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

Minutes of South Dublin County Council Clondalkin Area Committee Meeting dealing with Community, Housing, Planning, Transportation, Libraries & Arts, Economic Development, Performance & Change Management, Corporate Support, Public Realm, Environment and Water & Drainage, held on 18 October 2017.

**COUNCILLORS PRESENT**

 Councillor B. Bonner

 Councillor T. Gilligan

 Councillor J. Graham

 Councillor E. Higgins

 Councillor M. Johansson

 Councillor F. Timmons

 Councillor M. Ward

Cathaoirleach, Councillor M. Ward, presided.

**OFFICIALS PRESENT**

Senior Executive Officer Ms. M. Maguire, Mr. H. Hogan

Senior Engineer Mr. T. O’Grady, Mr. W. Purcell, Mr. C. Galvin

Senior Planner Mr. B. Keaney

County Librarian Ms. B. Fennell

Senior Executive Parks Superintendent Mr. D. Fennell, Ms. M. Keenan

Senior Executive Planner Ms. S. Duff

Senior Executive Engineer Ms. G. McGee

Executive Environmental Scientific Officer Mr. R. Fitzpatrick

Administrative Officer Mr. B. Leonard

Assistant Planner Mr. J. Tierney

Staff Officer Ms. P. O’Reilly

Assistant Staff Officer Ms. I. Kenny

Prior to commencement of the meeting, the Elected Members commended the management and staff of SDCC on the communications and incident management regarding Storm Ophelia last Monday and ongoing, and asked that their appreciation be conveyed.

**C/202/17 – (H1) Item ID: 55056 - Confirmation & Re-affirmation**

**of Minutes of Meeting of 20th September, 2017**

The Minutes of the September meeting of the Clondalkin Area Committee dealing with Environment, Water & Drainage, Public Realm, Housing, Community, Transportation, Planning, Economic Development, Libraries & Arts, Corporate Support and Performance & Change Management, held on 20th September 2017 which had been circulated, were submitted and **APPROVED** as a true record and signed.

[Minutes of Meeting 20th September 2017](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57143)

It was proposed by Councillor M. Ward and seconded by Councillor F. Timmons and **RESOLVED:**

“That the recommendations contained in the Minutes of 21st June 2017, be **ADOPTED** and **APPROVED.”**

**C/203/17 - Questions**

It was proposed by Councillor M. Ward and seconded by Councillor F. Timmons, and **RESOLVED:**

“That pursuant to Standing Order 13, Questions 1 – 13, with the exception of Question 4 and Question 10, be **ADOPTED** and **APPROVED.**”

A number of the Members expressed concern regarding the accuracy of the information provided in the response to Question 4. The response to Question 10 was not appropriate to be released.

**Community**

### **C/204/17 – (H2) Item ID: 55259 - Deputations**

It was **NOTED** that there was **NO** business under this heading.

[HI 2](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57111)

### **C/205/17 – (H3) Item ID: 55026 – New Works**

It was **NOTED** that there was **NO** business under this heading.

**C/206/17 – (C1) Item ID: 55027 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/207/17 – (M1) Item ID: 55225 – Clondalkin Men’s Shed**

**Cathaoirleach's Business**

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

"This Committee agrees that the Council fully support the Clondalkin Men's Shed in relocating to a new unit in Mayfield. This move is supported by the residents of Mayfield and would provide a space for the Men's Shed to continue their valued work for the community."

The following report by the Chief Executive which had been circulated, was **READ:**

“The Community Department is very eager to secure a long term premises for Clondalkin Men's Shed. We are aware that their current premises, at Boot Lane, is short term and that the group have been advised, by the Boot Lane landlord, that it may be unavailable in the near future. The Community Department are hopeful that the Mayfield Neighbourhood Centre and porto cabin would prove to be an ideal premises as a short term interim measure now that the Afterschool Programme held at the site has ceased. We have encouraged the Clondalkin Men's Shed to liaise with the Mayfield Residents to gauge if residents would be receptive to a Men's Shed on site. All communication with residents suggested that the estate would welcome an active community group, namely the Clondalkin Men's Shed, at the Mayfield Neighbourhood Centre. The Community Department have recently been advised by Estate Management that the site will be subject to future improvements/developments for the residents. Estate Management have also expressed concerns about the poor condition of the porto cabin currently at the location. Although Estate Management have communicated that they would be in agreement for the Clondalkin Men's Shed to use the site for the very short term there are concerns regarding the current porto cabin suitability and we may agreeable to allowing a higher standard porto cabin to be brought to site, at the expense of the Men's Shed which we believe they have sourced. Given the plans to development the Mayfield Estate, the Community Department will continue to work on this as a temporary solution with the Clondalkin Men's Shed.”

Following contributions from Councillors M. Ward, B. Bonner and F. Timmons, Mr. B. Leonard, Administrative Officer responded to queries raised, and the report was **NOTED.**

**C/208/17 – (M2) Item ID: 55205 – Community Space**

It was proposed by Councillor B. Bonner and seconded by Councillor M. Ward:

"This committee resolves that the Community Space which was designated for community use when the apartments on Orchard Road were built and which has lain empty in the years since then would be allocated without delay to the Clondalkin men's shed.  The Men's Shed have agreed to facilitate the use of this space by other community groups such as active retired and meals on wheels.  The ongoing stalemate in relation to this space makes a mockery of the practice of designating spaces for community use and this must be addressed."

The following report by the Chief Executive which had been circulated, was **READ:**

“The Community Department's latest update regarding this issue has been that South Dublin County Council's Law Department wrote to McCann Fitzgerald Solicitors on the 2nd of August 2017 submitting a number of legal documents for review and requesting a meeting about the Orchard Road premises.  We have not had an update since but we have requested one from our Law Department and will keep Councillors up to date with further developments.”

Following contributions from Councillors M. Ward, B. Bonner and F. Timmons, Mr. B. Leonard, Administrative Officer responded to queries raised, and the report was **NOTED.**

### **C/209/17 – (M3) Item ID: 55207 – Clondalkin Swimming Pool**

It was proposed by Councillor B. Bonner and seconded by Councillor M. Ward:

"What can be done by the Council in order to address the problems caused by the movable floor in Clondalkin Swimming Pool?  The pool has been unavailable to a number of groups because of this issue."

The following report by the Chief Executive which had been circulated, was **READ:**

“The technical problems with the Boom wall on the Clondalkin site has not reduced the level of service available to the general public with the exception of the swim clubs which require a 25m pool. Every effort has been made by both Pool Management and SDCC to have the problem resolved. The problems are complex and given the type of operation, which is under water, in confined spaces and requiring the services of an overseas company, very challenging.

After several site visits and examinations, a solution has been identified. A bespoke replacement piece of equipment is being fabricated and will be fitted by the UK dive team. This process will take several weeks. Hopefully this will address the problem and enable us provide the full service.”

Following contributions from Councillor B. Bonner, Mr. B. Leonard, Administrative Officer responded to queries, and the report was **NOTED.**

**Housing**

**C/210/17 – (Q1) Item ID: 55082 – Step Down Accommodation**

Proposed by Councillor F. Timmons

"To ask for a report into plans for Step Down accommodation for over 55's willing to surrender a Council House?  - report to include how to apply for Step Down and does the resident get a choice where to step down to?"

