

SOUTH DUBLIN COUNTY COUNCIL



INTERNAL MEMORANDUM

Public Realm Planning Report

Development: Two storey, three bed detached dwelling of approx. 110sq.m in the side garden of the existing dwelling; new vehicular entrance to the side of the site; new pedestrian entrance to the front of the site and all associated site works

Location: 16, Fairways, Rathfarnham, Dublin 14, D14XR40

Applicant: Raymond & Marie Leonard

Reg. Ref: SD22A/0334

Report Date: 16/09/2103/10/2022

Recommendation: REFUSE PERMISSSION

Planning Officer: EVAN WALSH

Statutory Local Policy

South Dublin County Development Plan, 2022-2028

Section 3.3.6 Protection of Trees and Hedgerows

Policy NCBH11

Section 3.4.3 Landscapes

Policy NCBH14

Section 4.0.1 GI and Climate Action

Policy GI1: Overarching

Section 4.2.1. Biodiversity

Policy GI2: Biodiversity

Section 4.2.2. Sustainable Water Management

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

POLICY GI5: Climate Resilience

SECTION 4.2.4 Recreation and Amenity (Human Health and Wellbeing)

Policy GI6

Section 4.2.5 Landscape, Natural, Cultural and Built Heritage

Policy GI7

Section 8.7.1 Principles guiding public open space provision

Policy COS5: Parks and Public Open Space – Overarching

Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu

Section 8.7.5 Quality of Public Open Space

Section 8.7.6 Play Facilities

Section 12.4.3 Riparian Corridors

South Dublin County Council’s Tree Management Policy “Living with Trees” 2021-2026

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 for all new trees;
- promoting the importance of trees in shaping the distinctive local character and appearance of South Dublin’s urban landscape; recognizing 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 to persons and property against the other aims; and recognising the value of trees as a tangible asset

COMMENTS:

In relation to the above proposed development, this section has reviewed the application and has the following comments.

Retention of Existing Mature Tree

Based on the site layout plan submitted by the applicant (Dwg No. 22031-OP-02) it is proposed to remove the existing mature street tree in the adjoining grass margin in order to facilitate a proposed new vehicular entrance – this is not acceptable to the Public Realm Section and is contrary to South Dublin County Councils Tree Management Policy 2021-2026 ‘Living with Trees’ and with relevant policies in the SDCC CDP 2022-2028; in particular:

- **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 (2021-2026) 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.

The applicant shall ensure that the existing mature street tree is retained, and the new proposed entrance is moved a minimum of 3 meters away from the base of the tree.

Protection of Existing Street Tree

As per above the proposed new entrance driveway shall be moved a minimum of 3 meters away from the base of the tree, so that the existing street tree shall not be adversely impacted by the proposed construction works and in order to ensure the protection of the existing mature street tree suitable tree protection fencing must be erected prior to all construction operations occurring on site. This tree protection fencing must be in accordance with BS 5837: 2012.

Landscape Plan

In addition, a landscape/boundary planting scheme shall be provided which helps to integrate the development into the local landscape and through suitable planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends that the application be REFUSED in the first instance but if it is decided to request ADDITIONAL INFORMATION then the following should be requested from the applicant:

1. Landscape Boundary Plan

The site shall be landscaped in accordance with a comprehensive scheme of landscaping which includes boundary planting; details of which shall be submitted to the Planning Authority.

CONDITION

REASON: In the interests of visual amenity and integrating the development into the landscape

2. Tree Management Plan

No development works shall commence on site in connection with the development including the proposed new vehicular entrance until a Tree Management Plan has been submitted by the applicant

for the approval of the Public Realm Section, which clearly sets out how the existing mature street tree in the adjacent grass margin will be retained and protected from the proposed construction works. No development or other operations shall take place except in complete accordance with the approved tree management plan.

REASON: To ensure the continued wellbeing of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.

3. Construction works within Root Protection area.

No operations shall commence on site in connection with the development including the proposed new driveway entrance; until a detailed design and construction method statement of the proposed vehicular driveway has been submitted in writing and approved by the Planning Authority. Every effort shall be made by the applicant to minimise the encroachment of the proposed driveway into the root protection area (RPA) of the existing mature street. The design and construction must:

- a) Be in accordance with the recommendations of BS5837:2012.
- b) Include details of existing ground levels, proposed levels and depth of excavation.
- c) Include details of the arrangements for the implementation, supervision and monitoring of the works.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

4. Tree Bond

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works. The release of the bond will be considered a minimum 12 months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

5. Protection of Street Tree in Grass Margin

In order to ensure the protection of the existing street tree adjacent to this proposed development, suitable tree protection fencing should be installed in order to protect the existing tree during

construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: In the interests of visual amenity and of protecting existing street trees.

Prepared By: Oisín Egan
Executive Parks Superintendent

Endorsed By: Laurence Colleran
Senior Executive Parks Superintendent