Apology for inability to attend was received from Councillor H. Keogh.

An Cathaoirleach, Councillor T. Matthews presided.

OFFICIALS PRESENT

Mr. D. Brady, County Manager; Mr. E. O’Hare, Ms. K. Holohan, Mr. C. MacNamara, Ms. M. Mallon, Directors of Services; Mr. G. Hayden, Head of Corporate Services; Mr. D. Jago, County Architect; Mr. M. Hogan, Finance Officer: Mr. R. Cremins, Mr. D. Irvine, Ms. M. Henchy, Senior Planners; Mr. E. Gribbin, Senior Architect; Mr. P. Goodwin, Mr. W. Horgan, Senior Engineers; Mr. T. Mowlds, Senior Community Officer; Mr. P. Trotter, Senior Resident Engineer; Mr. L. Monks, Ms. T. Langan, Senior Executive Officers; Mr. J. Richardson, Senior Executive Architect; Ms M. Hickey, Ms. L. Clifford, Administrative Officers; Ms. M. Lyons, Senior Staff Officer.

C/364/04
Presentation by General Council of County Councils

An Cathaoirleach, Councillor T. Matthews informed the meeting that the Council had been presented with a plaque by the General Council of County Councils to commemorate the 10th anniversary as membership of the General Council.

C/365/04
Vote of Sympathy

A vote of sympathy was passed with the family of Andrew Carroll (12 years of age) who was murdered at his home in Bayview, Killiney.

A vote of sympathy was also passed with the family of Mr. Ian Wilkie, R.I.P., Jollylands, Ballycorus.

An Cathaoirleach, the Members, Manager and staff observed a minute’s silence.
C/366/04
Confirmation of Minutes

(a) Minutes of Special Meeting of the County Council held on 8 March 2004 were ADOPTED.

(b) Minutes of Adjourned Special County Council Meeting held on 16 March 2004. The following correction to the minutes to amend a typographical error was noted:
“Minute No. C/237/04 of 16th March, 2004 as circulated mistakenly showed Councillor Ireland voting both FOR and AGAINST, and did not show the vote of Councillor H. Keogh.

In the Roll Call Vote Councillor K. Ireland voted FOR, Councillor H. Keogh voted AGAINST. The result of the Roll Call Vote remains at 9 FOR, 17 AGAINST.”

The minutes were ADOPTED.

(a) Minutes of Adjourned Special County Council Meeting held on 18 March 2004. The following amendment to Minute No. C/250/04 was proposed by Councillor V. Boyhan, seconded by Councillor B. Saul and AGREED:
Under heading Motion No. 43 last sentence, replace words after ‘Having listened to the County Manager and other Members’ with
“Councillor V. Boyhan stated that he would reserve his position as to a possible judicial review of the Development Plan in relation to Architectural Conservation Areas. He reiterated that the area of particular concern to him was the fact that the Conservation Area topic was not a material change.”

The minutes were then ADOPTED.

(b) Minutes of Adjourned Special County Council Meeting held on 23 March 2004. Mr. D. Brady, County Manager informed the meeting that in relation to Minute No. C/291/04 the paragraph preceding the words ‘Motion No. 104 was PUT.’ be deleted.
This was agreed and the minutes were ADOPTED.

(c) Minutes of County Council Meeting held on 13 April 2004 were ADOPTED.

C/367/04
Questions

It was proposed by Councillor B. Coffey, seconded by Councillor B. Lowe and RESOLVED:

“That pursuant to Standing Order No. 105 question numbers 2 to 20 inclusive be APPROVED and ADOPTED.

C/368/04
Allocation of Conservation Grants

Question: Councillor V. Boyhan
“To ask the Manager to set out the allocation of Conservation Grants for each of the years 2002 and 2003 detailing the following:
(a) central allocation from the Department of the Environment, Heritage and Local Government;
(b) applications received;
(c) the applications granted;
(d) owner/applicant of property;
(e) address of property;
(f) if the property is a protected structure;
and will the Manager set out arrangements for advertising and receiving applications for the year 2004?"

Reply:

The position in relation to items (a), (b) and (c) is as follows: -

The Scheme of Grants for the Conservation of Protected Structures is fully dependent on an annual allocation of funding from the Department of the Environment, Heritage and Local Government. Applications are invited from owners/occupiers of qualifying structures. Qualification for a grant requires that the works must consist of the conservation of one or more of the following:

1. works necessary to secure the stability of a structure or part of a structure
2. works necessary to make the structure weather-proof or damp-proof
3. works necessary to conserve or repair external walls or internal features
4. works consisting of temporary repairs, where it is necessary to protect a structure from immediate risks.

The County Council adopted a Scheme of Priorities based on the above criteria and this has been used to determine priority in the allocation of the grants under the Scheme.

In relation to the years referred to in the question, Dun Laoghaire Rathdown County Council received grant allocations as follows:

2002 - €185,000,000
2003 - €150,000,000
2004 - €180,000,000.

The 2004 allocation was confirmed at the beginning of March 2004.

2002 CONSERVATION GRANT ALLOCATION
Number of applications: 54
Number of Grant allocations: 23

2003 CONSERVATION GRANT ALLOCATION
Number of applications: 8
Number of Grant allocations: 20

In relation to items (d) and (e), it is not considered appropriate to include these details as part of this reply. The details are being compiled and will be available at the meeting.

(f) A property must be a "Protected Structure" or a proposed "Protected Structure" to qualify for a grant under the Scheme.
As in 2003, it is not considered necessary to advertise for applications for 2004. There are sufficient complete applications on hands from previous years to utilise the 2004 allocation on projects which comply with the Scheme and the Council’s own Scheme of Priorities referred to above.

C/369/04
SECTION 48 (PLANNING) LEVY SCHEME

Question: Councillor V. Boyhan

“To ask the Manager for a comprehensive statement of the income levied by the Economic, Development and Planning Department in relation to the various categories of the Section 48 (Planning) Levy Scheme since its introduction to date?”

Reply:

The total levied under the Section 48 Development Contribution Scheme from 22nd January, 2004 to 27th April, 2004 is set out in the attached Schedule.

Total levied under Section 48 Development Contribution Scheme from 22nd January 2004 To 27th April 2004

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**Totals:** €5,895,490.02 €8,080,702.12 €6,825,692.85  
**Grand:** €20,801,884.99
C/370/04
Pearse Close, Sallynoggin

Question: Councillor V. Boyhan

“To ask the Manager for a statement on the issues raised in the Circuit Court Judgement of Mr. Justice Esmond Smyth delivered on 2 April 2004 in relation to the properties at (addresses withheld)?”

Reply:
As this matter is the subject of ongoing legal proceedings, it is not proposed to comment on the issues raised at this stage.

C/371/04
Open Spaces - Perfection of Title

Question: Councillor V. Boyhan

“To ask the Manager for a progress report in respect of perfection of title of the following open spaces which are a major source of concern for the residents of these areas:
(a) Belmont, Stillorgan, Co. Dublin
(b) Court Lands Estate, Johnstown Road, Cabinteely
(c) Talbot Lodge, Blackrock
(d) St. Augustine’s, Blackrock
(e) St. Helier’s, Stillorgan Park
(f) Ardagh Park, Blackrock
(g) Rowanbyrne, Blackrock
(h) The Cloisters, Blackrock
(i) Elm Grove, Carysfort Avenue
(j) Pine Court, Blackrock
(k) Farmleigh, Stillorgan?”

Reply:
Generally Parks and Landscape Department maintain the Opens Spaces prior to perfection of title. In the case of (d) above however the taking in charge process is proceeding and the lands are not presently being maintained pending completion of this process.
The following progress has been made in relation to open spaces (a) to (k) as listed above:
(a) Belmont, Stillorgan, Co. Dublin - The Council awaits a response from the Company’s Solicitor
(b) Court Lands Estate, Johnstown Road, Cabinteely - The Council awaits a response from the Company’s Solicitor
(c) Talbot Lodge, Blackrock - The Council is in the process of acquiring Title
(d) St. Augustine’s, Blackrock - The Council is in the process of acquiring Title
(e) St. Helier’s, Stillorgan Park - The Council is in the process of acquiring Title
(f) Ardagh Park, Blackrock - The Council is in the process of acquiring Title
(g) Rowanbyrne, Blackrock - Company dissolved
(h) The Cloisters, Blackrock - A reminder has been issued to the Company. The Council is in the process of acquiring title.
C/372/04
National Flag

Question: Councillor V. Boyhan

“To ask the Manager to make arrangements to have the National Flag hoisted every day to the front of our civic building the County Hall?”

Reply:

The National Flag booklet published by the Department of the Taoiseach sets out the following guidelines for the flying of the National Flag

“The National Flag should be displayed in the open only between sunrise and sunset, except on the occasion of public meetings, processions, or funerals, when it may be displayed for the duration of such functions.

Note: For military purposes, sunrise and sunset are deemed to be:

Sunrise:
March to October 08:00 Hours
November to February 08:30 Hours

Sunset:
January and December 15:30 Hours
February and November 16:30 Hours
March and October 17:30 Hours
April 18:00 Hours
May and September 19:00 Hours
June to August 20:00 Hours

The National Flag is also flown on St Patrick’s Day (the National Holiday), Easter Sunday and Easter Monday (in commemoration of the Rising of 1916), and the National Day of Commemoration on the Sunday closest to 11 July (the date of the Anglo-Irish Truce in 1921).

On these occasions the National Flag is flown from all State buildings throughout the country which are equipped with flagpoles, and many private individuals and concerns also fly it.

The National Flag is flown on the occasion of other significant national and local events such as festivals and commemorations.”

It would not be practical to have a member of staff return to the County Hall each evening at sunset to lower the flag.

C/373/04
Traffic Calming Measures - Wilson Road
Question: Councillor E. Costello

“To ask the Manager is the Council prepared to introduce traffic calming measures on Wilson Road at the request of the residents of that road?”

Reply:

There is no provision in the current budget for traffic calming at this location.

C/374/04
3G Mobile Telephone Masts

Question: Councillor E. Costello

“To ask the Manager is the Council aware of the number of 3G mobile telephone masts planned for Dun Laoghaire Rathdown and Stillorgan in particular?”

Reply:

Two planning applications for 3G telephone antennae have been received. One is located at Crinken Church, Shanganagh and has been declared invalid. The other is located at (address withheld). Additional Information has been requested in relation to this application. The relevant Planning Application files are available at the meeting.

The licenced provider of 3G services has also advised the Planning Authority of two other installations which it intends to install and which it considers to be exempted development. These are located at Leopardstown Racecourse and the ESB site on Leopardstown Road.

C/375/04
3G Mobile Telephone Masts

Question: Councillor E. Costello

“To ask the Manager how many planning applications for 3G mobile telephone masts have so far been received and how many are expected over the next six months?”

Reply:

Two applications for 3G telephone antennae have been received so far. One is located at Crinken Church, Shanganagh and has been declared invalid. The other is located at (address withheld). Additional Information has been requested in relation to this application.

It is not possible to state how many applications will be submitted in total in relation to these masts.

C/376/04
Traffic Review - Chestnut Road from The Rise

Question: Councillor E. Costello

“To ask the Manager can the Council have the traffic committee review the entrance to Chestnut Road from The Rise? This is proving to be a dangerous junction as it also comprises the entrance to the shopping complex for The Rise?”

10
Reply:

The junction has been examined by a Traffic Engineer. Some improvements have been identified. It is proposed to seek funding for the works and to have them carried out as soon as possible after funding has been identified.

**C/377/04**
**Electronic Voting Costs**

**Question:** Councillor E. Costello

“To ask the Manager to outline in detail the costs involved to this Council in relation to the electronic voting and if special training has been provided for presiding officers and polling clerks?”

**Reply:**

A sum of €12,000 was spent on the purchase of PC’s and printers in connection with electronic voting, these items will be used within the Council. A further sum of €2,300 was expended on training of staff in relation to the electronic count. Training for presiding officers and polling clerks is a matter for the County Sheriff.

**C/378/04**
**Pay By Weight Pilot Scheme**

**Question:** Councillor J. Dillon Byrne

“To ask the Manager to discuss his proposal for changes with the Council for the ‘Pay By Weight’ pilot scheme which will be introduced for 6,000 households in Dun Laoghaire Rathdown County Council?”

**Reply:**

Environmental Waste Charges are required to fund the Environmental Waste Programme provided by the Environment Department. The delivery of this programme provides for necessary improvements in environmental services and to meeting our obligations under the Dublin Regional Waste Management Plan.

The pay by Presentation/Weight Pilot project that is currently underway has set out the following charges for 2004:

- Fixed charge: €150 per annum
- Bin Collection Charge: €2 each time bin is collected
- Weight charge: 10c for each kg of waste

It is expected that households in the Pilot area will incur charges of between €200 and €300 in the current year depending on the weight of refuse that they present and on the number of times that they offer their wheeled bin for collection. Households who have a waiver will still be able to avail of same.

Environmental charges will be capped at €300 per household in the current year but in future years, in accordance with the polluter pays policy, households who produce large quantities of waste on a regular basis will pay accordingly.

Under the pay by Presentation/Weight Scheme, there are incentives available to all householders to reduce their costs. Those who minimise their waste and recycle have the potential to achieve significant reductions in their Environmental Waste Charges. Should
a reduction in the overall usage of the refuse collection service follow, the Council will be able to achieve efficiencies and thereby lower their cost base.

The Council do not propose to introduce a Tag a Bin system. The proposed pay by Presentation/Weight method of charging offers an incentive to each householder to save money by (a) only presenting their wheeled bin when it is full and (b) minimising/recycling as much as possible of their waste to reduce the weight of refuse for which they will be charged. Tag a bin system of charging does not offer the same degree of incentive to reduce the weight and volume of waste.

C/379/04
Monkstown Educate Togetherness National School

Question: Councillor K. Ireland

“To ask the Manager what is the possibility of the Council providing premises for the Monkstown Educate Togetherness National School, both generally and specifically, in relation to the Department of Education & Science’s premises available at Tivoli Terrace?”

Reply:

The provision of land and/or buildings for educational entities is a matter for the Department of Education & Science and Office of Public Works.

The Council does not have a suitable site in its ownership that would suit the needs of Monkstown Educate Togetherness National School. The School Authorities have been in negotiations with the Department of Education & Science for a site currently leased by the Department of Education & Science from the De Vesci Estate, and a number of other sites in private ownership have also been examined.

In view of the scarcity of land in County Council ownership in the Dun Laoghaire/Monkstown area the Council is unable to provide land in this case.

C/380/04
Residential Density Guidelines

Question: Councillor T. Kelly

“To ask the Manager, now that the County Development Plan has been approved, will he ensure that all aspects outlined in the Residential Density Guidelines for Planning Authorities September 1999 is complied with in particular 5.5 building height on p.17 and 5.6 overlooking / shadowing on p.18?”

Reply:

Full regard was had to Residential Density Guidelines for Planning Authorities, September 1999, in the preparation of the County Development Plan, 2004 – 2010. In the main, the criteria for assessing new residential proposals, including their impact on existing amenities is set out in Section 5.5.2 of the Written Statement. In assessing such schemes, the Planning Authority will strive to protect existing residential amenities, while at the same time facilitating new dwellings, which are needed to meet the County’s significant housing needs.
**Question: Councillor T. Kelly**

“To ask the Manager, now that the County Development Plan has been approved will he ensure that all aspects outlined in the Residential Density Guidelines for Planning Authorities 1999 be adhered to, in particular Section 5.0 Controls and Safeguards 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.6.1, 5.6.2 in order to ensure protection to existing residents in established areas?”

**Reply:**

Full regard was had to *Residential Density Guidelines for Planning Authorities*, September 1999, in the preparation of the County Development Plan, 2004 – 2010. In the main, the criteria for assessing new residential proposals, including their impact on existing amenities is set out in Section 5.5.2 of the Written Statement. In assessing such schemes, the Planning Authority will strive to protect existing residential amenities, while at the same time facilitating new dwellings, which are needed to meet the County’s significant housing needs.

**C/382/04  Social Economy Programme**

**Question: Councillor D. O’Callaghan**

“To ask the Manager to report on the extent / impact of any cuts in the Social Economy Programme in the Dun Laoghaire Rathdown area and to outline exactly where these cuts occurred and what measures have been taken to minimise any impact they might have?”

**Reply:**

The Social Economy Programme as originally launched by FAS has undergone a number of changes, which include the projects being put on a three-year contract basis for funding.

There are currently 9 projects in receipt of Social Economy funding in the County. A number of these may receive funding for a fourth year at 75% if they are deemed capable of becoming viable at the end of the fourth year.

There is an ongoing dialogue between FAS and Social Economy Projects, to look at ways of increasing their chances of viability.

Further information has been requested from FAS, and will be distributed to Members when it becomes available.

