Presided.

Apologies were received from Councillor B. Bonner, Councillor N. Coules, and Councillor B. Ferron.

**H1/0715** **CONFIRMATION AND RE-AFFIRMATION OF MINUTES**

1. Minutes of Meeting of South Dublin County Council, 8th June 2015 which had been circulated were submitted and **APPROVED** as a true record and signed on the proposition of Councillor S. Holland, seconded by Councillor J. Lahart.
2. Minutes of Annual Meeting 26th June 2015 which had been circulated were submitted and **APPROVED** as a true record and signed on the proposition of Councillor S. Holland, seconded by Councillor J. Lahart

c) Minutes of Development Plan Meeting 18th June 2015 June which had been circulated were submitted and **APPROVED** as a true record and signed on the proposition of Councillor S.Holland, seconded by Councillor J. Lahart.

d) Minutes of Development Plan Meeting 25th June 2015 June which had been circulated were submitted and **APPROVED** as a true record and signed on the proposition of Councillor S. Holland, seconded by Councillor J. Lahart.

e) Minutes of Development Plan Meeting 29th June 2015 June 2015 which had been circulated were submitted and **APPROVED** as a true record and signed on the proposition of Councillor S. Holland, seconded by Councillor J. Lahart.

**H2a(i)/0715 REPORTS OF AREA COMMITTEES – RATHFARNHAM/TEMPLEOGUE-TERENURE AREA COMMITTEE - 9TH JUNE 2015**  
-Dealing with Public Realm, Water & Drainage, Environment, **Community (1 report  - Community Grants)**, Housing, Transportation, Planning,  
Libraries & Arts, Economic  Development, Corporate Support, Performance & Change Management.

The following report by the Chief Executive, which had been circulated was presented by Mr. B. Coman, Director of Housing, Social & Community Development and **CONSIDERED:**

**Community Grants**

“Application for a grant under South Dublin County Council’s Community Grants Scheme has been received from the organisations listed below. Payment of this grant, in accordance with the conditions of the Scheme and in the amount set out hereunder, is recommended for approval:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ref:** | **Name of Group** | **Type of Application** | **Date Received** | **Amount** |
| GF2285 | Church Lane Residents Association | Start Up Costs for Community Groups | 18/05/15 | €500 |

It was proposed by Councillor D. O’Donovan, seconded by Councillor P. Kearns and **RESOLVED:**

“That this Committee recommends that South Dublin County Council **APPROVE** the grants as recommended in the foregoing report.”

The report was **NOTED** and it was proposed byCouncillor S. Holland seconded by Councillor J. Lahart and **RESOLVED**:

**“**That the recommendations contained in the report of The Rathfarnham/Templeogue-Terenure Area Committee - 9th June 2015 be **ADOPTED** and **APPROVED**

**H2a)(ii)/0715 REPORTS OF AREA COMMITTEES –RATHFARNHAM/TEMPLEOGUE-TERENURE AREA COMMITTEE - 9TH JUNE 2015**  
-Dealing with Public Realm, Water & Drainage, Environment, Community Housing, Transportation, Planning,  
**Libraries & Arts, (1 report – Arts Grant)** Economic  Development, Corporate Support, Performance & Change Management

The following report by the Chief Executive, which had been circulated was presented by Mr. F. Nevin, Director of Economic, Enterprise & Tourism Development and **CONSIDERED:**

**Application for Arts Grants**

“Application for an Arts Grant under Section 6 of the Arts Act 2003, has been received from the organisation listed below. Payment of this grant, in accordance with the conditions of the Scheme and in the amount set out hereunder, is recommended for approval:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Ref: | Name of Group | Type of Application - Grant | Date Received | Amount € |
| Agf844 | Rathfarnham Theatre Group | Grant towards production of “Da” | 19th May 2015 | 650 |

It was proposed by Councillor P. Kearns, seconded by Councillor D. O’ Donovan and **RESOLVED:**

“That this Committee recommends that South Dublin County Council **APPROVE** the grants as recommended in the foregoing report.”

The report was **NOTED** and it was proposed byCouncillor S. Holland seconded by Councillor D. Richardson and **RESOLVED**:

**“**That the recommendations contained in the report of The Rathfarnham/Templeogue – Terenure Area Committee 9th June 2015 be **ADOPTED** and **APPROVED**

**H2b)/0715 REPORT OF AREA COMMITTEES - CLONDALKIN AREA COMMITTEE - 17TH JUNE 2015**- Dealing with Public Realm, Water & Drainage, Environment, **Community (1 report - Community Grants),** Housing, Transportation, Planning,  
Libraries & Arts, Economic Development, Corporate Support, Performance & Change Management.

The following report by the Chief Executive, which had been circulated was presented by Mr. B. Coman, Director of Housing, Social & Community Development and **CONSIDERED:**

**Community Grants**

**“Application for Community Grants**

Application for a grant under South Dublin County Council’s Community Grants Scheme has been received from the organisation listed below. Payment of this grant, in accordance with the conditions of the Scheme and in the amount set out hereunder, is recommended for approval:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ref:** | **Name of Group** | **Type of Application** | **Date Received** | **Amount** |
| GF2281 | Monastery   Estate Residents Association | Community   Activity Grant | 08/04/15 | €500 |

It was proposed by Councillor T. Gilligan and seconded by Councillor F. Timmons:

**“**That this Committee recommends that South Dublin County Council **APPROVE** the grant as recommended in the foregoing report”

The report was **NOTED** and it was proposed byCouncillor S. Holland seconded by Councillor T. Gilligan and **RESOLVED**:

**“**That the recommendations contained in the report of The Clondalkin Area Committee - 17th June 2015 be **ADOPTED** and **APPROVED**

**H2c)(i)/0715 REPORT OF AREA COMMITTEES - TALLAGHT AREA COMMITTEE - 22ND JUNE 2015**-Dealing with Public Realm, Water & Drainage, Environment, **Community (1 report - Community Grants)**, Housing, Transportation, Planning,  
**Libraries & Arts (1 report -Arts Grants)**, Economic Development, Corporate Support, Performance & Change Management.

The following report by the Chief Executive, which had been circulated was presented by Mr. B. Coman, Director of Housing, Social & Community Development and **CONSIDERED**:

“Application for Grants

Application for a grant under South Dublin County Council’s Community Grants Scheme has been received from the organisation listed below. Payment of this grant, in accordance with the conditions of the Scheme and in the amount set out hereunder, is recommended for approval:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ref:** | **Name of Group** | **Type of Application** | **Date Received** | **Amount** |
| GF2269 | Kingswood   Community & Leisure Centre Ltd., | Major   Equipment Grant | 13/01/15 | €1,600 |
| GF2276 | 158th   Castleview Scouts | Running   Costs Grant for Community Groups | 09/03/15 | €500 |

**It was proposed by Councillor M. Duff, seconded by Councillor L. Dunne and RESOLVED:-**

**“That this Committee recommends that South Dublin County Council approve payment for the above grants recommended in the foregoing report”.**

The report was **NOTED** and it was proposed byCouncillor S. Holland seconded by Councillor D. Richardson and **RESOLVED**:

**“**That the recommendations contained in the report of The Tallaght Area Committee - 22nd June 2015 be **ADOPTED** and **APPROVED**

**H2c)(ii)/0715 REPORT OF AREA COMMITTEES - TALLAGHT AREA COMMITTEE - 22ND JUNE 2015**-Dealing with Public Realm, Water & Drainage, Environment,Community , Housing, Transportation, Planning,  
**Libraries & Arts (1 report -Arts Grants)**, Economic Development, Corporate Support, Performance & Change Management.

The following report by the Chief Executive, which had been circulated, was presented by Mr. F. Nevin, Director of Economic Enterprise & Tourism Development and was **CONSIDERED:**

#### “Application for Arts Grants

Application for an Arts Grant under Section 6 of the Arts Act 2003, has been received from the organisation listed below. Payment of this grant, in accordance with the conditions of the Scheme and in the amount set out hereunder, is recommended for approval:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Ref: | Name of Group | Type of Application - Grant | Date Received | Amount € |
| AGF842 | South Dublin Artists Forum | Grant | 11/5/2015 | 435 |

It was proposed by Councillor M. Duff and seconded by Councillor M. Devine and **RESOLVED:**

“That this Committee recommends that South Dublin County Council approve payment of the above grants recommended in the foregoing report”.

The report was **NOTED** and it was proposed byCouncillor S. Holland seconded by Councillor D. Richardson and **RESOLVED**:

**“**That the recommendations contained in the report of The Tallaght Area Committee 22nd June 2015 be **ADOPTED** and **APPROVED**

**H2d)/0715 REPORT OF AREA COMMITTEES- LUCAN AREA COMMITTEE - 23RD JUNE 2015  
-** Dealing with Public Realm, Water & Drainage, Environment, Community, Housing, Transportation, Planning,  
 Libraries & Arts, Economic Development, Corporate Support, Performance & Change Management.

**Report of Lucan Area Committee meeting held on 23rd June 2015:**

**(i) Planning**

“Members recommended that legal advice be sought from the Law Agent and provided to members in relation to any potential adverse implications of making a Tree Preservation Order for this location against the recommendation of the executive.

Councillor P. Foley, declared an interest and absented himself and left the chamber.

**The Mayor agreed to take HI13 in conjunction with this item.**

Ms Chronology of Draft Tree Preservation Order

|  |  |
| --- | --- |
| Motion passed at Lucan Area Committee Meeting L.A.C.M. to prepare a draft Tree Preservation Order [T.P.O.] | 25th November 2014 |
| Application for planning permission for housing development of 74 dwellings lodged [Reg. Ref.SD15A/0028] | 6th February |
| Additional information requested on Planning Application | 31st March 2015 |
| Draft T.P.O. made and operative | 25th April 2015 |
| Public Consultation on Draft T.P.O. | 25th April – 10th June 2015. |
| Additional Information received on Planning Application | 4th June 2015 |
| Report provided to Lucan Area Committee Meeting [L.A.C.M.] 23rd June | Recommendation that draft T.P.O. not be confirmed due to poor condition and limited short term amenity value of specified trees. |
| Recommendation of L.A.C.M. | T.P.O. to be confirmed subject to Law Agent advice |
| Recommended Decision on Planning Application for 74 dwellings | Grant planning permission subject to conditions for 58 dwellings,  Refuse planning permission for 16 dwellings affected by specified trees in the draft T.P.O. |

MEETING OF LUCAN AREA COMMITTEE

Tuesday, June 23, 2015

HEADED ITEM NO. 12

**Draft Tree Preservation Order [Lock Road, Lucan - Planning Register Reference Number TPO/0005]**

An Emergency Motion was proposed and passed at the Lucan Area Committee Meeting on the 25th November 2014 as follows:

**L/495/SUSPENSORY MOTION**

At this point it was **AGREED** to take a Suspensory Motion in the names of Councillors W. Lavelle, E. O’Brien, G. O’Connell, R. Nolan, P. Gogarty, L. O’Toole, D. O’Brien and V. Casserly as follows:-

That this Area Committee requests the Chief Executive to immediately initiate a statutory process under Section 205 of the Planning and Development Acts in relation to the proposal by residents to make a Tree Preservation Order in respect of 6 no. Hybrid Black Poplars and 1 no. Beech Tree at the Coolamber site, Newcastle Road, Lucan.

In initiating this process this Area Committee notes that a period of public consultation will take place and that the elected members of the Council will have to consider the matter further, including any recommendations made by the Chief Executive.  In requesting initiation of this process, including the public consultation, the members of this Committee are doing so without prejudice to any future decisions relating to the making of a Tree Preservation Order.

The motion was **PASSED.**

**Tree Preservation Orders**

Section 205 (1) of the *Planning and Development Act,* [*No.* 30.] 2000 provides the context for the making of a Tree Preservation Order:

1. — **(1)** If it appears to the planning authority that it is expedient, in the interests of amenity or the environment, to make provision for the preservation of any tree, trees, group of trees or woodlands, it may, for that purpose and for stated reasons, make an order with respect to any such tree, trees, group of trees or woodlands as may be specified in the order.

A draft Tree Preservation Order was made in response to the motion referred to above on the 25th April 2015.  A notice regarding the draft Tree Preservation Order was published in the Irish Times on the 25th April 2015, inviting submissions to be received on or before the 10th June 2015.  A copy of the draft notice was sent by letter dated 27th April 2015 to the registered owners of the lands.  This letter advised the owners that the draft notice was effective from the 25th April 2015.

This report relates to the Draft Tree Preservation Order, submissions received and matters relating to the legislation and on an examination of the amenity and environmental attributes of the trees subject to the draft Tree Preservation Order.

**Context**

The site is located on the R120 Newcastle Road (also known as Lock Road).  It backs and sides onto the Finnstown Housing Estate as well as the local Finnstown Shopping Centre.

It is the site of the former Coolamber House, demolished some years ago.  The site bears evidence of trees having been previously planted for amenity purposes. The site boundaries - hedgerows for the most part - are old and presumably original farm hedgerows and they provide a definition of the site that makes it significant in the area.  Although the site is somewhat derelict there are some large trees on the site and together with the hedgerows they provide both the site and the surrounding area with a woodland ambience.

The site is zoned as, Objective A (To Protect and/or preserve Residential Amenity), in the County Development Plan 2010 – 2016.

There are no objectives in relation to trees on the site (e.g. To Protect and preserve Trees and Woodlands).

In compiling the survey and assessing the potential of the trees to be subject to the draft Tree Preservation Order as requested in the Motion, cognisance was taken of two Tree Surveys conducted on the site in 2006 (Tree Force Ltd) and 2014 (CMK Hort and Arb) and which were included in Planning Applications (SD07A/0221 and SD14A/0290 respectively) for development of the site. A Bat Survey of the site conducted in December 2014 by Faith Wilson Ecological Consultant was also referenced.

As part of the process to prepare the draft Tree Preservation Order a site survey was conducted on the 5th March 2015 by the, Senior Executive Parks Superintendent to:

* Inspect the trees
* Survey and map the position of the trees accurately

The proposed trees were surveyed and these are shown on the Drawing PLS 1978-01. It is not clear precisely which Beech tree is referenced in the Emergency Motion referred to above, as a number of Beech trees were observed on the site.  In addition, there is a possibility that a Birch tree, Betula pendula that is located close to the “Black poplars” that were requested by the Elected Members to have a TPO status, may have been misrepresented as a Beech tree. To avoid any confusion this Birch tree was included in the survey as was the most significant Beech tree on the site.

The amenity aspect of the trees was also investigated by viewing them from the Finnstown Estate side and looking into the Coolamber site from the open space between Finnsvale and Finnswalk.  The site was also viewed from the Newcastle Road and the Finnstown Shopping Centre.

The details of the survey and the comments on the individual trees are detailed in the following table:

|  |
| --- |
| **“ Hybrid Black poplars”** |
| Identified as Populous x Canadensis in the 2007 survey and as Populous balsamiferous in the 2014 survey referred to above.  The trees are growing very close together, showing brittle branches, some of which have cracked and fallen onto the ground.  The trees are probably nearing the end of their lives.  Thinning out the trees will not help as they would be more susceptible to wind damage. Poplars in an urban setting (and this site is zoned Residential) are problematic since the root systems are highly invasive of surface water and foul sewer systems.  They also cause uplift and cracking of adjacent path and road systems. Additionally, Poplars are susceptible to wind damage and tend to loose branches because of this. Both the 2006 and the 2014 reports refer to these problems: **2006 report caption to Photo 9:** “the retention of the line of hybrid Black poplars should be considered carefully in light of substantially negative attributes attached to the species. In particular, their development of highly invasive root systems associated with disruption and damaged (sic) to underground services as well as a somewhat brittle nature and a predisposition towards failure in high winds and storm conditions may prove troublesome in the future”. **2014 report:** Referring to tree number 748 and “the most northerly specimen in a line of even aged poplar.  This group of trees may be nearing the end of their useful life expectancy.”  A similar comment is added in relation to Tag Number 750, 751 752, 753 and 754.  In relation to Tree 754 the comment “Long term potential limited outside current environment” would be applicable to all of the group. |
| **Betula pendula (Birch)** situated adjacent to the Poplars |
| This is a medium sized and attractive tree somewhat overshadowed by the adjoining line of poplars. It appears to be in good health. The 2006 Tree Force report states that it is “notably unbalanced to the north”.  If the adjoining Populus species were removed it would have a good chance of becoming a valuable tree on the site. |
| **Fagus sylvatica (Beech)** |
| This is a large tree on the edge of the former road leading to Coolamber House. It is multi stemmed due to what appears to have been some tree surgery work attempted in the past. However, it is showing signs of internal fungal infection.    In addition and apparently since the 2006 survey there has been damage caused through vandalism by the creation of a fire on one side of the tree.  This has severely damaged the bark on that side and extending up to 2m from the ground.  The 2006 survey states, inter alia, “concerns exist with regard to long-term prognosis especially in light of poor mechanical form. Of questionable suitability for retention.”   The 2014 (tree 734) survey makes reference to the fire damage – “Fire damage to base to east has greatly reduced the trees long term potential”. The report also mentions bleeding canker fungus (Phytophthora sp) on the tree with the comment “long term potential if (sic) tree very limited as a result” |

**Submissions made on the Draft** Tree Preservation Order

Submissions were made on the draft Tree Preservation Order within the period of public consultation by 12 persons as follows:

|  |  |  |
| --- | --- | --- |
| **Date** | **Submitted by** | **Summary of submission** |
| 26 05 2015 | Caroline McCloskey | Supports on the basis of: Residential amenity Intrinsic part of Liffey Valley skyline for many decades |
| 26 05 2015 | Aine O’Shaughnessy | Supports on the basis of: Residential amenity Part of Liffey Valley skyline |
| 26 05 2015 | John Coleman | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline |
| 26 05 2015 | Sandra Coleman | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline |
| 29 05 2015 | Emma Mulligan and Howard Mulligan | Supports on the basis of: Residential amenity Beautiful feature in the skyline Provide countryside feel to the area |
| 29 05 2015 | Matthew O’Donnell | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline |
| 01 06 2015 | Hazel Smyth | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline Part of reason for purchase of home |
| 01 06 2015 | Barry Jenkinson | Supports on the basis of: Residential amenity Part of Finnstown skyline Part of reason for purchase of property |
| 08 06 2105 | William Lavelle, Councillor | Supports Draft Tree Preservation Order |
| 09 06 2015 | Anthony King | The trees are one of the most important visual amenities in the area. Their importance as/for greenery noise screen biodiversity Hopes they will be incorporated into future development |
| 10 06 2015 | Frances Fitzgerald TD Minister for Justice and Equality (Two submissions) | Supports the proposed TPO |
| 10 06 2015 | Valerie Greaney | Supports on the basis of: Residential amenity Intrinsic part of Liffey Valley skyline for many decades |
| 10 06 2015 | Crekav Landbank Investments Ltd | Objects to the Draft Tree Preservation Order |

**Assessment of submission**

The public consultation submissions received with the prescribed timeframe can be summarised as follows:

* the amenity value of the trees to the local housing area, the Liffey Valley and Finnstown skyline
* biodiversity
* The value of the trees as a noise screen.