**REPLY:**

The Council sought expressions of interest from Approved Housing Bodies for the design, support and delivery of housing with low to medium level of support for older people for three sites in the Tallaght Area.  The chosen Approved Housing Body will be required to develop a feasibility study and detail designs while will then be progressed through the Part 8 Planning Process.  The proposed units will be primarily for existing Council tenants and those meeting the age criteria on the Council's waiting list.  Consideration will be given to the application process when the schemes have progressed to at least Part 8.

### **C/211/17 – (Q2) Item ID: 55237 – RAS Tenants**

Proposed by Councillor M. Ward

"To ask the Chief Executive to outline the Councils policy for RAS tenants?

Can he also clarify what group of RAS tenants will and will not have access to Choice Based Lettings and what is the rationale behind this decision?"

**REPLY:**

The commencement of Section 19 of the Housing Act 2009 defined RAS as a social housing support and as such RAS tenants were formally deemed to be in receipt of social housing support and **could not** remain on general housing list.

However, Circular Housing 28/2011 recommended that a special transfer pathway be provided from RAS to other forms of social housing as RAS households were given assurances that they could remain on the housing list and would have reasonable expectations that their access to traditional social housing accommodation would be maintained.

In 2011 South Dublin County Council contacted 730 such RAS tenants i.e. those who had been on the Council’s social housing waiting list prior to 01/08/2010.   These RAS tenants were given the opportunity to have their name listed on a Fixed RAS Transfer list if they so wished, housing to be offered in accordance with Time on List in line with the current housing list. 309 tenants applied for this list and were also given access to Choice Based Letting.  Anyone who did not apply at that time do not have access to CBL.

As at 09/10/2017 there are 201 tenants on the RAS Fixed Transfer List.

In general RAS tenants have access to the Council’s Transfer List and are assessed for eligibility for same in accordance with the Allocations Scheme e.g. overcrowding/ downsizing/ medical.

**C/212/17 – (Q3) Item ID: 55231 – Kilcarberry/The Grange**

Proposed by Councillor F. Timmons

To ask for a timeframe of when the 109 Houses at Kilcarberry/The Grange will be started and completed and what plans are being put in place to inform and consult the residents? Who do residents contact if any issues when building starts?

**REPLY:**

Construction is due to commence in Quarter 3, 2018 and should take up to 24 months to complete.  Following the amendments to the Part 8, it was agreed that prior to the commencement of any works the Council along with appropriate technical staff/contractors will meet with the residents of Cherrywood Crescent.

### **C/213/17 – (H4) Item ID: 55028 – New Works**

It was **NOTED** that there was **NO** business under this heading.

**C/214/17 – (H5) Item ID: 55260 – Housing Procurement & Allocation Report**

The following report which had been circulated, was presented by Mr. H. Hogan, Senior Executive officer:

Allocations Report below:-

|  |  |  |  |
| --- | --- | --- | --- |
| **CLONDALKIN** | **2016** | **CURRENT 01/01/2017 TO 30/09/2017** | **CURRENT NOS ON LIST** |
| **HOUSING LIST** **ALLOCATIONS Section****categorised as follows:-** | **60** | **63** | **4705** |
| *CBL* | 26 | 21 |   |
| *ASH* |   |   |   |
| *OAP* |   |   |   |
| *Homeless* | 22 | 35 |   |
| *Medical* | 12 | 7 |   |
| *Priority Committee* |   |   |   |
| *Leased with Tenants Insitu* |   |   |   |
|  |   |   |   |
| **HOUSING LIST** **RAS Section – Standard** | **7** | **1** |   |
|   |   |   |   |
| **TRANSFERS****Allocations Section** | **25** | **30** | **375** |
|   |   |   |   |
| **TOTAL** |  |  |   |

|  |  |  |  |
| --- | --- | --- | --- |
| **COUNTYWIDE**  | **2016** | **CURRENT 01/01/2017 TO 30/09/2017** | **CURRENT NOS ON LIST** |
| **HOUSING LIST** **ALLOCATIONS Section****categorised as follows:-** | **242** | **196** | **8181** |
| *CBL* | 93 | 59 |   |
| *ASH* |   |   |   |
| *OAP* | 1 | 3 |   |
| *Homeless* | 87 | 98 |   |
| *Medical* | 43 | 35 |   |
| *Priority*  | 2 | 1 |   |
| *Standard* | 1 |   |   |
| *Leased/Purchased with Tenant In-Situ* | 15 |   |   |
|  |   |   |   |
| **HOUSING LIST** **RAS Section – Standard** | **34** | **10** |  |
|   |   |   |   |
| **TRANSFERS****Allocations Section** | **112** | **97** | **794** |
|   |   |   |   |
| **TOTAL** | **388** |  |   |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Leasing/Ras** | 31/12/2016 | new -1/1/17 to   30/9/17 | renewals- 1/1/17   to 30/9/17 | terminations | cumulative properties at 30/9/17 | processing at 30/9/17 |
| Properties   procured under lease arrangements | 71 | 61 | 1 | 1 | 131 | 7 |
| Properties   procured under RAS arrangements | 380 | 2 | 36 | 16 | 366 | 9 |

Following contributions from Councillor M. Ward, Mr. H. Hogan, Senior Executive Officer responded to the queries raised, and the report was **NOTED.**

### **C/215/17 – (H6) Item ID: 55261 – Anti-Social Quarterly Statistics**

The following report which had been circulated, was presented by Mr. H. Hogan, Senior Executive Officer:

**Anti-Social Quarterly Statistics**

**The following statistics relate to anti-social incidents reported to the Council in the Clondalkin area.**

|  |
| --- |
| **STATISITICAL ANALYSIS OF ANTI SOCIAL BEHAVIOUR REPORTED TO COUNCIL IN THE AREA** |
| **Incidents** | **2016 TOTAL**  | **1st Qtr 2017** | **2nd Qtr 2017** | **3rd Qtr 2017** | **4th Qtr 2017** | **2017 TOTAL**  |
| **Priority 1** |  |   |   |   |   |  |
| Drugs Activity reported to SDCC | 24 | 3 | 5 | 3 |   | **11** |
| Criminal Activity reported to SDCC | 9 | 4 | 2 | 2 |   | **8** |
| Joyriding reported to SDCC | 4 | 2 | 3 | 1 |   | **6** |
| Violence/intimidation/ harassment reported to SDCC | 47 | 7 | 10 | 18 |   | **35** |
|   |   |   |   |   |   |  |
| **Priority 2** |  |   |   |   |   |  |
| Squatters/illegal occupiers reported to SDCC | 17 | 5 | 9 | 9 |   | **23** |
| Vandalism reported to SDCC | 35 | 11 | 9 | 8 |   | **28** |
| Physical condition of property reported to SDCC | 12 | 6 | 6 | 3 |   | **15** |
| Physical condition of Garden reported to SDCC | 50 | 13 | 12 | 17 |   | **42** |
| Racism reported to SDCC | 0 | 0 | 0 | 0 |   | **0** |
| Vacant House reported to SDCC | 22 | 5 | 4 | 8 |   | **17** |
| Neighbour Dispute reported to SDCC | 5 | 2 | 0 | 2 |   | **4** |
|   |   |   |   |   |   |  |
| **Priority 3** |  |   |   |   |   |  |
| Noise/disturbance reported to SDCC | 69 | 15 | 16 | 17 |   | **48** |
| Pets/animal nuisance reported to SDCC | 6 | 3 | 6 | 7 |   | **16** |
| Children Nuisance reported to SDCC | 6 | 0 | 4 | 1 |   | **5** |
| Selling alcohol | 0 | 0 | 0 | 0 |   | **0** |
|   |   |   |   |   |   |  |
| **Total Incidents reported to SDCC** | **331** | 76 | 90 | 97 | 0 | **263** |
|   |   |   |   |   |   |  |
| **Total Complaints reported to SDCC** | **303** | 78 | 93 | -171 |   | **171** |
|   |   |   |   |   |   |  |
| **Total Actions taken by Allocations Support Unit Staff -     Main actions listed below** | **3811** | 1118 | 1017 | 1060 |   | **3195** |
|  |   |   |   |   |  |
| Housecall / Inspection | 1072 | 303 | 301 | 363 |   | **967** |
| Demand for Possession Section 15 & 17 | 2 | 10 | 0 | -10 |   | **10** |
| Abandonment notice served | 7 | 6 | 3 | 3 |   | **12** |
| Surrenders Obtained (including Termination of Tenancy under Section 15) | 38 | 10 | 9 | 11 |   | **30** |
| Warnings issued | 25 | 13 | 4 | 5 |   | **22** |
| Interviews held (formal office and by phone) | 1097 | 277 | 371 | 942 |   | **1590** |
| Pre-Tenancies (includes following up Tenancy Checks) | 54 | 18 | 22 | 14 |   | **54** |

