



**With reference to the extinguishment of the public right of way between 233-235
Glasnevin Avenue and 10-11 Beneavin Park Dublin 11.**

Proposal

A request has been submitted to the North West Area Finglas Office by a number of residents in Glasnevin Avenue and Beneavin Park who live around the vicinity of the public right of way.

The reason for this extinguishment is due to antisocial behaviour, dumping, drug related activities etc. which is proving very difficult for local residents directly living around the laneway. The extent of this proposed extinguishment is shown outlined in red on the attached map SM-2024-0027.

The North West Area Committee, at its meeting on the 20th February 2024, agreed to initiate the statutory procedure to extinguish this public right of way. At its meeting on the 17th September 2024, it was agreed to recommend the procedure to City Council to extinguish this public right of way under the provisions of Section 73 of the Roads Act 1993.

Statutory

The proposal was advertised in the public press on Wednesday 3rd April 2024 and signs were erected on site in accordance with Section 73 of the Roads Act 1993. The latest date for receipt of submissions regarding this proposal was 18th May 2024.

Service Check

There were no objections raised by Statutory Bodies.

In response to the advertisement

Of the sixty written submissions that were received by Dublin City Council, forty eight submissions were in support of the measure (with a number from the same household) and twelve submissions opposing it (with some objections from the same household).

This was in response to a petition signed by forty eight residents of Glasnevin Avenue & Beneavin Park supporting the closure of the public right of way.

- Twelve objections were received from Glasnevin Avenue and Beneavin residents.
- Of these twelve objections, one oral hearing was requested and three residents were in attendance.

Oral Hearing

The oral hearing (held Tuesday 18th June 2024) was attended by three residents which advised that the allegations of anti-social behaviour was exaggerated and was not confined to the public right of way. Also stated was that only half the residents of Beneavin Park were canvassed by proposers of the extinguishment.

The main issues raised by the households opposed to the closure can be summarised as follows:

1. The level of anti-social behaviour detailed in the original submission was exaggerated and nuisance and anti-social behaviour happened as frequently in other parts of the local area and were not confined to the lane.
2. Only half of the residents in Beneavin Park were canvassed by the proposers of the lane closure.
3. The right of way is a key pedestrian link to amenities that will become more needed when the proposed Bus Connects changes are made in order to access public transport links.
4. There was concern around who will have access to the lane if the public right of way is extinguished and who would be the key holder.

Chairpersons observations in relation to the points raised at the oral hearing:

1. The claim that not all households in Beneavin Park were canvassed is worthy of investigation by the local area office as the loss of a pedestrian right of way will affect all residents.
2. It would be worth checking the number of reports of anti-social behaviour reported to An Garda Síochána in relation to the lane in the last three years.

Recommendations following oral hearing are as follows:

- Establish the number of reported incidents in the lane over the last three years (see response 1A)
- Ascertain whether or not all residents of Beneavin Park were canvassed in relation to the proposal before a decision is made to present a final report to the North West Area Committee for their consideration. (See response 1B)

In response to the recommendations following the oral hearing

1A. Dublin City Council requested the total number of reported incidents from An Garda Síochána over the past four years. A total of five incidents (in 2023) related to the laneway were reported. It is highly likely that some local residents call the local Garda station rather than dialling 999/112 and so those calls were not logged.

Local residents also have expressed serious concerns for safety due to the blind spot (dog leg) in the laneway and numerous other instances unreported

1B. Responding to the recommendation from the Oral Hearing, it was decided that a further survey of all households should be undertaken. A Dublin City Council Official surveyed a total of one hundred and seventeen households to include forty one in total on Glasnevin Avenue (side of laneway, nineteen on one side and twenty two on the other side) and all 76 households in Beneavin Park on the 1st, 3rd and 5th of July. Houses surveyed at different times in the afternoon and evening.

Out of one hundred and seventeen households surveyed a total of fifty nine households did not answer. Out of the fifty eight households that did take part:

- Thirty three households were in favour.
- Eighteen households were not in favour.

- Seven households did not feel the survey was relevant to them.

Households directly located around the public right of way on both Glasnevin Avenue and Beneavin were in favour of the lane closure with some households further from the lane entrance advising against the closure.

The report below are summary points of an onsite meeting with residents at 11.00am Monday 24th June 2024.

Pat Teehan, Finglas Area Manager and Patricia Quirke, Administrative Officer

- Meeting was attended by a number of residents in Beneavin Park and Glasnevin Avenue with a good majority of attendees in favour of lane closure.
- A resident emailed Patricia Quirke following meeting to request that the following be noted

“Could you just take note that the people who sent in objections to the lane were unable to make the meeting due to the start time of 11am and the short notice. They all had work commitments.”

- Residents in favour of closure highlighted the following
 - Daily drug dealing
 - Escape route for individuals running from An Garda
 - Excessive littering
 - Living in fear due to numerous antisocial behaviour
 - Does not impact residents requiring access to public transport, lane way does not impact time to get to bus stop
- Residents against the closure highlighted the following
 - Cases of antisocial behaviour are isolated
 - Use lane as a short cut for amenities and transport
 - Never have witnessed daily drug dealing
 - Laneways that are closed are not being maintained
- Residents have been informed that an independent adjudicator was engaged to hear oral objections that were requested and their report will accompany final documentation to the Council Meetings for consideration.
- Residents asked about opening the gates between certain times, gate installations etc. The Area Manager advised the following:
 - In the event of the extinguishment being approved by the City Council, residents will have to fund and source installers for the gates themselves and will be responsible for the upkeep of the laneway.
 - Public lighting will be removed.
 - The City Council would relinquish all responsibility for the enclosed area including public liability.
 - Arrangements such as opening and closing times of lane if any will be managed by the residents, at either side of the lane, who agree to take the lane in charge.
 - Dublin City Council will have no involvement with the lane should closure be agreed by the Councillors at the North West Area Committee and at the following full City Council meeting.

