



Proposal to declare Purser Gardens, Rathmines, Dublin 6 to be a public road

Purser Gardens is a private road in Rathmines. By letter dated 9th February 2018 The Representative Church Body and representatives of owners of properties abutting the road requested that the road be taken in charge by Dublin City Council. The extent of the proposal is shown on the attached Drawing No. R.M. 36437D dated 16th November 2017.

Purser Gardens was in Dublin City Council's charge until 1970 when it was closed to public use at the request of an adjoining property owner, The Representative Church Body. In 1977 the Church Body sold the road to Belgrave Homes Limited and thereafter following development the road was retained by the developer. Belgrave Homes Limited is now a dissolved company and its assets are the property of the State. The State has no objection to the taking in charge of the road.

The taking in charge of this road is governed by the Roads Act 1993 Section 11. Under Section 11 (b) where a road authority proposes to declare a road to be a public road it must satisfy itself that the road is of a general public utility and it must consider the financial implications for the authority of the proposed declaration. In considering these requirements the Environment and Transportation Department is satisfied that the section of road in question is of general utility. Road Maintenance Services and Public Lighting Section have identified that some works are required to bring the road up to taking in charge standard. The estimated cost of these works is €145,750. The applicants have agreed, in principle, to pay €145,750 for remedial works, provided that the road is taken in charge and this amount has been lodged by the applicants to Dublin City Council.

The South East Area Committee, at its meeting on the 14th May 2018 agreed to initiate procedures to have the road known as Purser Gardens, Rathmines, Dublin 6 taken in charge by Dublin City Council under Section 11 of the Roads Act 1993 as indicated on Drawing No. R.M. 36437D.

Service Check

A service check was initiated with the Service Divisions in Dublin City Council. Road Maintenance Services and Public Lighting Section have identified that some works are required to bring the road up to taking in charge standard. The Planning & Property Development Department does not object to the road being taken in charge. There are no issues regarding Water and Drainage Services. The Water and Drainage Services infrastructure was transferred to Irish Water's ownership on 20th January 2015 by Ministerial Order under Statutory Instrument 13 of 2015.

Statutory Requirement

By public advertisement in the Irish Independent on the 21st May 2018, representations or objections were invited by the 9th July 2018. Site notices were erected on Purser Gardens on the 21st May 2018 for a period in excess of 1 month. Two objections were received in

relation to the proposal. Both objectors live in an apartment in Belgrave Road and both have cars. Under the current Dublin City Council Parking Control Bye-Laws they are entitled to purchase 1 parking permit for their property. They park their second vehicle on Purser Gardens. They are objecting to the proposal to take Purser Gardens in charge and will not withdraw their objections unless they are given the right to purchase a second on street parking permit for their property on a continuous basis.

The issues raised by the residents of the apartment in Belgrave Road were considered. Parking Enforcement reported that as per the Dublin City Council Parking Control Bye-Laws, residents of sub-divided dwellings are entitled to 1 parking permit only per dwelling. Parking Enforcement records indicate that the building in which the residents making the objection live is sub-divided into at least 3 apartments. Under the current bye laws it is not possible for the residents to purchase a second parking permit for their property.

Recommendation

At its meeting on the 10th September 2018 the South East Area Committee was notified that the proposal to take Purser Gardens, Rathmines, Dublin 6 as indicated on Drawing No. R.M. 36437D dated 16th November 2017 will be considered by the City Council at its meeting on the 1st of October 2018.

The Environment and Transportation Department has considered the requirements of Section 11 (b) of the Roads Act 1993 and it is satisfied that the section of road in question is of general utility. The financial implications of the authority of the proposed declaration have been considered and the applicants have agreed, in principle, to pay €145,750 for remedial works, provided that the road is taken in charge. The amount of €145,750 has been lodged by the applicants to Dublin City Council.

The declaration of a road to be a public road under the provisions of Section 11 of the Roads Act 1933 is a reserved function of the City Council.