Following contributions from Councillors B. Bonner, F. Timmons and M. Ward, Mr. H. Hogan, Senior Executive Officer responded to queries raised, and the report was **NOTED.**

**C/216/17 – (C2) Item ID: 55029 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/217/17 – (M4) Item ID: 55226 – “The Coffee Shop” Greenfort Gardens**

**Cathaoirleach's Business**

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

"There is a dearth of housing in our County and we should use every avenue possible to increase the housing stock of South Dublin County Council. This Committee calls on the Council to refurbish and bring into housing stock the Council depot known locally as the "coffee shop" on Greenfort Gardens and that the Council should provide a report for this meeting for discussion."

The following report by the Chief Executive which had been circulated, was **READ:**

It was initially intended to provide this unit to a group working with vulnerable women and a presentation was made to the ACM in relation to this proposal last year.  Since then it has transpired that the group is unable to fund the development work necessary and unfortunately the project cannot go ahead.

The unit has been inspected and while it is possible to convert it to housing it will take considerable design and construction work to do so.  Currently we are looking at the best way to do this and also the best configuration of housing units that might be achieved there.  Discussions are also ongoing with a number of other organisations to examine the possibility of it being used for specialist housing.

It is hoped to be in a position to bring a report on its future use to the ACM in the coming months.

Following contributions from Councillors M. Ward, J. Graham and B. Bonner, Mr. H. Hogan, Senior Executive Officer responded to queries raised, and the report was **NOTED.**

**C/218/17 – (M5) Item ID: 55194 – Traveller Accommodation**

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

"That this committee, due to the increasing need for traveller specific accommodation, asks the Chief Executive for a report on the re-development of the Oldcastle site, including a time frame for the works."

The following report by the Chief Executive which had been circulated, was **READ:**

“A brief for the development of Oldcastle Park is being prepared.  The brief must take account of the number of families that are onsite and their compatibility issues which are a concern.  We also need to address the question of who wishes to live in houses and those that wish to remain in bays.  It will also have to deal with a number of unrealistic expectations from some of the families on site.  To date it has not been possible to get this level of information despite assistance from the Clondalkin Travellers Development Group and our own staff discussing with the families there.

It is now proposed to meet with each group in the site with a view to establishing exactly what is expected and how it could possibly be delivered either on site or elsewhere.  When compiled it will enable the brief to be submitted to the Department for funding.”

Following contributions from Councillors M. Johansson, Mr. H. Hogan, Senior Executive Officer responded to queries, and the report was **NOTED.**

**Planning**

**C/219/17 – (H7) Item ID: 55031 – Newcastle Local Area Plan**

The following report was presented by Mr. B. Keaney, Senior Planner:

**Newcastle Local Area Plan**

COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL



MEETING OF CLONDALKIN AREA COMMITTEE

Wednesday, October 18, 2017

HEADED ITEM NO. 7

 **Newcastle Local Area Plan Extension**

Section 12 of the Planning and Development Act 2010 introduced a new provision that amended Section 19 of the Planning and Development Act 2000, whereby a Planning Authority may extend the life of an existing Local Area Plan (LAP), which is normally 6 years, for a further 4 years (i.e. up to a total of 10 years from adoption). This is dependent on the Planning Authority resolving to extend the life of the LAP within 5 years of its original adoption date (November 12th 2012).

The Newcastle LAP was adopted by the Elected Representatives of South Dublin County Council in November 2012. It will remain in force for 6 years from its adoption until 2018. The procedure introduced under Section 12 of the Planning and Development Act 2010 gives the Council the option to extend the Newcastle LAP for a further period of five years until 2022.

As required by the legislation, the accompanying report provides detail supporting the opinion of the Chief Executive that:

1) The Local Area Plan remains consistent with the objectives and core strategy of the relevant Development Plan i.e. the South Dublin County Development Plan 2016-2022;

2) The objectives of the Local Area Plan have not been substantially secured; and

3) Confirmation that the sending and publishing of the notice under section 20(3)(a)(i) of the Planning and Development Acts 2000 - 2016 i.e. notices for making, amending or revoking Local Area Plans, may be deferred and the period for which they may be deferred.

Accordingly, it is recommended that:

1. i)  the sending and publishing of the notices be deferred for a further period not exceeding 5 years from November 2017; and
2. ii) that the Council approve the procedure to defer the sending of a notice under section 20(3)(a)(i) of the Planning and Development Acts 2000 -2016 (i.e. notices for making, amending or revoking the Local Area Plans , in accordance with Section 19(1)(d) of the Planning and Development Acts 2000-2016 for the Newcastle Local Area Plan).

As a result the life of the Newcastle LAP will be extended for period of five years until 2022.

The following resolution is therefore recommended:

*"That this Council approve the procedure to defer the sending of a notice under section 20(3)(a)(i) of the Planning and Development Act 2000 - 2016 i.e. notices for making, amending or revoking the Local Area Plans, in accordance with Section 19(1)(d) of the Planning and Development Acts 2000-2016 for the Newcastle Local Area Plan for a further period of 5 years”*

[Newcastle Local Area Plan - Extension (CE Report)](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57182)
[Newcastle Local Area Plan Extension Briefing Presentation](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57181)

Following contributions from Councillor E. Higgins, Mr. B. Keaney, Senior Planner responded to queries raised, and the report was **NOTED.**

**C/220/17 – (H8) Item ID: 55030 – Planning Files**

**Large Planning Files under Construction**

The following Planning Files were presented by Ms. S. Duff, Senior Executive Planner:

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| --- |
| **FILE DISCUSSED:** SD17A/0318**LOCATION:** Grange Castle Business Park, Nangor Road, Clondalkin,  Dublin 22.**COMMENTS:** There were no comments made on this application. |

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| --- |
| **FILE DISCUSSED:** SD17A/0354**LOCATION:** Grange Castle Business Park, Nangor Road, Clondalkin,  Dublin 22.**COMMENTS:** There were no comments made on this application. |

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| --- |
| **FILE DISCUSSED:** SD17A/0356**LOCATION:** Green Lane, Rathcoole, Co. Dublin.**COMMENTS:** Councillor F. Timmons commented on the application. |

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| --- |
| **FILE DISCUSSED:** SD17A/0357**LOCATION:** Green Lane, Rathcoole, Co. Dublin.**COMMENTS:** Councillor F. Timmons commented on the application. |

### **C/221/17 – (C3) Item ID: 55032 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/222/17 – (M6) Item ID: 55240 – Clonburris SDZ**

**Cathaoirleach's Business**

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

"In light of the plan to develop the Clonburris Strategic Development Zone that this committee asks the Chief Executive to develop a comprehensive local area plan for Balgaddy to be delivered in parallel with the development of the SDZ. This plan would look to revitalise and upgrade Balgaddy to a standard in keeping with its future new neighbours."