Recommendation

This item was discussed at the North West Area Committee meeting held 17th September, 2024 and the committee members decided (**unanimously**) to recommend extinguishment of the laneway as shown on Map SM 2024-0027 (attached) to the City Council.

A further discussion relating to the closure was held at the North West Area Committee 15th October 2024 relating to the level of stakeholder engagement and the impact on the residents. It was suggested that the additional time to walk around instead of through the lane is approx.

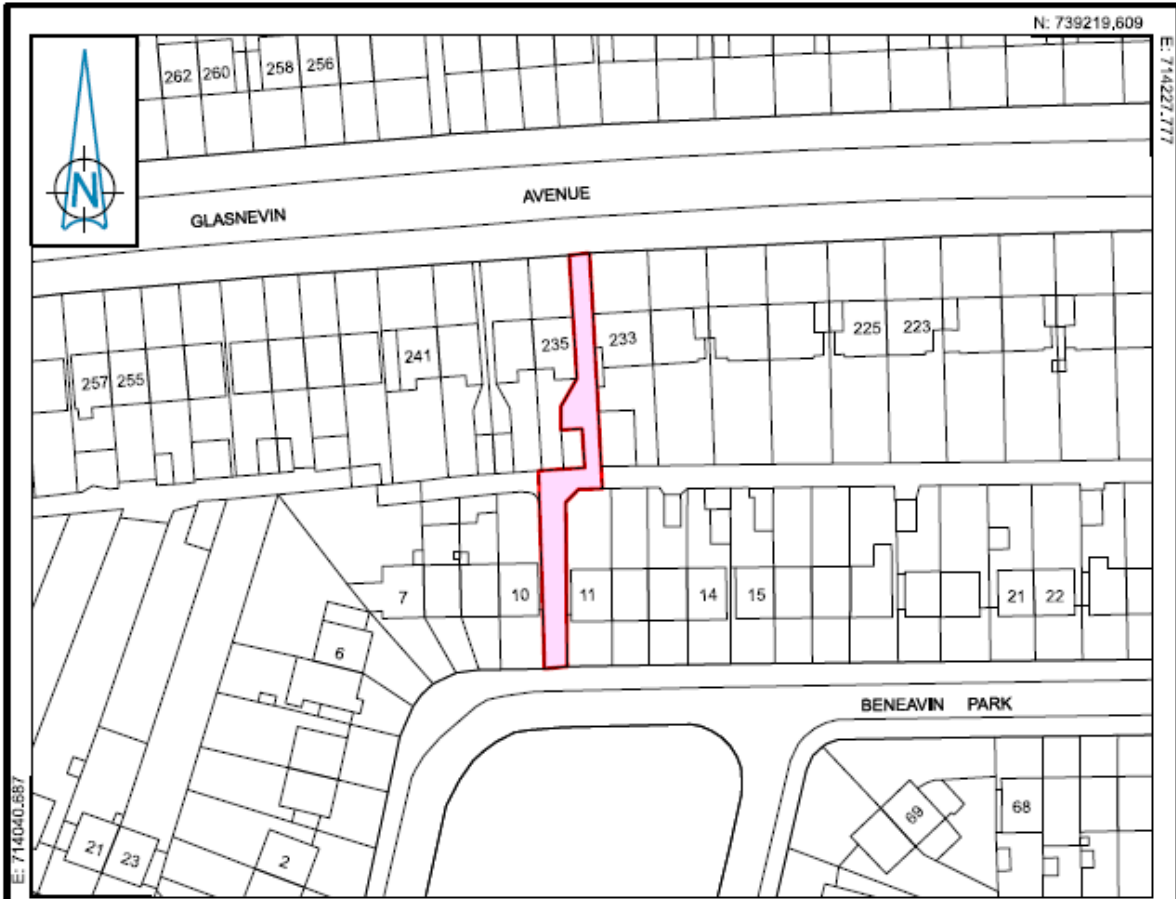
30-40 seconds. There were sixty submissions relating to the original advertisement, forty eight were for closure and twelve were against. The nature of the design of the laneway is awkward in that there is an area where the laneway bends and provides a hidden area where anti-social behaviour seems to occur regularly.

The extinguishment of a public right of way is a function reserved to the City Council.

Resolution

That We, the Lord Mayor and Members of Dublin City Council, being the Roads Authority for the City of Dublin and being of the opinion that the public right of way between 233-235 Glasnevin Avenue and 10-11 Beneavin Park Dublin 11 as shown on the attached Map SM 2022-0027 is no longer required for public use, extinguish the public right of way in accordance with Section 73 of the Roads Act 1993.

Bruce Phillips
Director of Services
North West Area



GLASNEVIN AVENUE - No. 233-235 & BENEAVIN PARK 10-11
 Map for Extinguishment of Public Right of Way
 Area - 294.3m²


Comhairle Cathrach Bhaile Átha Cliath
Dublin City Council

An Roinn Comhshaoil agus Iompair
Rannán Suirbhéireachta agus Léarscáilithe
 Environment and Transportation Department
 Survey and Mapping Division

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Dr JOHN W. FLANAGAN
 CEng FIEI FICE
CITY ENGINEER

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