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

Minutes of South Dublin County Council 12th April 2022 Rathfarnham, Templeogue, Firhouse, Bohernabreena, Area Committee Meeting dealing with Planning, Transportation, Libraries, Economic Development, Performance & Change Management, Corporate, Environment, Water & Drainage, Public Realm, Community and Housing held virtually on Tuesday 12th April 2022 through Microsoft 365 Teams

### **PRESENT**

Cllr. Yvonne Collins

Cllr. Alan Edge

Cllr. Pamela Kearns

Cllr. Ronan McMahon

Cllr. David McManus

Cllr. Carly Bailey

Cllr Emma Murphy

Cllr. Lynn McCrave

Cllr. Brian Lawlor

Cllr. Deirdre O’Donovan

### **OFFICIALS PRESENT**

Senior Executive Officer Mary Maguire, Sharon Conroy,

Brenda Pierce

Senior Planner Eoin Burke

Senior Executive Planner Jim Johnston, Colm Harte

Senior Engineer Leo Magee, Gary Walsh, John Hegarty

Senior Executive Engineer Graham Murphy

Executive Engineer Joe Kelly, Mbakure Johnson

Senior Executive Parks Superintendent Sean Redmond

Senior Executive Librarian Sile Coleman

Administrative Officer Sheila Kelly, Amanda Mills

Senior Staff Officer Simon Palmer

Staff Officer Aoife Brennan,

Clerical Officer Vikki Cryan

An Cathaoirleach, Councillor Alan Edge presided

### **RTFB/153/22 H1 Item ID:74770**

Confirmation and Re-affirmation of Minutes of Meeting of 8th March 2022.

Minutes of South Dublin County Council Rathfarnham/Templeogue/Firhouse/Bohernabreena Area Committee dealing with Housing, Community, Transportation, Planning, Economic Development, Libraries, Corporate, Performance & Change Management, Public Realm, Environment, Water & Drainage held on 8th March 2022 which have been circulated, were submitted, and **APPROVED** as true record and signed.

It was proposed by Councillor Alan Edge, seconded by Councillor Ronan McMahon, and **RESOLVED** “That the recommendations contained in the minutes of 8th March 2022 be **ADOPTED** and **APPROVED**.”

[H1 Minutes](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74799)

**RTFB/154/22 - Questions**

It was proposed by Councillor Alan Edge, seconded by Councillor Pamela Kearns, and **RESOLVED** “That pursuant to Standing Order No. 13 that Questions 1 - 5 be **ADOPTED** and **APPROVED**.

## **Water & Drainage**

### **RTFB/155/22 C1 Item ID:74754 – Correspondence**

Correspondence (No Business)

### **RTFB/156/22 H2 Item ID:74765 – New Works**

New Works (No Business)

## **Public Realm**

### **RTFB/157/22 Q1 Item ID:74820**

Proposed by Councillor Yvonne Collins

To ask the Chief Executive when it is intended to carry out badly needed pruning on overgrown non-native trees in Barton Road extension which have grown so tall that they overshadow the roofs of the houses and severely diminish the effectiveness of the solar panels on these south facing roofs.

**REPLY:**

The trees in question at Barton Road extension have been surveyed.  No immediate works have been deemed necessary however this area has been included along with Barton Road West on the 2022/'24 tree maintenance programme.

It should be noted that in relation to solar panels the Council's Tree Policy document 'Living with Trees' states that the Council will not prune or fell a Council owned/managed tree to facilitate installation or improve natural light to a solar panel. Whilst the Council appreciates that there is a need to provide renewable energy resources, trees have an important role in maintaining and improving local amenity, in addition to contributing to local and national targets in tackling climate change. The presence of existing trees and how these trees will grow in the future must be fully appreciated when considering a suitable location for the placement of solar panels.

### **RTFB/158/22 Q2 Item ID:74835**

Proposed by Councillor Alan Edge

To request an updated timeline with regard to the installation of signage in Kiltipper Park warning that dogs are to be on a leash given the proximity of sheep farms to the park and the fact that it is now lambing season.

**REPLY:**

The tender for the delivery of signage at Kiltipper Park is now complete, however South Dublin County Council are awaiting approval from The Department of Rural and Community Development who are grant-funding the signage and from whom SDCC require approval of the tender stage prior to proceeding with the appointment of the preferred bidder. The issue of dog control will be included in new signage planned for the park.

### **RTFB/159/22 C2 Item ID:74752 – Correspondence**

Correspondence (No Business)

### **RTFB/160/22 H3 Item ID:74763 – New Works**

New Works (No Business)

### **RTFB/161/22 M1 Item ID:74620**

Proposed by Councillor Alan Edge and Seconded by Councillor Ronan McMahon

That this Area Committee requests more public bins to be installed on Oldcourt Rd to accommodate the high volume of new houses.

