## **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, Water & Drainage, Public Realm and Environment held on Wednesday 18th December 2019.

**COUNCILLORS PRESENT**

 Councillor William Joseph Carey

 Councillor Trevor Gilligan

 Councillor Emer Higgins

 Councillor Peter Kavanagh

 Councillor Eoin Ó Broin

 Councillor Francis Timmons

An apology for inability to attend, was received from Councillor Kenneth Egan.

Cathaoirleach, Councillor P. Kavanagh presided.

**OFFICIALS PRESENT**

Principal Environmental Health Officer Mr. Tom Prendergast

Senior Engineer Mr. Tony O’Grady, Mr. Willie Purcell, Mr. Chris Galvin

Senior Planner Mr. Jason Frehill

Senior Executive Officer Ms. Laura Leonard, Ms. Marguerite Staunton

Senior Environmental Health Officer Ms. Fiona Byrne

A/Senior Executive Officer Mr. Michael McAdam

Senior Executive Parks Superintendent Ms. Máire Ní Dhomhnaill

Senior Executive Librarian Ms. Rosena Hand

Staff Officer Ms. Patricia O’Reilly

Assistant Staff Officer Ms. Ita Kenny

### **C/468/19 – (H1) Item ID: 64441- Confirmation & Re-affirmation of Minutes of Meeting of 16th October 2019**

The Minutes of the October 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 Wednesday 20th November 2019 which had been circulated, were submitted and **APPROVED** as a true record and signed.

[Minutes of 20th November 2019](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65233)

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

“That the recommendations contained in the minutes of 20th November 2019, be **ADOPTED** and **APPROVED.”**

**C/469/19 – QUESTIONS**

It was proposed by Councillor P. Kavanagh and seconded by Councillor F. Timmons and **RESOLVED:**

“That pursuant to Standing Order No. 13, Questions 1 to 11 be **ADOPTED** and **APPROVED**.”

## **Community**

### **C/470/19 – (H2) Item ID: 64415 – New Works**

(No Business)

### **C/471/19 - (H3) Item ID: 64442 – Deputations for Noting**

(No Business)

### **C/472/19 – (C1) Item ID: 64416 - Correspondence**

(No Business)

## **Housing**

### **C/473/19 – (Q1) Item ID: 64600 – Kilcarberry/Corkagh Grange Site**

Proposed by Councillor Peter Kavanagh

"To ask the Chief Executive what redress is available to South Dublin County Council and residents of Cherrywood Crescent for continued breaches of the working agreement on the Kilcarberry/Corkagh Grange site; including, but not limited to noise pollution, litter, unsocial operating hours, construction traffic in residential areas and breaches of the Part 8 in the location and positioning of the new builds?"

**REPLY:**

Steps have been taken to address the residents’ concerns by active engagement with the National Development Finance Agency (NDFA), who are managing the project and with Sisk, the contractor.  Regular meetings have been set up with residents and elected representatives and the NDFA and Sisk.  Another meeting is due to take place on the 12th December 2019. In relation to construction traffic, there is no through road from Cherrywood Crescent to the site.  Sisk has been providing a map and Eircode of the site entrance to all contractors due to the site.   New signage has been erected to show that Cherrywood Crescent is a cul-de-sac and it has been agreed to enhance the temporary signage directing construction traffic to the site from the roundabout.  In relation to breaches of the Part 8 and positioning of the new builds, the Planning Department issued a response on the 21st October 2019 in relation to this complaint and confirmed compliance with the Part 8 approval.  In relation to noise pollution, noise and vibrations are monitored and have been recorded as being within acceptable limits.   Unsocial operation hours is not a planning issue as the hours of operation were not set out in the Part 8 planning approval.  It is a contract issue and this has been raised a number of times with Sisk and is being closely monitored.

### **C/474/19 – (Q2) Item ID: 64604 – Fence at Boundary of Cherrywood Crescent and Corkagh Park**

Proposed by Councillor Eoin Ó Broin

"A green 'Go no further' fence was erected by South Dublin County Council at the boundary of the last house on Cherrywood Crescent and Corkagh Park. See photo. This fence continues along the boundary between Kilcarbery Avenue and Corkagh Park. Now that the Corkagh Park side of the fence has become a new housing development of Kilcarbery and Corkagh Grange,  can South Dublin County Council ensure that in the new boundary treatment, between for example Cherrywood Crescent and Corkagh Grange, that no double fencing is created and that the green 'go no further' fencing is removed where appropriate and where requested by residents?"

[Fence](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65153)

**REPLY:**

The National Development Finance Agency (NDFA) is managing this project and has been actively engaging with the resident of the last house on Cherrywood Crescent in relation to the boundary treatment. Sisk has committed to removing the fence when the new boundary is erected.

