

Date: 7th June 2023

Ref: LD/2951038/2023

**To the chairperson and members of
North Central Area Committee.**

**With reference to the proposed Extinguishment of Public Right of Way over the
laneway at 57-59 Celtic Park Avenue, Dublin 9.**

The legal procedure to extinguish the public right of way at the above location was initiated under Section 73 of the Roads Act 1993.

Proposal

A request to have the public right of way extinguished over the laneway located at 57-59 Celtic Park Avenue, Dublin 9 was submitted to Dublin City Council's North Central Area Office by the residents directly abutting this section of laneway. The reason given for requesting the partial closure is to prevent the ongoing issue of the high volume of vehicles using the laneway as a short cut and causing safety concerns for pedestrians & residents. The proposed method of closure is by means of a lockable gate. Residents are willing to provide access to any services that require access and have given a commitment that they will be responsible for the maintenance and upkeep of the laneway when the right of way has been extinguished. The extent of the proposed extinguishment is shown on Drawing **RM 37965** (copy attached).

Statutory Requirement

On 26th October 2022, notice of the intention to extinguish the right of way was advertised with representations or objections invited by 14th December 2022.

- 30 submissions objecting to the extinguishment of public right of way were received.
- 17 submissions supporting the extinguishment of public right of way were received.
- No letters of representation were received.

Service Checks

A service check was carried out.

The majority of services responded to say that they have no objection.

Virgin Media

Virgin Media responded to say that they have underground services in this vicinity and will require the ability to access if required.

Summary of issues of concern

This proposed extinguishment received a large number of submissions. 30 objections to closure and 17 in support.

1. There are a number of residents who still require fuel deliveries which can only be done through the back lane. Due to the layout of the laneway the oil trucks state they have difficulty entering at any other point.
2. The privatisation of the laneway will reduce permeability and connectivity in the area.
3. The perceived loss of the safe walking route through the laneway.
4. There is an onerous responsibility arising in the event of this particular lane closure relating to maintenance issues.
5. There is a high risk that with the closure of this section of laneway traffic will increase on the section of laneway at number 69-71 Celtic Park Avenue.
6. The issue of road / pedestrian safety at this laneway had been raised as an issue and in order to quantify the level of vehicular traffic at this laneway access, Dublin City Council's North Central Area Office commissioned a traffic survey on a random week from Monday 22nd May 2023 to Monday 29th May 2023. The results of the survey confirm that only one vehicle entered the laneway on 12 occasions over the seven day period in question. This vehicle did not exit the laneway onto Celtic Park Avenue.

After a comprehensive review of all observations, I recommend that the Committee **retain** the public right of way over the area as shown on Drawing **RM 37965**.

Derek Kelly
Executive Manager