**REPORT:**

Oldcourt Road is being monitored regularly in relation to litter.  There are no litter generators on or near this road, other than the Lidl premises at Beechdale Road.   A number of pull-in areas have been provided along Oldcourt Road and it would appear that bus stops will be provided at these locations in time.  It is proposed to install 2 litter bins on Oldcourt Road at the pull in areas close to the junction with Beechdale Road, close to the Lidl premises.  The situation will be monitored and if a need arises further bins will be provided.  The matter will also be reviewed once bus stops are in place and bus services operating on this road, and these tend to generate litter.

Following contributions from councillors Alan Edge, Ronan McMahon, Emma Murphy, Brian Lawlor, and Deirdre O'Donovan, Leo Magee, Senior Engineer, responded to queries raised and the report was **NOTED**.

### **RTFB/162/22 M2 Item ID:74827**

Proposed by Councillor Pamela Kearns and Seconded by Councillor Alan Edge

That this committee calls on the manager to repair as a matter of urgency the railing on the walkway beside St Michaels house /Templeogue house which was damaged by a falling tree several months ago.

**REPORT:**

Repairs have been completed in the last week to the railing at St Michael's House which had been damaged by a falling tree.

Following contributions from councillor Pamela Kearns this report was **NOTED**.

### **RTFB/163/22 M3 Item ID:74708**

Proposed by Councillor Alan Edge and Seconded by Councillor Yvonne Collins

To request a report on the car park at Kiltipper Park, addressing the delay in opening it, how the outstanding issues will be resolved and when we can expect to see the car park open to take the pressure off the surrounding residential areas.

**REPORT:**

The carpark at Kiltipper is not yet open, to allow the growth and establishment of grass within the reinforced paver units. Our consultants have advised us that the area should not accommodate vehicular traffic until the end of May this year.

Phase 2 of the development of the park is currently at the detailed design stage, prior to tender. The commencement of this project will likely have an impact on public access to the carpark. While we do not have a programme for the construction stage of Phase 2; it is however likely that the Phase 2 construction stage may require management of pedestrian and vehicular access to the car park and that section of the park. Once we get closer to May and have some indication of the likely start on site of Phase 2, we will be able to give a clearer indication of likely opening dates for the carpark and/or if Phase 2 is likely to have an impact on same.

Following contributions from councillors Alan Edge and Deirdre O'Donovan, Sean Redmond, Senior Executive Parks Superintendent Responded to queries raised and the report was **NOTED**.

## **Environment**

### **RTFB/164/22 C3 Item ID:74744 – Correspondence**

Correspondence (No Business)

### **RTFB/165/22 H4 Item ID:74758 – New Works**

New Works (No Business)

### **RTFB/166/22 M4 Item ID:74621**

Proposed by Councillor Alan Edge and Seconded by Councillor Ronan McMahon

Firhouse, Ballycullen and Oldcourt residents report an increase in littering locally since the pandemic, particularly in the vicinity of the shopping centre and the schools. Could management ensure that extra litter picking takes place and outline what if any additional enforcement and public awareness measures might be taken.

**REPORT:**

The owner or person responsible for a place to which the public has access is required to keep the area adjoining their premises litter free, regardless of how the litter got there. This places an obligation on businesspeople to keep footpaths, pavements and gutters within a 100m radius of their premises litter free. Arrangements will be made for the area to be patrolled more frequently by the Litter Warden Service and action taken where appropriate.

Following contributions from councillor Alan Edge, Sharon Conroy, Senior Executive Officer Responded to queries raised and the report was **NOTED**.

## **Community**

### **RTFB/167/22 C4 Item ID:74745 – Correspondence**

Correspondence (No Business)

### **RTFB/168/22 H5 Item ID:74755 – New Works**

New Works (No Business)

### **RTFB/169/22 H6 Item ID:74769**

Deputations for Noting - NO BUSINESS

## **Housing**

### **RTFB/170/22 C5 Item ID:74748 – Correspondence**

Correspondence (No Business)

### **RTFB/171/22 H7 Item ID:74759 – New Works**

New Works (No Business)

### **RTFB/172/22 H8 Item ID:74899**

Housing Supply Quarterly Report

The following report was presented by Brenda Pierce, Senior Executive Officer

[H8 Housing Supply Quarterly Report](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74858)

### This Headed Item was taken in conjunction with Motion 5

### **RTFB/174/22 M5 Item ID:74723**

Proposed by Councillor Alan Edge and Seconded by Councillor Deirdre O'Donovan

To ask for an update on the social housing at Homeville and a reason for the delay?