### **C/475/19 – (H4) Item ID: 64418 – New Works**

(No Business)

### **C/476/19 – (C2) Item ID:64419 - Correspondence**

(No Business)

### **C/477/19 – (M1) Item ID: 64285 – Housing Development at Kilcarberry**

It was **AGREED** by the Cathaoirleach in consultation with the Members to consider Motion 2 in tandem with this item, as they were of a similar subject matter.

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

"That the Chief Executive provides an update on Housing Development at Kilcarberry."

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

“The joint venture development of 1,034 homes on 72 acres of Council lands, a community facility, a retail unit and creche facilities at Kilcarbery in Clondalkin, Dublin 22 was approved by An Bord Pleanála on the 5th December 2019.

The mixed tenure development which will include 310 social housing units (30% of the development) is the first of its kind envisaged as part of the major urban sites initiative under “Rebuilding Ireland”.

Adwood Ltd, a consortium of established Dublin builders Adroit and Maplewood, will develop the site.  Adwood Ltd will pay the Council €38m and deliver 310 social housing units at competitive rates over four years.

In return for state support through the Local Infrastructure Housing Activation Fund (LIHAF) of €2m, Adwood has also committed to delivering 50 homes at prices discounted to the market.

The 724 private homes include a comprehensive range of 3 and 4-bed houses as well as one, two and three-bed apartments.

The Kilcarbery development is part of the Council’s €1 billion investment plan for building 4,500 new homes in the County in the coming years.

Work will commence on the site in the New Year.”

### **(M2) Item ID: 64520 – Housing Project at Kilcarberry**

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

"That this Area Committee requests a full and detailed report into why the houses at Kilcarberry are not in line with the houses beside them at Cherrywood Crescent.  The project has caused a lot of anger and upset. The residents feel let down by South Dublin County Council. To ask the Council to make a statement on this and organise a meeting with local residents, Sisk, Elected Members, and South Dublin County Council to address the ongoing issues that Residents feel should have been addressed at the start of the project."

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

[M 2](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65248)

Following a discussion with contributions from Councillors F. Timmons, E. Ó Broin, T. Gilligan, W. Carey, P. Kavanagh, Ms. M. Staunton, Senior Executive Officer responded to the Members queries. Notwithstanding the Members expressed dissatisfaction with the information provided, the reports were **NOTED.**

## **Planning**

### **C/478/19 – (Q3) Item ID: 64599 – Rathcoole Woodlands Biodiversity Studies**

Proposed by Councillor Peter Kavanagh

"To ask the Chief Executive, if in conjunction with carrying out the necessary ecological and biodiversity studies on the Rathcoole Woodlands in preparation for the Masterplan, has he considered doing parallel and comparative studies on similar Woodlands in the County to gain a clearer and contextual picture of the ecosystems service, biodiversity, climate change and human health and well being value of Rathcoole Woodlands?"

**REPLY:**

Studies on woodlands to understand the value of our native woodlands in relation to ecosystems, biodiversity, climate change and human health and wellbeing have been researched and documented at International and National level. Government Departments, agencies and NGO’s such as The Environmental Protection Agency, Coillte, Woodlands of Ireland, National Parks and Wildlife and Mental Health Ireland have all produced informative reports on the various benefits of woodlands. In addition, the Irish forum on Natural Capital, aimed at evaluating, protecting and restoring Ireland’s Natural Capital and eco systems is a key driver in promoting the adoption of natural capital concepts in public policy and assisting in the establishment of a national natural capital accounting standard.

South Dublin County Council is committed to all international and national regulations in relation to biodiversity, climate change mitigation, environmental protection and health and wellbeing. A draft climate change strategy for South Dublin County Council has recently been published for public consultation. In addition, Biodiversity and Heritage plans for the County have gone through pre-draft public consultation.

### **C/479/19 – (Q4) Item ID: 64598 - Rathcoole Woodlands Biodiversity Studies**

Proposed by Councillor F. Timmons

"To ask the Chief Executive what timespan the reports and studies being carried out on the area known as the Woodlands in Rathcoole cover, particularly in relation to ecology and biodiversity?  Can an indicative timeframe be given as to when these studies are expected to be completed?"

**REPLY:**

The studies and assessments on ecology and biodiversity to be carried out on the Rathcoole lands are due to commence in Q1 2020 and are expected to be complete by Q2 2020.  The assessments and reports are carried in the present circumstances and will inform whether further studies or assessments will need to be carried out.