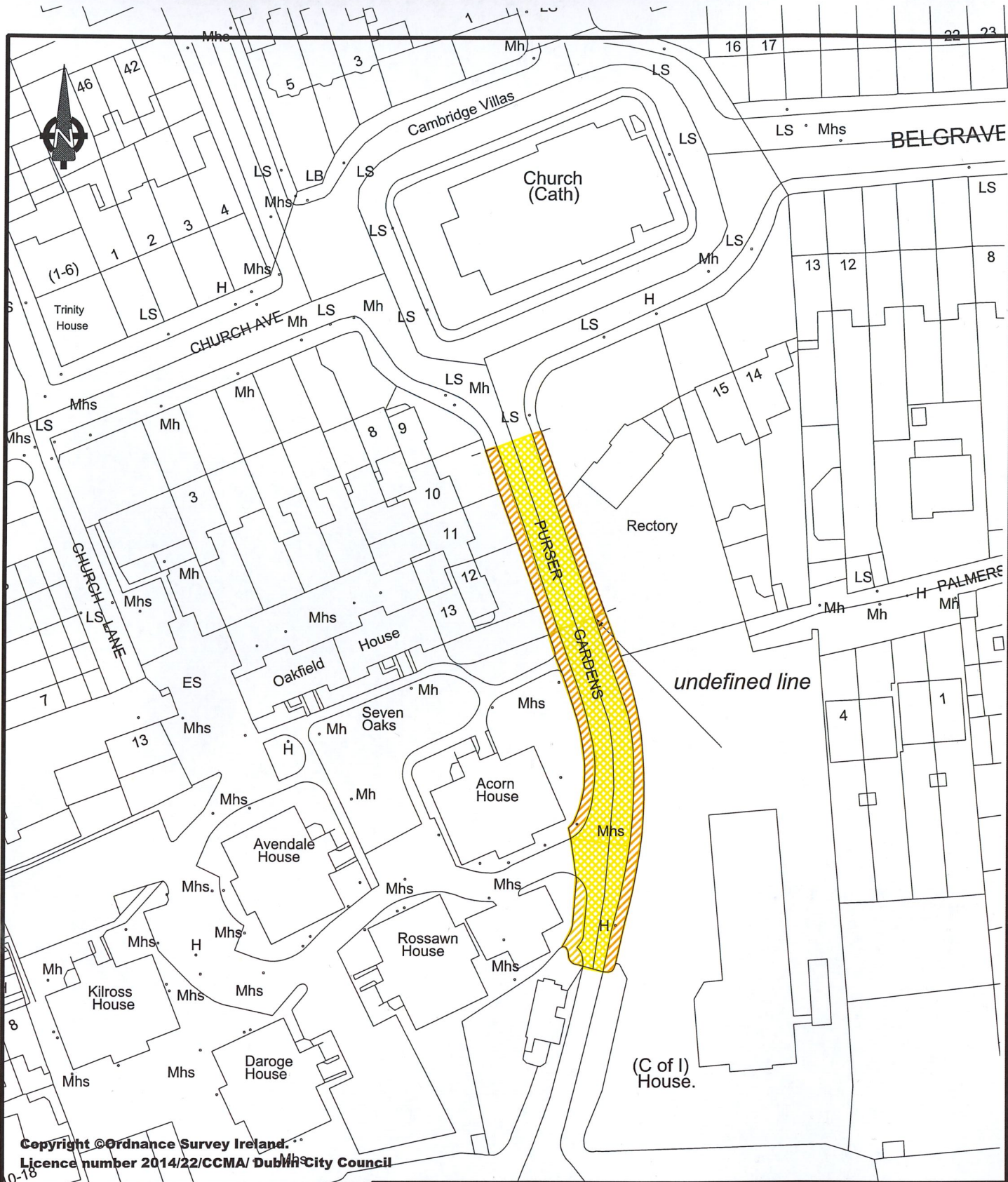
Resolution:

“It is hereby resolved that we, the Lord Mayor and members of Dublin City Council, being the Road Authority for the City of Dublin declare the roads and footpaths at Purser Gardens to be public roads and footpaths as shown on Drawing R.M. 36437D in accordance with Section 11 of the Roads Act 1993.”

Rose Kenny

Area Manager

17th September 2018



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DUBLIN CITY COUNCIL

Comhairle Chathair Bhaile Átha Cliath

ENVIRONMENT & TRANSPORTATION DEPARTMENT,

CIVIC OFFICES,

WOOD QUAY, DUBLIN 8.

'Purser Gardens', Rathmines.

Proposed taking in charge.

Location map.

ROADS MAINTENANCE DIVISION

R.M. 36437D

John Flanagan
 EXECUTIVE MANAGER (ENGINEERING)

C.A.D. BY	DATE	REVISED	SCALE
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