**C/383/04  Rosemount / St. Nathy’s**

**Question: Councillor D. O’Callaghan**

“To ask the Manager to state the following regarding offers made to housing applicants in either Rosemount or St. Nathy’s flats:–

(a) the number of offers made in Rosemount flats since 1 January 2004;
(b) the number of offers taken up in the same period in Rosemount;
(c) the number of offers made in St. Nathy’s flats from 1 January 2004;
(d) the number of offers taken up in the same period in St. Nathy’s House?”

**Reply:**
The number of offers and acceptances made in Rosemount Court and St Nathy’s House between the periods of 1st January 2004 and 23rd April, 2004 are listed hereunder:

a) Number of offers in Rosemount Court 308
b) Number of Acceptances in Rosemount Court 39
c) Number of offers in St. Nathy’s House 127
d) Number of Acceptances in St. Nathy’s House 14

C/384/04
Waste Charge Waiver Form

Question: Councillor C. Smyth

“To ask the Manager why the waste charge waiver form now includes point (b) under question 5 ‘I consent to the terms of note 9 on back of this form’?”

Reply:

The change on the waiver form is to comply with the terms of the Data Protection Act 1988. An applicant for a waiver is required to give his/her consent to the Council for the Council to make direct enquiries to the Department of Social and Family Affairs or the Revenue Commissioners regarding their income details or family circumstance.

If such consent is not forthcoming the applicant will be required to submit all necessary documentation with the waiver form to allow the application to be processed.

C/385/04
Ballyogan Recycling Park

Question: Councillor C. Smyth

“To ask the Manager the following in relation to Ballyogan Recycling Park:-
(a) when is the Park to open;
(b) a list of facilities which will be available in this current phase;
(c) when is work expected to begin on phase 2;
(d) what facilities will be available in phase 2;
(e) a list of the facilities which will incur a charge and the expected charge?”

Reply:

Ballyogan Recycling Park is expected to open in the Autumn of 2004. The precise date will be known later in the summer when an operating company has been appointed to run the facilities.

Stage 1 of Ballyogan Recycling Park includes (a) the Civic Recycling Facility to which members of the public can bring their waste for recycling or disposal, and (b) the Waste Transfer Facility to which waste will be brought by refuse freighters for baling and onward transport to Arthurstown Landfill near Kill.

Consultants have been appointed to prepare documentation for the Stage 2 contract. It is intended that construction would commence during 2005.

The Waste Licence obtained from the EPA enabled the provision of five facilities at Ballyogan Recycling Park, two of which have been constructed during Stage 1. The remaining facilities are the Organic Waste Composting Facility for composting food
waste, the Green Waste Composting Facility for composting garden waste, and the
Materials Recovery Facility for processing recyclable materials.

All waste brought by members of the public to Ballyogan Recycling Park will be delivered
to the Civic Recycling Facility. The initial charges will be similar to those which currently
apply at the Civic Amenity in Ballyogan Landfill. It is intended that no charge will apply
for the delivery of certain types of waste such as paper and cardboard, glass bottles and
jars, plastic bottles and wrapping, tetrapak cartons, and textiles.

C/386/04
Affordable/Social Housing Requirements

Question: Councillor C. Smyth

“To ask the Manager the following in relation to the Affordable/Social Housing
requirements of Part V to be provided by developers:
(a) the number of units to date provided by builders;
(b) a list of the location under (a);
(c) have all units in (a) been built on the site of the development;
(d) how many developers have provided a financial contribution rather then
housing/land;
(e) could the Manager give a break down of the money, which has been collected under
(c);
(f) has the Council received any sites/land under this scheme rather then residential or a
financial contribution;
(g) could the Manager give a break down of the sites/land, which has been received
under (f)?”

Reply:

Under Part V of the Planning & Development Acts, 2000-2002, negotiations are
continuing with developers for the provision of social and affordable housing.

(a, b, c,) No units have been provided to date by developers under Part V.
(d, e) To date no financial contributions have been paid in accordance with
Part V.
(f, g) To date no sites/land have been transferred to the Council under
Part V.

However, 3 no. provisional agreements have been reached under Part V for the provision
of the following on site:

121 no. units at Sandyford
18 no. units at Stepaside
A 3 bay halting site at Gort Mhuire, Ballinteer

In addition, a number of planning applications have been granted for which agreements
are either under negotiation or yet to be negotiated and finalised. The Part V provision
can consist of either units, land/serviced sites, a financial contribution, or a combination
of any of aforementioned options. It should be noted, however that the default provision
under the legislation is a percentage of the land. If agreement cannot be reached there
is a provision for either the developer or the Council to refer the matter to arbitration.

It should be noted that the Council has no control over when a development may start
and consequently, no control over delivery of units.

C/387/04
Conferences

The following conferences, copy of which had been circulated to Members, was CONSIDERED:-

a) “Embedding Social Inclusion in Local Government”, Dooleys Hotel, Waterford, 31st March
b) “Rethinking The City: Maximizing Creativity”, Seminar on Urban Revitalisation, 15 –19 Essex Street, Temple Bar, 30th April
c) “Talking Around the Houses”, DFI Seminar, Accommodation for People with Disabilities, Croke Park Conference Centre, Dublin, 11th May

It was AGREED that the County Council be represented at conferences (a) to (c) above.

C/388/04
Approval of Nominations

The following report of the Manager, copy of which had been circulated to the Members, was ADOPTED and APPROVED:

- Councillor Tony Kelly
- Councillor Carrie Smyth

- Councillor Tony Kelly

- Councillor Niamh Bhreathnach

- Councillor Larry Butler
- Councillor Tony Fox
- Councillor Trevor Matthews

Local Authority Members Association, 21st Annual Conference, West County Hotel, Ennis, Co. Clare, 15th – 16th April, 2004
- Councillor Eoin Costello
- Councillor Donal Marren
- Councillor Trevor Matthews
- Councillor Betty Coffey
- Councillor Tony Kelly
- Councillor Larry Butler

International Festival of Peace, Tipperary Excel Centre, Tipperary, 16th – 18th April, 2004
Temporary Change of Speed Limit at M11 Loughlinstown

The following report of the Manager, copy of which was circulated to the Members, was CONSIDERED:

“IT is proposed to introduce a temporary speed limit of 40 m.p.h on both carriageways of the M11 between a point 100 metres south of the northbound off-ramp at Old Connaught Avenue and Loughlinstown Roundabout. This is required in order to facilitate tie-in works with the South East Motorway and the provision of a third traffic lane in both directions.

In accordance with Section 33 of the Road Traffic Act, 1994, the Council before making byelaws shall:—

a) Give notice to the Garda Commissioner and shall consider any representations made in writing within a period not less than one month of the date specified in the notice.

b) Shall not make byelaws relating to national roads or motorways without the prior consent of the Authority.

The making of byelaws under this section shall be a reserved function.

Statutory procedures in accordance with the Roads Traffic Act 1994 and Section 38 of the Local Government Act, 1994 were initiated including notice given in the public press on the 1st March, 2004, of the Council’s intention to make this change to the speed limit byelaws. The latest date for receipt of submissions was 29th March, 2004.

The only submission received was in support of the temporary change.

A copy of the proposed change to the byelaws was forwarded to the Garda Commissioner and the National Roads Authority for their observation.

The National Roads Authority have indicated their agreement to the temporary change.

The following are the proposed changes necessary to the current byelaws.

First Schedule

50 m.p.h.

The Shankill Bray Bypass (M11) northbound carriageway from a point 41.8 metres south of Loughlinstown Roundabout to a point 500 metres south of Loughlinstown Roundabout. Delete subsection (G) (viii) of the First Schedule to enable a speed limit of 40 m.p.h. on this section.

The Shankill Bray Bypass (M11) northbound carriageway from a point 500 metres south of roundabout to a point 10 metres south of off ramp diverge at Old Connaught Avenue.
(Motorway speed limit to be amended to 40 m.p.h.)

The Shankill Bray Bypass (M11) southbound carriageway from Loughlinstown Roundabout to a point 100 metres south of off ramp diverge at Old Connaught Avenue.
(Motorway speed limit to be amended to 40 m.p.h.)

The making of byelaws is a reserved function of the County Council.

Byelaws made by the Local Authority shall come into force on such dates as shall be specified being not less than 30 days after their making.

Arrangements will be made to put the revised speed limit signs in place when this temporary change in the speed limit byelaws is approved.”

It was proposed by Councillor L. Butler, seconded by Councillor V. Boyhan and RESOLVED:

“The speed limit byelaws are hereby revised to allow for a temporary change of speed limit of 40 m.p.h on both carriageways of the M11 between a point 100 metres south of the northbound off-ramp at Old Connaught Avenue and Loughlinstown Roundabout.”

C/390/04
Issue of Polling Cards to Voters in Local Election

The following report of the Manager, copy of which was circulated to the Members, was CONSIDERED:

“It is a reserved function of the Council to decide if polling information cards should be issued to electors who are registered to vote at local elections.

County Council agreement is sought to the issue of polling information cards in accordance with the Local Elections Regulations, 1995 for the Local Elections scheduled for 11 June 2004.”

The report was proposed by Councillor L. Butler, seconded by Councillor V. Boyhan and RESOLVED:

“That the Council approve the issuing of polling information cards to local government electors who are registered to vote at local elections only as outlined in the foregoing report.”

C/391/04
Taking in Charge of Residential Developments

Talbot Lodge, Grove Avenue, Blackrock
Holmwood, Brennanstown Road, Cabinteely

The following report of the Manager, copy of which had been circulated to the Members, was CONSIDERED:

“Declaration of Roads to be Public Roads, Section 11 of the Roads Act 1993 as amended by Section 180 of the, Planning & Development Act 2000

A report was submitted to the March meetings of the Dun Laoghaire & Dundrum Area Committees informing members of initiatives that had been introduced to expedite the taking in charge of residential developments within the County. Members were also
informed at those meetings that arising from those initiatives it was proposed to commence the statutory procedures to enable the taking in charge of 2 estates, namely the Talbot Lodge Estate, Grove Avenue, Blackrock & the Holmwood Estate, Brennanstown Road, Cabinteely. Statutory notice of the proposal to take those estates in charge, by declaring the roads set out in the schedule underneath to be public roads, was subsequently given in the Irish Independent of the 23/2/'04.

No objections to the proposed declaration have been received and accordingly it is recommended that the roads listed underneath should be declared public roads & the estates taken in charge.

**SCHEDULE FOR:**

- Talbot Lodge

**TOWNLANDS**

- Stillorgan Grove No. BC1135

**ELECTORAL DIVISION:**

- Stillorgan Priory

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<td>Talbot Lodge Road No.1</td>
<td>206m.</td>
<td>From its junction with Grove Avenue southwestwards for 36m. to a point opposite (address withheld)southwards for 16m. and from that same point opposite (address withheld) northwestwards for 63m. then southwestwards for 91m. to the end of its turning bay adjacent to (address withheld)</td>
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<td>Talbot Lodge Road No.2</td>
<td>48m.</td>
<td>From its junction with Talbot Lodge Road (address withheld)southeastwards for 48m. to the end of its turning bay adjacent (address withheld).”</td>
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It was proposed by An Cathaoirleach, Councillor T. Matthews, seconded by Councillor L. Butler and **RESOLVED:**

“That Talbot Lodge, Grove Avenue, Blackrock and Holmwood, Brennanstown Road, Cabinteely be declared public roads and taken in charge.”

**C/392/04 Proposed Disposal of Properties**

**Proposed disposal of Council land at (details withheld)**

The following notice, copy of which had been circulated to the Members, was **CONSIDERED:**

“COMHAIRLE CHONTAE DHUN LAOGHAIRE-RATH AN DUIN (Dun Laoghaire-Rathdown County Council).”
TO EACH MEMBER OF THE DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.
LD 957

Proposed Disposal of land at (details withheld)

An application was received from (details withheld) to acquire from the Council a strip of land, adjoining her property at (details withheld). The strip comprises 341.5 square metres as shown delineated and highlighted on Drawing No. B.S. 3002/231. (details withheld), who built (details withheld), conveyed the land in question to Dublin County Council on the 16th August, 1972, and this is recorded in the Registry of Deeds under the memorial 1972-118-263.

(details withheld) claims that in or around 1980 the Council requested her to incorporate the plot into her garden, as it had become unsightly and the Council had cleaned it up regularly for a number of years. She states that the boundary wall around this site was in disrepair and was at ground level near the front of her garden, thus facilitating the unsocial use of the site. (details withheld) also states that Council employees repaired and rebuilt the wall in parts, and then brought her some soil to reduce the steep slope on the site. A site inspection confirmed the mature nature of the extended garden.

The Council’s Service departments have no objection to the proposed disposal. Environmental Services Department did specify the following conditions:

1. Dun Laoghaire-Rathdown County Council requires a 12 metre (6 metre each side) way leave over the water main.
2. The way leave shall be entered into the title deeds of the property at the applicant’s expense.
3. No structure shall be erected or trees planted within this way leave area.
4. No excavation shall take place or overburden placed within this way leave area.
5. The way leave shall be accessible to maintenance crews at all times.

The Law Agent has confirmed that (details withheld) would have no difficulty sustaining an application for Possessory Title to this site by virtue of long/adverse possession and recommends that the disposal be proceeded with, with a view to passing on to Mrs. Victory Freehold Interest in the lands and recommends the following terms:

1. A nominal €100 be levied by way of consideration for this disposal.
2. A further €1,000 fee is payable. This comprises €750 in respect of the Council’s Legal Services Department expenses and €250 for Development Department expenses.
3. Regard to be had to the five numbered restrictions as outlined above and stipulated by Environmental Service Department.

It is proposed to dispose of Freehold Interest in the area of land measuring circa 341.5 square metres adjoining (details withheld), Co. Dublin, as shown delineated and highlighted on Drawing No B.S. 3002/231, to Mrs. Geraldine Victory in accordance with Section 211 of the Planning and Development Act 2000 and subject to the provisions of Section 183 of the Local Government Act 2001 on the conditions as aforementioned.

Dated this day of 2004

__________________________
Derek Brady,
It was proposed by Councillor L. Butler, seconded by Councillor G. Horkan and
RESOLVED:

“That the disposal of land at (details withheld), as set out in the above schedule be
carried out in accordance with terms specified in the foregoing report.”

C/393/04
Proposed Disposal of Properties

Proposed disposal of site at (details withheld)

The following notice, copy of which had been circulated to the Members was
CONSIDERED:

“COMHAIRLE CHONTAE DHUN LAOGHAIRE-RATH AN DUIN
(Dun Laoghaire-Rathdown County Council).

TO EACH MEMBER OF THE DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL
LD 1093

Proposed Disposal of 228 square metres site at (details withheld).

An application was received from Horan Keogan Ryan, Chartered Architects on behalf on
(details withheld), to acquire an area of land measuring circa 228 square metres at
(details withheld), as shown delineated and highlighted on Drawing No. 585-22-00.
This site was part of Plot (details withheld), It was acquired by the Council from
Frederick Gordon Foster on the 18th January, 2002, in accordance with terms agreed
under the Dundrum Main Street By-Pass Compulsory Purchase Order.

The Council’s relevant Services Departments have no objection to the disposal.
The matter was then referred to the Chief Valuer who entered into negotiations with
agents for Burkeway Construction and agreed the following terms and conditions:

(1) The disposal price shall be €225,000 (two hundred and twenty five thousand
    euro).
(2) The property to be disposed of is as shown on Drawing No. 585-22-00 and has a
    site area of 228 square metres.
(3) The purchasers hold the Freehold Interest with Vacant Possession in the land
    immediately to the north of the subject plot.
(4) The sale is subject to the relocation of the 450mm diameter surface water sewer,
    which is within the subject area to a new location within the purchasers property,
    to the satisfaction of the Council’s Water and Drainage Section.
(5) The purchasers shall be responsible for the payment of the Council’s professional
    fees incurred in this matter to include the legal costs of conveyance and a valuers
    fee of €3,000.
(6) Please note that no agreement enforceable at law is created or is intended to be
    created until an exchange of contracts has taken place.

It is proposed to dispose of the Freehold Interest in the area of land measuring circa
228 square metres at (details withheld), as shown delineated and highlighted on
Drawing No 585-22-00, to (details withheld), in accordance with Section 211 of the
Planning and Development Act 2000 and subject to the provisions of Section 183 of
the **Local Government Act 2001** on the Chief Valuer’s terms and conditions as aforementioned.

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Derek Brady,
County Manager.

Dated this day of 2004.

It was proposed by An Cathaoirleach, Councillor Trevor Matthews, seconded by Councillor M. Elliott and **RESOLVED:**

“That the disposal of land as set out in the above schedule be carried out in accordance with terms specified in the foregoing report.”

