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## **Proposal to declare an area of pavement at St Luke's Avenue, Dublin 8 to be a public road**

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The South Central Area Office seeks the support of the Area Committee to initiate a process to take-in-charge land at St Luke's Avenue, Dublin 8, by declaring this section of pavement to be a public road for the purposes of the Roads Act 1993. The declaring of land to be a public road is a reserved function.

### **Proposal**

The proposal refers to an area of pavement to the rear of the public footpath at St Luke's Avenue in Dublin 8, at the junction with Newmarket Street (refer to Drawing No. 37010 attached, area hatched in grey). The subject land is owned by Dublin City Council, having been acquired under CPO for the development of the Coombe Bypass, now St Luke's Avenue. Full title was vested in Dublin City Council under the Newmarket/The Coombe Area CPO 1970 (Folio DN23314F) and Cork Street CPO 1998 (Folio DN153722F).

A portion of the land currently forms a paved forecourt to the Newmarket Hall development, which includes the main pedestrian entrance to the apartment building and the entrances to the two commercial units at ground floor. The forecourt area is used for carparking which appears to be monitored by a private contractor - NCPS. However, this carparking results in vehicles illegally crossing the public footpath, and parking often encroaches on the public footpath and other areas of public space. Cars regularly impede pedestrians on St Luke's Avenue and using the steps to access Newmarket Street.

In the past year, Dublin City Council has undertaken a number of actions to enhance the public realm here including:

- i. The creation of a new public park to the front of the former St Luke's Church (Thomas Burgh House) including new steps and ramp entrances, where previously was a green verge.
- ii. The removal of a disused drainage chamber at the base of Newmarket Street and its replacement with paving and a built planted area as an interim measure.
- iii. The passing of the Newmarket & Environs Public Realm Improvement Plan under Part VIII, which provides for the remodelling and widening of the stepped entrance into Newmarket Street to create a major entry point to Newmarket.

These changes enhance the street at this point and allow for greater use of the area by pedestrians. As such the current practice of parking on the pavement becomes an issue. The current, privately-operated NCPS contract does not extend to the full pavement area. The ability of Dublin City Council to enforce Parking Control Bye-Laws on the subject land is

unclear. Furthermore, responsibility for the maintenance of the pavement at this location is unclear as the area is not in charge of Roads Maintenance Services.

The Roads Authority through the South Central Area Office therefore proposed to declare the subject land to be a public road to allow for its taking in charge by Roads Maintenance Services.

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 have identified that some minor works are required to bring the road up to taking in charge standard. The estimated cost of these works is €5,000.

The South Central Area Committee is requested to initiate procedures to have the subject land at St Luke's Avenue, Dublin 8 taken in charge by Dublin City Council under Section 11 of the Roads Act 1993 as indicated on Drawing No. R.M. 37010 (area hatched in grey).

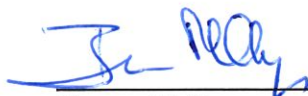
### **Consequences of Declaring the Subject Land to be a Public Road**

A number of consequences arise if the Council determines to declare the subject land to be a public road:

- i. The full extent of the pavement at this location will fall to Dublin City Council Roads Maintenance Services to maintain and repair as necessary.
- ii. The ability of the Management Company or other agents of Newmarket Hall to regulate car parking on the forecourt area will be suspended.
- iii. Dublin City Council Parking Control Bye-Laws will apply to the full extent of the area.
- iv. Other policies and bye-laws of Dublin City Council which apply to public roads will apply to the subject land, e.g. licencing of street furniture.