The following report by the Chief Executive which was circulated, was **READ:**

“The lands in Balgaddy are substantially developed and large scale future development is not anticipated in the coming years. The Local Area Plans Guidelines for Planning Authorities 2013 (DECLG) advise that the decision to prepare a local area plan should “… take on board criteria such as the degree to which major development is anticipated … and the need to focus resources in using the local area plan process for areas where major alterations to the built environment are anticipated”.

Within the context of the Local Area Plans Guidelines for Planning Authorities 2013 (DECLG), the preparation of a Local Area Plan for Balgaddy is not considered to be a priority. In the context of major alterations to the built environment that are anticipated for that general area, it is noted that the Draft Planning Scheme for Clonburris Strategic Development Zone for the undeveloped zoned lands to the south of Balgaddy is on public consultation and includes for pedestrian/cycle permeability links to Balgaddy.

Similar to other established residential communities in the County, any future proposals for development will be assessed through the Development Management functions of the Planning Authority or a Part 8 application, having regard to the policies and objectives of the County Development Plan (CDP). This includes any works in relation to the public realm and/or existing social housing.”

Following contributions from Councillors M. Ward, F. Timmons and B. Bonner, Mr. B. Keaney, Senior Planner responded to queries raised, and the report was **NOTED.**

**Transportation**

**C/223/17 – (Q4) Item ID: 55085 – Supersavers Clondalkin Village**

Proposed by Councillor F. Timmons

"To ask for a report in what action has been taken against Supersavers in Clondalkin Village after several agreed motions by Councillors?"

**REPLY:**

Following on from commitments given at Area Committee Meetings and advice received from the Council's Law Agent, the staff in the Traffic Section have been monitoring this location and building up a dossier on the situation.

The most recent inspection that was carried out was on the 20th September, 2017.  At that time the shop frontage was free from any items for sale.

The location will continue to be inspected and any necessary action if required will be taken to address the situation.

**C/224/17 – (Q5) Item ID: 55229 – Damage to Council Properties caused by Vehicle Impact**

Proposed by Councillor M. Ward

"With regard to the issue of council properties being damage as a result of vehicle impact. An example in case, such as Garden walls being demolished due a road traffic incident.

Does the council have a policy to seek redress for damage from the drivers insurance or in the case of a uninsured driver from the motor insurance bureau of Ireland (MIBI)?

If not, can the council explain why such redress is not sought and if it is a case that they do, are the funds dedicated to the repair of the damage caused?"

**REPLY:**

If the wall in question is in private ownership, then the owner has to seek redress themselves. If the wall is enclosing a Council house then Housing Dept. would be the section to contact.

Roads Dept. seek redress for damaged road furniture, traffic lights etc. if the driver can be identified.

**C/225/17 – (Q6) Item ID: 55232 – Risk Analysis on Clondalkin Footpaths**

Proposed by Councillor F. Timmons

"That this committee ask that SDCC carry out a risk analysis to all reported footpaths within the Clondalkin area that are Health and Safety issues, and issue a report back to the area committee re same with a plan outlined on how the Health and Safety risks will be addressed?"

**REPLY:**

Any health and safety concerns that are reported to SDCC will be inspected by Road Maintenance staff. If the Area Engineer considers that the location presents an immediate danger to the public, repairs will be programmed and carried out as soon as is practicable. Other reported areas will be listed for inclusion in the annual Roadworks Programme which will be subject to the necessary resources and funding being available.

### **C/226/17 – (Q7) Item ID: 55246 – Councillors Role in SDZ Planning Process**

Proposed by Councillor M. Ward

"The Clonburris SDZ is a significant proposed development in the Clondalkin and Lucan area. Can the Chief Executive outline what role Councillors have in the planning process of this development. What will Councillors vote on and what changes can Councillors make in the plans?"

**REPLY:**

Where a draft planning scheme has been prepared under Section 169 of the Planning and Development Act 2000 (as amended), the planning authority (Executive) is required to prepare a Chief Executive's Report (CE Report) on submissions received and submit the CE Report to Elected Members not longer than 12 weeks after giving notice of the Draft Planning Scheme.

Elected Members are required to consider the Draft Planning Scheme and the CE Report and have 6 weeks to do so from receipt of the CE Report. Under the Planning and Development Act 2000 (as amended), the following options are available to Elected Member's in relation to the decision on the Draft Planning Scheme:

1. Default

Draft Planning Scheme is deemed to be made after 6 weeks if the planning authority does not pass a resolution to make or not make the Draft Planning Scheme.

2. Make

Resolution to make the Draft Planning Scheme, subject to variations and modifications of any aspect of the Draft Planning Scheme (such as land use, density, transport, community facilities, open space, schools, building heights and phasing etc).\*

3. Not Make

Resolution not to make the draft planning scheme.

\* The Planning Authority shall determine if the variations and modifications are material alterations to the Draft Planning Scheme. Material alterations will result in an additional public consultation stage and consideration of AA and SEA implications.

Any person (including Elected Members) who made submissions or observations in respect of the Draft Planning Scheme may appeal the decision of the planning authority to An Bord Pleanála within 4 weeks of the date of the decision of the planning authority.

### **C/227/17 – (H9) Item ID: 55034 – New Works**

It was **NOTED** that there was **NO** business under this heading.

### **C/228/17 – (H10) Item ID: 55033 – Proposed Declaration of Roads to be Public Roads**

It was **NOTED** that there was **NO** business under this heading.

### **C/229/17 – (C4) Item ID: 55035 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/230/17 – (M7) Item ID: 55086 – Ban of HGV on part of Outer Ring Road**

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

"Given that there is no weight restriction on the Outer Ring Road between the N7 -> New Nangor Road; This committee agrees to a ban on HGVs for a trial period on the Fitzmaurice Road between 7am-10am on Mondays & Tuesdays, diverting HGV's through the N7 -> Outer Ring Road -> New Nangor Road -> Greenogue."

The following report by the Chief Executive which had been circulated, was **READ:**

This matter can be considered further following the completion of the R120/Nangor Road Improvement Scheme.

Historical Context

The Policy Document "The Mobility and Management of Heavy Goods Vehicles (HGV's) on South Dublin County Road Network" came about as a result of the work of a sub-committee of the Transportation SPC and the Planning and Economic Development SPC in 2013. The work of this sub-committee had to take account of many factors in determining what roads should be subject to weight restriction - traffic volumes, level of HGV usage, pedestrian and cyclist activity, noise levels, commercial activity. There was a need to strike a balance to ensure that the needs of all road users can most appropriately be met. The R120 from Rathcoole to Lucan (including Fitzmaurice Road) was deemed to be part of the Strategic Road Network within the county and should not be subject to a weight restriction.