**C/394/04**
**Proposed Disposal of Properties**

**Proposed granting of wayleave to (details withheld)**

The following notice, copy of which had been circulated to the Members, was **CONSIDERED:**

“**COMHAIRLE CHONTAE DHUN LAOGHAIRE-RATH AN DUIN**
(Dun Laoghaire-Rathdown County Council).

**TO EACH MEMBER OF THE DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.**

**LD 1103**

**Proposed granting of a way leave in favour of (details withheld) in County Council ownership.**

Sorohan Builders Ltd. have applied to the Council for grant of way leave on Council owned lands at Goatstown. The proposed way leave extends over circa 443 metres corridor strip and to a width varying between 10 and 6 metres, as shown delineated and highlighted on **Drawing No. B.S. 3000/59.** The land is registered in the Land Registry, Co. Dublin to the Council under **Folios 75265L, 52578F, 98992F and 9964.** The remaining small area is not registered in Land Registry and would appear to be portion of public road.

The way leave is required to service lands in the ownership of (details withheld). These lands have planning permission for residential development and have been the subject of a Part V agreement, which provided inter alia for Sorohan Builders to make available to the Council, without charge, foul and surface water drainage to serve adjoining Council owned land. The adjoining Council site, located directly south east of Sorohan’s lands are the subject of a proposed 95 unit council housing scheme.

The relevant Service Departments have no objection to the granting of way leave in favour of Sorohan Builders Ltd. Housing Department have stipulated that the Council will require way leave over Sorohan’s lands for access to the foul and surface water drains. Parks and Landscapes Department have also specified the following conditions:

1. The Contractor shall consult with the District Supervisor, Parks Department, telephone: 01/2884607, and advise him of the date of
commencement of works, the exact route should be marked out on site with the District Supervisor and any instructions which he may issue in this regard are to be followed.

2. Dun Laoghaire-Rathdown County Council is to be indemnified against any claim arising from the way leave works. The amount of insurance must be not less than €6.4 million, in respect of any one claim.

3. Before the commencement of works the topsoil is to be stripped and stored within the way leave area. In the event of inclement weather all works are to be carried out by hand labour and all machinery to be kept off the open space.

4. Post and wire fencing is to be erected on both sides of a 10 metre wide way leave area, prior to the commencement of works, and all machinery, vehicles, materials, spoil, etc. are to be retained within this area.

5. All works in the vicinity of roadside trees are to be undertaken by hand and precautions taken to minimize the severing of roots.

6. Sorohan Builders ltd. to give due notice to the residents of Harlech Downs in advance of commencement of works.

7. Prior to the commencement of works, the sum of €7,945 should be paid to Parks and Landscapes Department to cover the cost of reinstatement.

It is proposed to grant a way leave in favour of (details withheld). on lands at (details withheld), as shown delineated and highlighted on Drawing No. B.S. 3000/59, in accordance with Section 211 of the Planning and Development Act 2000 and subject to the provisions of Section 183 of the Local Government Act 2001, and a Burden will be registered on Folios 75265L, 52578F, 98992F and 9964 in the Land Registry, County Dublin.

Derek Brady,
County Manager.

Dated this day of 2004.”

It was proposed by Councillor L. Butler, seconded by Councillor B. Coffey and
RESOLVED:

“That the granting of wayleave as set out in the above schedule be carried out in accordance with terms specified in the foregoing report.”

C/395/04
Proposed Disposal of Properties

Proposed disposal of Council land fronting proposed development at Ballyogan Avenue

The following notice, copy of which had been circulated to the Members, was
CONSIDERED:

“COMHAIRLE CHONTAE DHUN LAOGHAIRE-RATH AN DUIN
(Dun Laoghaire-Rathdown County Council).

TO EACH MEMBER OF THE DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.

LD 1115
Proposed Disposal of 3520 square metres of land fronting development at Ballyogan Avenue to Park Developments Ltd.

It is proposed to dispose of 3520 square metre strip of Council owned land fronting development at Ballyogan Avenue to Park Developments Limited as shown delineated and highlighted on Drawing No. B.S. 3002/227. The Council acquired the freehold title to this land from the Holy Ghost Fathers in October, 1967, and the land was acquired for housing purposes. The strip concerned is an offcut on Ballyogan Avenue.

It is proposed to dispose of this site in exchange for a 270 square metre site at Kingston, Ballinteer, currently in the ownership of Park Developments Limited. This land at Kingston Ballinteer is required by the Council’s Housing Department to facilitate a housing development on the former depot site at Kingston, Ballinteer.

The Council’s 3520 square metre site is adjoining Park Developments Limited’s housing development at Leopardstown Valley, Ballyogan. This 3,520 square metre site is badly affected by underground utilities, including a 220KVA electricity cable and is not suitable for development purposes. Park Development Limited intend to tidy up and landscape this site, which adjoins their housing development. The Council’s Valuer has attributed a value of €200,000 to the sites concerned.

Accordingly, I recommend that the Council dispose of a 3,520 square metre site at Leopardstown Valley, fronting Ballyogan Avenue to Park Developments Limited, 1 Glencairn Road, The Gallops, Dublin 18, in exchange for the acquisition of 270 square metre site in the ownership of Park Developments Limited at Kingston, Ballinteer at no cost to either party. Both parties to be responsible for their own legal costs in the transaction.

It is proposed to dispose of the Freehold Interest in the area of land measuring circa 3520 square metres at Ballyogan Avenue, Ballyogan, Co. Dublin, as shown delineated and highlighted on Drawing No 3002/227, to Park Developments Limited in accordance with Section 211 of the Planning and Development Act 2000 and subject to the provisions of Section 183 of the Local Government Act 2001 on the exchange basis as aforementioned.

Derek Brady, County Manager.

Dated this day of 2004.”

It was proposed by An Cathaoirlech, Councillor Trevor Matthews, seconded by Councillor L. Butler and RESOLVED:

“That the disposal of land as set out in the above schedule be carried out in accordance with terms specified in the foregoing report”

C/396/04

Proposed Disposal of Properties

The following notice, copy of which had been circulated to the Members, was CONSIDERED:

“COMHAIRLE CHONTAE DHUN LAOGHAIRE-RATH AN DUIN
(Dun Laoghaire-Rathdown County Council).

TO EACH MEMBER OF THE DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL.

LD 1116”
Proposed Disposal of Council land at Dundrum to Lenridge Properties Ltd.

Condition 2(1) of the acquisition of Lenridge Properties Ltd interest in Plots Nos. 16, 19 and 23 of the Dundrum Main Street By-Pass Compulsory Purchase Order stated:

“That the Council shall dispose of its interest in Plots Nos. 4, 5 and 6 as shown on Drawing No. V200-2B” (County Council disposal map no. LTM 01/04).

Plot No. 4, comprising 443 square metres, as delineated on Drawing No. LTM 01/04 was part of Plot 8 of the Dundrum Main Street By-Pass, described in schedule to CPO as ‘portions of public road’ and was in the ownership of DLRCC.

Plot No. 5, comprising 1771 square metres, as delineated on Drawing No. LTM 01/04 was part of Plot 17 of the Dundrum Main Street By-Pass, described in schedule to CPO as ‘portion of open space, trees’ and was acquired from Wates and Company.

Plot No. 6, comprising 1987 square metres, as delineated on Drawing No. LTM 01/04 was part of Plot 19 and 21 of the Dundrum Main Street By-Pass. Plot 19 was acquired from a number of separate interests and Plot 21 was acquired from Erin Executor and Trustees.

It is proposed to dispose of the Council’s interest in Plots numbered 4, 5 and 6 as delineated on Drawing No. LTM 01/04, to Lenridge Properties Ltd. in accordance with the terms agreed with Lenridge Properties Ltd. under the Dundrum By-Pass Compulsory Purchase Order and in accordance with Section 211 of the Planning and Development Act 2000 and subject to the provisions of Section 183 of the Local Government Act 2001.

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Derek Brady,
County Manager.

Dated this day of                      2004.”

It was proposed by An Cathaoirleach, Councillor T. Matthews, seconded by Councillor M. Elliott and RESOLVED:

“That the disposal of land as set out in the above schedule be carried out in accordance with terms specified in the foregoing report.”

C/397/04
Report submitted in accordance with Part 8, Article 81 of Planning and Development Regulations, 2001

The following report of the Manager, copy of which had been circulated, was CONSIDERED:

“Proposed provision of a Signalised Pedestrian/Cyclist Crossing at the Drummartin Link Road (adjacent to the proposed LUAS stop) near St Olaf’s National School and St. Benildus College, Dublin 14

PC/2/04

This report is submitted in accordance with Section 179 of the Planning & Development Act 2000 and Section 138 of the Local Government Act, 2001.

In accordance with Part 8, Article 81 of the Planning and Development Regulations 2001 the Council gave notice of the proposed development in the Irish Independent on Tuesday 27th January 2004. Plans and particulars of the proposed development were
available for inspection at the Council’s Offices in Dun Laoghaire and Dundrum from Tuesday 27th January 2004 up to and including Wednesday 25th February 2004. Submissions and Observations with regard to the proposed development could be made up to and including Wednesday 10 March 2004.

Nature and Extent of the Proposed Development

Proposal: The proposed development consists of the provision of a signalised pedestrian / cyclist crossing at Drummartin Link Road (adjacent to proposed LUAS stop) near St. Olaf’s National School and St Benildus College, Dublin 14.

Development Plan Zoning and Objectives: In the Dun Laoghaire Rathdown County Development Plan 2004, the site is zoned ‘A’-‘To protect and / or improve residential amenity.’ The Development Plan also indicates a Proposed Cycle Route Objective along the Drummartin Link Road.

Site Location: The site is located at the Drummartin Link Road (presently under construction), east of St. Olaf's National School, north of Wedgewood Estate and south of the a proposed stop LUAS Line B1 and St Benildus College.

Context for proposed development: Dun Laoghaire-Rathdown County Council is presently constructing the South Eastern Motorway Scheme. This scheme also includes bridges, ancillary roads and other structures. One of these ancillary roads in the South Eastern Motorway scheme is the Drummartin Link Road which connects the Sandyford Rotary Interchange with Blackthorn Avenue, Upper Kilmacud Road and Drummartin Road. It is proposed to install an at grade signalised pedestrian crossing on the Drummartin Link Road facilitating pedestrian and cyclist movement between St. Olaf’s Primary National School and St Benildus College as well as access to the LUAS Line B station to be situated adjacent to the Drummartin Link Road.

List of persons/bodies who made submissions and summary of the issues raised:

- A letter in support of the proposed development has been received from the Dublin Transportation Office (dated 9/3/04). However, the DTO raise the issue of a potential conflict between cyclists moving along the Drummartin Link Road, and stationary pedestrians / cyclists using the proposed crossing. Appropriate measures should be taken in the design of this scheme to minimise any potential conflict at these crossing points. The DTO would also favour the use of separated pedestrian and cycle paths, rather than a shared surface pedestrian/cyclist route as proposed for this scheme, which they state would reduce any potential conflict between the two modes.
  - Response to issues raised: The issues raised by the DTO are well considered and reasonable. It is considered that the design of the proposal should take cognisance of these issues.

- A letter raising a number of concerns has been received from the Railway Procurement Agency (dated 10/2/04). The RPA do not state any objection to the proposed development but request that a condition be placed on any granting of it to the effect that the developer must liaise with the Railway Procurement Agency on issues associated with the coordination of their works (timing and implementation) with LUAS works in the area.
  - Response to issues raised: The request by the RPA that the Council liaise with the Railway Procurement Agency on issues associated with the coordination of their works (timing and implementation) with LUAS works in the area is considered reasonable.

Departmental Reports
An internal memorandum from the Council’s Road Design and Construction Division states that the "Transportation Department would have no objection to the omission of the footpath from the pedestrian crossing to the back gate of the school. It should be replaced by a footpath along the northern side of Beeches Road."

**Planning Assessment**

In principle the proposed development is acceptable and complies with the objectives of the County Development Plan 2004.

The proposed footpath from the signalised pedestrian / cyclist crossing which extends in a north-westerly direction towards the northern perimeter of the grounds of St Olaf’s should be upgraded to serve both pedestrians and cyclists. It is understood that the Council is currently liaising with the Railway Procurement Agency with a view to extending the use of the path around the northern perimeter of St Olaf’s to serve both pedestrians and cyclists. This amendment would facilitate pedestrian / cyclist movement to and from the proposed LUAS station and between the grounds of St Olaf’s National School and St Benildus College.

In order to reduce any potential conflict between cyclists moving along the Drummartin Link Road, and stationary pedestrians / cyclists using the proposed crossing, appropriate measures should be taken in the design of this scheme to minimise any potential conflict at these crossing points.

**Recommendation**

It is considered that the proposed development complies with the objectives of the Development Plan and will not detract from the amenity of the area. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area. It is recommended that the Council proceed with the proposed development, subject to the following amendments:-

- The proposed footpath from the signalised pedestrian / cyclist crossing going in a north-westerly direction towards northern perimeter of the grounds of St Olaf's being upgraded to serve both pedestrians and cyclists.
- The potential conflict between cyclists moving along the Drummartin Link Road, and stationary pedestrians / cyclists using the proposed crossing being addressed. Appropriate measures being taken in the design of this scheme to minimise any potential conflict at these crossing points.”

The report was **AGREED**.

**C/398/04**

*Report submitted in accordance with Part 8, Article 81 of Planning and Development Regulations, 2001*

The following report of the Manager, copy of which had been circulated to the Members, was **CONSIDERED**:

"**Provision of a Roads Maintenance Depot at Rochestown Avenue**"

**Ref. PC/8/04**

This report is submitted in accordance with Section 179 of the Planning & Development Act 2000 and Section 138 of the Local Government Act, 2001.
In accordance with Part 8, Article 81 of the Planning and Development Regulations 2001 the Council gave notice of the proposed development in the Irish Independent on Thursday 4\textsuperscript{th} March, 2004. Plans and particulars of the proposed development were available for inspection at the Council's Offices in Dun Laoghaire and Dundrum from Thursday 4\textsuperscript{th} March, 2004 up to and including Friday 2\textsuperscript{nd} April, 2004. Submissions and Observations with regard to the proposed development could be made up to and including Friday 16\textsuperscript{th} April, 2004.

**Nature and Extent of Proposed Development**

The proposed new Depot for the Roads Maintenance Section in Dun Laoghaire will provide modern facilities for Council staff, proper facilities for our goods, road making materials and parking. The public will have direct access and may call to conduct their business.

The site is located off Rochestown Avenue on land adjoining Sallynoggin Park/ Sallynoggin Road Dun Laoghaire. It has direct access and frontage to Rochestown Avenue. The site is 0.1146 Hectares. This area excludes a reservation strip retained for the long term widening of Rochestown Avenue. The site is relatively flat along its length and is rectangular in shape. On two sides it has frontage to the open space adjoining Sallynoggin Park/Sallynoggin Road.

It is proposed to build a depot, which will service the needs of the Councils Road Maintenance Department. The proposal includes a staff accommodation building with canteen, offices and changing facilities together with a yard for the storage of materials and vehicles.

The layout of the proposed scheme includes office accommodation, which overlooks the park, and a yard to the north east of the office accommodation, which is enclosed by a 2.25m high wall. The wall and accommodation block are finished with a robust high quality clay faced brick. Natural slates are proposed to finish the roof of the depot building.

The trees along the frontage of Rochestown Avenue will be retained subject to a detailed tree survey. All public spaces to the side and rear of the new depot will be landscaped with intense tree planting and finished with high quality paving.

The area of open space located between the proposed offices and existing houses to the north west at Sefton Green will be lit by public lighting to ensure safe and easy access to the football pitches located to the rear.

**Implication of the Proposed Development for the proper Planning and Development of the area**

The site is subject to the zoning objective: ‘F: to preserve and provide for open space and amenities’ in the Dun Laoghaire Rathdown County Development Plan 2004-2010.

An area of open space, which is used as a sports ground, bounds the site to the northeast, and northwest. To the southeast lies a garage, and across Rochestown Avenue lies an area zoned for residential use.

While a ‘Roads Depot’ is not listed as a classified use within the use classes identified in the County Development Plan, other similar uses such as a car park or caravan park, and public services are open for consideration, within areas zoned objective F. Having regard to the character of the area and the use of the adjoining site as a garage, and the site
next to that as a halting site, the proposed development is considered to be consistent with the proper planning and development of the area.

There is also an objective for a ‘6 year road/motorway proposal’ along the frontage of the site along Rochestown Avenue. The proposed layout allows for an 18 metres reservation strip to allow for the long term widening of Rochestown Avenue.

Regarding access, parking and circulation arrangements the subject site has direct access from Rochestown Avenue, which allows for good sight distances in either direction.

The proposed building is a low profile single storey structure with a ridge height of 5.7m. The building will have gable frontage to Rochestown Avenue. The open yard area proposed for the storage of materials and vehicles will be bounded by a wall, which will have the effect of screening the yard area from public view.