An objection from the landowner can be summarised as follows:

* The landowner was not formally notified of the Draft Tree Preservation Order
* The trees do not meet the criteria due to their condition
* There are a number of anomalies in the trees identified in the Draft Tree Preservation Order
* The trees of value on the site can be retained within a well-designed development proposal and therefore a Tree Preservation Order is not warranted

All owners and occupiers established by the Planning Authority by a reference to the Land Registry were notified.

**Overall Consideration**

In commenting on the Draft Tree Preservation Order, the direction of Section 205 (1) of the Act in relation to *amenity or the environment* are considered.  The trees which are the subject of this proposed TPO form but a small part of the overall tree fabric of the site. In themselves they could not be considered to be an “intrinsic” part of the local or wider skyline. Indeed some of the surrounding hedgerows could be said to contribute more to the local skyline. In themselves the trees would not be a major contributor as a noise barrier and the biodiversity value of the trees is questionable. Indeed there may be more biodiversity potential in the trees as they reach the end of their lives and decline.

**Amenity consideration**

This proposal for a TPO on this site as proposed by the Elected Members of the Lucan Area Committee concerns a small number of trees within the site.  There are other trees on the site that could be considered to be of more significance in amenity terms in the long term and in the context of probable future housing development. The Poplar trees referred to in the L/495/SUSPENSORY MOTION are growing very close together, are damaged and some have lost limbs. The Council would agree with the opinions offered in both Tree Surveys referred to above that the trees are unsustainable in the longer term and accordingly have very limited amenity potential.

This group of Poplar trees when viewed from the open space at Finnsview and Finnswalk do contribute to an ambience that places the estate itself in a location that is somewhat surrounded by trees.  It should also be noted that in the open space at Finnsview/ Finnswalk there are a number of Lime trees (Tilia species) that have been planted.  These will form very large trees in the future.

The Birch tree is not a major contributor to the view or amenity of the area since it is much smaller and not as easily visible.

However, this amenity could also be said to be contributed to as much or more significantly by the surrounding other trees and hedgerows on the site. Indeed it is the entirety of the trees and hedgerows on the site that make this contribution.

The contribution of the Beech tree to the view from Finnsview and Finnswalk is slightly less since it is situated further away from the open space and there are other trees growing there also which make a significant contribution to the view and ambience.  The Beech tree is of more significance as viewed from the Newcastle Road side as it is one of the largest trees on the site.

The Poplar trees are not as significant as viewed from the Newcastle Road side since they are at the back of the site as viewed from this location and it is the other trees which would be considered to make the greater contribution.

Overall, the Poplar trees would not be considered to be of significant amenity value when considered in the context of the other vegetation on the site and also given that they have suffered some decline and storm damage and are spaced very close together.  The Beech tree could be considered to be of amenity value but it is not considered that it should require the protection afforded by a Tree Preservation Order since it is diseased and has been damaged by fire and will ultimately not survive for long on this site.  The Birch tree would not be considered in amenity terms to be as significant a tree on this site as some of the other surrounding trees.

**Environment consideration**

The Bat Survey by Faith Wilson and which also references a previous survey undertaken by Brian Keeley in 2005 states that there are no confirmed bat roosts on the site (but that “it is extremely difficult to confirm tree roosts for bats”) but that the site is of significance as a foraging area for them.  The survey also states that “in particular the Beech trees all have high potential to support roosting bats”.  The report makes recommendations on how to deal with the presence of bats in the context of the application for housing on the site and the probable felling of a large number of trees.

In environmental terms the site is somewhat isolated because of recent housing developments but there are still a number of hedgerows that make a contribution to the protection of both flora and fauna.

In relation to the specific trees proposed to be protected by a Tree Preservation Order:

The Poplars would not be considered to have the environmental value that the other surrounding trees would have but may form part of the foraging route for bats. However, their life expectancy would be considered to be limited and they are already suffering significant limb loss.

The Birch tree is also part of the foraging route for bats and would only have some environmental potential for harbouring insects.

The Beech tree is considered to be a non-native tree.  It may be a roosting site for bats but this has not been confirmed.   It is damaged by fire and is subject to fungal infection.  Whilst the fungal infection may be considered to be a positive environmental attribute, the long term sustainability of the tree and its long term environmental contribution is doubtful.

**The site in context**

The site is zoned Objective A – to protect and/or improve Residential Amenity in the South Dublin County Development Plan 2010 – 2016.  It is probable that this site will be developed in some manner in the future.  There have already been a number of applications on this site and the current one SD14A/0290 is the latest. It is considered that having regard to the zoning of the site and the comments above that the protection of local amenity and the contribution of the existing vegetation to the environment is best achieved through providing for the retention trees as part of the formal planning process.

**Recommendation**

It is recommended that this Draft Tree Preservation Order should not be confirmed, as the trees are considered not to meet the required criteria.  It is therefore not expedient, in the interests of amenity or the environment, to make provision for the preservation of the proposed trees in the Draft Order for reasons set out above in the report.”

Ms. T. Walsh, Director Environment, Water & Climate Change Presented the report.

A discussion followed with contributions from Councillors G. O’Connell, P. Gogarty, L. O’Toole, W. Lavelle, D. O’Brien, R. Nolan.

Mr. D. McLoughlin, Chief Executive, Mr. M.  Hannon, Senior Executive Parks Superintendent, and Ms. T. Walsh, Director of Environment, Water & Climate Change, responded to the member’s queries and reiterated that following two surveys which found that the trees in question were unsustainable, had little amenity potential and do not merit a Tree Preservation Order status.  The draft Tree Preservation Order was put to the Members for their consideration.

A roll call vote was requested and the result was as follows:

**SOUTH DUBLIN COUNTY COUNCIL**

**ROLL CALL VOTE ITEM NO. \_\_\_TPO\_\_\_H2d (i) \_\_\_**

**MEETING TYPE: County Council Date: 13th July 2015**

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| --- | --- | --- | --- | --- |
| **COUNCILLOR:** | **FOR** |  | **AGAINST** | **ABSTAIN** |
| **BONNER, Breeda** |  |  |  |  |
| **BROPHY, Colm** | **X** |  |  |  |
| **CASSERLY, Vicki** | **X** |  |  |  |
| **COULES, Nicky** |  |  |  |  |
| **DERMODY, Anne-Marie** | **X** |  |  |  |
| **DEVINE, Máire** | **X** |  |  |  |
| **DONOVAN, Paula** | **X** |  |  |  |
| **DUFF, Mick** |  |  |  |  |
| **DUFFY, Francis** | **X** |  |  |  |
| **DUNNE, Louise** | **X** |  |  |  |
| **EGAN, Kenneth** | **X** |  |  |  |
| **FERRON, Brendan** |  |  |  |  |
| **FOLEY, Paul** |  |  |  |  |
| **GENOCKEY, Martina** | **X** |  |  |  |
| **GILLIGAN, Trevor** | **X** |  |  |  |
| **GOGARTY, Paul** | **X** |  |  |  |
| **GRAHAM, Jonathan** | **X** |  |  |  |
| **HIGGINS, Emer** |  |  |  |  |
| **HOLLAND, Sarah** | **X** |  |  |  |
| **KEARNS, Pamela** |  |  |  | **X** |
| **KENNY, Gino** | **X** |  |  |  |
| **KING, Cathal** | **X** |  |  |  |
| **LAHART, John** | **X** |  |  |  |
| **LAVELLE, William** | **X** |  |  |  |
| **LEECH, Brian** |  |  |  |  |
| **LOONEY, Dermot** | **X** |  |  |  |
| **McMahon, Ronan** |  |  |  |  |
| **MAHON, Kieran** |  |  |  | **X** |
| **MURPHY, Mick** |  |  |  | **X** |
| **NOLAN, Ruth** | **X** |  |  |  |
| **O’BRIEN, Danny** | **X** |  |  |  |
| **O’BRIEN, Ed** |  |  |  |  |
| **Ó BROIN, Eoin** | **X** |  |  |  |
| **O’CONNELL, Guss** | **X** |  |  |  |
| **O’CONNOR, Charlie** | **X** |  |  |  |
| **O’DONOVAN, Deirdre** | **X** |  |  |  |
| **O’TOOLE, Liona** | **X** |  |  |  |
| **RICHARDSON, Dermot** | **X** |  |  |  |
| **TIMMONS, Francis** | **X** |  |  |  |
| **WARFIELD, Fintan** | **X** |  |  |  |

**For – 28 (twenty eight)**

**Against - none**

**Abstain – 3 (three)**

The Tree Preservation Order was **APPROVED**

**(ii) Transportation**

[**H I (15) (Motion 16 was taken in conjunction with the HI) from Lucan ACM 23rd June 2015**](http://intranet/cmas/documentsview.aspx?noinc=true&id=48337).

**MOTION: Councillor G. O'Connell**

"That this Committee recognising that Kennelsfort Road Upper and the roads between Kennelsfort Road Upper and the R148 are already carrying excessive levels of motorised traffic, mainly but not solely commuter traffic and increasingly Liffey Valley Town Centre Traffic (which will increase when the expansion of the Liffey Valley Town Centre takes place) especially at peak times leading to serious congestion; that these roads already suffer from excessive attendant noise and air pollution and that these roads pose an unacceptable level of safety hazards for residents, pedestrians and cyclists in what is a priora a residential area, hereby calls on the CEO to restrict for access only Heavy Goods Vehicles (C) and Heavy (medium) Goods Vehicles (C1 or C!+E) and permit only, private cars and small vans of less than 3.5 tonne carrying capacity and Public Vehicles on these roads."

**REPORT:**

The current arrangement in  
relation to HGV's on Kennelsfort Road is in conformity with the Council's  
Policy Document "The Mobility and Management of Heavy Goods Vehicles on  
South Dublin County Road Network". The Council complies with the relevant  
traffic regulations and Traffic Signs Manual as directed by the Minister in  
relation to the provision of a weight restriction on the road. Traffic calming  
is in place, the speed of traffic is low and pedestrian crossings are also  
provided.

As reported by An Garda  
Síochána following patrolling and checkpoints since April, HGV use of the road  
is at a low level and much of this type of traffic is of local nature. The amount  
of HGV’s observed on Kennelsfort Road is not disproportionate to the road  
network and similar roads. Previous site meetings with Council staff and local  
stakeholders observed no desire to restrict vehicles less than 7.5 tonnes.

A discussion ensued, and the members recommended that the motion be brought before the full Council. The motion was proposed by Cllr G O Connell and seconded by Cllr. P Gogarty and agreed by all Lucan ACM members present.

Ms L. Leonard, Senior Executive Officer, Land Use Planning and Transportation gave the report.

A discussion followed with contributions from Councillors G. O’Connell, P. Gogarty, E. O’Broin, R. Nolan, Ed. O’Brien, D. O’Brien, and C. King.

Ms. L. Leonard, responded to the members queries.

Following discussion the referred Motion 16 from the Lucan Area Committee Meeting 23rd June 2015 was put to the members.

A roll call vote was taken and the result was as follows:

**SOUTH DUBLIN COUNTY COUNCIL**

**ROLL CALL VOTE ITEM NO. \_\_\_H2d (ii) \_HGV\_\_\_\_\_**

**MEETING TYPE: County Council Date: 13th July 2015**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **COUNCILLOR:** | **FOR** |  | **AGAINST** | **ABSTAIN** |
| **BONNER, Breeda** |  |  |  |  |
| **BROPHY, Colm** |  |  | **x** |  |
| **CASSERLY, Vicki** |  |  |  |  |
| **COULES, Nicky** |  |  |  |  |
| **DERMODY, Anne-Marie** |  |  |  |  |
| **DEVINE, Máire** | **X** |  |  |  |
| **DONOVAN, Paula** | **X** |  |  |  |
| **DUFF, Mick** | **X** |  |  |  |
| **DUFFY, Francis** | **X** |  |  |  |
| **DUNNE, Louise** | **X** |  |  |  |
| **EGAN, Kenneth** | **X** |  |  |  |
| **FERRON, Brendan** |  |  |  |  |
| **FOLEY, Paul** | **X** |  |  |  |
| **GENOCKEY, Martina** | **X** |  |  |  |
| **GILLIGAN, Trevor** | **X** |  |  |  |
| **GOGARTY, Paul** | **X** |  |  |  |
| **GRAHAM, Jonathan** | **X** |  |  |  |
| **HIGGINS, Emer** |  |  |  |  |
| **HOLLAND, Sarah** | **X** |  |  |  |
| **KEARNS, Pamela** | **X** |  |  |  |
| **KENNY, Gino** | **X** |  |  |  |
| **KING, Cathal** | **X** |  |  |  |
| **LAHART, John** | **X** |  |  |  |
| **LAVELLE, William** | **X** |  |  |  |
| **LEECH, Brian** |  |  |  |  |
| **LOONEY, Dermot** | **X** |  |  |  |
| **McMahon, Ronan** |  |  |  |  |
| **MAHON, Kieran** |  |  |  |  |
| **MURPHY, Mick** | **X** |  |  |  |
| **NOLAN, Ruth** | **X** |  |  |  |
| **O’BRIEN, Danny** | **X** |  |  |  |
| **O’BRIEN, Ed** | **X** |  |  |  |
| **Ó BROIN, Eoin** | **X** |  |  |  |
| **O’CONNELL, Guss** | **X** |  |  |  |
| **O’CONNOR, Charlie** | **X** |  |  |  |
| **O’DONOVAN, Deirdre** | **X** |  |  |  |
| **O’TOOLE, Liona** | **X** |  |  |  |
| **RICHARDSON, Dermot** | **X** |  |  |  |
| **TIMMONS, Francis** | **X** |  |  |  |
| **WARFIELD, Fintan** | **X** |  |  |  |

**FOR – 30**

**AGAINST – 1**

**ABSTAIN – NONE**

The Members were informed that the Garda Commissioner would be consulted with and his response would be awaited before any changes would be effected.

Following the roll call vote the Motion was **AGREED.**

**H3/0715 STANDING COMMITTEES - ORGANISATION, PROCEDURE & FINANCE COMMITTEE**

It was noted there was **NO** business under this heading

**H4/0715 STRATEGIC POLICY COMMITTEES**

It was noted there was **NO** business under this heading

**H5/0715 REPORT OF JOINT POLICING COMMITTEE 5TH JUNE 2015**

The following report by the Chief Executive, which had been circulated, was presented by Mr. B. Coman, Director of Housing, Social & Community Development.

**South Dublin County Joint Policing Committee Report**

“The Joint Policing Committee met on 5th June 2015 in County Hall

Documents presented at the meeting are available on the CMAS system.