The suggested alternative route is not suitable at present for additional HGV's from the entrance to Profile Park to the junction with the R120. It is a poorly aligned narrow road without hard shoulders. It will shortly have additional traffic restrictions as a contractor is due to commence construction of the R120/Nangor Road Project in mid-November which will bring this section up to a much more acceptable standard.

Following contributions from Councillors T. Gilligan, F. Timmons and E. Higgins, Mr. W. Purcell, Senior Engineer responded to queries raised, and the report was **NOTED.**

### **C/231/17 – (M8) Item ID: 55210 – Dangerous Footpaths in Clondalkin Village**

It was proposed by Councillor B. Bonner and seconded by Councillor M. Ward:

"The footpaths in Clondalkin village centre are in some places in a very dangerous state.  What is the plan to address this issue?"

The following report by the Chief Executive which had been circulated, was **READ:**

“The Area Engineer has tendered for the repair of the damaged slabs in the Clondalkin Village area. When the tenders are returned and examined, a contractor will be appointed. It is anticipated that works will commence in late October 2017.”

Following contributions from Councillors B. Bonner, F. Timmons and E. Higgins, Mr. T. O’Grady, Senior Engineer responded to queries raised, and the report was **NOTED.**

### **C/232/17 – (M9) Item ID: 55244 – Safety Improvement at Clondalkin Equine Centre**

It was proposed by Councillor M. Johansson and seconded by Councillor T. Gilligan:

"To ask for a report on the result of the review of traffic and options for improving safety at the new Clondalkin Equine Centre on the Fonthill Road as agreed at Area Committee on 15th March 2017."

The following report by the Chief Executive which had been circulated, was **READ:**

“The review has not been completed. The review is considering options including the possible provision of a signalised pedestrian crossing. A report will be provided to the Clondalkin Traffic Management meeting.”

Following contributions from Councillors M. Johansson and M. Ward, Mr. W. Purcell, Senior Engineer responded to queries raised, and the report was **NOTED.**

**Libraries & Arts**

### **C/233/17 – (H11) Item ID: 55038 – New Works**

It was **NOTED** that there was **NO** business under this heading.

**C/234/17 – (H12) Item ID: 55036 – Library News & Events**

The following report which had been circulated, was presented by Ms. B. Fennell, County Librarian:

**Library News & Events**

[HI 12](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57083)

Following a contribution from Councillor B. Bonner, Ms. B. Fennell, County Librarian responded to queries and the report was **NOTED.**

**C/235/17 – (H13) Item ID: 55037 – Application for Arts Grants**

The following report which was circulated, was presented by Ms. B. Fennell, County Librarian:

**Application for Arts Grants**

**Clondalkin Equine Clubs**

In reference to the attached application Clondalkin Equine Clubs, is requesting grant assistance towards the cost of a tutor for a 6 week series of workshops for young people beginners and advanced participants which will be carried out before the end of 2017.

Writer Colm Keegan, will work a group of to develop their skills to express and experience horsemanship through spoken word, storytelling and literature. The final session will involve a showcase event with patents and community.

South Dublin Arts Office recommends that a grant of €650 be made under the Arts Act Grant 2003 for a series of spoken word workshops and performance.

Following contributions from Councillors M. Ward, F. Timmons and B. Bonner, Ms. B. Fennell, County Librarian responded to queries raised, and the report was **NOTED.**

### **C/236/17 – (C5) Item ID: 55039 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/237/17 – (M10) Item ID: 55233 – Joe Williams Books**

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

"That this committee agrees that deceased much loved and respected local Historian Joe Williams books be put into Bru Chrónáin shop by SDCC Libraries and that a picture of Joe Williams is erected in the centre as a testimony to his work on maintaining Clondalkin's rich history."

The following report by the Chief Executive which had been circulated, was **READ:**

“Copies of relevant local history and heritage books including those by Joe Williams are being sourced and will be made available for sale in the retail space at the Round Tower Visitor Centre. Currently one Joe Williams' book, "St. Mochua and The Round Tower" is available in the Centre.

In addition, the interpretive space allows for customised local history and heritage to be displayed for visitors to the centre to enjoy. The local exhibits will be decided by the County Promotion Unit in conjunction with the Libraries section and the Strategic Oversight Group for the centre which includes local representation, allowing the opportunity for consideration of a celebration of Mr. Williams’ work to be included.”

The report was **NOTED.**

**Economic Development**

### **C/238/17 – (Q8) Item ID: 55235 – Signage for Clondalkin Fairtrade Town**

Proposed by Councillor F. Timmons

"To ask for an update report on Fairtrade signage for Clondalkin Fairtrade Town and stickers to promote Clondalkin as a Fairtrade Town?"

**REPLY:**

Given the inherent principle of local business/community involvement, a Fairtrade campaign in the County that involves a range of measures including bringing local businesses, community groups and other interested parties together should be led by a local group who can develop an appropriate promotional and awareness campaign.  The Clondalkin Fairtrade group has been in contact with the Local Enterprise Office and an information session was arranged as part of Local Enterprise Week in March 2017.  However, it was clear at that stage that the local momentum and organisation was not yet there to advance the Clondalkin campaign. It is acknowledged that there have been delays in providing promotional material to the Clondalkin Fairtrade organisation which has not helped but this will be resolved imminently with material now ready to be supplied to local businesses and organisations which are supportive of the Fairtrade Movement in the Clondalkin Area.  In addition for Fairtrade Fortnight in 2018, Clondalkin Fairtrade Town Flags have also been sourced and will be displayed on the flagpoles located at Civic Offices, Clondalkin for the two week period of Fairtrade Fortnight.  The Local Enterprise Office will also support local events as required.  These activities, together with the work of the Clondalkin Fairtrade group should renew momentum behind the campaign.

### **C/239/17 – (H14) Item ID: 55040 – New Works**

It was **NOTED** that there was **NO** business under this heading.

**C/240/17 – (C6) Item ID: 55041 - Correspondence**

[Ack from OPW](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57079)

The correspondence was **NOTED.**

**Performance & Change Management**

### **C/241/17 – (H15) Item ID: 55042 – New Works**

It was **NOTED** that there was **NO** business under this heading.

### **C/242/17 – (C7) Item ID: 55043 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**Corporate Support**

### **C/243/17 – (H16) Item ID: 55044 – New Works**

It was **NOTED** that there was **NO** business under this heading.

### **C/244/17 – (C8) Item ID: 55045 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/245/17 – (M11) Item ID: 55242 – Clondalkin LEA**

**Cathaoirleach's Business**

It was proposed by Councillor M. Ward and seconded by Councillor T. Gilligan:

"Gambling related problems adversely affect residents of the Clondalkin LEA. According to the annual report carried out internationally by H2 gambling capital, Ireland loses €2.1 billion per annum in gambling losses.  This results in Ireland having the third highest gambling losses per capita. The study also found that Ireland has the highest online gambling losses per capita in the world.

Currently the gambling industry in Ireland is practically unregulated but we welcome that the current Minister, David Stanton wants to progress the stalled gambling control bill.

However in the interim, this Committee calls on the Minister to raise the gambling tax to 3% and to ring fence funding to services that provide support for problem gambling.  Those services benefitting from such a fund must be independent of the gambling industry."