Finally, it is considered that the proposed development will not interfere with the residential amenities of the adjoining properties in the area, and that the layout, design and external finishes, as proposed are compatible with the character of the area.

**List of Persons / Bodies who made submissions / observations**

1. (name and address withheld)

This submission was received on 15th April 2004 and was further withdrawn on 20th April 2004.

Summary of issues raised & Manager’s Response on submissions / observations

No issues have been raised following the public display period.

**Recommendation**

It is recommended that a decision be made by the Elected Members of the Council to proceed with the current proposed Roads Maintenance Depot at Rochestown Avenue in Dun Laoghaire, Co. Dublin, with no modifications.”

The report was **AGREED**.

**C/399/04**

*Report submitted in accordance with Part 8, Article 81 of Planning and Development Regulations, 2001*

The following report of the Manager, copy of which had been circulated to the Members, was **CONSIDERED**:

*“Proposed flood alleviation measures along and adjacent to the Carrickmines and Shanganagh Rivers***

**PC/7/04**

This report is submitted in accordance with Section 179 of the Planning & Development Act 2000 and Section 138 of the Local Government Act, 2001.

In accordance with Part 8, Article 81 of the Planning and Development Regulations 2001 the Council gave notice of the proposed development in the Irish Independent on
Thursday 4th March, 2004. Plans and particulars of the proposed development were available for inspection at the Council’s Offices in Dun Laoghaire and Dundrum from Thursday 4th March, 2004 up to and including Friday 2nd April, 2004. Submissions and Observations with regard to the proposed development could be made up to and including Friday 16th April, 2004.

**Nature and Extent of Proposed Development**

RPS-MCOS was commissioned by Dun Laoghaire-Rathdown County Council to undertake a river catchment study along the Carrickmines/Shanganagh rivers. The outcome of this study as contained within the SEM River Catchment Study is that several properties along the Carrickmines and Shanganagh Rivers are at risk of flooding from future proposed development. The report recommended that the South Eastern Motorway Scheme should incorporate channel improvements and flood defense works at Loughlinstown and Commons Road.

It is now proposed to construct flood alleviation measures identified in this report in order to reduce the risk of flooding to vulnerable properties along the Carrickmines and Shanganagh Rivers. The proposed works are identified on Drawings attached and consist of the following:-

- Construction of a wall in front of the existing masonry wall supporting River Lane, approximately 140m in length and approximately 1.2m above River Lane.
- Construction of a wall upstream of the Shanganagh River bridge to the south of Shanganagh River, approximately 70m in length, not greater than 1.8m above top of riverbank.
- Construction of a wall to the south of Shanganagh River upstream of the vehicular bridge, approximately 95m in length, not greater than 1.8m above top of riverbank.
- Construction of a wall to the north of Shanganagh River upstream of the vehicular bridge, approximately 20m in length, not greater than 1.8m above top of riverbank.
- Construction of wall upstream of the Shanganagh River bridge to the north of Shanganagh River, approximately 105m in length, not greater than 2.85 m above the top of the riverbank
- Construction of an earth embankment on top of the south bank of the Shanganagh River, approximately 95m in length, a maximum of 750mm above the top of the riverbank.
- Construction of an earth embankment to the south of Brookdene estate, approximately 160m in length, a maximum of 750mm high.
- Demolition of the existing vehicle access bridge and pedestrian access bridge and construction of new bridges at the same locations.
- Upgrading of the existing surface water drainage along Commons Road and River Lane discharging the surface water further downstream of Bayview Glen Estate.

**Implication of the Proposed Development for the proper Planning and Development of the area**

The area for which the proposed scheme relates, is designated with two different land uses. The area is zoned Objective F and Objective A in the Dun Laoghaire Rathdown County Development Plan 2004 – 2010.

Objective F ‘To preserve and provide for open space and recreational amenities’. Objective A ‘To protect and/or improve residential amenity’.
The proposed works also encroach slightly into Loughlinstown Wood, which is of interest because of its ecological importance at local level and as such is a proposed Natural Heritage Area no. 6.

The area is also partly designated as Section 49 Supplementary Development Contribution Scheme.

The proposed works will facilitate flood attenuation, which will protect the residential amenity of adjacent property. The works will not interfere with the residential amenities of the adjoining properties in the area, while the design and finishes as proposed are compatible with the area.

List of Persons / Bodies who made submissions / observations

1. (Details Supplied).
2. (Details Supplied).
3. (Details Supplied).
4. (Details Supplied).
5. (Details Supplied).
6. (Details Supplied).
7. (Details Supplied).
8. (Details Supplied).
9. (Details Supplied).
10. (Details Supplied).
11. (Details Supplied).
12. (Details Supplied).

Summary of issues raised and Managers Response on submissions / observations

Issue no. 1 River Lane flood attenuation barrier materials are inferior to other materials in the scheme and are aesthetically unpleasing.

Managers Response on submissions / observations
It is proposed to use sheet piling along the riverbank, due to the limited distance between the river and the road, it is not possible to use a conventional wall.

To improve the appearance of the barrier it is recommended that the sheet piling be faced with imprinted concrete similar to that along Commons Road.

Issue no. 2 Potential for graffiti on walls.

Managers Response on submissions / observations
The walls will be treated so as to enable the removal of graffiti, which is what is used elsewhere in the County.

Issue no. 3 The need to employ an archaeologist.

Managers Response on submissions / observations
Within ‘Area A’ located west of the N11, is not within the area where works are proposed. This area does include a Recorded Monument ref. DU026-028 and is identified as an Inn site. At such time as this area is subject to any works the Department of Environment Heritage & Local Government (formerly Duchas) will be informed, and every care will be taken to protect the archaeology on site.
Within ‘Area B’ located east of the N11 there is another recorded monument DU26-31 identified as an enclosure. While this site is located proximate to the area for which works are to be carried out, it is not considered that the works are sufficiently close to warrant concern at this stage.

**Issue no. 4** Removal of crash barrier proposed.

**Managers Response on submissions / observations**
The crash barrier is required to ensure road safety, upgrading the road is not part of the proposed flood alleviation scheme.

**Issue no. 5** Retain access to the river.

**Managers Response on submissions / observations**
By the very nature of flood attenuation measures continuity of barrier to prevent flooding is required. It should be noted that the grass mounds are only 750mm high.

**Issue no. 6** Height of the proposed barrier is excessive.

**Managers Response on submissions / observations**
The height of the proposed barrier is the result of assessment of flooding in the area – the barrier height proposed is required.

**Issue no. 7** Road safety.

**Managers Response on submissions / observations**
This is not an issue in respect to the works proposed.

**Issue no. 8** Removal of rubbish from river

**Managers Response on submissions / observations**
This issue has been forwarded to the Environment Department.

**Issue no. 9** Wildlife Issue

**Managers Response on submissions / observations**
These works are proposed to prevent flooding in the area minimum intervention is proposed to the natural environment.

**Issue no. 10** Possible flooding of lands at Hillbrook, Quarry Road, Rathmichael

**Managers Response on submissions / observations**
No works are currently identified as being required.
It is proposed to clean out the riverbed at this location, and then survey the riverbank. An assessment can then be made to determine, what if any flood defence measures are needed.

**Issue no. 11** Finish to face of wall adjacent to Commons Road

**Managers Response on submissions / observations**
The finish proposed is a stone imprinted concrete finish. A selection of imprinted concrete finishes were presented at the public information / consultation sessions. The stone imprinted concrete finish received a favourable response, and gives a granite type finish. The use of granite would be prohibitively costly.

**Issue no. 12** Replacement / Design of the proposed footbridge
Managers Response on submissions / observations
A new bridge is required to replace the existing wooden bridge. The proposed footbridge crossing the river to Rose Cottage is in the same location and is a replacement bridge. The proposed bridge is a simple functional structure and will be constructed in concrete and steel.

Issue no. 13 Preservation of Wildlife – particularly bird-life

Managers Response on submissions / observations
The proposed works to not interfere with any trees in the area and therefore are not considered to endanger the bird life habitat.

Issue no. 14 Preservation of existing trees & new planting

Managers Response on submissions / observations
It is not intended to remove any trees as part of the scheme. Existing trees would only be removed where they interfered with construction.

In the event that trees do have to be removed perhaps on the north bank of the river, then screening / planting proposals can be designed with the assistance of the Parks Department.

Further planting schemes can also be investigated with the Parks Department subject to funds available.

Recommendation
It is recommended that the above Scheme be approved subject to the following two conditions:

- To face the metal sheeting so as to match finish on Commons Road
- To treat the walls with solvent so as to enable the removal of graffiti.”

During discussion some Members expressed concern regarding the height of the wall. Mr. E. O’Hare, Director of Transportation undertook to go back to the consultants to establish if the wall could be lowered.

The report was AGREED.

C/400/04
Report submitted in accordance with Part 8, Article 81 of Planning and Development Regulations, 2001

The following report of the Manager, copy of which had been circulated to the Members, was CONSIDERED:

Demolition of 61 houses and construction of 77 Dwellings at Laurel Avenue, Wyattville Road, Ballybrack, Co. Dublin

PC/3/04

This report is submitted in accordance with Section 179 of the Planning & Development Act 2000 and Section 138 of the Local Government Act, 2001.

In accordance with Part 8, Article 81 of the Planning and Development Regulations 2001 the Council gave notice of the proposed development in the Irish Independent on Friday 27th February, 2004. Plans and particulars of the proposed development were available
for inspection at the Council’s Offices in Dun Laoghaire and Dundrum from Friday 27th February, 2004 up to and including Monday 29th March, 2004. Submissions and Observations with regard to the proposed development could be made up to and including Wednesday 14th April, 2004.

Nature and Extent of the Proposed Development

The proposal is to replace 61 existing 3 storey terraced dwellings on Laurel Avenue with 77 dwellings comprising 61 houses and 16 apartments.

The site is bordered by Wyattville Road to the north and Laurel Avenue to the south. The site area is stated as 1.48 hectares.

The site is zoned in the County Development Plan 2004 ‘to protect and/or improve residential amenity’.

Access is provided by the two existing access points from Wyattville Road at each end of the site. The layout proposed provides for 12 terraces fronting onto 5 new culs-de-sac and the existing access road at the east end of the site.

The scheme comprises a variety of two storey houses, Types A,B,C,D,E,F,G,H and apartments type J. The layout incorporates individual rear gardens for each unit with communal front areas and lay-by parking to each cul-de-sac. House designs incorporate mono pitch slated roofs and brick and render finish.

A number of trees along Wyattville Road and adjoining the eastern boundary of the site will be removed on grounds of condition and to facilitate the development. A number of existing trees along Wyattville Road will be retained and supplemented by additional new planting particularly along the Laurel Avenue frontage of the site. A 2.3m granite faced boundary wall will be provided along the Wyattville Road frontage. The existing wide grass verge on Wyattville Road will be reduced and Block 12 will be located on an area of existing open space.

Departmental Reports

The report of the Parks Department dated 13th January, 2004 stating that they have no objections to the development on the open space is noted. Reports from Roads Department, Drainage and Water Departments are also available.

List of persons/bodies who made submissions and summary of the issues raised:

No submissions were received during the prescribed period.

Planning Assessment

The proposed development accords with the 2004 County Development Plan zoning for the area and is considered to constitute a considerable improvement on the existing development on site.

Recommendation

It is recommended that the scheme be approved and the necessary motion passed.

The report was AGREED.
C/401/04
Report submitted in accordance with Part 8, Article 81 of Planning and Development Regulations, 2001

The following report of the Manager, copy of which had been circulated to the Members, was CONSIDERED:

“13 Apartments and Ancillary Services for the homeless at junction of Clarence Street and George’s Place incorporating No. 1 Bentley Villas, Dun Laoghaire, Co. Dublin

Ref. PC/5/04

This report is submitted in accordance with Section 179 of the Planning & Development Act 2000 and Section 138 of the Local Government Act, 2001.

In accordance with Part 8, Article 81 of the Planning and Development Regulations 2001 the Council gave notice of the proposed development in the Irish Independent on Friday 27th February, 2004. Plans and particulars of the proposed development were available for inspection at the Council’s Offices in Dun Laoghaire and Dundrum from Friday 27th February, 2004 up to and including Monday 29th March, 2004. Submissions and Observations with regard to the proposed development could be made up to and including Wednesday 14th April, 2004.

Nature and Extent of Proposed Development

The site consists of an existing Council house with a very large side garden situated at the junction of Georges Place at Clarence Street.

The proposal is to develop the site as thirteen apartments and Ancillary Services for the Homeless at ground floor level. The accommodation has been organised to ensure that the building’s form and scale relate to the existing context. The building rises from the existing two storey terrace to three storeys, then four, with two flats on the fourth floor, but set back from the north and west facades. The west façade is comparable in scale to the recently completed Marina House on the west side of Clarence Street.

The existing house (no. 1 Bentley Villas) will be retained but remodeled. The scheme will be finished with high quality render, and clay brick high performance windows etc. Intensive tree planting and use of planting troughs will ensure that it will provide an attractive focus on this visually important corner position.

Schedule of accommodation will include 8 no. two bedroom apartments, 5no. one bedroom apartments with ground floor ancillary services for the homeless.

Implication of the Proposed Development for the proper Planning and Sustainable Development of the area

The development of this site must be considered in the context of the County Development Plan 2004. In chapter 4 of the County Development Plan the Dun Laoghaire Urban Structure Plan sets out the vision for the development of the major town centre of Dun Laoghaire. The plan identifies the site as being an underdeveloped/underused area. The plans vision for this quarter of Dun Laoghaire clearly identifies future change in the built environment of this area and better connections with the main thoroughfares. Sites for potential future development are identified within the immediate vicinity of this site – Iceland site, George’s Place Depot and the old fire station.
The emphasis in the overall urban structure plan is to lead the development of Dun Laoghaire so as to support its function as a major town centre for the County of Dun Laoghaire Rathdown. This requires economic, social and environmental investment and the growth of the residential community within the town centre. The context for Development as set out in the Urban Structure Plan was informed by the major changes that have taken place in terms of the evolution of homes for people, with the drop in household size and the move from houses to apartment living, (in Dublin 29% of private homes are based in apartments, Irish Times 23/4/04).

This vision for Dun Laoghaire, and the changing development context of this area is supported by recent planning applications in this area, involving high density residential/commercial schemes proposed for 139 Georges Street Lower, the Iceland site and the George’s Place site recently sold by the Council. In addition the recent development of Marina House fronting Clarence St. the precursor being the development along the waterfront; the Anchorage and development further along Old Dunleary Rd. also demonstrate the changing development context.

The site itself benefits from its orientation, located North of Georges Street Lower, thereby ensuring that the proposed building height will not impact on daylight and sunlight currently enjoyed by the properties fronting George’s Street Lower. (see figure 1). The existing terrace of two-storey houses, at Bentley Villas, are not designated as protected structures, are not located within a conservation area, and are not zoned for residential use. The area is zoned Major Town Centre the objective for which is “to protect, provide for and/or improve major town centre facilities”. The site, the subject of this Part 8 is located at the end of a terrace, and at the junction of George’s Place and Clarence St. What is proposed is not a landmark building it is good urban design that addresses the potential of the site while being a good neighbour to adjoining properties.

A number of issues have been raised in respect to the scheme proposed, these are summarised and addressed below. Specific issues have been raised by two residential properties one immediately adjoining – number 2 Bentley Villas, and one backing onto the property number 138 Georges Street Lower. These concerns have been outlined below, and a recommendation is made to make a minor alteration to the fenestration of some of the units to the rear angling the windows so as to reduce overlooking.

The major town centre with the amenities and services associated with it, is the primary location for the development of high-density residential units both in terms of the benefit to residents of the units, and in terms of future vitality and viability of the town centre.

List of Persons / Bodies who made submissions / observations

1. (Details Supplied)
2. (Details Supplied)
3. (Details Supplied)
4. (Details Supplied)
5. (Details Supplied)
6. (Details Supplied)
7. (Details Supplied)
8. (Details Supplied)
9. (Details Supplied)
10. (Details Supplied)
11. (Details Supplied)
12. (Details Supplied)
13. (Details Supplied)
14. (Details Supplied)
15. (Details Supplied)
16. (Details Supplied)
Summary of issues raised & Manager’s Response on submissions / observations

The issues raised come under four main headings:

- Design
- Planning
- Transport
- Environment

A number of points are raised in respect to each of these issues these are summarized below and the Manager’s response is outlined:

**Issue: Overall Design**

**Summary of points raised:**

- Disparity of height with adjoining structures
- Scale of building – overshadowing and denial of daylight and sunlight
- Privacy – impact on the residential amenity of the private open space of the adjoining dwellings (in particular number 2 Bentley Villas) and the property to the rear (number 138 Georges Street).
- Building Materials are out of character with the area
- Homogenous architectural entity
- Not respecting Bentley Villas
- Suitability of private open space on the roof
- Access tower to the roof gives views over all adjoining properties

**Manager’s Response on submissions / observations**

As outlined above the setting within which this development is proposed is in a state of change. What this proposed design does, is to take cognisance of the existing terrace, by proposing a two-storey structure immediately adjoining the existing terrace, which appreciates the potential of the site, by stepping the structure, and turning the corner in a manner that allows the full potential of the site to be realised. This design approach results in a “bookend” building and while not matching the adjoining terrace respects its settings, which include Marina House opposite, and the Anchorage apartment development to the foreground. The design facilitates integration with the proposed future development of 139 Georges St. Lower, which is a current application (see figure 2). The location of the site North of Georges Street Lower, and at a street junction, facilitates an increase in height without detracting from adjoining properties. To propose low-density development on this site, would be contrary to the property planning and sustainable development of this area.

