**Notice of Proposal to Make a Tree Preservation Order**

**Section 205 of the Planning and Development Act 2000, as amended.**

Kildare County Council as planning authority gives notice that it intends to make an order under Section 205 of the Planning and Development Act 2000, as amended, in accordance with the draft Order set out in the Schedule to this notice, to preserve and protect the trees specified in the draft Order located at Caragh, Co. Kildare and prohibit the actions stated to be prohibited as set out in the Schedule to the draft Order.

A copy of the draft Tree Preservation Order (TPO) is available for inspection at the following locations from **Tuesday 12th October 2021 to Wednesday 24th November 2021**:

* Kildare County Councils online Consultation Portal: <https://consult.kildarecoco.ie/en/browse>
* Planning Office, Kildare County Council, Áras Chill Dara, Devoy Park, Naas during opening times of 9.30am–4.00pm, Monday to Friday (closed Bank Holidays). In accordance with public health advice, appointments must be booked in advance at <http://kildare.ie/countycouncil/OnlineBookingSystem/> and subject to public health restrictions.

Submissions or observations regarding the proposed Order may be made on or **before 4pm on Wednesday the 24th November 2021**and must be submitted online **or** hard copy as follows:

* Online: through the submission form facility available on Kildare County Council’s Consult portal: <https://consult.kildarecoco.ie/> , **OR**
* By post to: Senior Executive Officer, Planning Department, Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co. Kildare (clearly marked **‘Draft TPO Caragh’)**.

All such submissions or observations will be taken into consideration by Kildare County Council as planning authority.

Any person who contravenes an Order or, pending the decision of the planning authority, a draft Order under Section 205 Planning and Development Act 2000, as amended, shall be guilty of an offence.

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**Schedule to this Notice:**

**Draft Order in accordance with**

**Section 205 of the Planning and Development Act 2000, as amended**

**Kildare County Council Tree Preservation Order No. 1 of 2021**

**Reference No. TPO1/2021 in Register:**

WHEREAS it appears to the Kildare County Council (hereinafter called “the planning authority”) being the planning authority for the County of Kildare, that it is expedient in the interests of the amenity and/or the environment of the general locality where the trees are located to make provision for the preservation of the trees specified in the First Schedule to this Order and more particularly delineated on the map annexed hereto.

NOW THEREFORE in the exercise of the powers conferred on them by section 205 of the Planning and Development Act 2000, as amended, the planning authority hereby orders that the cutting down, topping, lopping or wilful destruction of the trees specified in the Schedule to this order and delineated on the map attached hereto is prohibited.

The planning authority hereby further declares that the trees specified in the Schedule are of special amenity value.

This Order may be cited as the Kildare County Council Tree Preservation Order No. 1 of 2021.

**Schedule 1**

**Part 1: Tree(s) of Special Amenity Value**

All trees are located in Caragh Village, Co. Kildare on two adjoining sites to the east of Caragh Catholic Church on the opposite side of the R409 as shown in the attached map entitled 'Lands at Caragh, Naas , Co. Kildare subject to proposed Tree Preservation Order' (which is available to view at the locations outlined above).

|  |  |  |
| --- | --- | --- |
| Ref. No. | Description | Location |
| 0102030405060708091011121314151617181920 | Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica*Beech tree *Fagus Sylvatica* | Located within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within northern field boundary treelineLocated within eastern field boundary treelineLocated within eastern field boundary treelineLocated within eastern field boundary treelineLocated within eastern field boundary treelineLocated within eastern field boundary treelineLocated within eastern field boundary treelineLocated within southern field boundaryLocated to the east of the site entrance from R409 |

**Part 2: Exemptions**

This Order shall not apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any enactment or so far as may be necessary for the prevention or abatement of a nuisance or hazard.

**Schedule 2**

**Applications for Consent to the Planning Authority to the cutting down, topping, or lopping of any tree the subject of this Order**.

Applications for Consent to the Planning Authority to the cutting down, topping, or lopping of trees can be made under Section 32 of the Planning and Development Act 2000 (as amended), and in accordance with the Planning and Development Regulations 2001 (as amended) or by applying to the Planning Authority to amend or revoke this Order under Section 205(6) of the Planning and Development Act 2000 (as amended).

**Schedule 3**

Section 32 of the Planning and Development Act 2000 (as amended) states:

*(1) Subject to the other provisions of this Act, permission shall be required under this Part*

*(a) in respect of any development of land, not being exempted development, and*

*(b) in the case of development which is unauthorised, for the retention of that unauthorised development.*

*(2) A person shall not carry out any development in respect of which permission is required by subsection (1), except under and in accordance with a permission granted under this Part*

**Signed: Eoghan Ryan**

**Director of Services**

**Planning and Strategic Development**

**12th October 2021**