### **C/480/19 – (H5) Item ID: 64420 – New Works**

(No Business)

### **C/481/19 – (C3) Item ID: 64421 - Correspondence**

(No Business)

### **C/482/19 – (M3) Item ID: 64606 – Clondalkin Church and Convent**

It was proposed by Councillor W. Carey and seconded by Councillor F. Timmons:

"That this Committee expresses its regret at the decision by An Bord Pleanála to grant planning permission to Bartra Properties Ltd to build a 155 bedroom commercial development on the grounds of Clondalkin Church and Convent. This Committee recognises the detrimental effect that this development will have upon the heritage of the village of Clondalkin and to the historical and cultural importance of this ancient village and that this development will also have a detrimental effect on the Schools adjacent to the grounds."

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

“The Presentation Convent is a protected structure. Permission was granted by South Dublin County Council, register reference SD18A/0328, for the development which is, in short:

*Nursing home building comprising 155 bedrooms and all associated ancillary accommodation (7741sq.m gross floor area) in a part three, part four storey building located on the lands to the south and west of the convent building; Retirement home building comprising 14 bedrooms and all associated ancillary accommodation (916sq.m gross floor area) in a two storey wing to the south east of the convent and internally connected to the nursing home; Internal alterations and improvements to part of the existing convent building (Protected Structure) at ground, first and second floor levels which is to be used for nursing home staff accommodation (1203.3sq.m).*

Additional information was requested on foot of a number of issues raised in the assessment, including those of the architectural conservation officer. A number of submissions were received from the public, Councillors and prescribed bodies and these were assessed as part of the planning application process.

Following the submission of significant additional information, at which stage submissions were again received from the public, a decision to grant was issued.

The application was subsequently appealed and a decision to grant was made by An Bord Pleanála on 19th November 2019. In their Order the Board states:

*The proposed development is located on lands ‘to protect and/or improve residential amenity’ in the South Dublin County Development Plan 2016 to 2022. The proposed development comprises nursing home and retirement home accommodation which is permitted in principle on lands so zoned. Having regard to the design, scale and layout of the proposed development, to the pattern of development in the area and subject to compliance with the conditions set out below, it is considered that the proposed development would not detract from the setting or integrity of the Protected Structure on site, would not seriously injure the amenity of adjoining property or the visual amenities of the area, would not give rise to traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.*

The grant of permission includes conditions for phasing, including the phasing of works to the Protected Structure. The conditions require that a conservation architect is employed during the works and best conservation practice is adhered to. The conditions also require a fully qualified landscape architect to be employed for the duration of the works. Over the course of the application, several changes were made from lodgement with South Dublin County Council, reducing the scale and mass originally applied for such that the Board was satisfied that a balance had been struck which sufficiently ensured the integrity of the Protected Structure and its curtilage while meeting Development Plan policy for the zoning and objectives for housing for older people.”

Following a discussion with contributions from Councillors W. Carey, F. Timmons, T. Gilligan, E. Ó Broin and P. Kavanagh, Mr. J. Frehill, Senior Planner responded to the Members queries.

The motion was **AGREED.**

## **Transportation**

### **C/483/19 – (Q5) Item ID: 64297 – Taking in Charge Issues**

Proposed by Councillor F. Timmons

"To ask the Chief Executive what actions South Dublin County Council are undertaking to resolve “taking in charge” issues with uncompleted housing estates in the South County Dublin area. They were taken into “administration" by NAMA following initial development companies getting into financial difficulties. To ask the Chief Executive to address in his response specifically the taking in charge of “Common Areas” of new housing estates and areas of lands designated at time of planning permission. They were given to South Dublin County Council for development into public park land, such as the area beside Millrace Estate in Saggart which included the Swiftbrook Mill ponds that was originally envisaged to become an extension to Rathcoole Park?"

**REPLY:**

"To ask the Chief Executive what actions South Dublin County Council are undertaking to resolve “taking in charge” issues with uncompleted housing estates in the South County Dublin area.

Report: South Dublin County Council deal on a continuous basis with developments which are not yet Taken in charge. There is only 1 no. unfinished housing development in South Dublin County Council and it is for 7 houses located on Station Road, Clondalkin. There are numerous estates where taking in charge is ongoing. South Dublin County Council continuously monitor estates for safety and habitable matters such as Public Lighting, Working FW and SW Sewers, Road/Footpath condition etc. They were taken into “administration" by NAMA following initial development companies getting into financial difficulties.

Report: South Dublin County Council are dealing with a significant variety of occupied developments which are not yet taken in charge. Some are where Developers have gone into liquidation and other are where Developers activities have slowed. In all cases we are maintaining open lines of communication and observing the principle safety elements mentioned above. We do rely on local assistance to advise us of deteriorating estate conditions.