**REPORT:**

### An updated programme is currently being finalised by the Council's Architectural Services Department with the principal contractor for the social housing development to reflect amendments to the initial programme caused by the combines impact of supply chain challenges, labour resourcing difficulties, sub-contractor performance and inflationary issues. The local elected members will be advised of the updated programme for completion as soon as it is agreed.

### Following contributions from councillors Alan Edge, Emma Murphy, Carly Bailey, Deirdre O'Donovan, Brian Lawlor, Yvonne Collins, Pamela Kearns, and David McManus, Brenda Pierce, Senior Executive Officer Responded to queries raised and the report was **NOTED**.

### **RTFB/173/22 H9 Item ID:74900**

Quarterly Report on Anti-Social Behaviour

The following report was presented by Amanda Mills, Administrative Officer

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| --- |
| **ANTI-SOCIAL BEHAVIOUR REPORTING & STATISTICS FOR RATHFARNHAM/TEMPLEOGUE/FIRHOUSE/BOHERNABREENA AREA** |
| **Incidents** | **2021 TOTAL** | **1st Qtr 2022** | **2nd Qtr 2022** | **3rd Qtr 2022** | **4th Qtr 2022** | **2022 TOTAL** |
| **CATEGORY A** |  |   |   |   |   |  |
| Drugs Activity | **4** | 0 |   |   |   | **0** |
| Criminal Activity | **0** | 1 |   |   |   | **1** |
| Joyriding | **0** | 0 |   |   |   | **0** |
| Violence/intimidation/ harassment | **3** | 3 |   |   |   | **3** |
| **CATEGORY B** |  |   |   |   |   |  |
| Squatters/illegal occupiers | **3** | 3 |   |   |   | **3** |
| Vandalism | **3** | 2 |   |   |   | **2** |
| Physical condition of property | **7** | 1 |   |   |   | **1** |
| Physical condition of Garden | **10** | 1 |   |   |   | **1** |
| Racism | **0** | 0 |   |   |   | **0** |
| Vacant House | **10** | 3 |   |   |   | **3** |
| Neighbour Dispute (including parking) | **4** | 1 |   |   |   | **1** |
| **CATEGORY C** |  |   |   |   |   |  |
| Noise/disturbance | **0** | 0 |   |   |   | **0** |
| Pets/animal nuisance | **1** | 0 |   |   |   | **0** |
| Children nuisance | **1** | 0 |   |   |   | **0** |
| Selling alcohol | **0** | 0 |   |   |   | **0** |
| **Total Incidents reported to SDCC** | **45** | **15** |  |  |  | **15** |
| **Total Complaints reported to SDCC** | **22** | 2 |   |   |   | **2** |
|   |  |   |   |   |   |  |
| **Total Actions taken by Allocations Support Unit Staff****(Main actions listed below)** | **218** | 41 |   |   |   | **41** |
| Housecall / Inspection | **31** | 6 |   |   |   | **6** |
| Demand for Possession Section 15 & 17 | **0** | 0 |   |   |   | **0** |
| Abandonment notice served | **2** | 0 |   |   |   | **0** |
| Surrenders Obtained (including Termination of Tenancy under Section 15) | **3** | 2 |   |   |   | **2** |
| Warnings issued | **16** | 0 |   |   |   | **0** |
| Interviews held (formal office and by phone) | **39** | 0 |   |   |   | **0** |
| Pre-Tenancies (includes following up Tenancy Checks) | **64** | 5 |   |   |   | **5** |
| Complaints received by WhatsApp | **4** | 0 |   |   |   | **0** |

[H9 (ii) Summary of Tenancy Obligations](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74842)

This Report was **NOTED**.

## **Planning**

### **RTFB/175/22 C6 Item ID:74751 – Correspondence**

Correspondence (No Business)

### **RTFB/176/22 H10 Item ID:74762 – New Works**

New Works (No Business)

### **RTFB/177/22 H11 Item ID:74839**

Tree Preservation Orders - Headed Item

The following report was presented by Eoin Burke, A/Senior Planner

**REPORT:**

 **Background**
The Planning Authority has received 5no. requests by motion from the Rathfarnham Terenure Firhouse Bohernabreena Area Committee Meeting. This headed item report is to outline the consideration of the Planning Authority on these sites and provide a recommendation.