**Attendance: Committee Members**

|  |  |
| --- | --- |
| Cllr. Deirdre O’Donovan (Chair) | Cllr. Nicky Coules |
| Cllr. Máire Devine | Cllr. Paula Donovan |
| Cllr. Kenneth Egan | Cllr. Paul Foley |
| Cllr. Pamela Kearns | Cllr. Liona O Toole |
| Cllr Fintan Warfield |  |
| CChief Superintendent Pat Clavin | Chief Superintendent Orla McPartlin |
| Billy Coman, SDCC | Gemma Carton, GDP |
| Ann Corrigan, PPN | Jim Lawlor, PPN |
| Michael Noonan, PPN | Eamon Dolan, TDATF |

**In attendance:** Superintendent Peter Duff, Superintendent Brendan Connolly, Superintendent Dermot Mann, Superintendent Brendan Connolly, Anne Byrne, Philip Murphy, Andy Lane, Noreen Byrne, Cathy Purdy, Caroline Peppard, Grace Hill

**Apologies:** Daniel McLoughlin, Ray McGrath, Sean Crowe TD

The following is a summary of the business of the JPC:

**Presentation: Garda Youth Diversion Projects:**

Gemma Canton from Foroige in the Tallaght area gave a presentation on Youth Diversion Projects.

On being asked what could the JPC do to support the work of Garda Diversion projects the following was suggested:

* Increased funding
* Need to address youth unemployment
  + Need to address family support programmes were identified.

**Presentation: Healthy City- Relationship with Alcohol:**

This was a joint presentation from Caroline Peppard, HSE Health Promotion; Cathy Purdy, SDCC and Grace Hill from Tallaght Drugs & Alcohol Task Force giving the background to South Dublin Healthy County and its two main themes of alcohol and physical activity.

On being asked what could the JPC do to support the work to address issues relating to alcohol the following was suggested:

* Increased interagency work to address the homeless issue with outreach and drop ins
* Need to get interagency approval and buy in
* Better housing
* The need to recognise the importance of local expertise

The JPC agreed to support the initiative and include it as part of the 6 year plan

**Local Policing Fora**

Reports were circulated on behalf of the three local policing fora in Tallaght, Clondalkin and North Clondalkin

**JPC Sub-groups**

Updates were given from the following Sub-groups:

* Parks Working Group
* Intimidation Working Group

**Garda Reports**

Reports were circulated by Chief Superintendent Orla McPartlin on behalf of the D MRS region and by Chief Superintendent Pat Clavin on behalf of the DMRW region.

**Other Issues**

**Local Employment and Community Plan (LECP) and themes:** There was agreement that community safety should be considered in the preparation of the LECP.

**JPC 6 Year Plan:** The JPC needs to produce a JPC 6 year plan and it was agreed to form a working Group to bring themes together.

**Cyber Safety:** Comhairle na nÓg are planning a “Let’s go mental” event which would take place in October as part of mental health week, this would be supported by Jigsaws Clondalkin and Tallaght.

JPC meetings are scheduled for the following dates:

Friday 25th September 2015

Friday 27th November 2015

The report was **NOTED.**

**H6/0715 REPORTS REQUESTED BY AREA COMMITTEES**

It was noted there was **NO** business under this Heading

**QUESTIONS**

It was proposed by Councillor S. Holland, seconded by Councillor E. O’ Broin and **RESOLVED**:

“That pursuant to Standing Order No. 13, Questions numbered Q1 – Q26 be **ADOPTED** and **APPROVED.**

**Q1/0715** **AD CAMPAGIN**

**QUESTION: Councillor P. Foley**

There was recently an ad campaign run encouraging people to rent their properties to the council for social housing.

To ask the Chief Executive how much is the ad campaign costing – whether or not the cost is to be picked up by SDCC - and how successful was the ad campaign? What was the uptake compared with a similar period for the previous year?

**REPLY**

A media campaign for the Dublin Region to attract private landlords to lease their properties to Local Authorities ran from Monday 25th May 2015 to Friday 19th June 2015 and Councillors were notified of the campaign by email dated 22nd May 2015.

The purpose of the campaign was to attract landlords to participate in RAS/Leasing with the clear message that by leasing properties to local authorities in the Dublin Region, it takes the uncertainty out of being a landlord.

In order to promote the campaign, advertisements were placed in the national newspapers and on national radio stations. In addition information regarding the campaign was placed on the Council website and on twitter.

A ”meet and greet" event was also organised in Dublin City Council offices in Wood Quay  where landlords were invited to meet representatives of the 4 Dublin Authorities to discuss the various rental and leasing schemes.  Further, a presentation in relation to the campaign was made to a meeting of the I.P.O.A. (Irish Property Owners Association) in respect of which approx. 180 landlords attended.

The campaign is being funded by the Department of Environment, Community & Local Government. The overall cost of the campaign has not yet been finalised.

Following on the campaign, SDCC received approx. l50 expressions of interest from prospective landlords; contact is being actively pursued with these landlords by staff on the Council's RAS/Leasing Team.  However, the Council is not currently in a position to confirm the numbers of landlords who finally sign up to the scheme.

A further report in this regard will be presented.

**Q2/0715** **PUBLIC PARKS**

**QUESTION: Councillor P. Gogarty**

To ask the Chief Executive what strategy is in place to deal with undesirable activities in public playgrounds where small children play (an example being a recent situation on 17th June last where teenagers were kicking a ball in the enclosed playground at Griffeen, Lucan and an woman got hit by the ball as did a pram and people were abused, including the Park Ranger, who reportedly then had difficulties in getting said individuals to leave); whether there is a case for CCTV at such locations or allowing rangers to photograph obnoxious offenders for passing on to Gardai; or whether the law only allows for the Gardai to be called in in such circumstances; and if so, what additional measures can be put in place to deter such spoilsports from interfering in the enjoyment of young families, while not taking a draconian approach to other teenagers who are simply having fun without interfering with anybody else.

**REPLY:**

The use of the Councils Parks are covered by the 2011 Parks and Open Spaces Bye-laws.

All users are obliged to show courtesy to other park users. Where this does not happen, Park Rangers Service can intervene and request persons breaching bye-laws to desist or leave the park. If the activity does not cease and/or the people involved will not leave the park, the Gardaí are then called to assist.

**Q3/0715** **HYDRO GENERATED POWER**

**QUESTION: Councillor W. Lavelle**

To ask the Chief Executive for a detailed update on the Feasibility Study to investigate the potential for small-scale hydro generated power; including the results of Stage 1; and details of the assessments of the sites visits**?**

**REPLY:**

The objective of this stage of the study was to scope out potential sites using a combination of desktop research and site inspections to establish commercial viability for hydro-electric generation on the county rivers and indicating if the sites are likely to be affected by the provisions of the Habitats Directive or other environmental, fisheries or conservation issues. A table summarising the findings and identifying the potential sites can be found in Section 6 of this report.

 The approach at Stage 1 focused on the analysis of existing information, maps and satellite imagery by hydro specialists to identify potential sites. Initial research involved 1985 Dept. of Energy Ireland Report identifying sites within the County and with potential. Old mill sites were also examined which were not included in the 1985 report. Eirgrids 2015 list of connected sites was reviewed to identify hydro-power sites already in operation to exclude them from Report. ESB Networks list 2015 was also perceived to scope out planned hydro power sites. 18 sites were identified from this review of documents, lists, satellite images and ordinance maps.

These sites were then analysed in terms of Flow and Head data, site ownership, Environmental issues, estimated power output and likely income stream and were each the subject of a site visit. A number of viable hydro-power technologies were analysed and evaluated in turn.

 9 sites only advanced beyond this stage. These did not include sites on the Liffey, Griffeen or Camac due to technical and ownership issues. The sites subject to more detailed review were:

* River      Dodder (Old Bawn Bridge)
* River      Dodder (Weir at M50 roundabout adjoining Kilsaran Concrete).
* River      Dodder ( Site 55 DOE 1 1987 study)
* River      Dodder (Mareens Brook, Bohernabreena)
* River      dodder (Cot Brook, Bohernabreena
* River      Dodder (Cot Brook, Upper Bohernabreena
* River      Slade (Slade Brook, Dodder Tributary)
* River      Slade (Slade Brook Upper)
* Owendoher River      (Jamestown,      near Cruagh).

5 from the above schemes will be selected for detailed feasibility, site levels and analysis and economic evaluation in the next and final section of the study.

**Q4/0715 VILLAGE SIGNAGE**

**QUESTION: Councillor W. Lavelle**

To ask the Chief Executive to report on when new village signage including ‘welcome’ signage and way-finding signage will be installed in other villages in the County?

**REPLY:**

As members will be aware the pilot wayfinding signage scheme was recently installed in Tallaght. There has been very positive reaction to the signage. The scheme will be reviewed at SPC and the Tourism Working Group and a roll out programme developed for the rest of the County. The provision of welcome signage is under review in the light of an overall signage approach in the County and the will be developed in conjunction with the wayfinding scheme

**Q5/0715 CCTV**

**QUESTION: Councillor W. Lavelle**

To ask the Chief Executive if a plan is in place to upgrade existing CCTV installations where it has been deemed that the quality of recorded footage is too poor to support efforts at successful prosecutions?

**REPLY:**

The Council uses CCTV cameras to assist in the prevention and detection of crime.   Both fixed location visible cameras and a small number of mobile visible cameras to provide short term CCTV coverage of public spaces to assist in carrying out regulatory, investigatory and enforcement duties are used. The Council also avails of a limited number of covert appliances.

The Council is currently reviewing CCTV at various locations and depending on the demonstrated need and resources available, upgrades may be provided on a case by case basis.

**Q6/0715 ‘SIGNIFICANT’ ADDITIONAL INFORMATION**

**QUESTION: Councillor W. Lavelle**

To ask the Chief Executive to outline in detail the guidance or criteria (other than provided in the Act) used by Planning Officers in deciding whether a submission of additional information for a planning application constitutes ‘significant’ additional information or not?

**REPLY:**

'Significant' additional information is considered to arise when there is a material alteration in the proposed development that would render it seriously inconsistent with that initially proposed, or where the quantum of development proposed is increased.  Usually where only the quantum of development proposed is decreased, that is not considered 'significant' additional information.

**Q7/0715 USE OF GLYPHOSATE**

**QUESTION: Councillor D. Looney**

That the Chief Executive report on the use of glyphosate by the Council, that he report on the potential dangers of this substance, and that he report on its continued use in SDCC in the context of restrictions on its use and bans in other jurisdictions**?**

**REPLY:**

The term ‘pesticide’ describes a broad group of products that are used as plant protection products (PPPs) and/or biocidal products and some veterinary medicine products. It has been agreed at EU level that, for the present, only plant protection products should be included within the scope of the actions proposed in the Sustainable Use Directive. Plant protection products are used to protect plants from diseases or pests or to control the growth of plants in agriculture, horticulture, forestry, amenity, home/garden and non-crop areas. Plant protection products are, by their nature, biologically active and are designed to control organisms which are harmful to crops, e.g., weeds, insects, plant pathogens which are injurious to the health and integrity of the plant or plant product.

The regulatory system for plant protection products in Ireland is based directly on EU legislation. This legislation, composed of both EU Regulations and Directives, provides a very high level of protection for man, animals and the environment. The legislation is based on a conservative approach to authorisation and use, such that levels of dietary exposure to plant protection products are below safe limits and that plant protection products are applied safely, only where absolutely necessary and in the least amounts possible.

A plant protection product is not authorized for marketing or use, unless it is shown that the plant protection product can be applied without causing unacceptable harmful effects to human or animal health or to the environment. Where risks are identified and quantified, risk mitigation measures may be required to facilitate the safe use of the plant protection product in the field. Such measures include the use of buffer zones, personal protective equipment or other specific requirements.

This risk-based approach to plant protection product approval only allows substances to be authorised for marketing and use if it is shown that, where all instructions for use are adhered to and due care and attention is practiced, the product can be used safely and exposure occurs significantly below hazardous levels.

The use and control of herbicides in Ireland is determined by The Pesticide Registration and Control Divisions and the Pesticide Control Laboratory of the Department of Agriculture, Food and the Marine (DAFM) who are responsible for implementing the regulatory system for plant protection products. The continued use of glyphosate based products in the Irish Market is a matter for the DAFM. Our advice to date is that the use of glyphosate, if used in accordance with standard practice, does not present a risk to public health.

South Dublin County Council complies with guidance and recommendations that the DAFM issues from time to time in relation to the use of plant protection products which includes the use of glyphosate based products.

**Q8/0715 TREE PLANTING**

**QUESTION: Councillor D. Looney**

To ask the Chief Executive how many trees are intended to be planted by the Council during 2015, broken down by local electoral area, and to make a statement on tree planting in the Council in general?

**REPLY:**

The Council plans its annual tree planting in accordance with available budget resources. The financial constraints of recent years have resulted in very limited implementation of new or replacement tree planting across the county, including the Rathfarnham/Templeogue/Terenure area, over the last 5 years.  In recent years also, due to an increasing demand for maintenance of existing trees, the Council has focussed the application of available resources on tree pruning and removal.

As stated in the Council's Draft Tree Management Policy "Living with Trees", from 2015, the Council aims to identify an annual target and budget for tree planting to re-establish its commitment to a countywide programme of tree planting.  Over the coming months, it is planned to seek provision for a tree planting programme as part of the Council's 2016 budget with a view to implementing tree planting during spring and late autumn 2016.  The extent of any tree planting programme will be determined by the staff and financial resources available.  Areas targeted for new tree planting will be those where trees have been removed or where there is an identified need to increase the overall tree cover.  Requests from Council members and local residents for new trees in their road or area will also be taken into consideration within the planting programme. Individual requests will be prioritised according to the number of trees already on the street, including those in front gardens and on adjacent land.

Subject to budgetary provision for tree planting in 2016, details of a proposed tree planting programme in 2016 will be presented to meetings of the Council's Area Committees at the earliest opportunity.

**Q9/0715 USE OF GLYPHOSATE**

**QUESTION: Councillor R. McMahon**

Has the Council researched and tested the product Glyphosate as it used in the county as a weed killer and has the council established that it is not a risk to public health? If you have you, might share the details of this research.

**REPLY:**

The term ‘pesticide’ describes a broad group of products that are used as plant protection products (PPPs) and/or biocidal products and some veterinary medicine products. It has been agreed at EU level that, for the present, only plant protection products should be included within the scope of the actions proposed in the Sustainable Use Directive. Plant protection products are used to protect plants from diseases or pests or to control the growth of plants in agriculture, horticulture, forestry, amenity, home/garden and non-crop areas. Plant protection products are, by their nature, biologically active and are designed to control organisms which are harmful to crops, e.g., weeds, insects, plant pathogens which are injurious to the health and integrity of the plant or plant product.

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South Dublin County Council complies with guidance and recommendations that the DAFM issues from time to time in relation to the use of plant protection products which includes the use of glyphosate based products.

**Q10/0715 SPEED DISPLAYS**

**QUESTION: Councillor E. O'Brien**

To ask the Chief Executive to detail the number of digital speed displays currently in use in the County.

**REPLY:**

There are 16 Digital Speed Displays currently located throughout the County. In the first instance the speed displays were located in areas the Gardai had identified as collision locations where speeding was a factor. Such locations accounted for 6 of the current 16 installations.

**Q11/0715** **HOMELESSNESS**

**QUESTION: Councillor E. O Broin**

To ask the Chief Executive for a report on homelessness in the county detailing; the number of households presenting as homeless each month since the start of 2015 through to the end of June; the accumulative total number of households listed as homeless at the end of each month since the start of the year; the accumulative total number of households from the SDCC housing list in emergency accommodation at the end of each month since the start of the year; the accumulative total number of households from the SDCC list on the waiting list for emergency accommodation at the end of each month since the start of the year; and for each of these categories to be broken down by single personal households and households with children and the total number of children for each category; to further provide the total number of housing allocations made by SDCC from Jan to June this year and the number of these allocations that went to households in emergency accommodation.