The following report by the Chief Executive which had been circulated, was **READ:**

“If the motion is passed, a letter will be issued to the Minister of State for his attention, and when a reply is received, the Committee will be notified accordingly.”

Following contributions from Councillors M. Ward and B. Bonner, the motion was **PASSED.**

**C/246/17 – (M12) Item ID: 55230 – Ciaran Carr Foundation**

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

''We support the ''Ciaran Carr foundation'' in calling on the “Minister of Education/Health/ Children & Youth Affairs to make CPR and First Aid Training compulsory for all teachers across the country of Ireland and we will commit to writing to the relevant Ministers about this important issue."

The following **AMENDED** motion was proposed by Councillor F. Timmons and seconded by Councillor M. Ward:

''We support the ''Ciaran Carr foundation'' in calling on the “Minister of Education/Health/ Children & Youth Affairs to make CPR and First Aid Training compulsory for all teachers across the country of Ireland and we will commit to writing to the relevant Ministers about this important issue, and that all schools have a defibrillator.”

The following report by the Chief Executive was **READ:**

“If the motion is passed, a letter will be issued to the Minister of Education, Health, Children & Youth Affairs for their attention, and when replies are received, the Committee will be notified accordingly.”

The motion, as amended, was **PASSED.**

**C/247/17 – (M13) Item ID: 55234 – Quarryvale Family Resource Centre**

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

"That this committee is very concerned that ''Quarryvale Family Resource Centre'' is in huge danger of closing by September 2018 unless core staff wages costs and basic overhead costs including rent can be fully funded" and write to the Minister of Children and Tulsa to express our concerns at a service like this in a very disadvantaged area being at such danger of closing. We fully support the work of this Centre."

The following report by the Chief Executive which had been circulated, was **READ:**

“If the motion is passed, a letter will be issued to the Minister of Children & Tusla for her attention, and when a reply is received, the Committee will be notified accordingly.”

Following contributions from Councillors F. Timmons, B. Bonner and M. Ward, the motion was **PASSED.**

**Public Realm**

**C/248/17 – (Q9) Item ID: 55208 – Clondalkin Tidy Towns**

Proposed by Councillor B. Bonner

"Can the Council give permission to Clondalkin Tidy Towns to begin to transform public utility boxes and Council owned containers/ changing rooms by painting murals on them.  The Dublin Canvas project has been very successful in the City Council areas.   CTT are ready to proceed with this type of initiative but want to be sure that they have the permission to do so.  Can this be given please?"

**REPLY:**

The concept of placing art on utility boxes in the County has, and continues to be explored.

Following extensive liaison with Dublin City Council (who have already engaged in such an initiative), and based on that liaison, the project necessitates the consideration of a multiplicity of issues including suitability of locations, budgetary and procurement requirements, planning requirements, insurance requirements, cross departmental liaison and external stakeholder collaboration.

While it was not possible to initiate such a scheme during 2017, the position remain under review in terms of potential for 2018, and should budgetary resources allow for the project to commence in 2018 an open call will be carried out for artistic submission, for which Clondalkin Tidy Towns will be welcome to make a submission.

Projects of this nature, as established by the DCC project are best commenced in April /March of a given year due to weather conditions impacting on the project.

**C/249/17 – (Q10) Item ID: 55227 – Report on Bonfires in the**

**Clondalkin LEA**

Proposed by Councillor M. Ward

"To ask the Chief Executive to provide a report on Halloween 2016 in the Clondalkin LEA detailing; the number of illegal bonfires in the Clondalkin LEA in 2016, 2015 and 2014; the cost of removing bonfire wood in advance of Halloween and cleaning up after the bonfires in the Clondalkin LEA area in 2016, 2015, 2014; the investment by the Council Community services in Halloween activities in the Clondalkin LEA in 2016, 2015 and 2014?"

COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL



MEETING OF CLONDALKIN AREA COMMITTEE

Wednesday, October 18, 2017

QUESTION NO. 10

**QUESTION: Councillor M. Ward**

"To ask the Chief Executive to provide a report on Halloween 2016 in the Clondalkin LEA detailing; the number of illegal bonfires in the Clondalkin LEA in 2016, 2015 and 2014; the cost of removing bonfire wood in advance of Halloween and cleaning up after the bonfires in the Clondalkin LEA area in 2016, 2015, 2014; the investment by the Council Community services in Halloween activities in the Clondalkin LEA in 2016, 2015 and 2014?"

**REPLY**

The table below sets out the cost of Bonfire clean-ups in 2014, 2015 & 2016 including payroll.

|  |  |
| --- | --- |
| **Year** | **Expenditure** |
|  2014 |  €17,200 excl Waste Costs |
|  2015 |  €16,300 excl Waste Costs |
|  2016 |  €50,050 |

The following is an outline of the numbers of illegal bonfires recorded.

|  |  |
| --- | --- |
| **Year** | **Number** |
|  2014 | 130  |
|  2015 | 123 |
|  2016 | 179 |

The Council Community Services Department provided funding of €8,900 in 2015 and €7,922 in 2016 to assist local community groups in the Clondalkin Electoral Area to help local group meet some of the costs associated with organising a range of local community celebrations around the Halloween Festival Season. No specialised funds were allocated in 2014 as the Halloween Activity funding only commenced in 2015.

**C/250/17 – (Q11) ID: 55209 – Reverse Vending Machines**

Proposed by Councillor B. Bonner

"Can the Council assist Clondalkin Tidy Towns with the setting up of reverse vending machines for bottles and cans?  This was mooted by the judge in the Tidy Towns report as something that "South Dublin County Council may be able to assist with".

**REPLY:**

Following from [motion 10](http://intranet/cmas/documentsview.aspx?id=56403) at the July Council meeting contact was made with the Eastern Midlands Waste Region (Prevention) Office and Repak to discuss a deposit/non-deposit return scheme in South Dublin. In addition SDCC contacted Reverse Vending Corporation in the UK regarding the possibility of engaging with SDCC on a pilot project and the placement of a reverse vending machine within the county. A full report was provided to the September 2017 Environment, Public Realm and Climate Change SPC under headed item 5, in relation to the above see full report below.

The outcome of the report was that a supplier of reverse vending machines could not currently be identified in light of National policy however the position would be revisited if there is a change on the national position. In addition management advised of a pilot initiative and availability of reusable drinking bottles instead of regular plastic bottles of water / drinks for clubs, should Tidy Towns groups be interested in running this project with a local sports group EWCC can supply the reusable bottles and waste prevent / recycling information.

Please see full report [**September 2017 Environment, Public Realm and Climate Change SPC under headed item 5**](http://intranet/cmas/viewmeetingagenda.aspx?id=1582)

### **C/251/17 – (H17) Item ID: 55046 – New Works**

It was **NOTED** that there was **NO** business under this heading.

### **C/252/17 – (C9) Item ID: 55047 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/253/17 – (M14) Item ID: 55228 – Illegal Bonfire Material**

**Cathaoirleach's Business**

It was proposed by Councillor M. Ward and seconded by Councillor T. Gilligan:

"To ask the Chief Executive to provide additional resources pre and post Halloween to both remove illegal bonfire material pre Halloween and to clean up the bonfire sites post Halloween as promptly as possible."

The following report by the Chief Executive which was circulated, was **READ:**

“The burning of waste is prohibited under legislation, and bonfires waste valuable Council resources in the removal and disposal of material, while many communities also suffer from the social, economic and environmental cost of this activity.