1. Boden Park
Submitted By: Councillor Yvonne Collins Item ID: 74041
That the Chief Executive considers a TPO in the interests of amenity and the environment to protect a native oak tree about 80/100 ft in height and a Lawson Cypress (I think) about 100ft high as per the attached photographs. These trees overlook the Owendoher river near Boden Park as per the map attached.

2. Limekiln Road
Submitted By: Councillor Yvonne Collins Item ID: 74042
That the Chief Executive considers a Tree Preservation Order in the interests of amenity and the environment to protect the trees on Limekiln Road

3. Ownedoher River
Submitted By: Councillor Yvonne Collins Item ID: 73514
That the Chief Executive considers a Tree Preservation Order, in the interests of amenity and the environment, to protect the trees along the banks of the Owendoher River in Rathfarnham, particularly from Willowbank to Glenbrook

4. Moyville
Submitted By: Councillor Alan Edge Item ID: 73112
That this Area Committee requests the planning department to evaluate the group of mature oak trees in Dolly's Field, Moyville, Rathfarnham for suitability for a Tree Preservation Order pursuant to Planning & Development Act 2000, s205, on the basis that it is in the interests of amenity & the environment that these trees be preserved.

5. Scholarstown Park / Dargle Wood
Submitted By: Councillor Yvonne Collins Item ID: 72046Application for Tree Preservation Order on behalf of residents in Scholarstown Park and Darglewood in Rathfarnham, I would like to apply for a Tree Preservation Order in relation to the chestnut tree on the green between Scholarstown Park and Darglewood, as per the attached photographs. This tree has been here for many years, it is cherished by the residents and adds greatly to the area in terms of its amenity value, aesthetics and from the point of view of biodiversity. There has been so much building in the area lately with the associated loss of trees and hedgerows which can only have an adverse knock-on effect on our local environment. The residents are keen to protect and preserve this tree. I support the residents in this and would ask that it be made the subject of a Tree Preservation Order.

**Location Maps**
Following the text in the motions, location maps were prepared to inform the TPO considerations. These maps are attached to the response.

**Relevant Legislation and Policy Context**
• Planning and Development Act 2000 (as amended)
• Living with Trees SDCC Tree Management Policy 2021 - 2026
• South Dublin County Council Development Plan 2016 -2022
• Draft South Dublin County Development Plan 2022 -2028

Extract of Planning and Development Act 2000 (as amended) - Section 205 Tree Preservation Orders
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.

Section 205(10) outlines that the any person who contravenes an order shall be guilty of an offence.

Section 205 (11) outlines some of the limitations of a TPO, namely that 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.

Living with Trees SDCC Tree Management Policy 2021 - 2026
The Tree Management policy for SDCC was reviewed through the course of 2021 with a new policy drawn up for the period 2021 to 2026. It was presented, discussed and noted under Headed item 13 on the agenda of the December 2021 Council meeting.
The Tree Management Policy provides a framework to inform and support decisions made by the Council on the management and development of a sustainable urban forest in the County. The Policy is a point of reference for the public, Councillors, Council staff and professionally interested people to enable informed discussion and to establish a clearer, consistent, and more structured approach to the issues affecting
trees. This allows for a pro-active and systematic approach to tree management, resulting in a healthier tree population and a greener, more sustainable environment for residents and visitors to the County.

The overall aims of the Tree Management Policy are to ensure the safety of Council trees, maintain and encourage biodiversity, maintain and improve landscape quality, and through these elements, improve the quality of life for residents and visitors to South Dublin now and in the future. We will achieve this by:
• ensuring that the Council has a clear programme of tree maintenance, management and planting;
• maintaining and improving the tree canopy cover for the future;
• appropriate siting and species selections f or all new trees;
• promoting the importance of trees in shaping the distinctive local character and appearance of South Dublin’s urban landscape; recognising the significant aesthetic, landmark, ecological, social and economic value that trees provide;
• effectively communicating, educating and engaging with the local community on trees and their importance;
• allocating sufficient resources to allow for best practice tree management
• providing clarity over why decisions and actions are taken;
• balancing the risk and nuisance e to persons and property against the other aims; and recognising the value of trees as a tangible asset.

Policy: The Council will wherever possible try to avoid removing a tree or undertaking unnecessary pruning works where there is no good arboriculture reason. It has a duty to manage the tree population for the benefit of the wider community and in accordance with good arboriculture practices

Policy: The Council may seek to prosecute anyone found to be carrying out unauthorised work or causing damage to its trees without permission and where appropriate apply the maximum penalty.

Action: Review existing Tree Preservation Orders

South Dublin County Development Plan 2016 - 2022

HCL15 Objective 3:
To protect existing trees, hedgerows, and woodlands which are of amenity or biodiversity value and/ or contribute to landscape character and ensure that proper provision is made for their protection and management in accordance with Living with Trees: South Dublin County Council’s Tree Management Policy 2015-2020.