**REPLY:**

The following is the information sought in relation to Homelessness for South Dublin County:

No. presenting to Homeless Services from 1 January 2015

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | June 15 |
| Unique Individuals/ Families | 238 | 233 | 185 | 224 | 240 | 236 |

The Council do not keep details of adults and children in a manner possible to report on without undertaking a large body of manual work.   Currently this is not possible

  No. of households listed as Homeless (accumulative) from 1 January 2015

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | June 15 |
| Unique Individuals / Families | 233 | 244 | 266 | 287 | 294 | 252 |

Breakdown of households listed as Homeless from 1 January 2015

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Jan | Feb | Mar | Apr | May | June |
|  | 233 | 244 | 266 | 287 | 294 | 252 |
| Single Male | 140 | 143 | 154 | 156 | 159 | 133 |
| Single Female | 26 | 29 | 27 | 30 | 32 | 31 |
| Couples | 7 | 7 | 6 | 6 | 6 | 4 |
| Family | 60 | 65 | 79 | 95 | 97 | 84 |

No. registered homeless residing in emergency accommodation per month (accumulative) from 1 January 2015

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | June 15 |
| Unique Individuals / Families | 233 | 244 | 266 | 287 | 294 | 252 |

  No. of families assessed as imminently at risk

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 | June 15 |
| Assessed as "imminently at risk" | 36 | 21 | 12 | 11 | 31 | 47 |

In relation to the allocation of accommodation it is not possible to give a comprehensive review on a monthly basis without undertaking a large body of manual work.  However the cumulative figures in relation to allocations are as follows.  It should be noted that the council is meeting its obligation under the Minister’s directive to make 50% of all allocations available to homeless or vulnerable applicants.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| LA Lettings | Homeless | Vulnerable | RAS Terminations | Transfers | Standard | ASH | RAS Lettings |
| 67 | 22 | 18 |  | 7 | 20 |  |  |
|  |  |  |  |  |  |  |  |
| AHB |  |  |  |  |  |  |  |
| 26 | 18 | 4 | 4 |  |  |  |  |
|  |  |  |  |  |  |  |  |
| RAS |  |  |  |  |  |  |  |
| 89 |  | 1 | 24 |  |  | 8 | 56 |
|  |  |  |  |  |  |  |  |
| 182 | 40 | 23 | 28 | 7 | 20 | 8 | 56 |

**Q12/0715 ILLEGAL DUMPING**

**QUESTION: Councillor G. O'Connell**

To ask the Chief Executive for a report into the incident of dumping in across the county, by electoral area, identifying particular bad spots, the number of complaints from members of the public and the average “Turn around” or response time to have the material picked up?

**REPLY:**

All reports of litter and illegal dumping are recorded on the Environmental Complaints System, where they are tracked from original complaint, through investigation to enforcement. All dumped material is searched for evidence and appropriate enforcement action taken, where possible. Increasingly, it is found that the polluter has removed all forms of identification. Accordingly, we are increasingly dependent on members of the public to support the Council in efforts to identify alleged polluters and to provide the necessary information to allow appropriate enforcement action to be taken.

As well as investigating reports of litter and illegal dumping, the Litter Warden Team patrols the County on an ongoing basis.

It is not possible to provide a breakdown by electoral area. However, statistics for the County indicate that to date in 2015, the Litter Wardens have investigated 1,390 complaints relating to illegal dumping/littering. A total of 275 litter fines have been issued, 141 of which were in respect of illegal dumping/littering.

All known areas of reoccurring littering / dumping are included in a scheduled collection regime.

**Q13/0715 LITTER PROGRAMME**

**QUESTION: Councillor G. O'Connell**

To ask the Chief Executive for a report on the litter programme and to include in his report an outline of the system now in place?

**REPLY:**

The Council currently employs four full time Litter Wardens who enforce all aspects of the Litter Pollution Act 1997, as amended.  To date in 2015, a total of 1874 complaints have been received and investigated by the Litter Warden Service, 1390 of which were in relation to illegal dumping/litter.

All dumped material is searched for evidence and fines are issued to the alleged polluters, where evidence is found. Increasingly, it is found that no personal information relating to the polluter is contained within the dumped material, with personal information having been shredded or removed.

To date in 2015, a total of 275 litter fines have issued, 141 of these relate to illegal dumping and littering offences.

The Council continues to encourage residents to provide information on illegal dumping/littering, including witness statements that can be used to support enforcement.

All known areas of reoccurring littering / dumping are included in a scheduled collection regime

**Q14/0715 PLAY SPACE MAINTENANCE**

**QUESTION: Councillor G. O'Connell**

To ask the Chief Executive for a report on the care and maintenance of the new play spaces and to make a statement on the desirable standards and how these can be maintained?

**REPLY:**

The design process for all new facilities including playspaces in public parks has regard for the post construction maintenance and management of the facility. The Council maintains facilities to the highest standard possible.  The maintenance of traditional playgrounds is covered by National Standards (IS EN 1176 & 1177). The new playspaces have been designed to make provision for natural play which is not directly covered under existing standards. Natural play includes items such as long grass which, when contrasted with short grass, provides interest and learning for children. While every effort is made to resolve maintenance issues during the design process, inevitably some issues will arise once the facility comes into use. Where issues have arisen with new playspaces, Public realm staff have moved to address and resolve them.  The Council is satisfied that the new playspaces are being maintained in a satisfactory manner and the general feedback to date has been very positive.

**Q15/0715 PALMERSTOWN PLEBISCITE COSTS**

**QUESTION: Councillor G. O'Connell**

To ask the Chief Executive if he can make available to the elected members the actual cost of the recent plebiscite that restored the correct spelling and name to Palmerstown. Separately, can the Chief Executive provide the number of signposts replaced since the plebiscite and cost of these?

**REPLY:**

  The costs relating to the carrying out of the Plebiscite in 2014 are as follows:

Advertising                    380.78

Business reply licence      97.50

Printing Costs                893.61

Postage                         718.12

Staff Costs                   2,000.00

Total                            4,090.01.

To date 6 signs have been provided at a cost of €2,460.67 Ex Vat. A further 7 signs are on order and will be put in place shortly.

**Q16/0715 SUPPLEMENT REGISTER**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive to give details, in respect of each Electoral Area, of the number of additional voters that were added to the Supplementary Voting Register in advance of the recent Referendums.

**REPLY**

In relation to the recent Referendums of the 22nd May the following is a breakdown of the number of electors added to the Supplement to the Draft Register in each of the Electoral areas.   Lucan  528,  Clondalkin  546,  Tallaght Central 281, Tallaght South 334,  Rathfarnham 550 and Templeogue/Terenure 459.  The total no’s added to the Supplement was 2,698

**Q17/0715 HEALTHY CITIES INITIATIVE.**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive to present an update on actions and events he plans in respect of the Healthy Cities Initiative.

**REPLY:**

South Dublin Healthy County steering group are in the process of finalising the required documentation for the relevant National and International bodies to secure accreditation from the World Health Organisation for Healthy City status for the Tallaght area as phase1 of the initiative.

While awaiting the formal ratification of that request, the group are gathering information on the current services provided by member groups under the two identified priority themes, Physical Activity and Alcohol.

The Council also continues with the planning for its innovative Health and Wellbeing Week activities which will be held from 14t to 19th September 2015.

**Q18/0715 NUMBER OF APPLICATIONS**

**Councillor C. O'Connor**

To ask the Chief Executive to confirm, in respect of each Electoral Area in our County, how many Planning Applications were lodged since January 1 last and if he could also confirm how many of these Planning Application related to residential accommodation?

**REPLY:**

The breakdown in applications from 1/1/2015 to 26/6/2015 is as follows:

**Area                                No. of Applications     No. of Residential Applications**

Clondalkin                                       83                                                    15

Lucan                                               57                                                     6

Tallaght South                                    37                                                     9

Tallaght Central                                   77                                                    10

Rathfarnham/Templeogue/Terenure      143                                                   23

**Q19/0715 VILLAGE INITATIVES**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive if he would confirm, in respect of the planned Villages Initiatives, if he proposes to have meaningful consultations with local business interests in all the Villages involved throughout our County to ensure that disruption and inconvenience is kept to a minimum?

**REPLY:**

A proposed programme timetable for the roll-out of the improvement works across the 9 designated villages was presented to the June Council Meeting 2015. This programme is designed to phase, design and tender works to optimise Council technical resources. The construction works are also phased to avoid disruption in a number of villages at the same time, restricting impact on business and community as requested. Consultation has been ongoing in all villages. It is impossible to carry out works without some noise, dust or inconvenience and every effort will be made to minimise inconvenience.

**Q20/0715 REGISTER OF ELECTORS**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive to present a full update on his plans in respect of the new Voting Register for next year, confirming that the work plan is properly funded and progressing and will he appreciate that the 2016 Voting Register may be particularly important and will he also confirm that every effort will be made to register as many new voters as possible particularly those who registered for the supplementary registers before the Referendums?

**REPLY:**

The door to door fieldwork has commenced on the updating of the Current Draft Register in advance of the forthcoming General Election. The budget allocation for this year in respect of the Register of Elector's is **€**219,200. All eligible Electors who were added to the Supplement to the Register of Electors in May this year will be automatically included in the Draft Register 2016-17. The Council will continue to promote its “Value your Vote” campaigns and Voter Registration Drives in advance of the General Election.

**Q21/0715 EMPTY PROPERTIES**

**QUESTION: Councillor D. Richardson**

That the Chief Executive report on the current empty properties that SDCC has on its Books, Residents are complaining about choice base lettings that there are no new properties on the system?

**REPLY:**

At the 30th June 2015, there were 34 vacant properties, 24 of which are south of the Naas Road and 10 north of the Naas Road.  3 of these properties are Traveller Specific.  This level of vacancy would be recognised as one of the lowest void rates nationally.  The average turnaround of properties (as at 31st May 2015) is 11.49 weeks.  Of the 34 vacant units all have tenants sourced or on offer and are awaiting final relet works.

However in response to the current homeless crisis and the [**Ministerial Directive**](http://intranet/cmas/intranet/cmas/documents/County%20Council/2015/February/February2015CountyCouncilMeeting/42586_Ministerial%20Direction%20on%20the%20Allocation%20Schemes%20-%20Dublin.pdf) on the 27th January 2015, properties are being allocated to the most vulnerable households "deemed by the authority to have one or more than one of the following needs:

(i) Was in an institution, emergency accommodation or a hostel (i.e. a homeless household within the meaning of Section 2 of the Housing Act 1988);

 (ii) has an accommodation requirement arising from an enduring physical, sensory, mental such is deemed to be a vulnerable household); and

(iii) was in accommodation that was unsuitable for the household's adequate housing on exceptional medical or compassionate grounds (i.e. including households the subject of domestic violence and young people leaving State care and as such deemed to be a vulnerable household)."

This directive is due to expire on the 27th July 2015, however we have been notified that it is subject to further review before this date.

By the 7th July 2015, South Dublin County Council in co-operation with An Tuath Housing Association will have succeeded in the movement of 63 families from Emergency Hotel/B&B accommodation into apartments in Tallaght Cross. These families will be supported by Focus Ireland to move on to HAP housing.  It is hoped that South Dublin County Council maybe in a more positive position to reconvene the advertising of properties on the Choice Based Letting System in the near future.

**Q22/0715 DOG LITTER**

**QUESTION: Councillor F. Timmons**

To ask the Chief Executive to issue a report on about what can be done to prevent people letting their dog’s poo and not picking it up. It is a county wide issue and what is being considered and how can the issue be progressed to a satisfactory conclusion?

**REPLY:**

Dog fouling is an offence under Section 22 of the Litter Pollution Act, 1997, as amended. Under this Act the person in charge of the dog is subject to a fine or prosecution if he/ she does not immediately remove any faeces deposited by their dog in certain places, and/ or if that person fails to ensure that their dog litter is properly disposed of in a suitable sanitary manner.

The difficulty with enforcement of this particular section of the Act is the requirement for witness testimony, to report that the offence happened and that an identified person is the person in charge of the dog.

The Council is engaged in a number of awareness campaigns aimed at the prevention and proper disposal of litter and dog fouling in particular. The **Green Dog Walkers Initiative** was established to address the issue of dog litter which includes awareness pop-up stands at events and leaflets which are available to schools, community centres and businesses to raise awareness of the importance of responsible dog ownership. The Enforcement and Licensing unit also issues leaflets on responsible dog ownership with dog license issued through the on-line service.

To further remind dog owners of their responsibilities, the Council piloted an initiative of anti dog fouling stencils in the Regional parks in 2011 and relaunched the **Green Dog Walkers Initiative** within the Dublin Region in summer 2014.  Since then c 450 dog litter signage has been erected within this county.

Dog fouling signs will continue to be erected based on a demonstrated need in areas prone to on-going dog littering, and subject to suitability of the location.

The Council's draft Litter Management Plan commits to examining options for surveillance to reduce incidences of dog fouling. To this end, the Council has carried out extensive research to identify more effective methods of controlling dog littering and dumping in the County in general, which includes Programmable Audio Message Devices as a preventative solution.

It is proposed to trial these devices at a number of locations prone to dog littering in the coming months to establish effectiveness in reducing incidences before considering their use at further locations.

**Q23/0715 HOMELESS**

**QUESTION: Councillor F. Timmons**

To ask the Chief Executive for a report on the Homeless and Housing crisis report to include number of house available on CBL by month from January 15, also how many registered as homeless in SDCC and a breakdown of same and how many are in hotels? How many on Housing list? How often is list updates? Are people in rented accommodation still deemed to have a housing need? As much detail as possible.

**REPLY:**

No. presenting to Homeless Services from 1 January 2015

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 |
| Unique Individuals/ Families | 238 | 233 | 185 | 224 | 240 |

No. of households listed as Homeless (accumulative) from 1 January 2015

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 |
| Unique Individuals / Families | 233 | 244 | 266 | 287 | 294 |

No. of properties advertised on Choice Based Letting System from 1 January 2015

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Jan 15 | Feb 15 | Mar 15 | Apr 15 | May 15 |
| No. of properties advertised | 9 | 3 | 0 | 0 | 0 |

There were 97 families in Hotel/Bed and Breakfast accommodation as at 31 May 2015.

Currently, there are 8784 approved for social housing.  All lists are live and when the Council are informed of changes in circumstances, their files are updated accordingly (subject to staff resources).

Applicants currently living in private rented accommodation are deemed to have a housing need provided they satisfy criteria set out in the Council’s Allocation Scheme.  However, in the case of those housed under the HAP scheme, their housing needs are met and they have the option to be included on Transfer list for future social housing options.

**Q24/0715 GRASS CUTTING**

**QUESTION: Councillor F. Timmons**

To ask the Chief Executive to issue a report on Grass cutting in SDCC. Is this given out to private contractors? Is the area supposed to have litter picked up in advance of grass cutting? Is the standard inspected after work is carried out? Is the grass supposed to be picked up after cutting? What is the standard expected?

**REPLY:**

Grass cutting of parks, housing estates and main roads in charge in the county is undertaken by staff in the Public Realm Department. The Public Realm Section has not engaged any contractors to carry out grass cutting in 2015. Grass cutting has been underway across the county since mid-March of this year. Grass cutting was commenced somewhat earlier than in 2014 to counter some of the difficulties experienced last year and this measure has largely been a success despite difficult weather and ground conditions experienced up to early June.

Litter picking is scheduled to be carried out in advance of grass cutting to ensure that areas are as clear as possible before grass cutting takes place. Grass cutting standards are monitored by local management and any issues arising are generally dealt with at that level. It is expected that grass is cut in accordance with the frequencies set down in the schedule with playing pitches scheduled for cutting on a weekly basis and all other areas scheduled for fortnightly cutting.

The Councils grass cutting equipment is not designed to collect cut grass, neither is it practicable or necessary to do so. The volume of grass arising from cutting approximately 1100ha of land would present considerable transport and waste disposal issues with associated costs. It is not necessary to collect grass after cutting as cut grass forms part of the nitrogen cycle and returns nutrients to the soil.

**Q25/0715 LICENSING OF STREET FURNITURE**

**QUESTION: Councillor F. Timmons**

To ask the Chief Executive for a report on the following:

• How much was raised by South Dublin County Local Authority from the street furniture licence programme in 2015, 2014, 2013 and 2012?

• How much does it cost South Dublin County Local Authority to administer and police the programme?

• How many businesses are licenced in the local authority area?

• Finally how much profit does the local authority benefit from the programme?

**REPLY:**

To date there has been no demand for Street Furniture Licensing in the South Dublin County area. Should applications be forthcoming they would be considered and processed.

**Q26/0715 RESETTLEMENT GRANTS**

**QUESTION Councillor F. Timmons**

To ask the Chief Executive to issue a report on what Housing is available and how many houses are available to people who may wish to re locate outside of Dublin? Has there been any uptake on this option? Are there any Resettlement grants available and if yes what has been the uptake of same?

**REPLY:**

If South Dublin housing applicants wish to be considered for Social Housing in another Local Authority Area outside Dublin, they make an application whereby they will be assessed in accordance with Social Housing Assessment Regulations 2011 and the Local Authority's Allocation Scheme.  If approved, they would be eligible for social housing options similar to those offered by Dublin Authorities (with exception of HAP which is not yet operational in all Local Authorities) and are removed from South Dublin County Council's Housing List.

If the tenant wishes to move outside South Dublin County Council, they are advised of the Rural Resettlement Scheme.  The tenant must make contact with [**Rural Resettlement Ireland**](http://www.ruralresettlement.com/move.html) directly.  Rural Resettlement Ireland would make contact with our Allocations Section and similar to any Transfer Applicant the tenant must have a clear tenancy record prior to any transfer being approved.  There is also an administration payment of €3000 to Rural Resettlement Ireland with respect to the any successful relocation of a South Dublin Tenant under this scheme.

**H7/0715 DECLARATION OF ROADS TO BE PUBLIC ROADS**

It was noted there was **NO** business under this heading.