To ask the Chief Executive to address in his response specifically the taking in charge of “Common Areas” of new housing estates and areas of lands designated at time of planning permission. They were given to South Dublin County Council for development into public park land, such as the area beside Millrace Estate in Saggart which included the Swiftbrook Mill ponds that was originally envisaged to become an extension to Rathcoole Park?"

Report: This question should be re-entered as a specific item to Environmental Services given that the taking in charge of such areas are handled exclusively by that Department.

### **C/484/19 – (Q6) Item ID: 64526 – Watery Lane Cycle Track**

Proposed by Councillor F. Timmons

"To ask the Chief Executive for a full detailed report and update into a cycling track for Watery Lane along the River and when this might be advanced and what can be done to move this forward?"

**REPLY:**

A cycle track on Watery Lane along the Camac River is proposed as part of the NTA's Cycle Network Plan for the Greater Dublin Area and entitled River Camac Greenway. Currently there is no funding in place to progress this project. A strategic meeting is planned with the NTA to discuss future projects for the year ahead, the Council together with the NTA will review the entire proposed network for South Dublin including this project and will progress if viable for 2020.

### **C/485/19 – (H6) Item ID: 64423 – New Works**

(No Business)

### **C/486/19 – (H7) Item ID: 64422 – Proposed Declaration of Roads to be**

**Public Roads**

(No Business)

### **C/487/19 – (C4) Item ID: 64424 - Correspondence**

(No Business)

### **C/488/19 – (M4) Item ID: 64222 – Brownstown Road**

Proposed by Councillor T. Gilligan

"That the Chief Executive support speed cameras on Brownstown Road, a mirror at the exit of Relicken Lane onto the Brownstown Road, a mirror at the junction of the Brownstown/Loughtown Road with the Hazelhatch Road and lastly 'Children at Play' signs on the Relicken Lane."

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

“The Council does not install speed cameras. Speed cameras are an enforcement tool and fall under the remit of An Garda Siochana.

The Council does not install traffic mirrors nor does it permit them to be erected in the public realm.

Mirrors are of very limited use during hours of darkness, they have very poor perception of speed and distance and while they may reduce blind spots they do not eliminate them.

If they become even slightly misaligned they have no benefit and may produce a false sense of safety.

Relickeen Lane (also known as Brownstown Lane) is a narrow rural cul de sac. The erection of Children at Play signs in not appropriate to this location.”

Following a discussion with contributions from Councillors T. Gilligan, F. Timmons and W. Carey, Mr. W. Purcell, Senior Engineer responded to the Members queries.

The report was **AGREED.**

### **C/489/19 – (M5) Item ID: 64258 – Incorrect Signs in Saggart Village**

Proposed by Councillor E. Higgins

"That this Area Committee examines the on-going problem of incorrect signs in Saggart Village and the signs be removed and replaced with the original names as per Dublin Co. Co., Ordinance Survey."

In the absence of Councillor E. Higgins, the motion **FELL.**

### **C/490/19 – (M6) Item ID: 64605 – 300K Have Your Say Initiative**

It was proposed by Councillor Eoin Ó Broin and seconded by Councillor P. Kavanagh:

"As part of the 300K Have Your Say initiative, the citizens of Clondalkin voted to have an on-street bicycle pump located on Pope's Lane in the centre of Clondalkin village. At the results night for the initiative the then Mayor Cllr. Paul Gogarty made much of the references to this historic lane of Clondalkin. At the time of writing an on-street bicycle pump has not yet been installed on the pedestrian part of Pope's Lane. South Dublin County Council have proposed an on-street bicycle pump at the 9th Lock along the Grand Canal. An on-street bicycle pump at this location is to be welcomed. It has however no bearing on the on-street bicycle pump that is to be installed on Pope's Lane as part of the 300K Have Your Say initiative. That this Area Committee calls on South Dublin County Council Management to see to it that an on-street bicycle pump is installed on Pope's Lane posthaste."

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

“It was agreed that the best location for the Bicycle Maintenance Stand would be at the Grand Canal location.  This location is ideal for cyclists who wish to maintain their bicycles as it also has bicycle parking facilities.

It is ultimately the Council's decision where the best location for our cycling and other infrastructure is placed.  There is provision in the 2020 budget for further bicycle maintenance stands throughout the county.”

Following a discussion with contributions from Councillors E. Ó Broin, P. Kavanagh and W. Carey, Mr. W. Purcell, Senior Engineer responded to the Members queries.

The motion was **AGREED.**

### **C/491/19 – (M7) Item ID: 64224 – Relickeen Lane**

It was proposed by Councillor T. Gilligan and seconded by Councillor P. Kavanagh:

"That the Chief Executive agrees to clean up the mud, dirt, etc. on Relickeen Lane."

