

8th July 2019

**To The Chairperson and Members of the
South East Area Committee**

**With reference to a proposal to initiate procedures to have Adair Lane,
Dublin 2 taken in charge by Dublin City Council**

Proposal

The laneway known as Adair Lane, Dublin 2 was in Dublin City Council's charge until 10th January 2011 when Dublin City Council extinguished the public right of way over the laneway at the request of the applicant Gleeson, McGrath, Baldwin Solicitors on behalf of their client The Fleet Street Inn Dublin Limited (trading as The Temple Bar Hotel, Fleet Street, Dublin 2). (Report 411/2010 refers).

The application stated that the extinguishment of the public right of way over the laneway was required in order to gate the laneway to facilitate the development of a smoking area/beer garden to the rear of the Temple Bar Hotel.

Dublin Fire Brigade, the Environment & Transportation Department and the Planning & Development Department requested that a number of stipulations be attached to the closure and the public right of way was extinguished subject to the following conditions:

- I. *The applicant is to provide written confirmation that no building will take place on this laneway and to acknowledge that if Dublin City Council wishes to develop Adair Lane as part of the public pedestrian or vehicular network, that this extinguishment would not preclude development of plans, consultation or re-adoption of the laneway by the City Council as a public right of way.*
- II. *There must be strictly no parking anywhere along the laneway as this would restrict Fire Brigade access.*

Written confirmation regarding the conditions stipulated was received from the applicant. Planning Permission was subsequently granted for Planning Ref. No. 2186/11 in 2011. Condition 6 states that the permission was valid for a period of 2 years from the date of grant of permission.

The current position is that Adair Lane is owned by Dublin City Council but is no longer in charge. The laneway has not been gated since the extinguishment was approved and the planning permission for the smoking area/beer garden has expired.

In recent weeks vehicles have started to park in Adair Lane. Access for emergency vehicles is restricted as a result which is in direct breach of a condition specified by Dublin Fire Brigade in relation to the extinguishment.

The extinguishment was subject to a stipulation that Dublin City Council could re-adopt the laneway as a public right of way. The Environment and Transportation Department recommends the re-adoption of the laneway as a public right of way to address these issues and to regularise the current position.

Gleeson, McGrath, Baldwin Solicitors on behalf of their client, The Fleet Street Inn Dublin Limited (trading as The Temple Bar Hotel) have been notified of this decision and have informed the City Council that the Temple Bar Hotel was sold by their client a number of years ago.

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 of the authority of the proposed declaration. In considering these requirements the Environment and Transportation Department is satisfied that the road in question is of general utility and is satisfied that the road is up to taking in charge standard. The Environment & Transportation Department recommends that the taking in charge process be commenced. The extent of the proposal is shown on the attached Drawing No.

R.M. 25173B dated 3rd July 2019.

Service Check

A service check has been initiated.

Statutory Requirement

The statutory procedure requires that public notice of the proposal is placed in one or more newspapers circulating in the City and that the relevant documents in relation to the proposal to declare the road to be a public road go on public display for a period of 1 month. Objections or representations in relation to the proposal can then be made by members of the public within 2 weeks of the end of that period. Taking in Charge is a function reserved to the elected members of the City Council who shall consider any objections or representations made and not withdrawn