**H8a)/0715** **PROPOSED DISPOSAL OF PROPERTIES/SITES - DISPOSAL OF STRIP OF LAND AT JUNCTION OF OUTER RING ROAD AND CITYWEST AVENUE**

The following report by the Chief Executive which had been circulated was presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development and was **AGREED**

“The Council received an application from Rohan Holdings Limited to acquire a strip of Council owned land at the junction of the Outer Ring Road and Citywest Avenue, Cheeverstown to facilitate services to their proposed development of adjoining lands. This strip of land is surplus to Council requirements following the completion of road works on the Outer Ring Road/Citywest Avenue. The entire strip is subject to a wayleave requirement in respect of access to public services.

The Chief Valuer has now recommended that the site be disposed of subject to the following terms and conditions which he considers to be fair and reasonable and which have been accepted by Rohan Holdings Limited.

Accordingly, I recommend in accordance with Section 211 of the Planning & Development Act, 2000 and subject to the provisions of Section 183 of the Local Government Act, 2001 that the Council disposes of a site at the junction of the Outer Ring Road and Citywest Avenue, Cheeverstown, Dublin 24 as shown outlined in red on Drawing No. LA/04/15, comprising 0.706 hectares or thereabouts, to Rohan Holdings Limited, Harcourt Centre, Harcourt Street, Dublin 2 subject to the following terms and conditions:-

1. That the plots to be disposed of comprise an area of 0.706 Hectares or thereabouts and are as shown outlined in red on the attached Drawing No. LA/04/15 together with a right of way over the area shown coloured pink on the drawing.
2. That the Council will dispose of the freehold title for a consideration of €175,000 (one hundred and seventy five thousand euro) plus VAT (if applicable), subject to Clause 3 hereunder.
3. That the Council shall retain all necessary wayleaves to public services that exist in the subject plot of land. The extent and limitation of the wayleave requirements to be further agreed between the Council and Rohan Holdings.
4. That the Applicant will be required to incorporate the subject plots with their adjoining property and any boundary feature constructed shall be in accordance with the Planning & Development and the Building Control legislation.
5. That each party will be responsible for their own legal and Valuer’s costs.
6. That the transaction is completed within 3 months of the date of the Council’s approval of the disposal.
7. That the A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
8. That no contract enforceable at Law is created or intended to be created such time as contracts have been exchanged.
9. 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 Roadstone Holdings Ltd in 2008 for road development works.

Chief Executive”

**H8b)/0715 PROPOSED DISPOSAL OF PROPERTIES /SITES - DISPOSAL OF PLOT OF LAND ADJACENT TO 12 WELLINGTON PARK, TEMPLEOGUE**

The following report by the Chief Executive which had been circulated was presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development and was **AGREED**

“By resolution of the Council dated 5/6/1992, the elected members approved of the disposal of a plot of land totalling 422 sq metres at a price of IR £2.50 per square metre adjacent to 12 Wellington Pk., Templeogue, Dublin 6 to Seamus and Veronica Lawless.

At the time the Council’s title to the lands had not been registered in the Land Registry. On completion of the first registration of the lands it was discovered that a strip of land was still in the ownership of Mountdown Holdings. The revised area to be disposed of to Seamus and Veronica Lawless was identified to be 325 sq metres. Although the Purchasers paid £1,055.00 in consideration for the disposal to the Council in 1993, the disposal was not completed.

The intended Purchasers, Seamus and Veronica Lawless, now wish to sell the property and their Solicitors have submitted a request to the Council to expedite the completion of the transfer of lands.

The original disposal resolution required for the transfer of the lands by way of a Fee Farm Grant with a restriction that the lands would be used solely for gardening purposes. The creation of Fee Farm Grants was prohibited under Section 12 (1) of the Land and Conveyancing Law Reform Act 2009.

The Acting Law Agent has now recommended that the subject plot be disposed of by way of a 999 year lease in reference to a revised area of 325 sq metres as outlined in red on attached Drawing No. LA/37/08 subject to the terms and conditions in original disposal resolution dated 5/6/1992 and as follows:-

1. That the subject plot has a restriction for use as gardening purposes only.
2. That the Council disposes of the subject plot for the consideration of €3.18 (£IR 2.50) per sq. metre plus VAT (if applicable).
3. That the subject plot is shown outlined in red on the attached Drawing No. LA/37/08 having a net area of 325 sq. metres.
4. That the land is disposed of by way of a 999 year lease.
5. That the area incorporated and as constructed boundary feature is in accordance with the Planning and Development and the Building Control legislation.
6. That location of the boundary is satisfactory to the Council’s Parks Department requirements.
7. That the Applicants shall pay Council’s legal fees and outlay.
8. That the Acting Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
9. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
10. 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 Mountdown Holdings in 1986 for open space purposes and registered in Council ownership in 1992.

Chief Executive”

**H8c)/0715** **PROPOSED DISPOSAL OF PROPERTIES/SITES - DISPOSAL OF PLOT OF LAND TO REAR 36 DARGLE WOOD, KNOCKLYON**

The following report by the Chief Executive which had been circulated was presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development and was **AGREED**

“In May 2011, Robert and Nicola Rice, owners of the property 36 Dargle Wood, Knocklyon, encroached on an area of open space to the rear of their property and included it as part of their rear garden.

Upon investigation by the Council they state that the reasons for encroachment were to remedy a severe crack in the rear boundary wall and to overcome incidents of anti-social behavior which had been an ongoing issue on the subject plot. They have also documented their previous attempts to gain ownership of the plot from the original owner of the open space lands (i.e. Abbey Homes) prior to it becoming registered to South Dublin in 2010.

Robert and Nicola Rice report that anti-social activity has abated in the area since the plot was incorporated into their rear boundary.

In order to regularise matters, the houseowners applied to the Council to purchase the encroached portion of land.

The matter was referred to the Council’s Valuer for examination and he has recommended the following terms which he considers to be fair and reasonable and which have been accepted by the Applicants.

Accordingly, I now recommend that the Council disposes of its freehold interest in an area of land measuring 0.011 hectares or thereabouts adjacent to 36 Dargle Wood, Knocklyon, Dublin 16, as shown outlined in red on the attached Drawing No. LA/18/15 to the respective houseowners , Robert & Nicola Rice, 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 subject plot comprises an area of 0.011 hectares or thereabouts and is shown outlined in red on attached Drawing No. LA/18/15.
2. That the Council disposes of the subject plot for the consideration of €1,700 (one thousand, seven hundred euro) plus VAT (if applicable).
3. That the land is disposed of with full freehold title and vacant possession.
4. That the Applicants hold the freehold or equivalent interest in 36 Dargle Wood.
5. That the boundary feature constructed is in accordance with the Planning & Development and the Building Control legislation.
6. That the Applicants shall pay Council’s Valuer’s fees of €125 (one hundred and twenty five euro) plus VAT.
7. That the Applicants shall pay the Council’s legal fees plus VAT and outlay.
8. That the A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
9. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
10. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed of form part of the lands acquired by the Council from Abbey Homes for open space purposes.

Chief Executive”

**H8d)/0715**  **PROPOSED DISPOSAL OF PROPERTIES - DISPOSAL OF PLOT OF LAND TO REAR 37 DARGLE WOOD, KNOCKLYON**

The following report by the Chief Executive which had been circulated was presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development and was **AGREED**

“The houseowners in 36 Dargle Wood incorporated a plot of Council owned land into their back garden in order to eliminate antisocial activity and have made an application to the Council to regularise the matter by way of purchase of the subject plot.

In order to eliminate a future ‘problem corner’ and as part of a review of open space lands and effective management of same, the Council, in consultation with the Council’s Valuer, offered the adjoining houseowner, Margaret O’Malley (i.e. No. 37 Dargle Wood) disposal terms in respect of the plot of land to the rear of her property which adjoins the area being considered for disposal to No. 36 Dargle Wood.

The Council’s Valuer has recommended the following terms which he considers to be fair and reasonable and which have been accepted by Margaret O’Malley.

Accordingly, I now recommend that the Council disposes of its freehold interest in an area of land measuring 0.007 hectares or thereabouts adjacent to 37 Dargle Wood, Knocklyon, Dublin 16, as shown outlined in red on the attached Drawing No. LA/19/15 to the respective houseowner , Margaret O’Malley, 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 subject plot comprises an area of 0.007 hectares or thereabouts and is shown outlined in red on attached Drawing No. LA/19/15.
2. That the Council disposes of the subject plot for the consideration of €1,100 (one thousand, one hundred euro) plus VAT (if applicable).
3. That the land is disposed of with full freehold title and vacant possession.
4. That the Applicant holds the freehold or equivalent interest in 37 Dargle Wood.
5. That the Applicant shall incorporate the area and any boundary feature constructed shall be in accordance with the Planning & Development and the Building Control legislation.
6. That the Applicant shall pay Council’s Valuer’s fees of €125 (one hundred and twenty five euro) plus VAT.
7. That the Applicant shall pay the Council’s legal fees plus VAT and outlay.
8. That the A/Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
9. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
10. That the disposal is subject to the necessary approvals and consents being obtained.

The lands being disposed of form part of the lands acquired by the Council from Abbey Homes for open space purposes.

Chief Executive”

The proposed disposals were **AGREED**

**H9/0715** **MONTHLY MANAGEMENT REPORT**

The following reports by the Chief Executive, which had been circulated, were presented by Mr. D. McLoughlin, and were **CONSIDERED:**

**a) Billing and Collection Statement**





**Use of overdraft facility**

Approved overdraft facility = €13,000,000

No of days in Overdraft from 1st January to 30th June = 1

**b)** [**June Stats**](http://intranet/cmas/documentsbyitem.aspx?itemid=45387)

**c) June Strategy Report:MENU**

**“Economic, Enterprise and Tourism Development**

**June Council Report**

Update On Annual Service Plan - 03/07/2015

**“Objective 1: Maintain a supportive business environment with job creation and retention at its heart**

LECP High Level goals public consultation finished 5th June. Meeting of LECP advisory group June 23rd. LCDC,

SPC meetings to be held in early July. Work ongoing on drafting economic elements of LECP. LEO Evaluation &Approvals Committee meeting held on 30th June 2015.

**Objective 2: Work with enterprise support agencies to increase foreign direct investment in South Dublin County**

• Promotional video for Grange Castle Business Park being revised (ending only) following consultation with IDA. (to be sent to IDA when completed for publication and use by them) • Final draft version of brochure for GCBP complete. •

Website for GCBP at advanced stage, awaiting infographics and animation for site to complete. (Completion of popups and other displays dependent on completion of above) • All presentations revised to adhere to consistent branding and messaging. • Part VIII proposal for new internal road in Grange Castle on Public display until 19th June.

Envisaged that report will be brought to the July Council meeting for member’s consideration.

**Objective 3: Manage the assets of South Dublin County Council in a way that supports economic development**

• Contact ongoing with local business, programme of proposed projects identified. • Clondalkin Round Tower

Interpretive Centre: Design Team appointed and at work on tender. • Interpretative spaces and research focus identified and meeting scheduled for early July to agree work plan to complete interpretation materials and media

**Objective 4: Maximise the contribution of arts, libraries, heritage and the Irish language to quality of life and our tourism experience**

Public Art - • Marker Tree Assessment of sculpture is ongoing. • South Dublin County Council Per Cent for Art Scheme Budget of €250,000 confirmed for commissioning under South Dublin County Council’s Per Cent for Art Programme. Position paper completed and ready for SPC in September. Tender to be prepared for curatorial role in new programme Steering Group to be established • Design development of NTA Cycle Route 10B on Grange Road and NTA Cycle Route S05, and the corner of St Enda’s Park / Pearse Museum, Rathfarnham Artists brief prepared for the design team at the request of the Council’s Public Realm Designer. Music Generation - Website live and can be access at www.musicgenerationsouthdublin.ie • Shortlisting for tutor panels for Choral, Guitar, Piano, Violin / Fiddle, Tin Whistle and Bodhrán currently taking place. • So far this year worked has been created for 23 tutors in six schools in the county. Nine schools confirmed so far for next programmes commencing in the autumn. • Running 11 summer

Programmes over 6th – 10th July in Rathcoole and Collinstown Hubs. • Hosting the John Lennon Bus in Tallaght from 21st – 23rd July. This is a free, state of the art recording facility for students. Two of the days will be for invited groups and the third will be open to the public. • In talks with two primary schools with the aim of creating a Community Orchestra / String Ensemble.

**Objective 5: Put in place a tourism strategy focussed on new product and brand development**

Tourism implementation group met 28th May to consider programme for implementation of tourism Strategy. •

Research ongoing to report back to Tourism implementation group in late July on festivals/events, tourism website and marketing strategy. • Pilot Wayfinding signage programme installed Tallaght May 2015, feedback being considered and to report to Implementation Group. Grow Dublin: • Launch of new Dublin brand though FI and Grow Dublin scheduled for July 6th. • Tourism staff attended social media workshop for Tourism in June. Tourism Strategy

Flagship:

• Dublin Mountains Flagship Steering Group established and MOA signed with Coillte • Tender for feasibility study and masterplan for flagship on etenders – closing date July 24th. Trails: • Heritage Group preparing Work Plan

**Land Use Planning & Transportation Corporate Performance and Change Management**

For Tallaght Walks enhancements following site visits on June 16th • Negotiation on progression of Slade Heritage Trail ongoing. • Letters issued to other LAs inviting re-formation of Liffey Valley Advisory Cttee Marketing: • Review of all printed tourism related brochures and collateral ongoing, trial locations for stands identified. • Shoots to enhance tourism related image bank ongoing through summer. • Development of brief for marketing strategy ongoing

**Objective 1: Implement an Annual Road Works Programme of maintenance and improvements**

As part of the Annual Roads programme, Road resurfacing works were completed in Turf Bog Lane, Calliaghstown Lane, Lyons Rd, St John Crescent, Pinewood Estate, Boot Rd, St Johns Ave, Commons Rd, Brookview Avenue/Estate, Allenton, Cunard Upper (2 locations), Cushlawn Walk, Killinarden Heights, Killinarden Estate,

Butterfield Crescent, Orwell Park Ave, Glen, Drive, Road, Willowbank Drive, Westpark Estate, Parkwood

**Objective 2: Maintain a professional planning and development management structure and processes**

The Draft County Development Plan, which has now been approved to go on Public Display, is currently being prepared. The Public Consultation Process will commence in Mid-July and will be on display for 10 weeks.

**Objective 3: Promote all modes of transport including walking and cycling to improve the movement of people within and beyond the county**

The section of Cycleway in Palmerstown was officially opened on the 15th June. Works on the Tallaght to Templeogue

Cycleway are ongoing. Design work on the N4 Celbridge to Palmerstown and the Liffey Valley to Tallaght schemes are ongoing. The Transportation and Planning SPC has established a Cycle Forum which has had two meetings to date, and will be involved in promoting cycling throughout the county.

**Objective 4 : Invest in Sustainable Communities and Quality of Life Initiatives**

Palmerstown Village Enhancement Works Complete and officially unveiled. Rathcoole Works at Tender Stage.

Subject to Part 8 Approval, Lucan and Newcastle will move to detailed design and Tender Stage.

**Objective 1: Support local democracy including the policy making and representation role of our Elected Members**

Consultation on Commemorations Programme for 2016 underway with a public meeting and facilitated workshop on June 2nd in Tallaght Stadium. Grant application forms for local groups went live. Findings of the review of the Members Reps system presented to the June CPG meeting and follow-up work ongoing. Council's Annual Meeting held 26th June with new Mayor, Deputy Mayor and Chairs of Area Committees elected. Preparation of efforts to update the Register of Electors initiated.

**Objective 2: Provide robust financial management, risk management, audit and corporate governance systems**

Audit Committee meeting held 9th June. Delivery of Audit plan ongoing. 1 final report issued within period.

**Objective 3: Exploit advances in information and communications technology (ICT) to become more efficient and to improve services for local people**

Upgrade of email and office desktop software underway which will modernise the way in which the Council communicates with and manages communications to the citizen, businesses, and others. Working with technology partners in terms of developing better facilities to administer and manage the Bonds & Contributions within planning.

Work on upgrading the Council’s intranet and internet sites have begun. Tree Management - Evaluation underway of the response to the request for proposals in respect of Tree Management administration system. Online facility delivered in respect of the Council’s Business support grant.

**Objective 4: Develop and maintain appropriate communication channels that enable proactive citizen engagement**

**Housing, Social & Community Development**

Inaugural meeting of Corporate Communications Network held. Delivery of internal and external communications plans ongoing. Distribution of Annual Service Delivery Plan to every business, school and household in the county complete.

Review of the Irish Language Scheme underway, including public consultation process completed.

**Objective 5: Support staff and organisational development and performance through the implementation of best practice in Human Resource Management**

Confined competitions for implementation Outdoor Work Force Plan underway. PMDS Mid-Year Reviews underway for all staff. Child Safeguarding workshop held with Tusla for all contact people under the policy. Transfer of Payroll to HR and initiation of Business Process Improvement following joining the national shared service.