The open space proposed located at roof level is similar to the open space provided in a number of private schemes including the Anchorage and the development recently granted permission on the Shell Station site on Marine Road. The open space is set back from the edge of the roof and surrounded by plant boxes so that near views are not possible. The access to the roof does not facilitate overlooking of the adjoining properties. The access arrangements has been designed so as to prevent overlooking semi opaque glass block is specified.
The scheme will be finished with high quality render, and clay brick, high performance windows etc. Intensive tree planting and use of planting troughs will ensure that the building will provide an attractive focus on this visually important corner position.

The Council is acutely aware that the subject site is highly visible and quite conspicuous. The scheme will be finished in high quality materials that reflect the importance of the site.

The issue of overlooking of adjoining residential properties from rear windows and balconies of the proposed development can be resolved by way of minor modifications to the scheme. The use of screen walls finished in glass blocks to the balcony at first floor will be incorporated into the scheme, as will baffled windows above first floor. The use of baffled windows to the 2\textsuperscript{nd}, 3\textsuperscript{rd} and 4\textsuperscript{th} floors will reduce the field of vision by angling the windows. Similar windows have been used in a scheme in Blackrock and have been very effective (see figure 3).

**Issue: Planning**

Summary of points raised:

- Over development of the site
- Location of entrances previously off Clarence St. now proposed off Bentley Villas
- Breaking the building line
- Residential Density
- Proximity to boundaries
- Setting a precedent for the destruction of terraces
- Varies with the 1998 County Development Plan para 3.3.9
- Site in transitional zone
- Letter of support
- Open Space provision
- Plot ratio and site coverage too high
- Contravenes County Development Plan
- Question over discrepancy of maps

**Manager’s Response on submissions / observations**

The relevant County Development Plan for assessing this scheme is the 2004 County Development Plan. This plan embraces the changing environment and sets out the parameters for the future development of this County. Sections of the plan of specific relevance to this scheme include:

Chapter 3, which sets out Strategy in respect to Urban Design, the design proposed accords with the principles set out in this strategy. Policy REG 1: Building Height and Scale, here the need to balance the Counties strategic planning needs to make the most efficient use of each site with the visual impact of the proposal and its affects on existing amenities is identified. In terms of visual impact it has to be assessed in terms of the affect on the streetscape / townscape adjacent to and surrounding the proposed development, in this case the environment has the capacity to absorb the proposed height due, to the physical context of its setting. (see pictures and sketches)

Chapter 5, of the plan sets out policies in respect to residential density. Policy RES4 “It is the policy of the Council to promote higher residential density, provided that additional development respects and is not injurious to the existing built form, scale, character, heritage and residential amenity of the area concerned”. Paragraph 5.5.2 sets out the objectives in terms of residential density here the emphasis is on quality and appropriateness of design, rather than on quantity and statistical assessment. The
The proposed scheme is for generous residential units, the majority with excellent orientation, with quality open space, and access to the amenities and services of the town centre and coast. The scheme has been designed and modifications recommended so as to protect the amenity of adjoining properties.

The Dun Laoghaire Urban Structure Plan, Chapter 4 of the 2004 County Development Plan sets out the vision for the future development of the Major Town Centre of Dun Laoghaire. This framework gives the road map for developing the changing context of the town centre while respecting the qualities of the town. The site, the subject of this proposal, is identified as underused and underdeveloped and the potential of this area generally is identified with a number of properties in the immediate area, identified as having potential for future development. The proposed scheme accords with the Urban Structure Plan.

Finally, the housing strategy highlights the shortfall in housing output and the major challenge facing this County and the need to ensure that planning facilitates the Strategic role of this County in terms of providing for population growth for the Region.

The proposed scheme accords with the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2004.

The proposed scheme is not considered to constitute over development of the site. The scheme is high density, it is in close proximity to its boundaries but it illustrates the benefit of good urban design appropriate to its location.

The issue of the building line being broken was raised. The building line in this area is weak, it does not address the corner setting, and is not in keeping with its urban setting. The building line to the west of the site is defined by the existing development at Freddy’s shop at the back of the pavement along Clarence Street. The proposed development does not break this building line. In fact quite the contrary is the case; it reinforces the building line along the east side of Clarence Street.

The position of the building line along George’s Place varies, but generally coincides with the back of the pavement. It is only at Bentley Villas that the building line adopts a suburban alignment within the front gardens.

The footprint of the proposed development curves out towards the Georges’ Place pavement much in the same way as it does at Plunkett Court where no problems have resulted from the ‘breach’ demonstrating that the building line in itself should not be regarded as sacrosanct. What is important is that the best use is made of the site subject to the aforementioned provisos.

The extent of open space provided is considered appropriate to a town centre development located as it is in proximity to amenities including the west pier of Dun Laoghaire. The open space within the scheme is provided by way of internal open spaces at courtyard level, open space to the front, private balconies and the roof terrace located on the top floor.

The proposed development does not set a precedent for the destruction of terraces as stated above the area is zoned Major Town Centre not residential the terrace is neither protected or located within a conservation area. The scheme takes cognisance of the terrace by the stepping of the height but neither is it or should the existing terrace hold it hostage, or the scale and density of development would be totally inappropriate.

The point is raised that this site is located in a transitional zone this is not the case this site is zoned major town centre as are properties north, south, east and west of the site.
The current structure on the site has access off Clarence St. the proposed scheme includes a pedestrian access off both Clarence Street and Georges place. This is not inappropriate.

The issue of discrepancies in the map relates to the location of the red line. The red line correctly identifies the site on the site location map. On the site layout plan the red line surrounds the site, but does not sit precisely on the boundary so as to enable clear assessment of the scheme. It is clear from the maps provided the location and extent of the scheme proposed.

**Issue: Transport**

**Summary of points raised**

- Lack of car parking
- Traffic Congestion
- Lack of loading facilities

**Manager’s Response on submissions / observations**

The Roads Department state in their report, that the subject site is not sufficiently proportioned to allow the construction of basement car parking. The provision of car parking at ground floor would result in the loss of amenity areas for the development. It is noted that the proposed apartments are in the control of the Council and perspective residents who have no need of off street car parking can be chosen as future occupants. It is further noted that the non provision of car spaces (16 no. in this case) on small sites like this would be a gain in terms of transportation, when users of private cars are not chosen to reside in traffic sensitive areas.

It is also worth noting, that the social housing scheme at Oliver Plunkett Road has no car parking provision, and has not given rise to any difficulties to date.

The site is well served by public transport both by DART and Bus.

**Issue Environment**

**Summary of points raised:**

- Pressure on services

**Manager’s Response on submissions / observations**

There is a water main running through the site which it is necessary to partially reroute this has been agreed with the Environment Department.

In terms of other services this site is excellently served with public transport facilities, it benefits from being in a Major Town Centre, and benefits from all the services and facilities of same. In addition the site has ease of access to the amenity of the coast.

**Concept for this Development**

The concept behind this proposed development was explained at the meeting of the Dun Laoghaire Area Committee held on 24 February 2004. This scheme, which will be managed for the Council by Crosscare, consists of 13 apartments that will be used for transitional housing accommodation, which will be made available to homeless persons who require support to help them to move on to permanent accommodation. Ancillary homeless services will be provided at ground floor level i.e. a local response service for homeless individuals and families including advice, referral etc. as provided for in Making
“it Home” an Action Plan on Homeless for the Dublin Region which was adopted by the Council at its meeting held on 13 April 2004.

**Recommendation**

That the scheme be adopted with the following modifications to the design:

- It is recommended that the screen walls surrounding the balconies proposed to the rear of the property be of a height and design to prevent overlooking of adjoining property.
- It is recommended that the living room and bedroom windows (as shown on attached drawing) on all levels above ground floor be angled so as to address the issue of overlooking.
- It is recommended that the three living room windows that overlook the rear garden be redesigned as high-level windows (as shown on attached drawing).”

Ms. M. Henchy, Senior Planner read the report and Mr. E. Gribbin, Senior Architect gave a detailed presentation of the proposal.

It was proposed by Councillor J. Dillon Byrne and seconded by Councillor C. O’Malley:

“That the roof garden be removed from this project.”

A roll call vote was called for on the removal of the roof garden the result of which was as follows:

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<thead>
<tr>
<th>COUNCILLORS:</th>
<th>FOR</th>
<th>AGAINST</th>
<th>ABSTAINED</th>
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<tbody>
<tr>
<td>Bhreathnach, Niamh</td>
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<td>Boyhan, Victor</td>
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<td>Butler, Larry</td>
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<td>Coffey, Betty</td>
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<td>Conway, Barry</td>
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<td>Corrigan Maria</td>
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<td>Cosgrave, Liam T.</td>
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<td>Cosgrave, Louise</td>
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<tr>
<td>Costello, Eoin</td>
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<tr>
<td>Culhane, Aidan</td>
<td></td>
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<td>Dillon Byrne, Jane</td>
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<td>Dockrell, William</td>
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<td>Fox, Tony</td>
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<td>Horkan, Gerry</td>
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<td>Ireland, Kealin</td>
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<td></td>
</tr>
<tr>
<td>Joyce, Tom</td>
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</table>
An Cathaoirlech declared the motion **DEFEATED**.

A show of hands vote was then called for on the Manager’s report which resulted in 20 Members in favour, 1 Member against and 1 abstention.

An Cathaoirlech declared the report **AGREED**.

**C/402/04**

**Scheme of Priorities for Architectural Conservation Areas**

The following report of the Manager, copies of which had been circulated to the Members, was **CONSIDERED**:

“27th April 2004

**INTRODUCTION**

At a Special County Council Meeting held on 18th March 2004 it was agreed that a of priorities for assessing potential ACAs in accordance with Chapter 4 of the Dúchas Guidelines be brought to the Council.

The Scheme of Priorities is proposed as follows:-

**THE SCHEME OF PRIORITIES**

The Scheme of Priorities sets out the proposed Architectural Conservation Areas, which have been nominated for assessment in 2004.

The areas included in the Scheme of Priorities are as follows:

1. **FOXROCK**

The Architectural Conservation Area assessment of Foxrock will be included in the Scheme of Priorities for 2004. This is in accordance with the wish of the Council which requested that Foxrock be given priority.

2. **DALKEY AREA**
The proposed Dalkey study area includes four proposed ACAs in the 2004-10 Development plan. These are:

1. Ulverton Road
2. Carysfort Villas
3. Dalkey Village
4. St. Patrick’s Road

As the assessment of the proposed Dalkey ACA was started in October 2003 as a pilot study, it is important that the process be completed. It is further desirable that this assessment be completed as it allows for the four existing Conservation Areas to be assessed concurrently.

It is proposed to outsource the assessment of the proposed Foxrock and Dalkey ACAs. It is hoped that foregoing assessments will be completed in the coming months.

3. PEMBROKE ESTATE COTTAGES

1. Pembroke Cottages, Ballinteer Road, Dundrum
2. Pembroke Cottages, Main Street, Dundrum
3. Pembroke Cottages, Booterstown Avenue

It is important to allow for the assessment of a representative cross-section of the types of ACAs which are currently included in the 2004-2010 Development Plan. The history and typology of the Pembroke Cottages are very similar and can therefore be completed concurrently.

4.
DUN LAOGHAIRE CENTRAL

1. Clarinda Park
2. Crosthwaite Park
3. Royal Terrace

In-house ACA assessments of each of Clarinda Park, Crosthwaite Park and Royal Terrace were begun in 2003 and therefore should be concluded.

CONCLUSION

It is envisaged that work on assessment of 11 Architectural Conservation Areas will proceed during 2004.

It is proposed to carry out a further Scheme of Priorities for the assessment of additional proposed ACAs in 2005. The Architectural Conservation Area assessment process is outlined on the following pages.

EXPLANATORY NOTE
CONSERVATION AREA APPRAISALS

What is an Architectural Conservation Area?

An Architectural Conservation Area (ACA) is a place, area, group of structures or townscape that is of special architectural, historical, archaeological, technical, social, cultural, or scientific, interest, or that contributes to the appreciation of a Protected Structure.

What Does Designation Mean?

Though not as stringent as the controls on individual buildings, which have been designated as Protected Structures, there are certain implications for development within an ACA.

The main difference is that it is only the exterior of a structure that is ‘protected’. Under Section 82 (1) of the 2000 Act works to the exterior of a structure will be exempted development only if that work does not materially affect the character of the area. Following on from this it is therefore essential that the character of an area is clearly defined, so that it can be protected from unsympathetic development works to structures within the designated ACA.

According to the Draft Development Plan (Feb 2003) 10.3.1 the purpose of an Architectural Conservation Area designation is to protect and enhance the special character of the A.C.A, and its objectives are to:

- Conserve, restore, and rehabilitate the existing building stock in the area
- Ensure that all proposed developments are carried out in a manner sympathetic to the special character of the area.

According to the DoE Guidelines for Planning Authorities, an ACA designation may include objectives for –

a) The promotion of a high standard of civic amenity and civic design;
b) the preservation and protection of the environment, including the architectural, archaeological and natural heritage;
c) the renewal, restoration, conservation, preservation, development, redevelopment of the streetscape, layout and building pattern,
including the co-ordination and upgrading of shop frontages;
d) the control of the layout of areas, density, building lines and height of structures and the treatment of spaces around and between structures.
e) the control of the design, colour and materials of structures, in particular the type of quality of building materials used in structures;
f) the promotion of maintenance, repair or cleaning of structures;
g) the promotion of any appropriate mix of uses of structures or other land;
h) the control of any new or existing uses of structures or other land;
i) the promotion of the development or redevelopment of derelict sites or vacant sites;
j) the regulation, restriction or control of the erection of advertisement structures and the exhibition of advertisement.

What does a Conservation Area Appraisal entail?

The aim of a Conservation Area Appraisal is to clearly define what is special about the area, in order to justify its designation. It should be a concise and factual written statement on the character and appearance of the area using maps and photographic evidence to supplement the findings. A fundamental requirement of any appraisal is the carrying out of an architectural inventory of all structures and important features within the area.

Once the statement has been written, stage two of the process involves writing proposals for the preservation and enhancement of the area and issuing Design Guidance Leaflets for Planning Authorities and owners. These Design Guides should also include policies for the construction of new structures.

The absence of guidelines makes it difficult for members of the public to ascertain what type of development is favourable to the planning authority in any given area.”

It was proposed by Councillor E. Costello, seconded by Councillor L. Butler and AGREED:

“That the Manager make contact with representations of the Foxrock Development Company Ltd. once work commences on the recognition of an ACA in Foxrock.”

The report was AGREED.

C/403/04
Community and Arts Grants

The following report of the Manager, copy of which have been circulated to the Members, was CONSIDERED and AGREED:

“Community Grants

The Senior Community Officer recommends the following grants:-

<table>
<thead>
<tr>
<th>Ref:</th>
<th>Group</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3</td>
<td>Upgrading community facilities</td>
<td>Repaint premises</td>
<td>€650</td>
</tr>
<tr>
<td>704</td>
<td>St Brendan’s Youth Club</td>
<td>Repaint premises</td>
<td>€650</td>
</tr>
<tr>
<td>700</td>
<td>Sallynoggin Old Folks</td>
<td>Security system for premises</td>
<td>€1,800</td>
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<tr>
<td>81</td>
<td>Nutgrove &amp; Loreto Residents Association</td>
<td>Repaint premises &amp; new windows &amp; doors</td>
<td>€6,350</td>
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</tbody>
</table>

2.1 Purchase of Equipment – Major
This grant allows for the purchase or replacement of occasional large equipment. A grant of this type will only be available to a group once in three years.

<table>
<thead>
<tr>
<th>Ref</th>
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<th>Project</th>
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<tbody>
<tr>
<td>537</td>
<td>Loughlinstown Community Rooms</td>
<td>Purchase of tables and chairs</td>
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<tr>
<td>698</td>
<td>Central Dun Laoghaire Youth Group</td>
<td>Purchase of electrical equipment</td>
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<tr>
<td>705</td>
<td>Shanganagh Park House Senior Citizens</td>
<td>Purchase of kitchen equipment</td>
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<tr>
<td>703</td>
<td>Holly House Loughlinstown</td>
<td>Purchase of kitchen equipment</td>
<td>€1,000</td>
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</tbody>
</table>

**2.2 Purchase of Equipment - Minor**

Grant aid is available for the purchase of small items of equipment.