HCL 17
It is the policy of the Council to review the number of Tree Preservation Orders within the County and maintain the conservation value of trees and groups of trees that are the subject of a Tree Preservation Order.

IE1 Objective 6:
To protect the natural resources of the County which are the foundation for the Green Infrastructure network and a basis for growth and competitive advantage in the tourism, food and fisheries sectors.

G1 Objective 1:
To establish a coherent, integrated and evolving Green Infrastructure network across South Dublin County with parks, open spaces, hedgerows, grasslands, protected areas, and rivers and streams forming the strategic links and to integrate the objectives of the Green Infrastructure Strategy throughout all relevant Council plans, such as Local Area Plans and other approved plans.

G2 Objective 3:
To restrict development that would fragment or prejudice the Green Infrastructure network.

G2 Objective 2:
To protect and enhance the biodiversity value and ecological function of the Green Infrastructure network.

G6 Objective 1:
To protect and enhance existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design process.

Green Infrastructure 2 Objective 9:

To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County. We will do this by increasing tree canopy coverage using locally native species and by incorporating them within design proposals and supporting their integration into the Green Infrastructure network.

Climate Change Action Plan 2019 – 2024

The importance of Trees to our County can also be identified within this policy with multiple actions identified as contributing factors under the titles of ‘Tree Management’ and Conservation and Preservation’ within the ‘Nature Based Solutions’ section. (N12-N19 Tree Management, N20 Conservation and Preservation)

South Dublin County Council Corporate Plan (2020 – 2024)

Objective 2: Improve the visual appearance of our County in the interest of economic and
social development.

Objective 3: Support a green infrastructure network across the county to provide a shared
space for amenity, recreation, biodiversity protection, flood management and adaptation to climate change.

Draft South Dublin County Development Plan 2022 -2028
The Draft South Dublin County Development Plan 2022 -208 was published in July 2021 following consideration by the Elected Members. The following extracts of policies and objectives are considered relevant.

Policy GI1: Overarching
Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.

GI1 Objective 1:
To establish a coherent, integrated and evolving GI Network across South Dublin County with parks, open spaces, hedgerows, trees including public
street trees and native mini woodlands (Miyawaki-Style), grasslands, protected areas and rivers and streams and other green and blue assets forming strategic links and to integrate and incorporate the objectives of the GI Strategy throughout all relevant land use plans and development in the County.

GI1 Objective 7:
To develop linked corridors of small urban ‘Miyawaki’ native mini woodlands, a minimum of 100sqm in size, to capture carbon and encourage biodiversity in suitable existing built-up areas, in low grade parkland, and other areas of zoned lands where deemed suitable and appropriate.

GI1 Objective 8:
To increase over the lifetime of this plan the percentage of land in the County, including residential, managed for biodiversity including supporting the
delivery of the objectives of the County Pollinator Plan and to continue to investigate the potential for the use of low-mow methods during the lifetime of the Plan.

GI5 Objective 3:
To ensure compliance with the South Dublin Climate Change Action Plan and the provisions of the Council’s Tree Management Strategy.
• Increase the County’s tree canopy cover by promoting annual planting, maintenance preservation and enhancement of trees, woodlands and
hedgerows within the County using locally native species and supporting their integration into new development.
• Identify suitable sites for new urban trees including Miyawaki style mini woodlands, where feasible.
• Support the implementation of a co-ordinated regional approach to the maintenance of trees and support the work of the Regional Steering Group
on Tree Management to which South Dublin County Council is a participant.
• Promote the establishment of tree trails in public parks across the County.
• Promote the planting of new woodlands and forestry within appropriate open space and park locations within the County.
• To plant “pocket forests” in tracts of open grassland to act as an oasis for biodiversity.
• The Council recognises the value of mature trees in terms of carbon sequestration and amenity over saplings.

GI5 Objective 6:
To provide more tree cover across the county, in particular to areas that are lacking trees.

COS5 Objective 8:
To ensure the design of parks and public open space areas is of high quality; to provide a pleasant setting, accommodate use by people of all ages and abilities, to support life-long activity and good health and well-being by the provision of a balanced mix of active and passive recreation and access to, or view of, nature, ensuring that the design considers:
- provision of an appropriate mix of hard and soft surfaced areas;
- enhancement of biodiversity and existing trees and hedgerows;
- incorporation of water courses, other natural features and existing built heritage into the design of parks and open spaces as appropriate;
- provision of new planting, landscape features and appropriate site furniture including a variety of accessible, well located and designed seating.