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

“The Senior Executive Engineer has visited Relickeen Lane and noticed some mud on the section of lane that is not in charge of South Dublin County Council.

There are some leaves and sweepings on the main lane. Public Realm section should be contacted to ascertain if they have the resources to sweep the lane.”

Following a contribution from Councillor T. Gilligan, Mr. T. O’Grady, Senior Engineer and Mr. M. McAdam, A/Senior Executive Officer responded to the Members queries.

The report was **NOTED.**

### **C/492/19 – (M8) Item ID: 64602 – Rathcoole Ecological Reports & Traffic Management Surveys**

It was proposed by Councillor E. Higgins and seconded by Councillor P. Kavanagh:

"That this Committee gets a full commitment that traffic management surveys of Rathcoole and Ecological Reports on Council-owned lands in Rathcoole are undertaken and used to shape any potential plans for development of the over-all area."

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

“Traffic Impact Assessment and Ecological Screening will form part of the South Dublin County Council report when preparing Development Reports for Rathcoole lands.”

This item was **MOVED** without debate.

### **C/493/19 – (M9) Item ID: 64607 – Banks of River Camac**

It was proposed by Councillor Eoin Ó Broin and seconded by Councillor P. Kavanagh:

"That this Area Committee calls on South Dublin County Council to make as a condition of contracts awarded for work carried out on behalf of South Dublin County Council along the banks of the Camac River that contractors not be allowed to dump construction waste along the bank. On two occasions within the last year contractors hired by South Dublin County Council have dumped construction waste along the banks of the river as can be seen in the attached photos."

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

“All South Dublin County Council contracts contain clauses that any waste material has to be removed to a licensed landfill site. The works referred to in the Motion and in the accompanying photographs were not carried out by South Dublin County Council but by the ESB in erecting new poles.

The Roads Control Unit Inspector has been in contact with the ESB and they have been instructed to remove any material and carry out some planting at the locations.”

[Photograph 1](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65154)
[Photograph 2](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65155)

Following a discussion with contributions from Councillors E. Ó Broin, F. Timmons, P. Kavanagh and W. Carey, Mr. T. O’Grady, Senior Engineer responded to the Members queries.

The report was **NOTED.**

## **Libraries & Arts**

### **C/494/19 – (Q7) Item ID: 64523 – Cyberbullying Talks in Clondalkin Library**

Proposed by Councillor F. Timmons

"To ask the Chief Executive would South Dublin County Council hold information sessions in Clondalkin Library on cyberbullying and internet safety for Parents and to make a statement on same. Also to use social media etc. to advertise of such sessions?"

**REPLY:**

"SDCC library service have previously held talks in the library on Cyber Bullying for Parents, which were run in conjunction with Barnardos, and although it was advertised extensively, including through social media, the uptake of the talks were limited.

There is a talk planned for 28th January in Clondalkin Library on ‘Helping Children and Teens Cope with Anxiety’ by Psychotherapist Ms. Deirdre O’Shea, and this talk may include an element on cyberbullying and coping with the pressures of social media for young people".

### **C/495/19 – (H8) Item ID: 64427 – New Works**

(No Business)

### **C/496/19 – (H9) Item ID: 64425 – Library News & Events**

The following report was presented by Ms. R. Hand, Senior Executive Librarian:

[HI 9](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65237)

Following a discussion with contributions from Councillors F. Timmons, E. Ó Broin and P. Kavanagh, Ms. R. Hand, Senior Executive Librarian responded to the Members queries.

The report was **NOTED.**

### **C/497/19 – (H10) Item ID: 64426 – Application for Arts Grants**

(No Business)

### **C/498/19 – (C5) Item ID: 64428 - Correspondence**

(No Business)

## **Economic Development**

### **C/499/19 – (H11) Item ID: 64429 – New Works**

(No Business)

### **C/500/19 – (C6) Item ID: 64430 - Correspondence**

(No Business)

### **C/501/19 – (M10) Item ID: 64558 – Orchard Lodge Apartment Block**

It was proposed by Councillor Eoin Ó Broin and seconded by Councillor F. Timmons:

"A condition of the planning permission granted in 2003 for the Orchard Lodge apartment block in Clondalkin (SD03A/0271) was that there would be a community meeting space (Senior Citizens Centre) provided. Sixteen years later the Community Space has never been fitted out or made accessible to community groups. A recent motion (64199) to the Clondalkin LEA has elicited the following response from SDCC management:

"The Council will continue to engage with the owners of the site and their legal representatives to secure the possession of the unit for the establishment of the community facility.

Complexities in progressing the lease arrangement on the community facility have led to delay.

Documentation confirming compliance in relation to building regulations is awaited.