The Council makes concerted efforts each year to control this illegal activity through a range of measures from education to enforcement.

Public Realm staff are already engaged in the collection of bonfire material across the county where reports have been received from Elected Members, the general public and our own staff.

It is important to note that Council staff can only remove bonfire material from public property, and bonfire material stored on private property, such as front or back gardens, cannot be removed. However, the Council does have powers under the Waste Management Act 1996 whereby a notice can be served on the owner of the property, requiring them to remove the material.

The majority of bonfire construction only takes place on Halloween itself, often not starting until after our staff have finished work for the day. While the Council endeavours to deal with as many calls as possible, it is not possible to deal with every single case.

The Council will have staff working to remove bonfire material, on a prioritised basis, from locations around the county up until normal finishing time on Halloween.   Priority locations include bonfires being constructed in close proximity to houses, power lines, roadsides and transport routes. Particular attention is given to bonfire removal requests from the Gardaí where they have identified a threat to property or services such as public transport.

The post Halloween clean up commences once the bonfires are out and this phase normally continues to the end of November.  All available resources are deployed to both the preventative collections of bonfire materials prior to Halloween, and to the clean-up of bonfire sites post Halloween.”

Following contributions from Councillors M. Ward and E. Higgins, Ms. M. Maguire, Senior Executive Officer and Mr. D. Fennell, Senior Executive Parks Superintendent responded to queries raised, and the report was **NOTED.**

**C/254/17 – (M15) Item ID: 54961 – Landscape Proposal for Entrance to Castle Park**

It was proposed by Councillor T. Gilligan and seconded by Councillor M. Ward:

"That the Chief Executive agrees to work & liaise with Clondalkin Tidy Towns to landscape the entrance to Castle Park."

The following report by the Chief Executive which had been circulated, was **READ:**

"The Council will make contact with Clondalkin Tidy Towns with a view to developing a landscape proposal for Castle Park for implementation in 2018."

The report was **NOTED**.

**C/255/17 – (M16) Item ID: 54998 – Control of Dogs**

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

'' That this committee ask SDCC to enforce the ''dog on a lead'' rule in Corkagh and other parks outside of the provided dog runs. We ask that SDCC use social media , press release and any other means to enforce this , we also ask for additional signage (To include Park rangers contact) as needed to highlight this to Park users ''

The following report by the Chief Executive which had been circulated, was **READ:**

The Council's Parks and Open Spaces Byelaws provide as follows in relation to animals:

**Animals:-**

**4.1       Dogs:-**

**4.1.1** No person:

1. **a)** Shall take into or allow to remain in a Park any dog unless it is under effective control on a leash other than in areas designated (dog runs) or at times specified by the County Council.
2. **b)** In charge of a dog in a Park shall engage it in coursing or permit it to be engaged in coursing in a Park.

**4.1.2** Persons in charge of a dog in a park shall

1. **a)** Take reasonable care to prevent it from causing annoyance to any person using the Park or worrying, chasing, injuring or disturbing any animals, birds or other creatures in the Park.
2. **b)** Be liable for any damage or injury which may be caused by the dog.
3. **c)** Remove it from the Park if so directed by an Employee of the Council or an Authorised Person.

To ensure that our parks and open spaces as provided as public amenities are used by members of the public to the maximum extent in safety and comfort, we will activate a promotion campaign as outlined in the sentiments of the motion.”

It was **AGREED** to take Motion No. 19 in conjunction with Motion No. 16 in the name of Councillor T. Gilligan:

### **(M19) Item ID: 55023 – Control of Dogs**

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

"That the Chief Executive enforces a greater ranger presence as well as on the spot fines for dogs off their leads in Corkagh Park"

The following report by the Chief Executive which had been circulated, was **READ:**

“The Council operates under an approved Work Force Plan staff compliment, and currently there is an approved number of Park Rangers (14).

Section 4.1 of the Council's Parks and Open Spaces Bye Laws provide as follows in relation to Dogs**:**

**4.1       Dogs:-**

**4.1.1    No person:**

**a)** Shall take into or allow to remain in a Park any dog unless it is under effective control on a leash other than in areas designated (dog runs) or at times specified by the County Council.

1. **b)** In charge of a dog in a Park shall engage it in coursing or permit it to be engaged in coursing in a Park.

**4.1.2** Persons in charge of a dog in a park shall

1. **a)** Take reasonable care to prevent it from causing annoyance to any person using the Park or worrying, chasing, injuring or disturbing any animals, birds or other creatures in the Park.
2. **b)** Be liable for any damage or injury which may be caused by the dog.
3. **c)** Remove it from the Park if so directed by an Employee of the Council or an Authorised Person.

Because of the spance of Corkagh Park it is not always possible for personnel to be on locus of incidents as they arise.  However, to ensure that our parks and open spaces (as provided as public amenities) are used by members of the public to the maximum extent in safety and comfort, we are committed to activation of a promotion campaign to reinforce the regulation of the Byelaws in relation to dogs, which does not provide for on the spot fines for dogs off leash.”

Following contributions from Councillors F. Timmons, T. Gilligan, B. Bonner and M. Johansson, Ms. M. Maguire, Senior Executive Officer and Mr. D. Fennell, Senior Executive Parks Superintendent responded to queries raised, and the reports were **NOTED.**

**C/256/17 – (M17) Item ID: 54964 – Overhanging Branches/Trees in Private Property**

It was proposed by Councillor T. Gilligan and seconded by Councillor M. Ward:

"Currently if a tree or branch is hanging over an adjacent property the owners is on the neighbour to cut / remove the branch and place it back in the yard of the tree? How would this committee go about passing a law / bye-law / legislation etc that it is the responsibility of the owner of the tree / branch to maintain their own property?"

The following report by the Chief Executive which had been circulated, was **READ:**

Within the framework of existing legislation, managers and owners of land have a statutory duty to take reasonable care under the **Occupiers Liability Acts 1995** to ensure that trees situated on their land remain in a safe condition as far as is reasonably practicable so that they do not pose a threat to the public.  However, there is no legislation in Ireland regulating the height of trees or hedges and there is no right to sunlight or natural light to a garden.

Under common law, a person may cut any branch or root from a neighbour's tree that overhangs or encroaches onto their property back to the boundary line.  In cutting back any overhanging branches or encroaching roots, the permission of the tree owner is not required provided it can be done without going onto the owner's property.  Care must be taken to avoid damaging property or carrying out work that would leave the tree unsafe or dangerous.  However, as with all such matters, it would be preferable for adjoining property owners to discuss and agree what action was required before resorting to mediation or civil procedures.

Where co-operation is not forthcoming, **Section 45 of the Land and Conveyancing Law Reform Act 2009** provides a mechanism for property owners to apply to the courts for a Works Order to deal with boundary-related problems arising from neighbouring properties.  These are orders that allow the property owner to carry out works on a party structure to prevent adverse effects to their property in situations where they have been unable to agree such works with the adjoining landowners.  The definition of a party structure includes a tree situated at or close to the boundary line.

**Part 19 (S. 199 (1) ) of the Local Government Act 2001** bestows power on local authorities to make bye-law for,  or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority,

However S 199 (2) (b) states that a bye-law may not be made for a purpose as respects which provision for that particular purpose is already made by or under any other enactment.

Therefore given the foregoing, it is not within the remit of the Council to initiate a process in relation to the matter of conveying responsibility in such a matter.”

This item was **MOVED** without debate.