SM5 Objective 5:
To design new roads and streets to incorporate green infrastructure elements such as planting of native trees, hedgerows and pollinator species in medians and on roadside verges, as appropriate to the location

Policy NCBH11: Tree Preservation Orders and Other Tree Protections
Review Tree Preservation Orders (TPO) within the County and maintain the conservation value of trees and groups of trees that are the subject of a Tree Preservation Order while also recognising the value of and protecting trees and hedgerows which are not subject to a TPO.

NCBH11 Objective 2:
To regularly evaluate and identify trees of amenity value within the County with a view to making them the subject of Tree Preservation Orders or otherwise protecting them and further, to furnish information to the public in this regard.

NCBH11 Objective 3:
To protect and retain existing trees, hedgerows, and woodlands which are of amenity and/or biodiversity and/or carbon sequestration value and/or
contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council’s Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.

**Chief Executive Response**
The EWCC and LUPT Departments have reviewed and carefully considered the proposals for TPOs from the members at the ACM. The value and quality of trees subject to the requests are noted and not disputed. An Arborist report was commissioned for 2 sites and confirmed the Parks staff view that the trees are in good condition. However, the consideration of the merit of a TPO extends beyond the condition of the tree.

The Draft South Dublin County Development Plan 2022 – 2028 and the Living with Trees SDCC Tree Management Policy 2021 - 2026 both state and emphasis the value of trees.

The Living with Trees SDCC Tree Management Policy 2021 -2026 states that trees contribute greatly to visual amenity by creating a setting for buildings and softening and greening streetscapes in built-up areas and by adding significant visual interest in more rural areas. Hedgerows often mark historic field patterns and townland boundaries and significantly enhance the landscape character of rural areas. Trees and hedgerows also perform a vital role as wildlife habitats, biodiversity corridors and essential green elements in the County’s green infrastructure network. They have a further crucial role in carbon sequestration (capturing and storing carbon), contributing to the alleviation of climate change.

Additionally, the Draft Development Plan states that trees and landscaping are important for climate amelioration and maintaining a healthy environment. Wooded areas have a carbon absorption rate that is approximately three times that of areas covered in grassland. Trees absorb carbon as they grow, and woods and forests provide long-term carbon reduction benefits. Planting in urban areas, at the source of many atmospheric pollutants, can filter out those pollutants, reduce water run-off, improve water quality, reduce noise and provide shading to help reduce urban heat island effects. The planting of trees is one of the most cost-effective methods of carbon capture and storage. Trees and the retention of mature trees can be an asset to a new development.

Further to the value of trees being comprehensively integrated into the Living with Trees and the Draft Development Plan 2022 -2028, the Corporate Plan and the Climate Action Plan have objectives and actions in relation to protection of trees.

Section 205 of the Act states that ‘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.’

The term expedient is not defined in the Planning and Development Act 2000 (as amended). The Planning Authority considers that practical and necessary is a reasonable interpretation of the term expedient.

At present, there are 4 TPOs in South Dublin County Council and they are listed in the South Dublin County Council Development Plan 2016 -2022
Table 9.5 Tree Preservation Orders

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

It is noted that SDCC has created 1 TPO in the last 22 years. In the Development Plan, it is a policy of the Council in the Development to review the number of Tree Preservation Orders within the County and maintain the conservation value of trees and groups of trees that are the subject of a Tree Preservation Order. This review of the existing TPOs and the merit of same has not been carried out to date.

The subject trees from various motions are located on either Council owned sites or within private ownership. The management and protection of trees on potential development sites and on Council owned lands is strongly outlined in the recently prepared Draft County Development Plan and the Living with Tree SDCC Tree Management Policy 2021 -2026. The protection of all existing trees in the County on potential development sites is carried out through the assessment of planning proposals (planning applications, Part 10s and Part 8s). Protection and management of all existing trees on Council lands in the public realm will be carried in accordance with the Living with Trees SDCC Tree Management Policy 2021 -2026.

The Planning Authority has concerns in relation to commencing statutory Tree Preservation Orders at this time and the potential diluting and undermining of the value/ strength of the policies, objectives and actions in the new Living with Trees (2021) and Draft County Development Plan (2022) policies.

**In conclusion, given the recency of the Living with Trees, Corporate Plan, Climate Action Plan and the ongoing Development Plan process, the Planning Authority considers that the proposed TPOs are not necessary or practical at this time and concludes that the proposed TPOs are not expedient in the context of Section 205 of the Planning and Development Act 2000 (as amended)**.