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<thead>
<tr>
<th>Ref</th>
<th>Group</th>
<th>Project</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>710</td>
<td>Cabinteely Foroige</td>
<td>Purchase of leisure equipment</td>
<td>€380</td>
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</tbody>
</table>

**2.4 Other Community Activities**

Funding is available for any small project that contributes to the life of the community.

<table>
<thead>
<tr>
<th>Ref</th>
<th>Group</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>484</td>
<td>St Louises Community Playgroup</td>
<td>25 year celebration</td>
<td>€180</td>
</tr>
</tbody>
</table>

**2.7 Community Development Initiatives**

Initiatives which assist with the long term development of a group.

<table>
<thead>
<tr>
<th>Ref</th>
<th>Group</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>81</td>
<td>Nutgrove &amp; Loreto Residents Association</td>
<td>Photographic Calendar</td>
<td>€2,000</td>
</tr>
</tbody>
</table>

No grant application which met the criteria as set out in the Community Grants Scheme has been refused.

**Arts Grants**

The Council operates a small arts grants scheme under Section 12 of the Arts Act 1973. Applications are invited from persons or bodies organising an exhibition or event which in the opinion of the Council would stimulate and promote public interest in the arts. Assistance may be given towards the cost of a venture in the visual or performing arts.

The Senior Community Officer recommends the following grants:-

<table>
<thead>
<tr>
<th>Ref</th>
<th>Group</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>702</td>
<td>Ballinclea Heights Residents Association</td>
<td>Garden sculpture project</td>
<td>€800</td>
</tr>
<tr>
<td>42</td>
<td>Kilmacud Musical and Dramatic Society</td>
<td>Musical performance</td>
<td>€635</td>
</tr>
<tr>
<td>53</td>
<td>Balally Players</td>
<td>Dramatic performance</td>
<td>€635</td>
</tr>
<tr>
<td>545</td>
<td>Club Chulann</td>
<td>Ceili Dancing</td>
<td>€320</td>
</tr>
<tr>
<td>707</td>
<td>Dalkey Writers Workshop</td>
<td>Creative writing book, cd, dvd</td>
<td>€500</td>
</tr>
<tr>
<td>50</td>
<td>Cabinteely Youth Drama Festival</td>
<td>Drama festival</td>
<td>€800</td>
</tr>
<tr>
<td>338</td>
<td>Dun Laoghaire Choral Society</td>
<td>Musical performance</td>
<td>€500</td>
</tr>
<tr>
<td>75</td>
<td>Dublin Folk Dance</td>
<td>Dancing performance</td>
<td>€2,500</td>
</tr>
<tr>
<td>340</td>
<td>Martello Productions</td>
<td>Dramatic performance</td>
<td>€500</td>
</tr>
<tr>
<td>396</td>
<td>Dundrum &amp; District Community Festival</td>
<td>Festival</td>
<td>€5,000</td>
</tr>
</tbody>
</table>

No grant application which met the criteria under Section 12 of the Arts Act has been refused.

**Summer Projects**

Provision has been made in the 2004 Estimates in the amount of €29,100 for Summer Projects. Below is a list of Summer Project Groups that have applied.

**Summer Projects Applications 2004**

<table>
<thead>
<tr>
<th>Name of Project</th>
<th>Duration of Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashlawn Park Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Project Name</td>
<td>Duration</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Ballyogan Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Ballyowen Meadows Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Booterstown Parish Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Carmona Services</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Carmona Services</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Coolevin Project</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Crazy Days Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Dun Laoghaire Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Dun Laoghaire Play Centre Summer Proj.</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Farmleigh Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Mounttown Summer Project</td>
<td>1 week</td>
</tr>
<tr>
<td>Fundays for Sunny Days, Mounttown-under 16 Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Glasthule Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Glencarrn Summer Project</td>
<td>1 week</td>
</tr>
<tr>
<td>Grainstore Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Hillview Summer Project</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Kilcross Summer Project</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Loughlinstown Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Loreto/Nutgrove Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Moreen/Blackthorn Summer Project</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Mountainview Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Newtown Park under 16 Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Oasis Summer Project</td>
<td>1 weeks</td>
</tr>
<tr>
<td>Rosemount Summer Project</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Sallynnoggin Preschool Summer Project</td>
<td>8 weeks</td>
</tr>
<tr>
<td>Sallynnoggin Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Setanta Summer Project</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Shanganagh/Rathsallagh Summer Project</td>
<td>3 weeks</td>
</tr>
<tr>
<td>St. Columbanus Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>St. Theresa’s Summer Project</td>
<td>5 weeks</td>
</tr>
<tr>
<td>Stillorgan/Kilmacud Summer Project</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Wyckham Park Summer Project</td>
<td>2 weeks</td>
</tr>
</tbody>
</table>

C/404/04
Cathaoirleach’s Business: Councillor T. Matthews

Dundrum Family Recreation Centre

It was proposed by An Cathaoirleach, Councillor T. Matthews and seconded by Councillor A. Culhane:

“That the Manager confirms that he:-

(a) approves phases 1 to 4 of the Dundrum Family Recreation Centre business plan;
(b) supports Dundrum Family Recreation Centre with the necessary finance to complete phase 1 to 4 with funding from the new development levy fund, taking into account the funding that Dundrum Family Recreation Centre will receive from the Sports Capital programme and the pools renewal programme;
and
(c) will make a case to central Government for additional funding for the
completion of the new pool and make Dundrum Family Recreation Centre a Regional Centre, the precedent having been set in the development of the Finglas Pool.”

The following report of the Manager was **CONSIDERED:**

(a) The Business Plan for the future direction and management for the D.F.R.C. was developed by members of the Board at D.F.R.C. and Council Officials. The Plan produced a very detailed future programme of works to be implemented in 4 phases:

Phase I (a): Refurbishment of the old pool  
Phase I (b): Programming & Promotion  
Phase II (a): Refurbishment of Dry Facilities  
Phase II (b): Conversion of Squash Court into a Fitness Gym  
Phase III: Development of Floodlit Artificial Playing Pitches  
Phase IV: New Pool & Fitness Centre

The Plan has been ratified by the Board of the D.F.R.C. and the Director of Services, Culture, Community Development and Amenities Department

(b) During the Plan development, the working group agreed to make an application under the 2003 Sports Capital Programme. The application was for €235,000 and was to undertake vital improvement works on the Dry Facilities. The Centre was granted €120,000 from that round of grants. In November 2003 the Board agreed to apply under the same heading for funding under the 2004 Sports Capital Programme. The Board is awaiting the announcement of this years grants. At present the Centre Manager is obtaining quotations for the works and when the final figure is available, a proposal will be put to the Members for consideration as part of the Community Grants Scheme. The development of Phase II will depend on significant funding from the 2005 Sports Capital Programme, and planning for this project will commence shortly.

A significant shortfall exists in funding Phases 1 to 4 taking into account all likely sources of finance including Development Levies. It is considered inappropriate for the Council to commit to funding such a shortfall and no provision has been made in the 2004 budget for this purpose.

(c) The provision of a new pool is reliant on the approval of the Department of Arts, Sport and Tourism for funding under their pool replacement Programme of €3.8m. However, before the Department approve projects going to the next phase, the full financial package must be known. To date, it has not been possible to put the finances in place. The application will also have to show ongoing sustainability and financial viability. The Council has supported and will continue to support Grant Applications to the Department. Whilst the Council has no objection to making representations to Central Government for Regional status designation, it can only be done in light of (b) above.”

Mr. C. MacNamara read the report and responded to Member’s queries following which the report was **NOTED.** The motion was not **PUT.**

**C/405/04**  
**Strategic Policy Committees - Report of Chairpersons**

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED:**
Report of Culture, Community Development and Amenities SPC

Wednesday, 3rd March 2004

Report of Chairperson, Cllr. Donal Marren

Present: Cllrs. Boyhan, Bhreathnach, Horkan, Kelly, Marren, Matthews. Mr. Tony Bass, Mr. David Farrelly, Ms. Veronica Heywood, Mr. Michael Merrigan.

Officials: Mr. C. MacNamara, Mr. R. Shakespeare, Mr. Muiris Ó Raghaill, Mr. Les Moore, Mr. Tom Mowlds, Mr. Wessel Badenhorst, Mr. Tim Carey, Ms. Sara Searson, Mr. Chris Furlong, Ms. Margaret Moore, Ms. Brenda Kenny, Ms. Maureen McMahon.

Mr. R. Shakespeare gave a presentation on the work programme 2004. Areas dealt with included, Twinning, Sports Development, Arts Programme and Estate Management. A wide ranging discussion followed to which all present contributed.

Mr. W. Badenhorst and Mr. T. Mowlds gave a joint presentation on the implementation of the 10 year county strategy. They stated that the aim of the County Development Board was to bring together agencies and organisations whose functions impact on the county. They also foresaw an increasing role for the local authority in promoting community development by assisting and working with local communities to achieve their goals.

Mr. David Farrelly gave a report from DLR Chamber of Commerce. He said businesses believed that they could have a greater input into the Tidy Districts Competition, and also greater involvement in the provision of amenities and in the cultural programme of the council.

Two motions on the library service, one in the name of Cllr. Bhreathnach and the other in the name of Cllr. Boyhan, were discussed and reports presented.

Ms. V. Heywood moved the resolution that CAs that have protection in the 1998 CDP be included in the new Development Plan as ACAs.

Cllr. Boyhan and Mr. T. Bass gave it as their opinion that the whole structure of SPCs needs to be examined and requested that the council carry out a review of the operation of the SPC process.

The meeting concluded at 7.20 p.m.

ENVIRONMENTAL POLICY COMMITTEE

24th March 2004

Report by Chairperson Councillor W. Dockrell

1. 6 members attended – Five Councillors and one Sectoral Representative
2. The business considered at the meeting consisted of:
   - Minutes of the Meeting 17th December 2003.
   - Presentation to the Committee on the Non Domestic Water Metering Project.
   - Presentation to the Committee on Regulatory Reform.
   - Progress report on recommendations made by the Environmental Policy Committee to date.
   - A report on back garden shrubbery and the effects they can have on a drainage system.
3. The minutes of the December 17th 2003 meeting of the committee were agreed with no matters arising.

4. Mr. Eugene Doran, Senior Executive Engineer, delivered a presentation to the Committee on the Non Domestic Water Metering Project. The presentation outlined the costs, implications and implementation issues involved to comply with Department of the Heritage Environment and Local Government Water Pricing Policy Requirements. On conclusion of the presentation, the committee had a wide range of questions and comments in relation to the report, to which Mr. Doran replied.

5. Mr. Eugene Vesey, Senior Executive Officer, delivered a presentation to the Committee on Regulatory Reform. The presentation described how regulatory reform was having an impact on local government and the issues involved. On conclusion of the presentation, members of the committee had some questions and comments in relation to the report, to which Mr. Vesey replied.

6. A report to the committee on the referral of recommendations from the SPC to the Council was NOTED.

7. Mr. John Fitzgerald read a report on back garden shrubbery and the effects they can have on a drainage system and the report was NOTED.

8. Under A.O.B. members raised a range of issues for discussion including cleansing at Mount Merrion Strand, drainage at the Booterstown pond and election posters for the upcoming election campaign and the litter legislation.

The meeting concluded at 6.40pm.”

C/406/04
Ministerial/Departmental Correspondence

The following item of correspondence, which had been circulated to the Members, was CONSIDERED and NOTED:

(a) Letter from the Office of the Minister for Foreign Affairs, dated 7 April 2004, regarding the status of the Irish language in the European Union.

C/407/04
Other Correspondence

The following items of correspondence, which had been circulated to the Members, were CONSIDERED and NOTED:

(a) Letter from Balbriggan Town Council, dated 16 March, 2004 regarding a notice of motion on Post Polio Syndrome sufferers.
(b) Letter from Killarney Town Council, dated 29 March 2004, regarding a notice of motion on ‘text gaming’ on mobile phones.
(c) Letter from Killarney Town Council, dated 29 March 2004, regarding a notice of motion on the introduction of measures outlawing puppy farms.
(d) Letter from Letterkenny Town Council, dated 7 April 2004, regarding a notice of motion on the non-legalisation of cannabis.
(e) Letter from Kerry County Council, dated 20 April 2004, regarding notice of motion on recognition for Irish Sign Language.

C/408/04
Local Election

An Cathaoirleach thanked the Members and staff of the Council for their cooperation and understanding during the past year and paid tribute to the Members who indicated that they would not be standing for re-election in June.

Councillors Elliott, Coffey and Costello responded and thanked their fellow Members and staff for their cooperation and assistance and wished all Members well in the local election. Tribute was also made to deceased Members.

Mr. D. Brady, County Manager reflected on the fact that the Council had lost experienced Members in the last few years through the dual mandate and those who had died. He thanked the Members for their courtesy and wished all well in the local election.

A presentation was made to Councillor Coffey by the Fianna Fáil Members.

C/409/04 Extension of Meeting

It was proposed by An Cathaoirleach and agreed to extend the meeting to consider the remaining items on the agenda.

C/410/04 Housing Policy

It was proposed by Councillor Denis O’Callaghan, seconded by Councillor B. Lowe:

“That this Council review/examine housing policy in relation to second offers made on either Rosemount or St. Nathy’s flats until the new Housing List comes into force and that all ‘second’ offers made in relation to the two areas in question since 1 January 2004 be withdrawn forthwith.”

Councillor J. Dillon Byrne asked that Dun Laoghaire be also reviewed.

Ms. K. Holohan, Director of Housing responded to Members queries and said it was not feasible to withdraw and undertook to make a strong case to the Health Board.

C/411/04 Provision of Independent Legal Advice for Councillors

The following motion, in the name of Councillor C. O’Malley, was MOVED WITHOUT DISCUSSION:

“That given the number of occasions when the issue of Councillors power to make decisions has been actually or potentially circumscribed by reported legal opinions, in circumstances where there is a difference of opinion between Council management and a majority of Councillors, it is moved that budgetary provision be made for independent legal advice to be provided to the Elected Councillors as and when required by Council Members.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“Section 132 (2) of the Local Government Act 2001 provides, inter alia, that where in relation to the exercise or performance of a reserved function a legal opinion was obtained by a local authority or joint body, the elected council or joint body may, without
prejudice to Section 153 of that Act, by resolution direct that a second such opinion be obtained by the authority.

Such costs as may arise under Section 132 (2) will be a charge against the Legal Services Department’s budget.”

**C/412/04  
Re-naming of Local Government**

The following motion, in the name of Councillor E. Costello, was **MOVED WITHOUT DISCUSSION**:

“That we the Members of Dun Laoghaire Rathdown County Council request that, in light of the steady removal of powers from the elected Members, the Minister rename his Department as the Department of the Environment and Local Administration and that Local Government accordingly to be more correctly referred to as Local Administration henceforth.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**:

“If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for the Environment, Heritage and Local Government.”

**C/413/04  
Environmental Charge**

The following motion, in the name of Councillor J. Dillon Byrne, was **MOVED WITHOUT DISCUSSION**:

“That all houses of shelter and support run and/or supported by the Health Board not be charged commercial rates or environmental charge by this Local Authority.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**.

“The determination of properties that are rateable and subject to the payment of rates is a matter for the Commissioner of Valuation.

In accordance with the Valuation Act 2001, properties occupied by a Health Board, or used for charitable purposes, or for purposes of caring for sick persons, the elderly, the handicapped or disabled persons are generally not rateable. However, properties used by the Health Board for administration purposes are rateable and therefore subject to the payment of rates.

In line with these provisions of the Act it is likely that the properties described in the motion are not rateable properties.

The Council is obliged under EU and Government policy to apply the “Polluter Pays Principle”- all producers of waste should pay the full costs of its collection, treatment, and disposal. The “polluter pays principle” is also incorporated as Dublin Regional waste policy in the Dublin Regional Waste Management Plan 1999-2003 which was adopted by this Council on 14th December, 1998. A reduction in the charge base, by the exemption of certain classes of waste producers from the payment of charges, would inevitably mean that an increased financial burden would be placed on households and other producers of waste. Such an exemption would certainly aggravate the current difficulties
in collecting waste charges, would be seen to be inequitable, and would place the Council in contravention of EU and Government policy.”

C/414/04  
**Intoxicating Liquor Act 2003**

The following motion, in the name of Councillor N. Bhreathnach, was **MOVED WITHOUT DISCUSSION**:

“That this Council invites the Manager to bring forward a report outlining how the recent changes, introduced in the Intoxicating Liquor Act 2003, which promises “a new role for local authorities” relating to exemption orders, will impact on the Council.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**.