**Objective 1: Put in place a three year programme to supply social housing in the context of the Social Housing Strategy 2020**

65 Units at Tallaght Cross West has now full occupancy with families moving in on 30th June and 7th July. The facility is managed by Tuath AHB. Supports have been negotiated and are in place via the existing focus Ireland Homeless action Team. In keeping with the agreed model/ approach, this is temporary accommodation for families coming from

commercial hotels where the key emphasis being that Focus Ireland’s main task is housing move on/ sourcing, etc. under the direction of SDCC and DRHE. Part 8 Consultation process on Letts Field Social Housing Proposal ended

for submissions on 2nd July 2015. The Media Campaign which started 25th May aimed towards private landlords produced over 150 calls and expressions of interest to South Dublin County Council. Approx 10 units are possible for leasing or RAS. HAP Update - 203 tenancies completed under HAP as at 29/6/15 with a further 7 cases near completion.

**Objective 2: Take a leadership role in social inclusion and interagency co-operation**

Work continues on the first 6 year Local Economic and Community Plan for South Dublin County. 8 Consultation sessions were held. The plan will be developed by a group of partners including South Dublin County Council, local economic and community development stakeholders and citizens of the County. The vision for this plan is to improve the economic, social and cultural life of all our citizens and our communities. Using this vision as a starting point the plan will set out objectives and actions that will support the development of our economy and our communities.

Decision on the new LEADER Programme and expression of interest submitted with Fingal Co Co as lead partner is awaited. The proposal provides for SDCC to have 5 representatives on the steering group.

**Objective 3: Promote health, wellbeing, recreation and activity to improve quality of life**

The Steering Group chaired by the Council is progressing work with the HSE on the South Dublin Healthy County initiative with an aim of achieving “Healthy City” status for Tallaght. South Dublin County Council supported by HSE

Health Promotion and Improvement and in partnership with key agencies in the area are striving for World Health Organisation Healthy Community accreditation for areas within the County and Working to reduce health inequalities will be a key priority underpinning this work. The initial HANA results have been presented to the Steering Committee and completion of the analysis is almost finalised. The report with findings will be launched on 14th September 2015 at official opening of the SDCC Health and Wellbeing Week. The Councils new Sports Development Programme agreed with DDLETB and with DSP as partner is currently identifying participants and will start in September 2015. The programme is entitled SPORTIVATE South Dublin. An Official launch of the programme will be arranged when the 30participants are selected. The programme will be based in Brookfield Youth and Family Centre. Work is progressing on a new Catering programme to be based at Tallaght Stadium. GLOBAL GARDEN -SDCC secured €4,500 from Trócaire to create a global dimension in existing Community Gardens in South Dublin County. The Global Garden Project is engaging communities in South Dublin County area (including minority ethnic groups and unemployed groups) in a development education programme which raises awareness of the impact of climate change on global food production. The funding is part of the Trócaire Mobilising for Justice One Year Grants Scheme. Preparations for2015 Health and Wellbeing week in September are being finalised. Mental Health and Obesity main themes. Opening and official launch on 14th September at Tallaght Stadium. Community teams working with a number of committees on summer projects, festivals and preparation for Halloween events.

**Objective 4: Facilitate community leadership and development through community engagement and empowerment**

**Environment, Water & Climate Change**

The Community Initiative Fund approved by the Council was formally launched by the Mayor on 2nd June 2015. The Initiative will allow Community Groups to bid for funding support which is not available from other resources. It is designed to fund/provide an opportunity for access to funds for significant community and Cultural/heritage enhancement or neighbourhood projects. The closing date for applications was 26th June. There was a great response. Entries will now be assessed by a Judging panel. Proposals on Endeavour Award presented to Social and Community SPC and agreed. to be formally launched in September 2015.The Endeavour Awards has the objective of recognising and rewarding particular categories of endeavour. The aim of the Endeavour Awards is to promote and support the Community of South Dublin and recognise community achievement.

PPN - Groups continue to join. New drive for members will begin at the end of the summer in advance of the yearly registration date. Expressions of interest sought from interested organisations to host the PPN Support Worker. Nine expressions received and now been assessed. The DECLG announced additional funding to support PPN’s nationally. Further details regarding conditions and amounts are expected shortly. When host organisation has been identified, recruitment will begin to find the resource worker. The PPN utilised for all notifications from Council.

**Objective 1: Improve the appearance of our county in the interest of**

**Economic Development**

Tree Management Strategy - Final Draft Tree Management Strategy prepared for approval at the July Meeting of the County Council. Litter Management Plan - Draft Litter Management Plan with supporting Protocols and Implementation

Plan finalised and ready for publication. On-line survey to accompany public consultation process being prepared.

**Objective 2: Incorporate environmental sustainability in all policy-making and implementation programmes**

The OPW has approved the Draft Design Brief for the River Poddle Flood Alleviation Scheme. Tender documents for the appointment of a consultant being prepared. Tender documents for the appointment of a consultant for the detailed design of the Ballycullen Flood Alleviation Scheme have been issued, briefing session for Castlefield Residents Association is being arranged.

**Objective 3: Manage our regulatory, licensing and enforcement roles together with the Environmental Protection Agency**

Continued active enforcement of the provisions of all environmental legislation and regulations with continued legal proceedings. Scheduled Inspections and Audits/Reviews being routinely undertaken on the permitted facilities. One

(1) New Waste Facility Permit (WFP) has been issued, one (1) reviewed and issued and one (1) surrendered. Three (3) permit review applications and one (1) amendment are currently being processed. EPA website updated in line with WFP/Certificates of Registration. Two (2) convictions secured for illegal waste collection. Currently pursuing prosecution of one (1) illegal waste operation, two (2) burning of waste cases and one (1) packaging case. Thirteen

(13) Section 14 Directions and three (3) warning letters issued.

Objective 4: Maintain and improve our parks and recreation areas to enhance our quality of life

Consultation in respect of the 2015 Play-space Programme is ongoing. Play Space Programme 2014: Planned – 10,

Completed – 5, Sites Rejected – 4, Substitute 2, Retender – 1, To Commence – 1. Play Space Programme 2015: planned – 14, Sites Rejected – 1, Sites Not Possible - 2, Substitute - 1, In Consultation - 7, Consultation agreed - 3, In Design - 5. Pavilion Programme - A Pavilion Construction Strategy was presented at the June Council Meeting which included current position, locations identified, order of construction and procurement process to be agreed. In line with the application for funding through the DTTAS Sports Capital Grant Scheme 2015 submitted a Part Plan is being prepared for public consultation in respect of Mt Carmel Park Dodder Valley to include a Grass Athletics Track,

Football Pitch, and a BMX Track. Examining BMX proposal for Jobstown Park in conjunction with DCBMX Club.”

The reports were **NOTED.**

**H10/0715 TREE MANAGEMENT POLICY**

The following report by the Chief Executive, which had been circulated, was presented by Ms. T. Walsh, Director of Environment, Water & Climate Change, andMs. M. Keenan, Senior Executive Parks Superintendent and was **CONSIDERED**:

“South Dublin County Council is responsible for the management and maintenance of an estimated 60,000 trees.

In view of the many benefits that we receive from trees and the Council’s responsibility for tree management and protection, a Tree Management Policy “Living with Trees” has been produced to set out the Council’s approach to the issues affecting the trees within its stewardship and to inform a better understanding of these issues. The development of this Tree Management Policy signals a new commitment by South Dublin County Council to looking after one of our most valuable natural resources. It represents a significant change in how we manage trees with the development of a more strategic, proactive, planned approach to inspection, planting, maintenance and management. This will enable progress towards an improved service and a more effective and informed tree maintenance programme.

The Tree Management Policy is intended to provide a framework to guide and support decisions made by the Council on the management and development of a sustainable tree population in the county. The Policy is also intended to act as a point of reference for the public, Councillors, Council staff and professionally interested people to enable informed discussion and to establish a clearer, consistent and more structured approach to the issues affecting trees.

The Policy identifies the Council’s intention to implement a routine and systematic inspection of all its trees for the purposes of managing risk and in accordance with recognised good practice. The Council’s aim is move towards more efficient, cost effective proactive management rather than reactive management of the County’s street tree population.

In this regard, the Policy indicates the Council’s intention to progress towards a planned cyclical programme of tree maintenance. This represents a move away from pruning individual trees on a one off reactive basis to pruning entire roads or whole estates which is more cost efficient both in terms of cost, efficiency and community benefit.

Clarification is given to the circumstances in which tree pruning or removal operations will be considered appropriate and procedures for processing customer enquiries are identified. A priority system for arboricultural operations is proposed, based on the risk that the trees present to people or property.

Engaging the community in the management and maintenance of our trees is recognised as an essential ingredient of any future ambitions to develop a sustainable and properly managed urban trees cape within the South Dublin administrative area. It is important to enable and encourage people to recognise and promote the value of existing trees as well as planning for renewal of the tree population. Expectations of how we manage our tree population have however to be balanced and managed with the realities of resource availability.

**Public Consultation Process**

South Dublin County Council’s draft Tree Management Policy “Living with Trees” was presented to the meeting of the Environment, Public Realm & Climate Change Strategic Policy Committee (SPC) on February 3, 2015. It was agreed to proceed with a public consultation process and invite the public to submit comments and observations to inform further development of the draft policy. It was also agreed to establish a working group comprising members of the Environment SPC with supporting Council officials to work on the development of the draft policy.

The public consultation process was launched during National Tree Week by the Mayor, Cllr Fintan Warfield on Monday, March 2, 2015. The draft Tree Management Policy document was displayed for public viewing on the Council’s website [**www.sdcc.ie**](http://www.sdcc.ie/) from March 2 - April 10, 2015. The public consultation process was promoted via a press release, social media, notice on the Council’s website and four public information sessions at the Council’s public libraries. Notices were emailed to Resident Associations, Tidy Town groups and to interested bodies such as An Taisce, Environmental Protection Agency, Tree Council of Ireland, ESB, Bord Gais, and Eircom.

A presentation on the draft Tree Management Policy was made to the Council’s Elected Members on March 23, 2015. A series of internal information sessions were also undertaken to invite the input of the Council’s Public Realm staff who operate the Council’s tree maintenance and management programme. The closing date for receipt of written submissions was Friday, April 10, 2015. A total of 19 written submissions were received.

A full report on the public consultation process was presented to the meeting of the Environment, Public Realm & Climate Change Strategic Policy Committee (SPC) on May 5, 2015. The SPC Tree Management Policy working group met on March 23, June 2 and June 23, 2015 to consider and discuss submissions form the public consultation process and other issues.

The draft Tree Management Policy “Living with Trees” has been amended to reflect issues raised as part of the public consultation process and the considerations of the Council’s Environment, Public Realm & Climate Change Strategic Policy Committee (SPC).

The full text of the amended draft Tree Management Policy “Living with Trees” is presented as an attachment to this report.

[Tree Management Policy](http://intranet/cmas/documents/County%20Council/2015/July/July2015CountyCouncilMeeting/44693_July%202015%20%20Draft%20SDCC%20Tree%20Management%20Policy.doc)

[Tree Management Presentation](http://intranet/cmas/documents/County%20Council/2015/July/July2015CountyCouncilMeeting/44693_H10%20Tree%20Management%20Policy%20-%20Presentation%20to%20Council%20Meeting.ppt)

A discussion followed with contributions from Councillors P. Kearns, S. Holland, C. Brophy, E. O’Broin, D. O Donovan, D. Looney, L. O’Toole, M. Murphy, C. O’Connor, P. Donovan, P. Gogarty, G. O’Connell, T. Gilligan, P. Foley,

and E. Higgins

Mr. D. McLoughlin, Chief Executive, Ms M. Keenan Senior Executive Parks Superintendent, and Ms. T. Walsh, Director of Environment, Water & Climate Change, responded to the member’s queries and agreed that the focus for 2015 would be on clearing the backlog of issues previously reported by Councillors.

Following a show of hands vote the report was **APPROVED a**nd the Tree Management Policy was **ADOPTED.**

**H11/0715 DRAFT IRISH LANGUAGE SCHEME**

The following report by the Chief Executive, which had been circulated, was presented by Ms. L. Maxwell, Director of Corporate Performance and Change Management and was **CONSIDERED:**

[Draft Irish Language Scheme](http://intranet/cmas/documents/County%20Council/2015/July/July2015CountyCouncilMeeting/45377_H11a)%20Irish%20Language%20scheme%20Final%20Draft%20WD.docx)

[Summary of Irish Language Scheme](http://intranet/cmas/documents/County%20Council/2015/July/July2015CountyCouncilMeeting/45377_H11b)_Summary%20Report%20on%203rd%20Irish%20Language%20Scheme.doc)

A discussion followed with contributions from Councillors D. Looney, G. O’Connell, F. Warfield, and C. King.

Ms. L. Maxwell, Director of Corporate Performance & Change Management responded to the Member’s queries and agreed to take the members observations on board - regarding the use of the Irish language in Council meetings, online translation facilities and Irish Language training for Councillors - in compiling the report to the Minister.

The Draft Irish Language Scheme was **AGREED** for submission to the Minister for the Arts, Heritage and the Gaeltacht for approval.

**H12a)/0715 PART 8 - SAGGART VILLAGE**

The following report by the Chief Executive which had been circulated, was presented by Mr. E. Conroy, County Architect, and was **CONSIDERED:**

“Proposed New Works

Notice Under Planning and Development Act 2000 to 2011

Public Consultation Procedure & under Part VIII of the Planning and Development Regulations 2001 - 2013

Pursuant to the requirements of the above, Notice is hereby given of the proposal to construct the following scheme by South Dublin County Council:

A new Village Plaza at the junction of the public park with Main Street and a new Plaza at Mill Road closing off vehicular access from Mill Lane to Mill Road, providing local access only at Mill lane in Saggart, Co. Dublin as follows:

(1) New Village Plaza at the junction of the public park with Main Street across from the junction with Mill Lane, Saggart, Co. Dublin

Works to include:

- New Village Plaza with high quality paving layout and upgraded kerbing

- New benches, trees, public lighting and bollards

- Removing 2No on street parking spaces

(2) New Plaza at Mill Road closing off vehicular access from Mill

Lane to Mill Road, providing local access only lane prioritising pedestrians and new paving from the junction with Main Street to the junction with Mill Road

Works to include:

- New Plaza with high quality paving and upgraded kerbing

- New trees, public lighting and bollards

- New paving along length of laneway

The proposed works are within the curtilage of the following Protected

Structure on the Record of Protected Structures in the South Dublin

County Development Plan 2010 – 2016:

- Old Forge Bed and Breakfast, Mill Road, Saggart, described as former terrace of four two-bay, two storey houses, Map Reference No 320.

The proposed works will not materially affect the external appearance or the character of this structure.

Saggart Village is a zone of Archaeological Potential.

Plans and particulars of the proposed schemes will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy from during the period from **31st March 2015 to 12th** **May 2015** at: **South Dublin County Council, County Hall, Tallaght**, Dublin 24 (between the hours of 9:00am – 5:00pm Monday to Thursday and 9.00am - 4.30pm on Friday) The plans and particulars can be viewed on South Dublin County Council’s website –www.sdcc.ie

Written submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the developments would be situated, may be made in writing to arrive no later than **5pm on 26th**May 2015 to

The County Architect

Architectural Services Department

South Dublin County Council

County Hall

Tallaght

Dublin 24

DATE SITE NOTICE ERECTED:

**31st March 2015**

It should be noted that the Freedom of Information Act applies to all records held by South Dublin County Council.

All advertised information, maps and drawings in relation to South Dublin County Council is available on our website 24 hours a day seven day a week.

Context:

Saggart Village is included in the 9 traditional villages of South Dublin County Council identified for the Villages Initiative. The works which are the subject of this Part VIII are part of this programme of design and works intended to improve the villages in social, economic and environmental performance. The Village Initiative intends to encourage and grow community involvement and partnership to complement and energise Council environmental and maintenance programmes and develop new projects. These new projects will help to develop the villages as the accessible focus of walking and amenity networks for their adjoining communities.

The village and town centres can become more open and accessible, facilitating social and community encounters and interaction in festivals, performances and open-air markets.

The promotion of quality, choice and diversity in goods, services and recreation in a lively, well-maintained setting, will attract more locals and visitors alike adding to the vibrancy and vitality of successful urban life.

Village surveys and a SWOT analysis of 9 Villages have identified a number of key areas requiring attention in order to build on the village existing strengths. These include the need for improved landscaping, prioritisation of open spaces, greater legibility and ease of access. .Works contracts are being rolled out to address these short comings to aid in the revitalisation of the villages from the point of view of improving public realm and green infrastructure, removing clutter and improving accessibility and safety for pedestrians.

The environmental activity of landscape, public realm and quality of buildings and shopfronts will be improved through design, capital projects and grant-aid. Support is available for Tidy Towns, community projects and festivals, to grow community support .The implementation of this programme will be led by the Architectural services Department but will involve a multidisciplinary approach and a steering group involving all of the key staff covering public realm, planning, heritage, community has now been established .Project Description The proposed works include a new village plaza on Main Street at the public park, a new plaza at Mill Road closing off access from Mill Lane to Mill Road, alterations and improvements to paving, kerbing, trees, public lighting and bollards.