In addition, the Chief Executive considers that, whilst the value of the trees in the proposed TPOs are acknowledged, reasons for the initiation of TPOs on these sites are not apparent. It is noted that Section 205 requires stated reasons for the purpose of a TPO.

During the proposed review to be carried out in accordance the Policy NCBH11: Tree Preservation Orders and Other Tree Protections in the Draft County Development Plan; it is proposed that SDCC include an assessment of the effectiveness of tree protection measures available including measures implemented in other counties and incorporate additional measures that are decided to be required and most effective in that regard.

This report was taken in conjunction with Motion 7

### **RTFB/180/22 M7 Item ID:74818**

Proposed by Councillor Yvonne Collins and Seconded by Alan Edge

That the Chief Executive considers a Tree Preservation Order, in the interests of amenity and the environment, to protect the trees along both sides of Dodder Park Road in Rathfarnham.

**REPORT:**

Approach to Tree Preservation Orders presented under Headed Item.

Following contributions from Councillors Yvonne Collins, Ronan McMahon, David McManus, Lynn McCrave, Pamela Kearns, Carly Bailey, Deirdre O'Donovan, and Alan Edge, Eoin Burke, Senior Planner, and Mary Maguire, Senior Executive Officer responded to queries raised.

The executive reiterated that in TPO requests already submitted, reasons for the initiation of the TPOs on these sites are not apparent, and that this is a requirement as set out in the  relevant section (Section 205) of the Planning & Development Act as amended.

Following a request from Cllr Collins in relation to Dodder Valley Park, she asked, and it was agreed, to have access to the relevant Arborist report.

The report was **NOTED**.

### **RTFB/178/22 H12 Item ID:74840**

SHD **-** Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16

The following report was presented by Jim Johnston, Senior Executive Planner

[H12 SHD3 Kilmashogue](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74831)

Following contributions from councillors Deirdre O'Donovan, Carly Bailey, Emma Murphy, Pamela Kearns, Lynn McCrave, Ronan McMahon, and Alan Edge Jim Johnston Senior Executive Planner, responded to queries raised and the report was **NOTED**.

### **RTFB/179/22 M6 Item ID:74836**

Proposed by Councillor Alan Edge and Seconded by Councillor Lynn McCrave

That this Area Committee requests that management address outstanding issues related to the Dodderbrook development with the developers, including the unsightly vacant lot in Phase 1, the mound of rubble and the boundary treatment in Phase 2 and the rubble from the demolished derelict house adjacent to the development, fronting Oldcourt Rd.

**REPORT:**

**VACANT LOT Phase 1**

Under Phase 2, another 80 houses units are to be completed.  The site to the south of Phase 1 is to accommodate 21 units (part of this is infill site onto Oldcourt Road).

In addition, there is permission for 3 no. detached dwellings in total, which have the approved naming and numbering as follows: No. 2 Dodderbrook Wood, No. 5 Dodderbrook Avenue & No. 36 Dodderbrook Drive. These were all granted as part of Phase 1 of Dodderbrook, Ref. SD14A/0180 which will expire on 31/07/2025

The developer has indicated that they will build out the 3 detached units when the newly permitted 21 permitted are being built.

**Boundary**

There is no permitted boundary treatment here as the intention is that in the future, the area to the immediate south would be developed as open space, as part of future phases of the LAP lands, and as per the Local Area Plan (LAP).  In addition, there are existing overhead ESB wires – whether they remain or are relocated has not yet been determined, but the option for both is also included in the LAP.

 The existing fence is a temporary measure and was never intended as a permanent solution. Any gaps etc will be repaired to avoid any anti-social behaviour.

In summary, the developer has permission for 64 no. dwellings to the east / south-east of Phases 1 & 2 (Ref. SD17A/0468) which it is understood that they intend to commence soon.  As 64 + 21 + 3 no. units are yet to be built this will ensure that the developer will be on site for some time and the issues above addressed.

Following contributions from councillors Alan Edge, and Emma Murphy, Mary Maguire, Senior Executive Officer Responded to queries raised, Mary Maguire gave a commitment to further liaise with the developer, and the report was **NOTED**.

## **Transportation**

### **RTFB/181/22 Q3 Item ID:74444**

Proposed by Councillor Yvonne Collins

To ask the Chief Executive for a comprehensive progress update as regards the works on the Grange Road cycle track and insofar as possible a definitive end date in relation to same

**REPLY:**

Following the update at the December 2021 Area Meeting, we can confirm that significant progress has been made on the resolution of the services and ESB issues encountered.

In the coming weeks, the ESB will make significant progress by undergrounding the overhead cables and new public lighting will be installed.