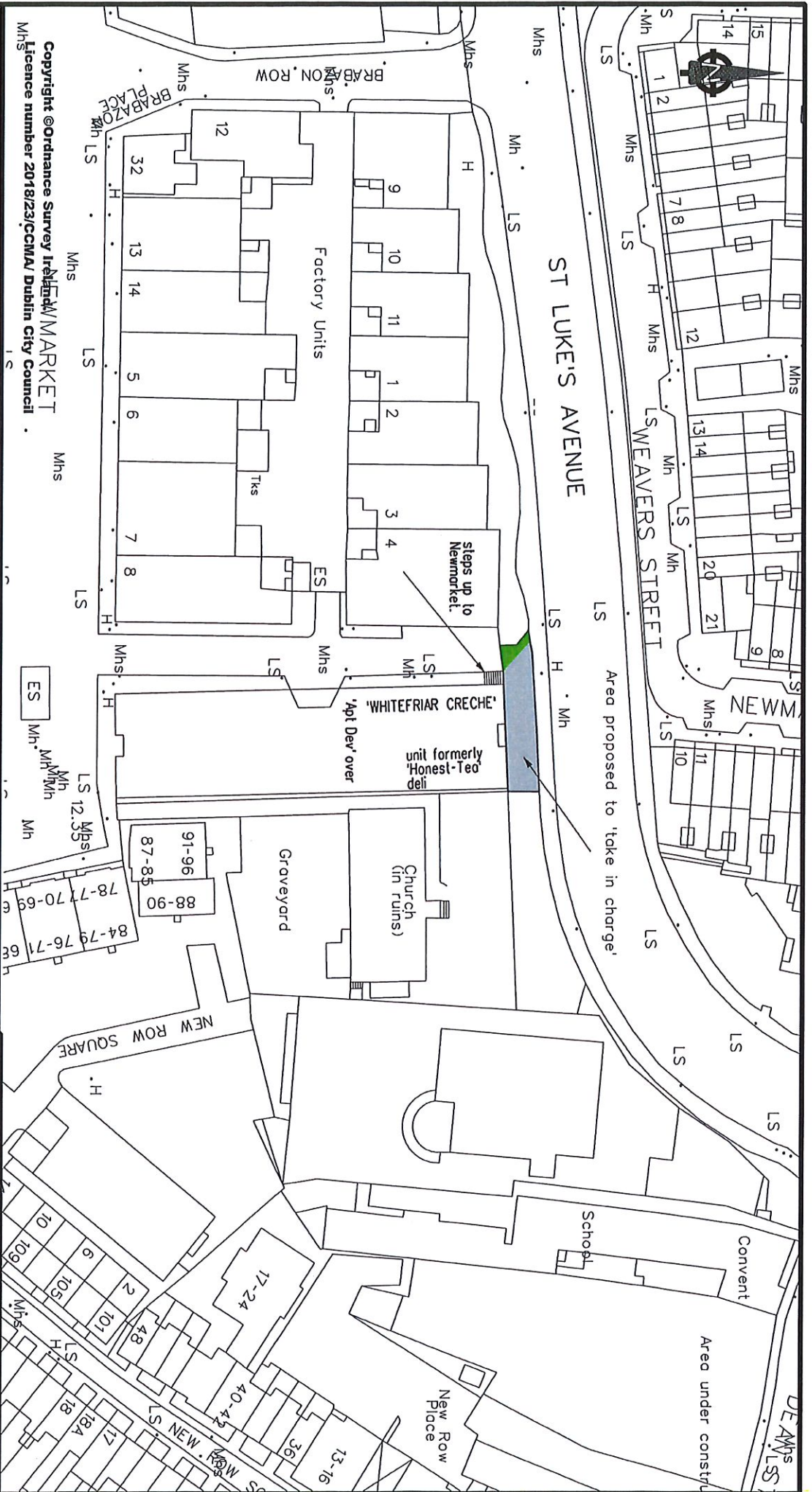
### **Statutory Requirement**

Upon initiation of this proposal, a public advertisement of the intent to declare the subject land to be a public road will be required inviting representations or objections. Site notices will be erected at St Luke Avenue for a period in excess of 1 month. A report on this public consultation period will then be brought to Members for their further consideration.



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**South Central Area**



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Comhairle Cathrach  
 Bhaile Átha Cliath  
 Dublin City Council

ENVIRONMENT & TRANSPORTATION DEPARTMENT  
 CIVIC OFFICES,  
 WOOD QUAY, DUBLIN 8.

Dr John W. Flanagan Ceing Fíeí Rice  
 City Engineer

REVISION	DESCRIPTION	DATE	REFERENCE DRAWINGS

DATE	/20
DATE	/20
DATE	/20

Proposed taking in charge of  
 area of footpath at St Lukes Avenue, D.8.  
 (preliminary)

ROADS MAINTENANCE DIVISION

C.A.D. BY	
CHECKED BY	
APPROVED BY	

SCALE 1:1000  
 DATE 07/06/2018

DRAWING No.  
 R.M. 37010