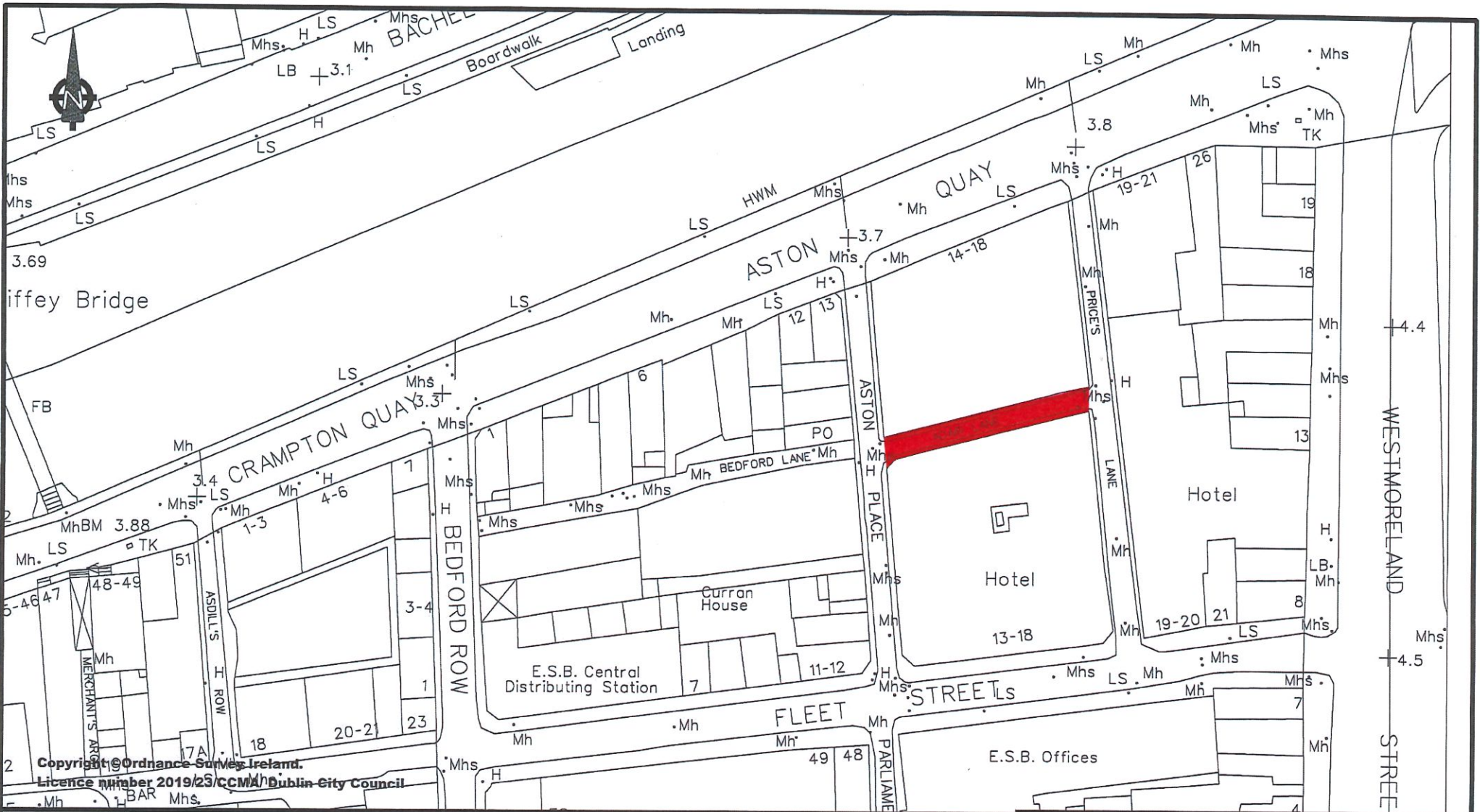
Recommendation

I recommend that procedures be initiated under Section 11 of the Roads Act 1993 to have Adair Lane, Dublin 2 taken in charge by Dublin City Council as indicated on Drawing No. R.M. 25173B.

Taking in Charge is a function reserved to the City Council.

Mary Taylor

Executive Manager South City




Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council
 ENVIRONMENT & TRANSPORTATION DEPARTMENT,
 CIVIC OFFICES,
 WOOD QUAY, DUBLIN 8.

Dr John W. Flanagan CEng FIEI FICE
 City Engineer

REVISION	DESCRIPTION	DATE	REFERENCE DRAWINGS
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			DATUM
			C.A.D. BY
			CHECKED BY
			APPROVED BY

ROADS MAINTENANCE DIVISION

Adair Lane, Temple Bar.
 Proposed 'taking in charge' Adair Lane.

SCALE 1:1000
 DATE 03/07/2019

DRAWING No.
R.M. 25173B

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