“The Intoxicating Liquor Act 2003 came into effect on 18th August 2003. The Act implements recommendations made by the Commission on Liquor Licensing and the Strategic Task Force on Alcohol and commitments contained in the current national partnership agreement "Sustaining Progress”. It is mainly concerned with combating drunkenness, disorderly conduct and under-age drinking.

The act prohibits the supply of alcohol to drunken persons and places responsibility on licensees for the maintenance of order on their premises. The licensee will be guilty of an offence if alcohol sold for consumption off the premises is consumed in a public place within 100metres. It prohibits the purchase of alcohol by or for persons under age 18. Provision is made for identity cards for people between the ages of 18 and 20. Premises may be closed temporarily for offences under the Act. Other provisions include the prohibition of the sale of intoxicating liquor at reduced prices and certain promotions.

Section 11 gives local authorities a role in determining the duration of special exemption orders (temporary extensions of licensing hours) within its administrative area. The local authority may adopt a resolution setting out its general policy in relation to the hours for which such exemptions should be granted and the District Court in deciding on any individual application for a special exemption must have regard to that resolution. The procedure for passing such a resolution involves the publication of a notice in two newspapers one month beforehand inviting members of the public to submit comments and consultation with the Gardai.

The Commission on Liquor Licensing invited submissions in November 2002. It is understood that a submission was made by one of the local government representative bodies. This local authority made no submission. There is no proposal to make a submission at this stage in relation to the act.”

C/415/04  
**St. Colmcille’s Hospital, Loughlinstown**

The following motion, in the name of Councillor D. Marren, was **MOVED WITHOUT DISCUSSION**:

“That the Members of this Council call on the Minister for Health to give an undertaking that the services provided at St. Colmcille’s Hospital, Loughlinstown, be maintained and developed to cater for the population of south Dublin and north Wicklow.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**.
"If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for Health & Children."

**C/416/04
Housing and Urban Renewal**

The following motion, in the name of Councillor A. Culhane, was **MOVED WITHOUT DISCUSSION**:

"That this Council considering,

- that 50% of newly formed households in Dublin can no longer afford to buy a house from their own resources,
- that house prices have continued to rise by about 12% per annum,
- that the numbers seeking local authority housing have doubled and have to wait twice as long,
- that homelessness has increased dramatically,
- that the Government has cut rent allowance, and
- that the Government has delayed the legislation to give rights to private tenants,

calls for the resignation of the Minister for Housing and Urban Renewal."

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**.

"If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for the Environment, Heritage & Local Government."

**C/417/04
Ombudsman for Children**

The following motion, in the name of Councillor B. Conway, was **MOVED WITHOUT DISCUSSION**:

"That Dun Laoghaire/Rathdown County Council welcomes the establishment of the office of Ombudsman for Children and resolves to assist that office in any way possible in so far as the powers of the Council may be relevant thereto."

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**:

If the motion is passed, a letter conveying details of the motion, will be sent to Ms. Emily Logan, Ombudsman for Children, c/o The Department of Health & Children.

**C/418/04
Construction Sites Operational Hours**

The following motion, in the name of Councillor C. Smyth, was **MOVED WITHOUT DISCUSSION**:

"That the Manager considers changing the operational hours on a Saturday on construction sites so that there will be less disruption to local residents (which is currently 8.00am to 1.00pm)."
The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The law governing noise as a nuisance is contained in the Environmental Protection Agency Act 1992 (Section 107 and 108) and the Environmental Protection Agency Act 1992 (Noise) Regulations 1994 (S.I. No.179 of 1994). The Air Pollution and Noise Control Unit of the Health Board acts as agents of the Council and their duties include:

- Monitoring noise levels and investigating complaints
- Examining planning applications for potential noise impact
- Enforcing relevant legislation
- Responding to queries from the public regarding noise issues.

The Guidelines for Noise Pollution relating to building/construction work on Saturdays permit building work between 8.00am and 1.00pm. The hours for construction work are necessarily a compromise between the needs of the building industry and the rights of residents. The original impetus in drawing up these guidelines was that some builders wanted to work 24 hours a day which was of course unacceptable, but the Celtic Tiger was demanding that construction work be completed in faster and faster times.

Ideally, it would be nice to restrict all building works to 09.00 to 17.00 Monday to Friday but this is impractical. The Council has a lot of trouble trying to keep builders to the terms as they stand and pushing them further would be very difficult. There is also the question of costs and delivery of projects to be considered by the clients and contractors.

However, if the residents approached the builder directly with a view to starting on Saturday at 09.00 the Council would have no objection to building work running later (14.00hrs) to make up the time.”

C/419/04
Establishment of Architectural Conservation Areas

The following motion, in the name of Councillor V. Boyhan, was MOVED WITHOUT DISCUSSION:

“That this Council requests that the County Manager provide legal advice in relation to the establishment of Architectural Conservation Areas as per the Planning and Development Act 2000 and will the legal advice also have regard to Section 10(2) of the 2000 Act which provides that a development plan “shall” include, inter alia, an objective to the preservation of the character of Architectural Conservation Areas and will the legal advice clarify if the word “shall” imports a mandatory obligation on the planning authority in this regard.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The County Development Plan does fulfill its statutory obligations with regard to Section 81 and Section 10(2) of the Planning and Development Act 2000, by including a policy 11.3.1, which states that it is the policy of the Council to protect areas of special interest by the introduction of Architectural Conservation Areas (A.C.A.s).

The Law Agent’s legal advice concerning the creation of A.C.A.s was given to a special Council meeting on 27/11/03, which dealt with A.C.A.s in the context of the Development Plan. In brief, this refers to the Duchas Architectural Heritage Protection Guidelines for Planning Authorities, which have been adopted as Council policy. These Guidelines refer to a detailed 11-step process, which Planning Authorities are advised is the appropriate way to adopt A.C.A.s in a Development Plan.”
At the County Council meeting held on 18th March, 2004 to consider the Draft Development Plan the following Motion in the name of Councillor D. Marren was AGREED by a vote of 14 FOR and 9 AGAINST.

“That the Council agrees to retain the existing ‘Conservation Areas’ in Schedule 3 in the new County Development Plan 2004-2010 and retain the name ‘Conservation Areas’. And that the following policy statement be included:

“Within a Conservation Area the Council will have particular regard to the impact of a proposed development on the character of the area in which it is to be placed. The preservation of the existing character of an area does not preclude all forms of development. All proposals for new development should preserve or enhance the character and/or quality of the environment within a Conservation Area and that a Scheme of Priorities for assessing potential ACAs in accordance with Chapter 4 of the Duchas Guidelines to be brought to the Council for adoption.”

The “shall” in Section 10(2) referred to in the motion has to be considered, in the opinion of the Law Agent, in light of the requirements of the DOELG in the Duchas Guidelines. Dun Laoghaire Rathdown County Council has endeavoured (with other planning authorities) to give effect to Section 10(2) in its plan in circumstances where (1) these Guidelines have been in draft format for a number of years and (2) where there is no indication of final sign off on the Guidelines by DOELG. In these circumstances the approach of DLRCC in the formulation of its plan is in his opinion in conformity with the Act. The adoption of ACAs by DLRCC other than by complying with the draft guidelines would be ultra vires the powers of the Council under the Act.

A Scheme of Priorities for Architectural Conservation Areas will be considered under Headed Item No. 28 on this Agenda.”

C/420/04
Anti-Social Behaviour in Council Estates

The following motion, in the name of Councillor B. Lowe, was MOVED WITHOUT DISCUSSION:

“That this Council formulates a policy in relation to anti-social activity which outlines the Council response to a complaint of anti-social behaviour in Council estates. This policy should outline the response from Council, liaison with complainants and conclusion of complaint and any action arising.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED.

“The enactment of the Housing (Miscellaneous Provisions) Act, 1997 provided the Council with increased powers in dealing with instances of anti-social behaviour emanating from Council rented dwellings. In particular the Act empowers the Council to seek Excluding Orders (enforceable for up to three years in respect of either the dwelling or both the dwelling and the estate) against individual members of a household who are involved in anti-social behaviour. The Act defines anti-social behaviour as “the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug…” and/or “any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority... or a housing estate in which the house is situate..."
and, without prejudice to the foregoing, includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person”.

The Act also gives the Council additional control over the letting of Council dwellings to prevent the appointment as tenants of persons engaged in anti-social behaviour as well as control over the disposal of Council dwellings to such persons by way of transfer order. In addition to the Council’s previously existing powers to evict persons from Council dwellings under the Housing Act 1966, the Act provides protection to Council and public employees in the exercise of their duties and also makes provision for the giving as evidence in court a statement by an officer of the Council or the Health Board that he or she believes that a person is or has been engaged in anti-social behaviour and that another person would be prevented by violence, threat or fear from providing evidence in that regard.

The Council has a firm policy that anti-social behaviour in its estates will not be permitted and in order to ensure the implementation of this policy, the Council’s Anti-social Section was re-organised in January 2003 following the appointment of the Senior Inspector. A new computerised database system was installed in order to monitor individual complaints of anti-social behaviour and other breaches of the Tenancy Agreement and ensure that each case is responded to within a reasonable time-frame and the matter is resolved to the satisfaction of the Council. The database is also used, where necessary, for compiling evidence for presentation in Court and in addition it provides statistical information for management purposes.

Since January of last year the Anti-social Section has responded promptly and effectively to individual complaints of anti-social behaviour and has also developed a strategic approach towards dealing with the problem on a broader basis by the establishment of Multi-Agency Panels with the three Garda Districts within the County. These Panels have already been remarkably successful in resolving individual cases and in focusing on areas where the incidence of anti-social complaints has been high. The Section is also fully involved in the planning and delivery of the Pre-Tenancy Training programme.

Two eviction orders were obtained in court in 2003, which are now subject to Circuit Court appeal. In January of this year, the Council was successful in obtaining its first Excluding Order against a tenant involved in anti-social behaviour. Statistically there has been a sharp decline in the number of complaints received by the Council. For example, during January and February 2003 a total of 127 complaints of anti-social behaviour and breaches of tenancy agreement were received. In the course of January and February 2004 only 40 such complaints have been recorded by the Council.

It is now intended that the Council’s policy and procedures with regard to dealing with anti-social behaviour be made available to tenants in written form in order to provide increased clarity and accountability. To this end, a draft “Policy, Strategy and Practice for Tackling Anti-social Behaviour in Dun Laoghaire-Rathdown” document is under preparation in the Housing Department since earlier this year. In particular, the draft will cover the following areas:

**Legislation:**
An outline of the legislation available to the Council in combating Anti-Social behaviour and the Council’s practice in implementing the legislation.

**Policy/Practice:**
A statement of the Council’s policy with regard to anti-social behaviour and details of how the policy is to be implemented with regard to housing applications, existing tenants’ applications to purchase etc.

**Strategic Objectives:**
The Council’s principal strategic objectives in combating Anti-Social behaviour within the County, together with details of how it is proposed to meet these objectives.

**Complaints:**
Protocol on recording, investigating/monitoring complaints, the decision-making process, notification of outcome/current status to both complainants and alleged perpetrators and right of any party to appeal.

This draft document was presented to the March meeting of the Housing Strategic Policy Committee for information.”

**C/421/04**  
**Electronic Voting**

The following motion, in the name of Councillor B. Saul, was **MOVED WITHOUT DISCUSSION**:

“That this Council writes to the Minister for the Environment, Heritage & Local Government, in light of the recent controversy in relation to the introduction of electronic voting, and requests that the Minister fully addresses the problems raised by the general public in relation to the introduction of electronic voting.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**.

“If the motion is passed a letter will be sent on behalf of the Council to the Minister for the Environment, Heritage & Local Government.”

**C/422/04**  
**Dog Licence Fee Waiver**

The following motion, in the name of Councillor K. Ireland, was **MOVED WITHOUT DISCUSSION**:

“That this Council requests the Minister for the Environment to waive the dog licence fee for those people in receipt of an old age pension.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**.

“Section 4 of the Control of Dogs (Amendment) Act 1992 amended section 8 of the 1986 Act to increase the dog licence fee to £10.00 now €12.70. The section of the Act also provides power to the Minister to vary licence fees by regulations and to prescribe different fees for different classes of dogs.

There is provision in the Council’s budget for income of €86,000 in 2004 from dog licence fees. This income partly funds the Council’s control of dogs programme.

If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for the Environment, Heritage and Local Government.”
The following motion, in the name of Councillor T. Kelly, was moved without discussion:

“That the Manager, given the on-going housing crisis in the County, the result of which our young people are forced out of the County due to the prohibitive cost of housing, that the Manager please address the following:

(i) why having purchased a site at Furry Hill in 2000 and having got Council approval for a social housing development on this site almost 18 months ago, not one block has to date been laid;

(ii) in light of the housing crisis what measures are the Council taking to address the shortage of mixed housing i.e. affordable, shared-ownership and social housing in the County;

(iii) how far advanced is the Council’s affordable housing programme and when can prospective purchasers expect this programme to be completed;

(iv) how many applications for affordable housing have been made to date to the Council in anticipation of the Council’s proposed affordable housing programme;

(v) when exactly will construction begin on Furry Hill.”

The following report of the Manager, copy of which had been circulated to the Members, was noted:

“(i) Following acquisition of the Furry Hill site detailed plans were drawn up for a scheme having regard to the requirements identified in the Council’s Assessment of Housing Needs, the location of the site on good bus routes and the proposed LUAS line and having regard to the Residential Density Guidelines. As a result of this detailed assessment a scheme consisting of 72 units was designed which met the requirements of the Council’s various service Departments such as Water and Drainage, Transportation etc., as well as the requirements of the Council’s Development Plan.

At the request of the Council, the Housing and Architects Departments entered into a consultation process with adjoining Residents Associations in advance of the Part 8 process. Following a protracted series of meetings with residents and local Councillors which resulted in a delay of six months in advertising the public consultation process, a revised scheme was prepared which provided for 62 units and a community building.

The revised scheme was advertised under Part 8 on 2nd September 2002 and a report on submissions received was considered by the Council at its meeting on 11th November 2002. As a result of a resolution passed at this meeting the Housing Department was obliged to arrange further meetings with the residents and the local Councillors. Following this consultation a revised layout, which provided for 55 units was considered and approved by the Council at it’s meeting of 9th December 2002.

Consultant Architects, Engineers and Quantity Surveyors were then appointed to prepare tender documents and Cost Plan which were submitted to the Department of the Environment Heritage and Local Government, in July 2003. Budget cost approval was received from the Department on 6th February 2004.

Tenders were invited on 26/3/04 and completed forms of tender are due to be returned on 10/5/04. Following the preparation of a tender report, by the Consultants, the recommended tender will have to be forwarded to the
Department of Environment, Heritage and Local Government, for approval, before proceeding to the contract signing stage. The Council has no control over how long Departmental approval will take.

(ii) Since the adoption of the Housing Strategy in September 2001, 3 no. preliminary agreements have been reached under Part V of the Planning and Development Act 2000 for the provision of a total of 139 units, consisting of a mix of Social, Shared Ownership, and Affordable units, and a 3 bay halting site. Several other agreements in principle have been reached with developers for the provision of dwellings under Part V. It is not possible to indicate when these dwellings will become available to the Council as any planning decision can be appealed and it is a matter for the relevant landowner / developer whether they proceed with their planning permission.

In addition under Policy R7 (10%) of the 1998 Development Plan 101 units of accommodation have been delivered to date with a further 12 units due by June 2004. The delivered units included Social, Shared Ownership and Voluntary Housing.

At the Council Meeting of 13th April, 2004 it was agreed that of the 95 units to be constructed by the Council at Goatstown, will consist of 40% affordable to include Shared Ownership. The proposed scheme at Blackglen Road will also have a mix of social and affordable units.

In relation to other Council schemes, the Housing Construction Programme is continuing with 110 units currently under construction. There are a further 181 for which tender documents are being prepared. In addition layouts are being prepared for a further 460 units.

As stated previously to Council the development of future large sites in Council ownership will be on the basis of fifty percent private and fifty percent social and affordable thereby achieving social mix and maximising the development potential for the Council.

(iii) Under the 1999 Affordable Housing Scheme, introduced by the Department of the Environment Heritage and Local Government, new dwellings can be provided by Local Authorities on land which they own, at discounted prices, to eligible applicants who meet the income criteria set out in the scheme. As stated in previous reports to Council, Dun Laoghaire Rathdown County Council has not operated the scheme to date, as all of the sites in its ownership which are currently under development are required to meet the Councils own multi-annual building programme.

As stated at (ii) above, at the Council Meeting of 13th April, 2004 it was agreed that of the 95 units to be constructed by the Council at Goatstown, 40% would be affordable to include Shared Ownership.

