

North Central Area Office,
Northside Civic Centre, Bunratty Road, Coolock, Dublin 17.

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Ref: NCA/2074324/2016

Date: 3rd October 2016

**The Chairman and Members of
North Central Area Committee.**

With reference to a proposal to initiate the procedure for the Extinguishment of the Public Right of Way over laneway to the rear of 34-48 and side of 50 Vernon Avenue, rear of 15-45 and side of 13 Belgrove Road, rear/side of 14, 15 & 16 St. Joseph's Square, Clontarf, Dublin 3.

Proposal

A request to have the public right of way extinguished over the laneway to the rear of 34-48 and side of 50 Vernon Avenue, rear of 15-45 Belgrove Road and side of 13 Belgrove Road, rear/side of 14, 15 & 16 St. Joseph's Square was received from the Residents. The reason for the closure is to prevent break-ins to properties accessed via the laneway, to prevent anti-social behaviour, dumping & graffiti in the laneway. The proposed method of closure is by means of lockable gates. The extent of the proposed extinguishment is shown on Drawing RM 36598 (copy attached).

Statutory Requirement

By public advertisement on 3rd August 2016 representations or objections were invited by 21st August 2016. We received a number of representations and objections to include residential and business concerns, of relevance is a site surrounded by the lane (indicated on the attached drawing as the Sports Ground & Tennis Ground) which has planning permission and could be negatively effected should the right of way be extinguished

Service Checks

A service check was carried out - an objection of significant importance was received from EIR and requirements were highlighted on behalf of ESB Networks, Public Lighting & Virgin Media.

Eir

Eir object to the proposed extinguishment of the Public Right of Way at the above location. Eir have network in the laneway at rear of 34 - 48 Vernon Avenue and will therefore require continuous 24 hour access to this area for maintenance purposes. They do not believe that the provision of a key is suitable in this case. It is a requirement that there are multiple staff that may require access to this lane and it is not feasible to provide keys to each member that may require access. If Eir were to remove this plant a new network would need to be built out on Vernon Avenue. This would involve substantial cost for diversion of plant which Eir are not nbprepared to incur. Separately, there would also be a requirement for wayleave permissions to be sought and granted. This is something that Eir would be reluctant to undertake.

ESB Networks

ESB Networks has no objection to the extinguishment of the Public Right of Way at the above location. However they have pointed out the existence of an ESB Low Voltage cable and Wall Box in the area proposed for closure supplying the residential properties at Saint Joseph's Square. ESB

Networks require 24 hour, 7 day a week access to this plant. Access to this plant would have to be maintained by the provision of a key and key safe or access codes for the proposed gate at the entrance to the laneway at 13-15 Belgrove Road.

*Note from ESB- Should the ownership of the laneway change from Dublin City Council to a third party or parties ESB Networks will require a Specific Right of Way from the Wall Box at the gable end of 16 Saint Joseph's Square to the public roadway at Belgrove Road and a wayleave over the existing cable in the laneway. In this instance the existence of the above plant should be brought to the attention of the new owner(s) of the land should they be intending to develop over the site. This would include the erection of the proposed gates at the entrance to the laneway.

Public Lighting & Electrical Services Division

Public Lights Engineering Section have advised that there are 6 street lights in the laneway in question. The estimated cost of removal is €2000.

*Note from Public Lighting- If the ESB is agreeable then Public Lighting could possibly come to an arrangement with the residents whereby, if they wish to retain the existing lights, then ownership of the columns/lights/any cabling etc. is legally transferred over to them. A legal agreement would be required to protect DCC going forward.

Virgin Media

Virgin Media has underground cables rising from the laneway to overhead services attached externally to 15 Belgrove Road and cable attached to the side wall running along the laneway of number 50 Vernon Avenue. Provided Virgin Media can get occasional access to the cable for maintenance they will not have an issue concerning the execution of the above proposal

Recommendation

I recommend that the Committee retain the public right of way over the area as shown on Drawing **RM 36598**

Dave Dinnigan

Executive Manager