July 2021 County Council Meeting

Item ID: 71484

Submitted by: Councillor F. Timmons

**Item Detail:**

To ask the Chief Executive for a report into tree preservation orders in the county and to explain what constitutes a TPO and how a TPO can be done and to outline the procedure ?

**Response**

There are four TPOs in the County as set out immediately hereunder:

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| **Tree Preservation Order** | **Location** |
| Dublin County Council Tree Preservation Order (St Brigid’s Clondalkin) Order 1973 | St Brigid’s (now Newlands garden Centre), New Road, Clondalkin, Dublin 22. |
| Dublin County Council Tree Preservation Order (Beaufort Downs, Rathfarnham) Order 1987 | Beaufort Downs, Rathfarnham, Dublin 14. |
| Dublin County Council Tree Preservation Order (Quarryvale, Brooklawn) (Liffey Valley No.1) Order 1990 | Townland of Quarryvale and Brooklawn, Palmerstown, Dublin 20. |
| South Dublin County Council Tree Preservation Order (Coolamber Site) Order 2015 | Newcastle Road, Lucan. |

Provision for the making of Tree Preservation Orders is set out under Section 205 of the Planning and Development Acts, and is as follows:

**Section 205 of the Planning and Development Act:**

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

(2) Without prejudice to the generality of *subsection (1)* , an order under this section may —

( *a* ) prohibit (subject to any conditions or exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees, and

( *b* ) require the owner and occupier of the land affected by the order to enter into an agreement with the planning authority to ensure the proper management of any trees, group of trees or woodlands (including the replanting of trees), subject to the planning authority providing assistance, including financial assistance, towards such management as may be agreed.

(3) ( *a* ) Where a planning authority proposes to make an order under this section, it shall —

(i) serve a notice (which shall include particulars of the proposed order) of its intention to do so on the owner and the occupier of the land affected by the order, and

(ii) cause notice of the proposed order to be published in one or more newspapers circulating in its functional area.

( *b* ) A notice under *paragraph (a)(i)* shall be accompanied by a map indicating the tree, trees, group of trees or woodland to be preserved.

(4) A notice under *subsection (3)* shall state that —

( *a* ) the planning authority proposes to make an order preserving the tree, trees, group of trees or woodlands,

( *b* ) submissions or observations regarding the proposed order may be made to the planning authority within a stated period of not less than 6 weeks, and that the submissions or observations will be taken into consideration by the planning authority, and

( *c* ) any person who contravenes an order or, pending the decision of a planning authority, a proposed order under this section, shall be guilty of an offence.

(5) The planning authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, make the order, with or without modifications, or refuse to make the order, and any person on whom notice has been served under *subsection (3)* shall be notified accordingly.

(6) Where a planning authority intends to amend or revoke an order made under this section, the planning authority shall give notice of its intention to amend or revoke the order, as the case may be.

(7)   ( *a* )   A notice under *subsection (6)* (which shall include particulars of the proposed order) shall be —

(i) served on the owner and the occupier of the land affected by the order, and on any other person on whom a notice was served under *subsection (3)* , and

(ii) published in one or more newspapers circulating in the functional area of the planning authority.

( *b* ) A notice under *subsection (6)* shall be accompanied by a map indicating the tree, trees, group of trees or woodland to be affected by the amendment or revocation of the order.

(8) A notice under *subsection (6)* shall state that —

( *a* ) the planning authority proposes to amend or revoke the order, and

( *b* ) submissions of observations regarding the proposal may be made to the planning authority within a stated period of not less than 6 weeks, and that the submissions or observations will be taken into consideration by the planning authority.

(9) The planning authority, having considered the proposal and any submissions or observations made in respect of it, may by resolution, as it considers appropriate, revoke the order or amend the order, with or without modifications, or refuse to make the order, as the case may be, and any person on whom notice has been served under *subsection (7)* shall be notified accordingly.

(10) Any person who contravenes an order or, pending the decision of a planning authority, a proposed order under this section, shall be guilty of an offence.

(11) Without prejudice to any other exemption for which provision may be made by an order under this section, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any enactment or so far as may be necessary for the prevention or abatement of a nuisance or hazard.

(12) Particulars of an order under this section shall be entered in the register.