The receipt of this documentation is necessary to allow the transfer of the legal title of the unit to the Council. The Council is making every effort to complete the transfer as soon as possible."

In their verbal response management also indicated that meetings with the SDCC law department to seek a resolution to the matter were pending.

That this area committee calls on management to give a further update on the situation and to clarify if the delay with progressing the matter is on the part of SDCC or the vendor?"

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

Background:

“In 2002 the Elected Members approved the disposal by way of lease a site at Orchard Lane Clondalkin to Kelland Homes Ltd.  Kelland Homes in line with the Integrated Area Plan for Clondalkin completed a development which comprised of mixed retail, residential units, car parking and a self-contained community facility to be handed over to the Council as conditioned in the approved disposal. The Lease in the names of the owner of Kelland Homes and South Dublin County Council completed in December 2006.

In 2005 discussions took place between the Council and the HSE and agreement was reached that the HSE would lease the unit and provide a Senior Citizens facility.  Significant Council resources were expended in reaching agreement with the HSE for their lease of the unit. However in 2009 the HSE advised the Council that it was no longer supporting this project.  In tandem during this period the Council was pursing the legal representatives of the owner of Kelland Homes to finalise the lease on the community facility.  By 2010 the Council had still not received a draft lease from the Solicitors representing the registered owner of the lease.  A draft lease was received by the Council in December 2010 for review.  In February 2011 the registered owner of the lease passed away which in turn meant the Leasehold to the Council could not be completed while the legalities in relation to the deceased’s estate were ongoing.

Ownership of the Leasehold folio of the Orchard Lodge Complex transferred in December 2014.  Since 2015 the Council has been actively pursuing the Legal Representatives of the new registered owner of the Leasehold Folio to engage with the Council to finalise the lease on the Community facility within the Orchard Lane complex.  This matter has been further delayed by the non-engagement of Legal personnel representing the registered owner of Leasehold Folio and changes in personnel within the Solicitors firm acting for the new owner.  In November 2017 the Council finally received confirmation from the external firm of Solicitors that they were in fact representing the new owner of the leasehold folio.  Extensive correspondence has been exchanged between both parties Legal representatives since then and further issues that need to be addressed in relation to completing the lease on this unit have been brought to the Council's attention, including first registration and transfer of the common areas to an appointed Management Company.

At the end of March 2018 a revised draft lease document was received by the Council's Law Agent for review.  Following the review a number of queries and clarifications were sought by the Council's Legal Department from the external solicitors. Since then communication has been ongoing and documentation confirming compliance in relation to building regulations has been sought. The receipt of this documentation is necessary to allow the transfer of the legal title of the unit to the Council. The Council has been in direct contact with Kelland Homes to advance this matter and a commitment has been given that the required report will be delivered shortly. This will then be reviewed by Council Technical staff and Legal Department with the intention of completing the transfer as soon as possible.”

Following a discussion with contributions from Councillors E. Ó Broin, F. Timmons, W. Carey and P. Kavanagh, Ms. L. Leonard, Senior Executive Officer responded to the Members queries.

The motion was **AGREED.**

## **Performance & Change Management**

### **C/502/19 – (H12) Item ID: 64431 – New Works**

(No Business)

### **C/503/19 – (C7) Item ID:64432 - Correspondence**

(No Business)

## **Corporate Support**

### **C/504/19 – (Q8) Item ID: 64527 – Voting Cards**

Proposed by Councillor F. Timmons

"To ask the Chief Executive to issue a report into what happened to voting cards in the recent Bye Election in this area. Many reported having received no voting cards?  Also many reported having been removed from the register when they went to vote and couldn't vote? Can a report detailing what action will be taken to address this prior to the pending General Election?"

**REPLY:**

The Polling Day Order was signed on the 7th November announcing 29th November 2019 as the day for taking the poll at the Bye-Elections in Dublin Mid-West. A supplement to the register was announced to enable any person not on the current register to submit a registration form to enable them to vote.  Every Elector who submitted an application form before closing date received a polling card enabling them to vote in the Bye Election. Nobody is removed from the register unless we receive information from the Elector advising that they have moved address or if a person is deceased and we receive official notification they then will be removed from the register. The Draft Register 2020-21 was published on the 1st November 2019 and comes into force on the 1st February 2020. This is the live register which remains in force until the 1st February the following year. This register will be used for any subsequent Election which may be held during the lifetime of the Register. If a General Election is called there will be  supplement to the current register to enable people to register to vote.