Resurfacing of the existing carriageway is due to commence in mid-May.

The project is approaching completion and the expected completion date for these works is end of May 2022.

### **RTFB/182/22 Q4 Item ID:74698**

Proposed by Councillor David McManus

To ask the Chief Executive to please inspect and repair a broken kerb on public road outside (Address Provided), Rathfarnham as it represents a trip hazard?

**REPLY:**

 This area has been assessed and the necessary repairs have been carried out

### **RTFB/183/22 Q5 Item ID:74699**

Proposed by Councillor David McManus

To ask the Chief Executive how much has been spent on the Grange Road cycle scheme, if this was within the original budget and detailed reasons for delay and estimated completion time?

**REPLY:**

 The Contractors tender price for the scheme is €2.32 million, any overruns due to a significant amount of existing and historical services has been allowed for in the original budget.

The project is approaching completion and has an expected completion date for end of May 2022.

### **RTFB/184/22 C7 Item ID:74753 – Correspondence**

Correspondence (No Business)

### **RTFB/185/22 H13 Item ID:74764 – New Works**

New Works (No Business)

### **RTFB/186/22 H14 Item ID:74766**

Proposed Declaration of Roads to be Public Roads - NO BUSINESS

### **RTFB/187/22 H15 Item ID:74841**

Templeogue, Wellington Lane Walking and Cycling Scheme Informal Consultation Results and update.

The following report was presented by Simon Palmer, Senior Staff Officer.

[H15 Wellington Lane Cycling and Walking Scheme](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74826)

### Following contributions from councillors David McManus, Pamela Kearns, Yvonne Collins, and Carly Bailey, Simon Palmer Responded to queries raised and the report was **NOTED**.

### **RTFB/188/22 H16 Item ID:74903**

Limekiln & Whitehall Road West Bus Bike Route

The following report was presented by Joe Kelly, Executive Engineer

[H16 (i) Limekiln and Whitehall Road West Cycle Scheme](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74850)
[H16 (ii) Drawing 1 of 4](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74852)
[H16 (iii) Drawing 2 of 4](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74853)
[H16 (iv) Drawing 3 of 4](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74854)
[H16 (v) Drawing 4 of 4](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74855)

### Following contributions from councillor Carly Bailey, Joe Kelly, Executive Engineer Responded to queries raised and the report was **NOTED**.

### **RTFB/189/22 H17 Item ID:74904**

Templeville road Cycling Route

The following report was presented by Joe Kelly, Executive Engineer

[H17 Templeville Road Cycling Route](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74813)

### Following contributions from councillor Carly Bailey, this report was **NOTED**.

### **RTFB/190/22 M8 Item ID:74441**

Proposed by Councillor Pamela Kearns

That this committee asks the manager to inspect the condition of the footpaths/ kerbs on St Peters Road, Greenhills, particularly around the trees in the area and puts in place a plan for the repair and upgrade of same.

This motion was **MOVED** to **RE-ENTER**

### **RTFB/191/22 M9 Item ID:74604**

Proposed by Councillor Ronan McMahon

That the council remove the recently erected sign at Corrybeg in Templeogue which restricts the traffic exiting from Corrybeg from turning right. Council gave a commitment about 2 years ago not to go ahead with this restriction without consulting the councillors beforehand.

This Motion was **MOVED** to **RE-ENTER**

## **Libraries & Arts**

### **RTFB/192/22 C8 Item ID:74749 – Correspondence**

Correspondence (No Business)

### **RTFB/193/22 H18 Item ID:74760 – New Works**

NEW WORKS (No Business)

### **RTFB/194/22 H19 Item ID:74767**

Library News & Events

[H19 (i) Library Events](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74774)
[H19 (ii) Library Statistics](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74775)
[H19 (iii) Mobile Library Timetable](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=74776)

This Report was taken as **NOTED**.

### **RTFB/195/22 H20 Item ID:74768**

Application for Arts Grants - **NO BUSINESS**

## **Economic Development**

### **RTFB/196/22 C9 Item ID:74747 – Correspondence**

Correspondence (No Business)

### **RTFB/197/22 H21 Item ID:74757 – New Works**

New Works (No Business)

## **Performance & Change Management**

### **RTFB/198/22 C10 Item ID:74750**

Correspondence (No Business)

### **RTFB/199/22 H22 Item ID:74761**

New Works (No Business)

## **Corporate Support**

### **RTFB/200/22 C11 Item ID:74746**

Correspondence (No Business)

### **RTFB/201/22 H23 Item ID:74756**

New Works (No Business)

The meeting concluded at 18:10pm.

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An Cathaoirleach