(iv) To date a total of 1,972 persons have expressed an interest in affordable housing in the County. Names, addresses and contact details of all such persons have been recorded and they will be notified when the Scheme of Affordable Housing becomes operational at which time they will be invited to submit formal applications for participation in the Scheme.

(v) Tenders for the Scheme are due to be returned on 8/5/04. A tender report will then have to be prepared and a copy of the recommended tender submitted to Department of Environment, Heritage and Local Government for approval. However the Council has no control over now long the departmental approval will take. When approval has been received the Council will then be in a position to proceed to the signing of a contract. At that stage the contractor will submit a programme for the work and a proposed start date.”
C/424/04
Rights-Based Disability Bill

The following motion, in the names of Councillors H. Keogh, L. Cosgrave, E. Costello, W. Dockrell, M. Elliott, P. Hand, T. Joyce and D. Marren, was MOVED WITHOUT DISCUSSION:

“That this Council call on the Government to protect the fundamental right of people with disabilities in Ireland and to end the widespread discrimination they experience in the provision of basic services by the State by introducing a rights-based Disability Bill.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED.

“If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for the Environment, Heritage and Local Government.”

C/425/04
Re-Location of Dalkey Polling Station

The following motion, in the name of Councillor C. O’Malley, was MOVED WITHOUT DISCUSSION:

“That the polling station in Dalkey be removed from St. Patrick’s Road back to the Town Hall, where it had originally been located and which provides better access to traffic and parking.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The polling scheme which was adopted by the Council at the February County Council meeting, having regard to representations received, changed the polling station which was located at Harold’s Boys School on St. Patrick’s Road back to the Dalkey Town Hall.”

C/426/04
Local Authority Representatives on Health Boards

The following motion, in the name of Councillor J. Dillon Byrne, was MOVED WITHOUT DISCUSSION:

“That this County Council requests the Minister for Health, Micheál Martin T.D., to accept the recommendation from the Brennan Report to retain the Health Boards; that, given that the Eastern Regional Health Authority was a body set up just three years ago to re-organise the delivery of health care in the Eastern Region, and has executed this responsibility given the financial constraints placed upon that authority by the Department of Health, that in recognition of the close liaison of this Local Authority of Dun Laoghaire Rathdown County Council with the East Coast Area Board and the Eastern Regional Health Authority that the presence of five members of this Local Authority on these Boards ensures a cohesive successful and well informed co-operation between these Authorities and that we wish to ensure, in the future that there will not be a democratic deficit at Health Board level in the future with whatever re-organisation takes place.”
The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**:

“If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for Health & Children.”

**C/427/04  
Access to the Uplands within the County to Walkers/Hikers**

The following motion, in the name of Councillor B. Conway, was **MOVED WITHOUT DISCUSSION**:

“That consistent with the legitimate rights of land owners, this Council recognises the importance of access to the uplands within the County to walkers and hikers and resolves to explore with hill walking organisations ways in which the Council can, where practicable and working with other public authorities, facilitate such access.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**:

“Given the increasing urbanisation of the County, walking routes and access to the uplands are considered to be an important part of the matrix of recreational amenities facilitated by the Council.

The Draft Development Plan identifies in the order of 25 walking routes throughout the County. The Council would be anxious to consult with interested organisations to develop these and other routes.”

**C/428/04  
Plight of Irish Emigrants in Britain**

The following motion, in the name of Councillor D. O’Callaghan, was **MOVED WITHOUT DISCUSSION**:

“That this Council mindful of the plight of Irish emigrants, particularly in Britain, and the appalling conditions in which they now live in, agrees to write to the Minister for Foreign Affairs demanding that he takes immediate action by increasing the Governments financial contribution to Irish emigrants in Britain, and the setting up of a welfare agency in conjunction with the British authorities to help these people as a matter of urgency.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**:

“If the motion is passed, a letter conveying details of the motion, will be sent to the Minister for Foreign Affairs.”

**C/429/04  
Provisions of Policing Bill**

The following motion, in the name of Councillor A. Culhane, was **MOVED WITHOUT DISCUSSION**:

“That this Council condemns the provisions of the new Policing Bill that will force many voluntary and community groups to pay to have their events policed and calls on the Minister to make provision for small community events where the expense of such policing may prove prohibitive.”
The following report of the Manager, copy of which had been circulated to the Members, was **NOTED:**

“The Senior Community Officer will examine and study the Policing Bill in order to determine the affects on Community Groups and will report back at a later date.”

**C/430/04**  
**Waste Charges**

The following motion, in the name of Councillor C. Smyth, was **MOVED WITHOUT DISCUSSION:**

“That the Manager explains the Waste Charges, which are being currently introduced under a pilot scheme because they include fixed weight and volume charges.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED:**

“Households in the pilot scheme will have the opportunity to save money by reducing the amount of waste they produce and by reducing the number of times they present their bin for collection. Households should pay the full charge of €300 for 2004 when it becomes due. Any savings that they make during 2004 will be deducted from their 2005 account thereby reducing the charges payable for that year.

Households will be charged €75 for the first quarter of this year and for the remainder of the year the following charges will apply:

<table>
<thead>
<tr>
<th>Description</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed annual charge</td>
<td>€37.50 per quarter</td>
</tr>
<tr>
<td>Cost per collection</td>
<td>€2.00</td>
</tr>
<tr>
<td>Cost per Kilogram of waste collected</td>
<td>10 cent</td>
</tr>
</tbody>
</table>

- The fixed charge covers the cost of providing waste infrastructure, recycling facilities and other associated costs.
- There is a €2 charge every time a bin is collected. A customer can save by minimizing the number of times the bin is presented for collection.
- There is a 10 cent charge for every Kilogram of waste collected. A customer can save by minimizing the amount of waste presented for collection.

No household in the pilot scheme will be required to pay more than €300 in 2004. On the other hand, each household will have the opportunity to achieve savings. By applying the new charging system the Council will assess and notify each household, on a quarterly basis, on what debit or credit applies to their account. If the assessed quarterly charge exceeds €75, a debit will apply and if it is less than €75, a credit will apply. At the end of the year the overall net debit/credit position will be determined. Only credits will be brought forward for 2005. In future years either a debit or credit will automatically be brought forward reflecting the frequency of bin presentation and the weight of waste presented for collection.

The quarterly statements will set out in detail the weight of waste presented, the frequency of presentation, associated costs and the credit/debit position. By monitoring their use of the refuse service households will have the opportunity to reduce waste and achieve savings.”

**C/431/04**  
**Monkstown Educate Together School**
The following motion, in the name of Councillor N. Bhreathnach, was **MOVED WITHOUT DISCUSSION:**

“That this Council in support of the Monkstown Educate Together School, calls on the Department of Education & Science to acquire the site at Tivoli Road, and so secure the school’s future within the County of Dun Laoghaire Rathdown and within Dun Laoghaire."

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED:**

“If this motion is passed, a letter conveying details of the motion will be sent to the Minister for Education and Science.”

**C/432/04  Strategy on Homelessness**

The following motion, in the name of Councillors B. Lowe and G. Horkan, was **MOVED WITHOUT DISCUSSION:**

“That this Council writes to the Minister for the Environment, Heritage & Local Government congratulating him on the major success of his strategy on homelessness and to urge him to maintain his budget of €58m.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED:**

“If this motion is passed, a letter will be sent to the Minister for the Environment, Heritage and Local Government.”

**C/433/04  Motions Approved by Council**

The following motion, in the name of Councillor V. Boyhan, was **MOVED WITHOUT DISCUSSION:**

“That the Manager would compile a list of all motions (excluding Development Plan motions) that have been approved by this Council since June 1999 to date with a brief indication of any progress as a result of same.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED:**

“If the motion is passed a list of motions will be compiled when resources permit.”

**C/434/04  Pay By Tag System**

The following motion, in the name of Councillor T. Kelly, was **MOVED WITHOUT DISCUSSION:**

“That in the event of the Pay by Weight pilot scheme not resulting in a real financial saving to householders vis-à-vis the fixed charge, that the Council review its policy by introducing the Pay by Tag system which operates in other counties and which appears to be a more equitable system to that of the fixed charge.”
The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The Pay by Weight Scheme offers residents an opportunity to reduce costs to those who minimise their waste and who minimise the number of times that they present their wheeled bin for collection. Those households who regularly continue to produce large quantities of waste are likely to see an increase in their waste charge in future years under the system (not in 2004).

The Council is committed to providing the Pay by Weight/Presentation Scheme throughout the County in January 2005 and will not be introducing a Tag a Bin Scheme.”

C/435/04
Customer Service Plan

The following motion, in the name of Councillor J. Dillon Byrne, was MOVED WITHOUT DISCUSSION:

“That the Manager when considering the County Council’s Customer Service Plan and the positive messages about the Council of the delivery of an effective service to the public now consider offering a telephone response during the hour plus at lunch time.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“It is envisaged that a review of the Customer Service Plan will take place this year. The suggestion contained in the motion will be considered following consultation with the relevant staff and trade union representatives.”

C/436/04
Amendment To Standing Order 104

The following motion, in the name of Councillor E. Costello, was MOVED WITHOUT DISCUSSION:

“That Council Standing Order 104 be amended in light of the following information:-

‘In accordance with statutory requirements as set out in ‘The Fire Services Act 1981’ and after consultation with our Chief Health & Safety Officer the maximum number of persons permitted in the Council Chamber at any time shall not exceed fifty.’“

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The Standing Orders have recently been reviewed and circulated to all Councillors and staff. If the motion is passed, arrangements will be made to amend the Standing Order referred to.”

C/437/04
Possible Dumping of Waste Materials

The following motion, in the name of Councillor D. O’Callaghan, was MOVED WITHOUT DISCUSSION:

“That the Manager gives a progress report to this Council regarding the possible dumping of waste materials at Aikens Village, Sandyford, having regard to the following:-
(a) to the Section 55 Notice served on the developer and if he is complying;
(b) if further clarification has been received under the serving of the Section 18 Notice;
(c) if the Council are continuing to monitor this site;
was the matter referred to the E.P.A."

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

"A Section 18 Notice requesting information was issued on 20th October 2003. Information was requested in relation to:
1. type, quantity and destination of waste
2. waste hauliers
3. site investigation details

The Developer submitted some information on 17th November 2003. Outstanding information, relating to the site investigation, was requested on 21st November 2003. This information was received on 27th November 2003 and the Developer indicated that he intended to move contaminated material off site.

A Section 55 Notice was issued on 3rd December 2003. The Notice instructed the Developer not to remove any contaminated excavated material from the development as it was not clear what degree of contamination existed.

On completion of the assessment of the information received, the Council, on 6th February 2004, directed the Developer to engage, subject to approval by the Council, a suitably qualified Consultant to prepare a Risk Assessment Report. On the 10th March 2004, the Developer proposed a Consultant and the Council indicated to the Developer on 22nd March 2004 that this Consultant did not appear to have the necessary specific expertise for this particular task. The Developer has now identified an alternative Consultant acceptable to this Council and this Consultant is now preparing a Report which will identify the manner in which all waste on the site can be dealt with in a manner which protects the residents and the environment. Preliminary indications from the Consultant suggest that all issues could be resolved fully within the coming weeks.

The site has been monitored on a number of occasions since the issue was identified.

The EPA was contacted regarding the procedure for the assessment of contaminated land on 10th December 2003."

C/438/04
Draft Parking Control Scheme - Green Road, Blackrock

The following motion, in the name of Councillor B. Conway, was MOVED WITHOUT DISCUSSION:

“That the draft Parking Control Scheme for Green Road, Blackrock, be amended as follows:-
(a) that the provision for ‘all-day’ parking be deleted from the draft Parking Control Scheme and be replaced by a three hour limit; and that the provision for double yellow lines to run along the south side of Green Road, be amended so that the lines are confined to the junction with Sydney Terrace.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The Parking Control Bye Laws 2004 were approved at the April County Council Meeting.
The requests by the residents of Green Road for the provision of short stay/residential parking and minimum yellow lines has been included in this Scheme. On the issue of yellow lines, safety and access needs require that some lines be provided but these will be kept to a minimum.”

**C/439/04**  
**Monkstown Area Pay & Display Court Action**

The following motion, in the name of Councillors D. Marren and B. Lowe, was **MOVED WITHOUT DISCUSSION**: 

“That the Manager report on the developments in the Court action brought by certain residents in the Monkstown area against the County Council’s proposals to introduce Pay and Display parking in that area, and to state the costs incurred by the local authority in the court action and the estimated loss of revenue.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**: 

“High Court Proceedings were initiated by a number of residents in the Monkstown area against the County Council proposals for the introduction of the Parking Control Scheme in Monkstown and adjacent areas.

The residents failed in their action in the High Court but appealed that decision to the Supreme Court. Recently this appeal was withdrawn and proposals are now in hand to commence operation of the scheme in this area.

The Law Agent has been requested to supply the legal costs of the case, including the Supreme Court Appeal, and this will be forwarded to the members when received.

An estimated loss of income for the period during which the system was not operational is in the region of €250,000 (based on income from similar areas).”

**C/440/04**  
**Monkstown Area Pay and Display Court Action**

The following motion, in the name of Councillor C. O’Malley, was **MOVED WITHOUT DISCUSSION**: 

“That this Committee supports the application of Monkstown Educate Together School to the Department of Education & Science to purchase a site on Tivoli Terrace South, so that the school can move to a more adequate premises from its current temporary premises.”

The following report of the Manager, copy of which had been circulated to the Members, was **NOTED**: 

“If this motion is passed, a letter conveying details of the motion will be sent to the Minister for Education & Science.”

**C/441/04**  
**Provision of Bins in Parks/Recreational Areas**

The following motion, in the name of Councillor C. Smyth, was **MOVED WITHOUT DISCUSSION**: 

[Further text not provided]
“That this Council reviews / changes policy regarding the provision of ‘dog bins’ and ‘litter bins’ in the Council’s parks / recreational areas.”

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“At the April Dun Laoghaire Area Committee meeting the Senior Parks Superintendent proposed that a policy would be prepared for discussion in relation to the dog control/management issues in parks. This arose as a result of a situation in a local park whereby a standard litter bin in the park became used for the disposal of dog faeces to the extent that it became a health hazard and it was therefore decided to remove it.

In general we do not provide litter bins in open space areas as we do not have the staff resources to maintain them as frequently as required. For the same reason we do not have specific dog-litter bins in our open spaces or parks. The exception is Killiney Hill Park where dog bins were put in place on a pilot scheme. It is proposed to re-evaluate this in the context of a countywide policy which would be seen to be clear and consistent.

The situation which currently pertains to dog fouling is that individuals are responsible for the disposal of their own litter (whatever type). This is covered under Section 22 subsection (1) of the Litter Pollution Act 1997.

The provision of dog bins in recreational areas, are the responsibility of the Beaches Section, Culture, Community Development & Amenities.

At present dog bins are installed on Killiney, Seapoint and Sandycove beaches. They are also installed along the railway walkway from Seapoint to Salthill. All dog bins are emptied three times a week and daily during the summer season.

As part of the Beach Bye-Laws “No person shall take or allow to enter on a beach any animal (except a guide dog) owned or controlled by them during the period 1st of June to 30th of September in any years between the hours of 10.30 am and 7.00 pm.”

The period covered by the aforementioned bye-law is the official bathing season. It is during this period of time that most bathers use the beach, and therefore, particular care is taken to ensure that the highest standard of cleanliness and safety are observed.

If a person brings their dog on to beach outside these times, they are still obliged (as part of the Beach Bye-Laws and under the Litter Pollution Act 1997 Section 22.1) to clean up after their dog. If they fail to do so they are liable to be fined by the Dog Warden or Litter Warden.

There are litter bins located on Killiney, Seapoint and Sandycove beaches and these are emptied every second day during the winter and twice daily during the summer season.”

C/442/04
Blocked Damaged Foul Drains

The following motion, in the name of Councillor T. Kelly, was MOVED WITHOUT DISCUSSION:

“That given the fact that householders are deemed liable for any blockage of the foul drain not only within the boundary of their property but also for the section of foul drain between the boundary of their property and the main sewer and also for the cost of any
repair to a section of footpath or section of road caused as a result of repairing such blockage/damage, that the Council initiate proceedings to redefine what is a sewer as per the current Sanitary Services Act and remove the responsibility from householders regarding blockage/damage to section of foul drain outside of the official boundary of their property."

The following report of the Manager, copy of which had been circulated to the Members, was NOTED:

“The Local Government (Sanitary Services) Acts 1878 to 1964 defines and allocates responsibilities in relation to sewers and drains including combined drains. Ownership and responsibility for the repair and maintenance of such drains rests with the drain owner. The Council has no authorisation to carry out any works on these drains whether the fault is within the property line or not.”

C/443/04

Conclusion of Meeting

The meeting concluded at 8.40pm.