(1) On Main Street at the public park It is proposed to enhance the public realm here to include a new public plaza with good quality paving, stone kerbs, benches and a regular pattern of trees and bollards. This will become an amenity area in the village, improving the experience for the visitor and providing a setting or public events and gatherings.

This will improve the connection between the village and the existing park, a popular and well cared for local amenity.

In addition, the paving will be upgraded at the existing bus stops here and accessible kerbs will be provided .The area of the proposed village plaza, is outlined in red and totals 386 sqM Photo of the Location for the new Village Plaza

(2) Along Mill Lane

It is proposed to provide an alternative walking route through the village and improve access for pedestrians along the lane by creating a shared surface on the lane which will prioritise pedestrian s. Closing the vehicular access from Mill Lane on to Mill Road will reduce traffic in this area and improve accessibility and safety for pedestrians walking along the lane. Additional trees will be planted to soften the landscaping. The plaza at the Mill Road can be used by the restaurant as an area for dining in the warmer months providing interest and activity in this part of the village. The area of the proposed plaza at Mill Road and the works to Mill Lane, is outlined in red and totals 918sqM.Photo of the Location for the new public Plaza at Mill Road

The overall estimated project budget for the village improvement works and is €390,000.

Please refer to the attached drawings for details:

Statutory Protections

The proposed works include a new village plaza on Main Street at the public park, a new plaza at Mill Road closing off access from Mill Lane to Mill Road, alterations and improvements to paving, kerbing, trees, public lighting and bollards in Saggart Village. The proposed works on Mill Lane are within the curtilage of the following Protected Structure on the Record of Protected Structures Intel South Dublin County Development Plan 2010 – 2016:

- Old Forge bed and Breakfast, Mill Road, Saggart, described as former terrace of four two-bay, two storey houses, Map Reference No 320.

Dating from 1880 according to the National Inventory of Architectural Heritage. The proposed works will not materially affect the external appearance or the character of this structure.

Photo of the Old Forge Bed and Breakfast 2002

Courtesy of the Local Studies Section of South Dublin Libraries

‘It is the policy of the council to conserve and protect areas designated as areas of archaeological potential.’

In addition to the above statutory protection, Saggart village is a Zone of Archaeological Potential and is therefore subject to statutory protection in the Record of Monuments and Places, established under

Section 12 of the National Monuments (Amendment) Act 1994. This is referred to in the Council’s Record of Monuments and Places (R.M.P.)

(Recorded Monument Reference No. DU021-034) under the South Dublin County Development Plan 2010 - 2016 – Schedule 1, Record of Monuments and Places, referred to as a “Village”. Any proposals to develop and excavate the site would require a license, applied for by an archaeologist, predevelopment testing and supervision of all subsurface site works by an archaeologist.

Development Plan

An extract from the South Dublin County Council Development Plan 2010-2016

The proposed development site is beside red and yellow coloured areas, respectively zoned to “protect, provide for and/or improve Local

Centre facilities”, and to “protect and/or improve Residential Amenity”.

The protected structures are identified by a number within a green hexagon, number 320 being the relevant number.

The Zone of Archaeological Potential is indicated by an orange line.

The proposed works align with the objectives and statutory protections out lined above and will continue to protect and enhance the significance of the village.

Previous consultations

The schemes were presented in sketch form to the Area Committee Meeting in September 2014, Headed Item 14 Item ID 40547: Report on Village Improvement Plan Projects. The proposals were approved in principle.

South Dublin County Council Roads Department have been consulted and are part of the team working to deliver this proposal.

Project Partners

Department of Land Use Planning and Transportation

Department of Economic, Enterprise and Tourism Development

Local Community and residents

Site / Services

All major existing services runs have been identified for the design.

Constraints:

Local alterations may be required when on site investigations establish

Precise location of utilities and any archaeological findings.

Schedule of Part 8

Submissions Received the following is the list of the parties submitting formal written observations or submissions under the provisions of the Part VIII

Consultation, as provided for in the legislation. [See Site Notice /

Public Notice text as displayed above]. Observations made during the

1. Mr. D Crone, Resident of Mill Road, Saggart

2. Dept. of Arts Heritage and the Gaeltacht

3. Saggart Village Residents Association

4. Saggart Heritage Group

Part 8 Submissions

& Commentary

Summary of observations and submissions made under Part VIII Resident has expressed concern with accessing his property on

Mill Road which is opposite the location of the proposed plaza. He uses Mill Lane at present.

We referred this to our traffic section. We will arrange a meeting and endeavour to facilitate safe access to this resident’s property.

Archaeological Monitoring shall consist of the following:

SDCC will employ a qualified archaeologist to monitor groundworks.

Should archaeological material be found, works on site may be stopped pending a decision on how best to deal with the archaeology and SDCC will notify Dept. of Arts Heritage and the Gaeltacht.

The Planning Authority and Dept. of Arts Heritage and the Gaeltacht shall be furnished with a report describing the results of monitoring.

Request for lighting on the pathway leading to Parc Mhuire:

Public lighting in the area will be upgraded as part of the villages plan.

Request for suitable Anchor and power supply for Christmas tree:

This will be provided.

Request for same stonework on the paths both sides of Main Street:

The paving here was upgraded previously. It is in good condition and will not be replaced as part of these works. It will however be cleaned and repaired where required so that it ties in with the new plaza.

Maintenance Programme for paved and green areas:

Regular maintenance will be carried out by SDCC public realm crew for the area.

Need for a traffic management plan for Mill Lane to allow for deliveries and access for residences and to restrict parking:

This has been raised with SDCC Traffic Section; loading times will be restricted and notified. For example ‘Restricted, local access only’ signage will be placed at the entrance to Mill Lane. Bollards and enforcement notices will be used to stop parking.

The issue of an overflowing manhole on approach road to Main Street:

This has been raised with SDCC Roads Maintenance and will be investigated and resolved.

The Forge Link Road should be fully accessible to residents: This does not form part of this project but will be investigated.

The Village centre should be pedestrian safe:

It is the main aim of these improvement works to provide a pedestrian focused village centre which is accessible and safe. The new plaza will provide a civic space which can act as a focal point for a Christmas tree and village events.

Request for a crossing at Mill Road to Swiftbrook/Rathcoole Park:

This was not included in this proposal and has been referred to SDCC traffic Management Section for consideration.

Observations and Submissions – summary

The issues raised by the above parties and the detailed concerns will be addressed as reported above. I recommend approval of the Plan.

  The report was **AGREED**

**H12b)/0715 PART 8 - RATHFARNHAM VILLAGE IMPROVEMENT WORKS**

The following report by the Chief Executive which had been circulated, was presented by Mr. E. Conroy County Architect, and was **CONSIDERED:**

[Rathfarnham village improvement works](http://intranet/cmas/documentsedit.aspx?id=45376&itemTxt=H-I12)

The report was **AGREED**

**H12c)/0715 PART 8** - **LUCAN VILLAGE IMPROVEMENT WORKS**

The following report by the Chief Executive which had been circulated, was presented By Mr. E. Conroy Chief Architect, and was **CONSIDERED:**

[Lucan Village Improvement Works](http://intranet/cmas/documentsedit.aspx?id=45376&itemTxt=H-I12)

An amendment to the report was proposed by Councillor W. Lavelle, seconded by Councillor D. O. Brien and **AGREED:**

“- the proposals for works involving improved entrances at Lucan Bridge and Watery Lane and new steps to the weir promenade in Lucan be APPROVED;

- the proposal relating to a new village plaza, footbridge link and pedestrian crossing at Village Green, Lucan NOT be approved at this time; and

- the same or a revised proposals for works at Village Green be re-submitted to the Council following consideration of a further expected flood risk assessment and in conjunction with plans for enhanced taxi rank and queuing facilities.”

The report was **AGREED**

**H12d) /0715 PART 8 - GRANGE CASTLE INTERNAL ROAD**

The following report by the Chief Executive which had been circulated was presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development and was **CONSIDERED:**

[**Grange Castle internal Road**](http://intranet/cmas/documentsedit.aspx?id=45376&itemTxt=H-I12)

[**Grange Castle AA Screening Report**](http://intranet/cmas/documentsedit.aspx?id=45376&itemTxt=H-I12)

The report was **AGREED**

**H13/0715 TO CONSIDER REPORT ON CONSULTATION PROCESS ASSOCIATED WITH DRAFT TREE PRESERVATION ORDER LOCK ROAD, LUCAN. PLANNING REFERENCE NUMBER TPO/0005 IN ACCORDANCE WITH S205 OF THE PLANNING & DEVELOPMENT ACT 2000.**

**This Headed Item was agreed to be taken in conjunction with Headed Item 2d) (ii) Tree Preservation Order.**

**Draft Tree Preservation Order [Lock Road, Lucan - Planning Register Reference Number TPO/0005]**

An Emergency Motion was proposed and passed at the Lucan Area Committee Meeting on the 25th November 2014 as follows:

L/495/SUSPENSORY MOTION

At this point it was AGREED to take a Suspensory Motion in the names of Councillors W. Lavelle, E. O’Brien, G. O’Connell, R. Nolan, P. Gogarty, L. O’Toole, D. O’Brien and V. Casserly as follows:-

*That this Area Committee requests the Chief Executive to immediately initiate a statutory process under Section 205 of the Planning and Development Acts in relation to the proposal by residents to make a Tree Preservation Order in respect of 6 no. Hybrid Black Poplars and 1 no. Beech Tree at the Coolamber site, Newcastle Road, Lucan.*

*In initiating this process this Area Committee notes that a period of public consultation will take place and that the elected members of the Council will have to consider the matter further, including any recommendations made by the Chief Executive. In requesting initiation of this process, including the public consultation, the members of this Committee are doing so without prejudice to any future decisions relating to the making of a Tree Preservation Order.*

The motion was **PASSED**.

**Tree Preservation Orders**

Section 205 (1) of the Planning and Development Act, [No. 30.] 2000 provides the context for the making of a Tree Preservation Order:

5. — (1) If it appears to the planning authority that it is expedient, in the interests of amenity or the environment, to make provision for the preservation of any tree, trees, group of trees or woodlands, it may, for that purpose and for stated reasons, make an order with respect to any such tree, trees, group of trees or woodlands as may be specified in the order.

A draft Tree Preservation Order was made in response to the motion referred to above on the 25th April 2015. A notice regarding the draft Tree Preservation Order was published in the Irish Times on the 25th April 2015, inviting submissions to be received on or before the 10th June 2015. A copy of the draft notice was sent by letter dated 27th April 2015 to the registered owners of the lands. This letter advised the owners that the draft notice was effective from the 25th April 2015.

This report relates to the Draft Tree Preservation Order, submissions received and matters relating to the legislation and on an examination of the amenity and environmental attributes of the trees subject to the draft Tree Preservation Order.

**Context**

The site is located on the R120 Newcastle Road (also known as Lock Road). It backs and sides onto the Finnstown Housing Estate as well as the local Finnstown Shopping Centre.

It is the site of the former Coolamber House, demolished some years ago. The site bears evidence of trees having been previously planted for amenity purposes. The site boundaries - hedgerows for the most part - are old and presumably original farm hedgerows and they provide a definition of the site that makes it significant in the area. Although the site is somewhat derelict there are some large trees on the site and together with the hedgerows they provide both the site and the surrounding area with a woodland ambience.

The site is zoned as, Objective A (To Protect and/or preserve Residential Amenity), in the County Development Plan 2010 – 2016.

There are no objectives in relation to trees on the site (e.g. To Protect and preserve Trees and Woodlands).

In compiling the survey and assessing the potential of the trees to be subject to the draft Tree Preservation Order as requested in the Motion, cognisance was taken of two Tree Surveys conducted on the site in 2006 (Tree Force Ltd) and 2014 (CMK Hort and Arb) and which were included in Planning Applications (SD07A/0221 and SD14A/0290 respectively) for development of the site. A Bat Survey of the site conducted in December 2014 by Faith Wilson Ecological Consultant was also referenced.

As part of the process to prepare the draft Tree Preservation Order a site survey was conducted on the 5th March 2015 by the, Senior Executive Parks Superintendent to:

* Inspect the trees
* Survey and map the position of the trees accurately

The proposed trees were surveyed and these are shown on the Drawing PLS 1978-01. It is not clear precisely which Beech tree is referenced in the Emergency Motion referred to above, as a number of Beech trees were observed on the site. In addition, there is a possibility that a Birch tree, Betula pendula that is located close to the “Black poplars” that were requested by the Elected Members to have a TPO status, may have been misrepresented as a Beech tree. To avoid any confusion this Birch tree was included in the survey as was the most significant Beech tree on the site.

The amenity aspect of the trees was also investigated by viewing them from the Finnstown Estate side and looking into the Coolamber site from the open space between Finnsvale and Finnswalk. The site was also viewed from the Newcastle Road and the Finnstown Shopping Centre.

The details of the survey and the comments on the individual trees are detailed in the following table:

|  |
| --- |
| **“ Hybrid Black poplars”** |
| Identified as Populus x Canadensis in the 2007 survey and as Populus balsamifera in the 2014 survey referred to above. The trees are growing very close together, showing brittle branches, some of which have cracked and fallen onto the ground. The trees are probably nearing the end of their lives. Thinning out the trees will not help as they would be more susceptible to wind damage. Poplars in an urban setting (and this site is zoned Residential) are problematic since the root systems are highly invasive of surface water and foul sewer systems. They also cause uplift and cracking of adjacent path and road systems. Additionally, Poplars are susceptible to wind damage and tend to loose branches because of this. Both the 2006 and the 2014 reports refer to these problems: 2006 report caption to Photo 9: “the retention of the line of hybrid Black poplars should be considered carefully in light of substantially negative attributes attached to the species. In particular, their development of highly invasive root systems associated with disruption and damaged (sic) to underground services as well as a somewhat brittle nature and a predisposition towards failure in high winds and storm conditions may prove troublesome in the future”. 2014 report: Referring to tree number 748 and “the most northerly specimen in a line of even aged poplar. This group of trees may be nearing the end of their useful life expectancy.” A similar comment is added in relation to Tag Number 750, 751 752, 753 and 754. In relation to Tree 754 the comment “Long term potential limited outside current environment” would be applicable to all of the group. |
| **Betula pendula (Birch) situated adjacent to the Poplars** |
| This is a medium sized and attractive tree somewhat overshadowed by the adjoining line of poplars. It appears to be in good health. The 2006 Tree Force report states that it is “notably unbalanced to the north”. If the adjoining Populus species were removed it would have a good chance of becoming a valuable tree on the site. |
| **Fagus sylvatica (Beech)** |
| This is a large tree on the edge of the former road leading to Coolamber House. It is multi stemmed due to what appears to have been some tree surgery work attempted in the past. However, it is showing signs of internal fungal infection. In addition and apparently since the 2006 survey there has been damage caused through vandalism by the creation of a fire on one side of the tree. This has severely damaged the bark on that side and extending up to 2m from the ground. The 2006 survey states, inter alia, “concerns exist with regard to long-term prognosis especially in light of poor mechanical form. Of questionable suitability for retention.” The 2014 (tree 734) survey makes reference to the fire damage – “Fire damage to base to east has greatly reduced the trees long term potential”. The report also mentions bleeding canker fungus (Phytophthora sp) on the tree with the comment “long term potential if (sic) tree very limited as a result” |

**Submissions made on the Drat Tree Preservation Order**

Submissions were made on the draft Tree Preservation Order within the period of public consultation by 12 persons as follows:

| **Date** | **Submitted by** | **Summary of submission** |
| --- | --- | --- |
| 26 05 2015 | Caroline McCloskey | Supports on the basis of: Residential amenity Intrinsic part of Liffey Valley skyline for many decades |
| 26 05 2015 | Aine O’Shaughnessy | Supports on the basis of: Residential amenity Part of Liffey Valley skyline |
| 26 05 2015 | John Coleman | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline |
| 26 05 2015 | Sandra Coleman | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline |
| 29 05 2015 | Emma Mulligan and Howard Mulligan | Supports on the basis of: Residential amenity Beautiful feature in the skyline Provide countryside feel to the area |
| 29 05 2015 | Matthew O’Donnell | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline |
| 01 06 2015 | Hazel Smyth | Supports on the basis of: Residential amenity Intrinsic part of Finnstown skyline Part of reason for purchase of home |
| 01 06 2015 | Barry Jenkinson | Supports on the basis of: Residential amenity Part of Finnstown skyline Part of reason for purchase of property |
| 08 06 2105 | William Lavelle, Councillor | Supports Draft Tree Preservation Order |
| 09 06 2015 | Anthony King | The trees are one of the most important visual amenities in the area. Their importance as/for greenery noise screen biodiversity Hopes they will be incorporated into future development |
| 10 06 2015 | Frances Fitzgerald TD Minister for Justice and Equality (Two submissions) | Supports the proposed TPO |
| 10 06 2015 | Valerie Greaney | Supports on the basis of: Residential amenity Intrinsic part of Liffey Valley skyline for many decades |
| 10 06 2015 | Crekav Landbank Investments Ltd | Objects to the Draft Tree Preservation Order |

**Assessment of submission**

The public consultation submissions received with the prescribed timeframe can be summarised as follows:

* the amenity value of the trees to the local housing area, the Liffey Valley and Finnstown skyline
* biodiversity
* the value of the trees as a noise screen.