Please be advised that the closing date for the Supplement to the Register of Electors is **Tuesday 12th November 2019**

### **C/505/19 – (H13) Item ID: 64433 – New Works**

(No Business)

### **C/506/19 – (C8) Item ID: 64434 - Correspondence**

[Cor 1 Ack from Minister Charles Flanagan](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65044)
[Cor 2 Ack from An Taoiseach](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65046)
[Cor 3 Reply from An Garda Siochana](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65243)
[Cor 4 Ack from Minister for Justice Equality](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65244)
[Cor 5 Reply from Min. Harris -Spinraza](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65308)

The Correspondence was **NOTED.**

### **C/507/19 – (M11) Item ID: 64394 – Springbank Pedestrian Access**

Proposed by Councillor T. Gilligan

"That the Chief Executive gives an update on the Springbank pedestrian access. Is this going ahead or not? Can the Chief Executive clarify the position of the previous motion in relation to the access?"

In the absence of Councillor T. Gilligan, the motion **FELL.**

### **C/508/19 – (M12) Item ID: 64524 – Letter to Garda Commissioner & Minister for Justice**

It was proposed by Councillor F. Timmons and seconded by Councillor P. Kavanagh:

"That this Area Committee writes to the Garda Commissioner and Minister for Justice to request that a 24 hour operational Garda Station is resumed in Rathcoole and that it is adequately resourced given the huge growth in population in Rathcoole, Newcastle, Saggart and Brittas areas."

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

“If the Motion is agreed, letters will be issued to the Minister for Justice and the Garda Commissioner for their attention, and when a reply is received, the Committee will be notified accordingly.”

Councillor E. Higgins proposed an **AMENDMENT** to the motion, and it was seconded by Councillor W. Carey:

"That this Area Committee writes to the Garda Commissioner and Minister for Justice to request **additional** Gardaí in Rathcoole and that it is adequately resourced given the huge growth in population in Rathcoole, Newcastle, Saggart and Brittas areas."

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

**FOR:** 2 (TWO) Councillors W. Carey, E. Higgins

**AGAINST:** 3 (THREE) Councillors P. Kavanagh, E. Ó Broin, F. Timmons

**ABSTAIN:** 0 (ZERO)

The **AMENDED** motion **FELL.**

Councillor P. Kavanagh also proposed an **AMENDMENT** to the motion, and it was seconded by Councillor E. Ó Broin:

"That this Area Committee writes to the Garda Commissioner and Minister for Justice to request a 24 hour operational Garda Station in Rathcoole and that it is adequately resourced given the huge growth in population in Rathcoole, Newcastle and Saggart."

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

**FOR:** 5 (FIVE) Councillors W. Carey, E. Higgins, P. Kavanagh, E. Ó Broin, F. Timmons

**AGAINST:** 0 (ZERO)

**ABSTAIN:** 0 (ZERO)

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

## **Water & Drainage**

### **C/509/19 – (H14) Item ID: 64435 – New Works**

(No Business)

### **C/510/19 – (C9) Item ID:64436 - Correspondence**

(No Business)

### **C/511/19 – (M13) Item ID: 64521 – Corkagh Park Flood Alleviation Measures**

It was proposed by Councillor F. Timmons and seconded by Councillor P. Kavanagh:

"That this Area Committee requests a full and detailed report for discussion into what flood alleviation measures/drainage works are being taken or/and are planned to reduce surface water flooding in Corkagh Park.  Given that currently the ground has never been so saturated and waterlogged underfoot and this is prior to more than a thousand further housing units being built on lands adjoining the park. Local Residents are very concerned at the risk of flooding."

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

“In October 2019 the River Camac Flood Alleviation Scheme commenced with AECOM Ireland Consulting Engineers appointed to undertake the preliminary design. This is a full catchment study which includes the Camac River itself, its tributaries and the surface water pipes that feed them.

The scheme is currently in the data gathering stage and two public events were recently held in Kilmanaham and Clondalkin where local residents and stakeholders were invited to pass on their local knowledge regarding the river to the project team. A full site walkover has also taken place which included Corkagh Park.

Dublin City Council are the lead contracting authority and South Dublin County Council form part of the project steering group. The Office of Public Works are the funding authority and technical advisors for the Flood Alleviation Scheme.”

[water 1](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65108)
[water 2](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65109)
[water 3](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65110)
[water 4](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65111)
[water 5](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65112)

Following a discussion with contributions from Councillor F. Timmons, Mr. C. Galvin, Senior Engineer responded to queries raised.

The motion was **AGREED.**

## **Public Realm**

### **C/512/19 – (Q9) Item ID: 64226 – Tree Maintenance Programme**

Proposed by Councillor T. Gilligan

"To ask the Chief Executive to investigate tree to prune or remove outside address (address supplied)?"

**REPLY:**

The tree at the address supplied was inspected. The tree does not require any immediate maintenance but has been noted for pruning.