**C/257/17 – (M18) Item ID: 54999 – Scramblers and Quads**

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

''That this committee asks for a task force to be convened to look at what can be done to combat the issue of Scramblers and Quads, the behaviour is causing ongoing distress to many residents, it is both anti-social and a dangerous behaviour, The Task force should include Elected Reps, Guards, Safety Forums reps, Council Reps (Particularly Anti-social unit), Cross care rep and any other required member ''

The following report by the Chief Executive which had been circulated, was **READ:**

“The Council is acutely aware of long and on-going problems associated with scramblers and has been in liaison with An Garda Siocháana in relation to this issue.

Public Realm works have been initiated in attempts to combat the problem eg run of 1.2 metre high fencing along the side of the green space areas, provision of bollards etc.,

Similarly, An Garda Síochána, South Dublin County Council and Motorcycling Ireland launched an awareness campaign about the correct use of quads bikes and scramblers in advance of Christmas 2016. This campaign requested parents who were considering buying these bikes as a Christmas present for their child to make sure that they were informed as to the legal requirements around these bikes and the use of them.

It is considered that the Council's parks and Open Spaces Byelaws are sufficiently strong to enable enforcement by AGS within the Council’s parks and open spaces and Claude 3.1 h refers as follows "....... save with the permission of the Council, no person shall bring into a Park any Mechanically Propelled Vehicle which includes for the avoidance of doubt motorcycles, motor-cross / quad bikes or other powered vehicles. Such vehicles may be removed from the park / open space by An Garda Siochána".

While it is acknowledged that there may be / is difficulty in bringing successful prosecutions, the Council passed a motion at the January 2017 Council meeting calling for the introduction of primary legislation to regulate ownership and use of vehicles. The Minister for Justice’s reply at that time indicated that such legislation would require a review of road traffic legislation and the communication had been referred to that Department.  As no response was received from the Minister for Transport, Tourism and Sport, a reminder was recently issued to his office.

As the problem is not limited to the Clondalkin area, it may be appropriate that the potential establishment of a county wide task force be considered jointly by the Environment Public Realm and Climate Change and Land Use Planning & Transportation SPC.”

Following contributions from Councillors F. Timmons, T. Gilligan, E. Higgins, M. Ward and B. Bonner, Ms. M. Maguire, Senior Executive Officer responded to queries raised and it was agreed to include this item in a report from the Area Committee to the November Council meeting.

The report was **NOTED.**

**Environment**

**C/258/17 – (Q12) Item ID: 55211 – RIC Barracks**

Proposed by Councillor B. Bonner

"In relation to the derelict sites process. Has the section 11 order been served on the owners of the old RIC Barracks on Nangor Road?

Secondly, since it was not possible to gain access to the building, how was it possible to judge that the building was not a derelict site?  What criteria have to be met in this regard?"

**REPLY:**

A Section 11 Notice was served by registered post to the address on file for the registered owner (currently in absentia) and in accordance with the prescribed legislation. The notice was also affixed in a conspicuous position at the site on 10th October, 2017.

All inspections on Derelict Sites or Dangerous Places are carried out by a Building Inspector, and are kerbside site inspections. As much information as is possible is gathered from observation from the front garden, photos are taken and the condition of the site is documented and assessed.  Internal access to a private site is not undertaken as they are not in the ownership of the Council.

In order for a site to be considered derelict, it must be in a very bad state of repair, it must be considered ruinous, derelict or in a dangerous condition. The site must be unsecured, and have a presence, deposit or collection of any litter, rubbish, debris or waste visible at the site.

**C/259/17 – (Q13) Item ID: 55236 – Lane between Chaplains Place and the Old Rowlagh Credit Union**

Proposed by Councillor M. Ward

"That this committee asks the Chief Executive to write to the owner of the lane that runs between Chaplains Place and the Old Rowlagh Credit Union and ask them to clean it on  a regular basis. This lane is a route to the local Crèche and is often littered with dangerous material including discarded drug paraphernalia and broken glass."

**REPLY:**

If the question is approved, a letter will be issued to the land owner for his attention, and when a reply is received, the Committee will be notified accordingly.

### **C/260/17 – (H18) Item ID: 55048 – New Works**

It was **NOTED** that there was **NO** business under this heading.

**C/261/17 – (C10) Item ID: 55049 - Correspondence**

[Cor. Min. Naughten](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=56981)

The correspondence was **NOTED.**

**Water & Drainage**

### **C/262/17 – (H19) Item ID: 55050 – New Works**

It was **NOTED** that there was **NO** business under this heading.

**C/263/17 – (H20) Item ID: 55204 – Update on the Draft River Basin Management Plan**

The following report was presented by Mr. R. Fitzpatrick, Environmental Executive Scientific Officer:

**“Update on the Draft River Basin Management Plan”**

[HI 20](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=57055)

It was **AGREED** by the Cathaoirleach in consultation with the Members, to consider Motion 20 in tandem with this item.

**(M20) Item ID: 55206 – Friends of the Camac Group**

It was proposed by Councillor B. Bonner and seconded by M. Ward:

"This committee resolves that the council would support the work of the Friends of the Camac group.  This group is being supported by the Waters and Communities organisation and hopes to improve the Camac River in Clondalkin in a number of ways.  One of their projects is the cleaning up of the mill ponds in Clondalkin Park with the erection of proper fencing to allow for better viewing of this very rich eco system.  Could a report be prepared in relation to how the various departments in the council might assist this group.”

The following report by the Chief Executive which had been circulated, was **READ:**

“An application for funding for part of this work, which was successful, was submitted by South Dublin County Council on behalf Friends of the Camac and LAWCO under the Anti-Dumping Initiative 2017 scheme.

SDCC recently met with the Water and Community Officer in SDCC offices and agreed works proposed in respect of location(s) within the ownership of SDCC. These works took place on Saturday 7th October, in collaboration with the Civil Defence, and collection areas for debris were agrees with SDCC Public Realm.

The mill ponds and other areas of some proposed work on location privately owned were also discussed and known contact details for the relevant parties were given to the Water and Community Officer.”

Following contributions from Councillor B. Bonner, Mr. R. Fitzpatrick, Environmental Executive Scientific Officer responded to queries raised, and the report was **NOTED.**

**C/264/17 – (C11) Item ID: 55051 - Correspondence**

It was **NOTED** that there was **NO** business under this heading.

**C/265/17 – (M21) Item ID: 55213 – Disposal of Wipes in Foul Water Systems**

It was proposed by Councillor B. Bonner and Councillor M. Ward:

"This committee requests that a public information campaign would be initiated in the Clondalkin Area in relation to the fact that the disposal of wipes in the foul water system is causing an increasing number of blockages in that system."

The following report by the Chief Executive which had been circulated, was **READ:**

“The management of the Foul Sewer network and associated public information campaigns is an Irish Water matter.

If the Motion is passed a letter will be issued to Irish Water and when/if a reply is received it will be issued to the Members.

Irish Water has requested SDCC to remind Members that Irish Water have established a Local Representatives Service Desk which is committed to giving speedy responses to Elected Officials.”

This Service Desk can be contacted at localrepsupport@water.ie or at 1890 178 178

Following contributions from Councillors B. Bonner, M. Johansson and E. Higgins, Ms. G. McGee, Senior Executive Engineer responded to queries raised, and the report was **NOTED.**

The meeting concluded at 5.40pm

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  **Cathaoirleach**