An objection from the landowner can be summarised as follows:

* The landowner was not formally notified of the Draft Tree Preservation Order
* The trees do not meet the criteria due to their condition
* There are a number of anomalies in the trees identified in the Draft Tree Preservation Order
* The trees of value on the site can be retained within a well-designed development proposal and therefore a Tree Preservation Order is not warranted

All owners and occupiers established by the Planning Authority by a reference to the Land Registry were notified.

**Overall Consideration**

In commenting on the Draft Tree Preservation Order, the direction of Section 205 (1) of the Act in relation to amenity or the environment are considered. The trees which are the subject of this proposed TPO form but a small part of the overall tree fabric of the site. In themselves they could not be considered to be an “intrinsic” part of the local or wider skyline. Indeed some of the surrounding hedgerows could be said to contribute more to the local skyline. In themselves the trees would not be a major contributor as a noise barrier and the biodiversity value of the trees is questionable. Indeed there may be more biodiversity potential in the trees as they reach the end of their lives and decline.

**Amenity consideration**

This proposal for a TPO on this site as proposed by the Elected Members of the Lucan Area Committee concerns a small number of trees within the site. There are other trees on the site that could be considered to be of more significance in amenity terms in the long term and in the context of probable future housing development. The Poplar trees referred to in the L/495/SUSPENSORY MOTION are growing very close together, are damaged and some have lost limbs. The Council would agree with the opinions offered in both Tree Surveys referred to above that the trees are unsustainable in the longer term and accordingly have very limited amenity potential.

This group of Poplar trees when viewed from the open space at Finnsview and Finnswalk do contribute to an ambience that places the estate itself in a location that is somewhat surrounded by trees. It should also be noted that in the open space at Finnview/ Finnswalk there are a number of Lime trees (Tilia species) that have been planted. These will form very large trees in the future.

The Birch tree is not a major contributor to the view or amenity of the area since it is much smaller and not as easily visible.

However, this amenity could also be said to be contributed to as much or more significantly by the surrounding other trees and hedgerows on the site. Indeed it is the entirety of the trees and hedgerows on the site that make this contribution.

The contribution of the Beech tree to the view from Finnsview and Finnswalk is slightly less since it is situated further away from the open space and there are other trees growing there also which make a significant contribution to the view and ambience. The Beech tree is of more significance as viewed from the Newcastle Road side as it is one of the largest trees on the site.

The Poplar trees are not as significant as viewed from the Newcastle Road side since they are at the back of the site as viewed from this location and it is the other trees which would be considered to make the greater contribution.

Overall, the Poplar trees would not be considered to be of significant amenity value when considered in the context of the other vegetation on the site and also given that they have suffered some decline and storm damage and are spaced very close together. The Beech tree could be considered to be of amenity value but it is not considered that it should require the protection afforded by a Tree Preservation Order since it is diseased and has been damaged by fire and will ultimately not survive for long on this site. The Birch tree would not be considered in amenity terms to be as significant a tree on this site as some of the other surrounding trees.

**Environment consideration**

The Bat Survey by Faith Wilson and which also references a previous survey undertaken by Brian Keeley in 2005 states that there are no confirmed bat roosts on the site (but that “it is extremely difficult to confirm tree roosts for bats”) but that the site is of significance as a foraging area for them. The survey also states that “in particular the Beech trees all have high potential to support roosting bats”. The report makes recommendations on how to deal with the presence of bats in the context of the application for housing on the site and the probable felling of a large number of trees.

In environmental terms the site is somewhat isolated because of recent housing developments but there are still a number of hedgerows that make a contribution to the protection of both flora and fauna.

In relation to the specific trees proposed to be protected by a Tree Preservation Order:

The Poplars would not be considered to have the environmental value that the other surrounding trees would have but may form part of the foraging route for bats. However, their life expectancy would be considered to be limited and they are already suffering significant limb loss.

The Birch tree is also part of the foraging route for bats and would only have some environmental potential for harbouring insects.

The Beech tree is considered to be a non-native tree. It may be a roosting site for bats but this has not been confirmed. It is damaged by fire and is subject to fungal infection. Whilst the fungal infection may be considered to be a positive environmental attribute, the long term sustainability of the tree and its long term environmental contribution is doubtful.

**The site in context**

The site is zoned Objective A – to protect and/or improve Residential Amenity in the South Dublin County Development Plan 2010 – 2016. It is probable that this site will be developed in some manner in the future. There have already been a number of applications on this site and the current one SD14A/0290 is the latest. It is considered that having regard to the zoning of the site and the comments above that the protection of local amenity and the contribution of the existing vegetation to the environment is best achieved through providing for the retention trees as part of the formal planning process.

**Additional Note:**

Members should be aware that while it is acknowledged that the Council is not bound by the expert advice provided to the Council, by the Executive of the Council, that if they do not wish to follow that advice, then per the High Court decision in *Child v Wicklow County Council and Wicklow County Manager [1995] 2 I.R.447* they must: -

*“…adduce some logical basis for failing or refusing to follow it, such as another expert opinion or a “reasoned judgment”…”*

*Source: Browne, David The Law of Local Government Roundhall Published 2014 Page 109*

**Recommendation**

It is recommended that this Draft Tree Preservation Order should not be confirmed, as the trees are considered not to meet the required criteria. It is therefore not expedient, in the interests of amenity or the environment, to make provision for the preservation of the proposed trees in the Draft Order for reasons set out above in the report.

**CORRESPONDANCE (for noting)**

**Co1/0715** **MINISTERIAL**

Letter, dated 12/06/2015, from Minister for Jobs, Enterprise and Innovation in relation to Employment (M01/0415)

**Co2/0715 MINISTERIAL**

Letter, dated 16/06/15, from Minister for Finance in relation to Local Property Tax (LPT) (M9/0914)

**Co3/0715** **MINISTERIAL**

Letter from Minister for Justice & Equality dated 06/07/15 re M23/0615 - Review of Garda misconduct

**Co4/0715** Letter from Fingal County Council dated 3rd June 2015 Re: Irish Language in the E U

**Co5/0715** Email from Ballina Municipal District re: Motion passed - Freedom of the Press

**Co6/0715** Letter from Cork City Council - Extract from Council Meeting 2nd June 2015 re: Opening of Social Housing Schemes

**Co7/0715** Letter from Donegal County Council dated 17th June 2015 re: motion passed

"That Donegal County Council supports the Irish Deaf Society's call for Irish Sign Language to be recognised as an Official Language".

**MOTIONS FOR DISCUSSION**

**M1/0715 EPSEN ACT 2004**

It was proposed by Councillor F. Timmons and seconded by Councillor A.M. Dermody:

“That SDDC ask that the EPSEN Act 2004 be enacted or updated to meet current needs”

**REPORT:**

The motion refers to the Education for Persons with Special Educational Needs Act 2004. If the motion is passed a letter will be issued to the Minister for Education & Skills.

  The motion was **AGREED**

**M2/0715 HGV INCURSION**

It was proposed by Councillor L. O’ Toole and seconded by Councillor P. Gogarty:

“That this council ask the Chief Executive to write to Department of Transport requesting details on the number of fines Issued in relation to HGV incursion into restricted areas within the county over the last 12 months.”

**REPORT:**

If the motion is passed a letter will be issued to the Department of Transport, and reply circulated when received.

The motion was **AGREED**

**M3/0715 START UP BUSINESS**

It was proposed by Councillor D. Richardson:

“To ask the Chief Executive that this council look in to the site at Jacobs on the Belgard road for another enterprise centre for start-up Business in the Tallaght area.    
This site has been empty for over 9 years, this council could look in to the possibility of attracting new start up business to the area, employment is a key factor in our county and a new start up Business Park would generate employment to the area.”

Councillor L. O’Toole proposed an amendment to the motion, seconded by Councillor S. Holland and **AGREED**:

“To ask the Chief Executive that this council to explore potential sites for start-up businesses within the county, this council could look in to the possibility of attracting new start up business to the area, employment is a key factor in our county and a new start up Business Park would generate employment to the county”

**REPORT:**

As part of the Councils’ ongoing commitment to support enterprise and employment a full analysis of enterprise space will be carried out by the LEO to maximise new start-ups within the existing facilities. Following this analysis further provision may be considered.

As the members will be aware, with respect to the additional funding from the Business Support Grant, as agreed, they will be used to target industrial vacancy/underutilisation and obsolescence and to promote innovation and enterprise, on a percentage breakdown of -

* 60%- infrastructural upgrading works to be of a capital nature.
* 30%- innovation, start-up advice and supports including potential incubation space
* 10%- targeted training, to be identified by targeted surveys and delivered through LEO. (Survey recently completed).

The former Jacobs site is a large site in a key location of approx. 9 HA and remains in private ownership. However in pursuance of the Business Support Grant initiative, as set out above, the Council would be supportive of proposals from the private sector for the provision of start-up or incubation space.

Following contributions from Councillor C.O Connor, C. King, R. McMahon and M. Duff the motion was **AGREED**.

**M4/0715 VAT ON CONSTRUCTION**

It was proposed by Councillor W. Lavelle and seconded by Councillor A.M Dermody:

“That this Council calls for a reduction in the VAT rate on NEW residential construction from 13.5% to 9% to reduce house prices and stimulate residential construction.”

**REPORT:**

A letter will issue to the Minister for Finance relaying the views of the members if this motion is agreed.

A discussion followed with contributions from Councillors W. Lavelle, D. Looney, F. Warfield, C. King, P. Gogarty, F. Duffy, and T. Gilligan.

Mr. F. Nevin, Director of Economic, Enterprise & Tourism Development, responded to the members queries.

A show of hands vote was taken and the result was as follows:

FOR – 10 (ten)

AGAINST – 15 (fifteen)

ABSTAIN – 1 (one)

The motion **FELL**

**M5/0715 OBESITY**

It was proposed by Councillor A.M. Dermody and seconded by Councillor P. Gogarty:

“That this Council establish a working group to consider the growing problem of obesity within our County.  That such a working group would be made up of representatives from across a wide variety of stakeholders - schools, planners, elected members, management, with input from Social & Community SPC, Parks, Libraries, sporting bodies, this list is but an example of the agencies whose participation and involved is essential to its success and is therefore not exhaustive. As part of working group the involvement of schools could be achieved through the Parents’ Associations and perhaps the libraries in our County could host cookery demonstrations during Health & Wellbeing week. Another possible idea might be to extend the “social credit” scheme to children who walk/cycle to school or perhaps participate in a new/additional sport.”

A discussion followed with contributions from Councillors AM Dermody, P. Gogarty, C. King, D. Looney,

At this point the Mayor suspended Standing Orders to allow for completion of this item

R. Nolan, D. O’Donovan, G. O’Connell, C. O’Connor, B. Leech, T. Gilligan, and R. McMahon.

Mr. B. Coman, Director of Housing, Social & Community Development, responded to the Members queries, outlining the various programmes and initiatives organised by the Council to tackle obesity and encourage participation and activity, and agreed with Councillors Dermody’s proposal that a report be brought to the Social and Community SPC.

Councillor Dermody then **WITHDREW** the motion and this was **AGREED** by the members.

**M12/0715 WOMENS AID TRAINING**

It was proposed by Councillor M. Genockey and seconded by Councillor S. Holland and **MOVED** without **DEBATE:**

“That this council requests that the manager engages with Women's Aid or a similar organisation to arrange for all housing staff to receive training in dealing with people that have been, or are in domestic violence situations.”

**REPORT:**

South Dublin County Council works closely with support workers attached to the two Women Refuges in our area, such as Cluan Alainn and Saoirse.  These services have the staff qualified to respond appropriately to Domestic Violence Victims and when victims of domestic violence would present to our staff, we would refer them to these services.

The Council endeavours to be sympathetic in all such cases but conscious of the need to consider each case on an individual basis, having consideration of their individual circumstances.  However, we will make contact with Women's Aid to explore if they would be prepared to provide information and/or training to council staff.

**M13/0715 SUNDAY CLEANING OF PARKS**

It was proposed by Councillor M. Duff and seconded by Councillor D. Looney and **MOVED** without **DEBATE**

“That this Council call on the Manager to introduce a cleaning service, similar to the Sunday Village cleaning service, to allow our Public Parks and Playgrounds to be cleaned  on Sundays ,during the period of late Spring and Summer months, when the public footfall is at its highest.”

**REPORT:**

The Council's Public Realm Section currently has a Sunday morning cleaning service in place in the towns and villages around the County, which also includes the servicing of litter bins in priority locations.  The annual cost to provide this service is approx. €140,000.  Council management is considering different options for the cleaning of the County's parks on Sundays, the first requirement however is to carry out a survey of the main parks to identify what problems exist and in what locations and thereafter to determine what measures might be required to deal with this.  The proposal to provide a service similar to the village cleaning service will be considered in this regard, an estimate of the cost to provide such a service over the Spring and Summer months is approximately €30,000 per annum.  The existing Sunday morning service in towns and villages will also be examined to determine if it could be reconfigured to provide a service in a limited number of park locations.

Tributes were then paid to Ms. C. Henehan, Head of Finance as it was her last Council meeting with South Dublin County Council, by Councillor C. King on behalf of the Sinn Fein group, Councillor W. Lavelle on behalf of the Fine Gael group, Councillor G. O’ Connell on behalf of the Independent group, Councillor T. Gilligan on behalf of the Fianna Fail group, and Councillor G. Kenny on behalf of the Alliance group.

**THE FOLLOWING MOTIONS WERE NOT REACHED:**

**(M6) GRAFFITI REMOVAL**

**Councillor P. Foley**

To call on the Chief Executive for a scheme be developed where the council addresses the issue of graffiti removal in the cases of private properties facing out onto public areas? In many instances owners do not have the money or expertise to remove the graffiti themselves and I feel it is appropriate for the council to take this on as a responsibility.

There are many houses, schools, churches in our county which suffer greatly from the blight of graffiti and do not have the resources needed to repeatedly deal with it. When graffiti is then left on these walls the whole community suffers because the area is left unsightly.

**(M7) TREE PRUNING**

**Councillor R. Mc Mahon**

That the Chief Executive reinstate the 2nd Tree Pruning crew with immediate effect and follow through on the commitment given to this Council last year, and allow them to help clear the excessive back log of trees that require pruning or removal.

**(M8) SOCIAL HOUSING**

**Councillor C. O’ Connor**

That this Council calls on the Chief Executive to present a full report on his plans to provide Social Housing throughout our County this year, confirming discussions he has had with the Department of Environment and Local Government and also confirming the schedule being followed in respect of the plans and his proposals to consult local communities.

**(M9)  TWINNING**

**Councillor E. Higgins**

That the Chief Executive presents a report on 'twinning' in South Dublin County with a view to establishing / developing links with the United States of America.

**(M10) SDCC HOUSING EXTENSION PROGRAMME**

**Councillor P. Donovan**

That the CEO initiates a formal review of the SDCC House extension Design guide 2006 and proactively engages with An Garda Siochana in relation to this.

**(M11) WINDOWS AND DOORS**

**Councillor B. Leech**

That this Council upgrade it's specification for all new windows and doors to PVC for all new infill housing and retrofit same where necessary.

**(M14) LITTER IN PARKS**

**Councillor M. Devine**

That increased resources be provided to the County Parks to effectively deal with overflowing bins, litter and debris that has increased over the summer months.

**(M15) GAA**

**Councillor E. O'Brien**

That this County Council supports the ongoing efforts of the GAA to identify a site for the provision of a regional stadium and centre of excellence amongst other facilities and calls on NAMA to reconsider its decision to refuse the sale to the GAA of the former Spawell site having regard to the social, recreational and economic benefits to the County of locating such a development on that site.

**(M16) BOXING CLUBS**

**Councillor W. Lavelle, Councillor K. Egan**

That this Council calls on the Chief Executive to examine the potential of putting in place a multi-annual programme of support for our County’s Amateur Boxing Clubs, including provision of sustainable, permanent accommodation; with a view to bringing proposals before the elected members in advance of future budget discussions.

**(M17) PLAY SPACE PROGRAMME**

**Councillor R. McMahon**

To ask the Manager to do a study regarding the Play Space Roll Out  programme across the County and  in particular to try and ascertain why the Play Space at The Park Community Centre in Ballycullen, is not as successful as the other Play Spaces around the County and to report back to this Council on its findings.

**(M18) ILLEGAL SIGNAGE**

**Councillor M. Devine**

That the Council provide a report on action taken to date in respect of illegal signage that is proliferating throughout the County and furthermore increase resources for effective “policing” of offenders.

Meeting concluded at 7.14pm

**Signed:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Mayor**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_