In line with the Council's Tree Management Policy 2015-2020 "Living With Trees", the focus of the Tree Maintenance Programme is on entire roads or whole estates, increasing the efficiency and productivity of tree maintenance.

The location is included for maintenance on the current Tree Maintenance Programme. Work will be scheduled in 2020.

### **C/514/19 – (Q10) Item ID: 64601 – Corkagh Fisheries**

Proposed by Councillor Eoin Ó Broin

"To ask the Chief Executive for an update on Corkagh Fisheries and what measures are being undertaken to have the amenity open again?"

**REPLY:**

The Corkagh Park Tyréns study was presented to the full Council meeting on 9th December.

The study is available; <http://intranet/Cmas/documents/County%20Council/2019/December/December2019CountyCouncilMeeting/26fe287e-2069-45b8-9cee-fd30477d935e.pdf>

Stage 3 of that plan, which is currently ongoing and is planned to be completed by the end of 2020, will research and make recommendations into commercial leisure opportunities, such as a commercial fishery. Initial indications indicate limited interest in operating a commercial fishery in the park.

It should be noted that Community fisheries facilities are provided in Ballymount Park.

### **C/514/19 – (H15) Item ID: 64437 – New Works**

(No Business)

### **C/515/19 – (H16) Item ID: 64472 – Tree Planting Programme 2020**

The following report was presented by Ms. M. Ní Dhomhnaill, Senior Executive Parks Superintendent:

**Tree Planting Programme 2020**

[HI 16](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=65204)

Following a discussion with contributions from Councillors F. Timmons, E. Higgins, P. Kavanagh and E. Ó Broin, Ms. M. Ní Dhomhnaill, Senior Executive Parks Superintendent and Mr. M. McAdam, A/Senior Executive Officer responded to the Members queries.

The report was **NOTED.**

### **C/516/19 – (C10) Item ID: 64438 - Correspondence**

(No Business)

## **Environment**

### **C/517/19 – (Q11) Item ID: 64522 – Pollution from SIAC Site on Monastery Road**

Proposed by Councillor F. Timmons

"To ask the Chief Executive for a full and detailed report into complaints that have arisen about the fumes/emissions and the increased noise pollution that are coming from the SIAC site on Monastery Road? Among the issues are when Residents come out in the morning there is often a coating of dust on the cars.  There is a droning noise, like a very large three phase motor or generator running late into the night. There is a strong smell of bitumen boiling bitumen fumes bitumen smoke. Some Families report an increased incidence of respiratory illnesses. Please detail what South Dublin County Council can do in regards to these issues?"

**REPLY:**

The Environmental Health Department has received two independent complaints from residents near the Siac site on Monastery Road. In addition, a number of similar phone calls and emails were received in the space of a few hours from team members using the adjacent GAA club.

Dust issues were not raised with the Environmental Health Department in recent weeks. The issues raised in complaints were in relation to noise and also emissions from the chimney on site.

In relation to the noise element of the complaint, Siac employed a consultancy company to carry out noise monitoring at the Complainant's property and at the end of the road in Floraville Avenue. Their monitoring indicated that noise levels were not excessive for nearby properties. They provided a summary sheet of monitoring results to the Environmental Health Department.

Following receipt of this information two Environmental Health Officers attended Floraville Avenue on two separate occasions on the same day. At both times the noise levels at the end of the road were not deemed excessive. Environmental Health Officers then called to the Complainant's home and following this discussed the issue on the phone with them. The Complainants agreed that night time noise had not been an issue in the days preceding this conversation. The improvement in noise levels could coincide with operation free flow which would impact upon business activity at this site. According to the complainants, the noise levels from the Siac site have reduced at this time.

The Environmental Health Department visited Siac and encouraged them to contact the GAA club directly to discuss the issue with them and provide information to them regarding the procedures onsite. Contact was made by them with GAA club representatives.

During the site visit Siac stated that the manufacturing process onsite has not changed recently. They are due to shut down the plant over the Christmas period at which time the machinery will be assessed for maintenance issues and where identified defects will be serviced and repaired.

Following the Christmas period and the termination of operation free flow, noise levels will be assessed in the nearby residential area where required.

### **C/518/19 – (H17) Item ID: 64439 – New Works**

(No Business)

### **C/519/19 – (C11) Item ID: 64440 - Correspondence**

(No Business)

### **C/520/19 – (M14) Item ID: 64563**

Proposed by Councillor T. Gilligan

"That the Chief Executive investigates rat infestation issues on Peamount Road please."

In the absence of Councillor T. Gilligan, the motion **FELL.**

The meeting concluded at 5.30pm

**Siniú**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Dáta** \_\_\_\_\_\_\_\_­­\_\_\_\_\_\_\_\_\_

 **Cathaoirleach**