

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

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**With reference to a proposal to extinguish the Public Right of Way at  
Stable Lane, off Harcourt Street, Dublin 2.**

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An application to have the public right of way extinguished at Stable Lane, off Harcourt Street, Dublin 2, was received on behalf of the majority of the owners whose property is abutting or has access to the lane. The reason for the proposed extinguishment is to eliminate anti-social behaviour in the laneway and to facilitate a safer environment for those who live here and for those who legitimately use this laneway.

The extent of the proposal is shown on the attached map ref. No. R.M. 36563 dated 24<sup>th</sup> March 2016. The laneway is under the charge of Dublin City Council. The laneway is not a through-way and suffers from poor passive surveillance.

The South East Area Committee, at its meeting on 13<sup>th</sup> October 2016 agreed to initiate the statutory procedures to extinguish the public right of way at this location under the provisions of Section 73 of the Roads Act 1993.

**Service Check**

A service check was carried out. Virgin Media, Gas Networks Ireland and E.S.B. Networks have no objections but have stipulated that access will have to be maintained. Eircom Limited, Trading as "open eir", has no objections but has stipulated that open eir's access and legal rights to the underground telecommunications plant in the lane are to be maintained and respected. Road Maintenance Services, Road Design, Traffic Management & Control, Property Registration, Public Lighting & Electrical Services have no objections. To date no requirements have been stipulated by Water Services. However, access will be available to them as required.

Consultation has taken place with Dublin Fire Brigade and the applicants have confirmed that the requirements of the Fire Officer in relation to the proposal will be met. The applicants have also contacted the Planning and Property Development Department in relation to plans and elevations for the proposed gate at the entrance to the laneway and the relevant requirements will be complied with.

**Statutory Requirement**

By public advertisement in the Irish Times on 17<sup>th</sup> October, representations or objections were invited by the 2<sup>nd</sup> December 2016. Site notices were erected on Stable Lane on 17<sup>th</sup> October 2016 for a period in excess of 14 days.

One submission was received on the 24<sup>th</sup> November 2016 from A & L Goodbody on behalf of its client IPUT Plc in relation to the proposal. Clarification was sought in relation to a number of issues including ownership of the laneway, access rights, storage of bins, disputes that may arise post the extinguishment process and how services will be paid for if parties refuse to contribute. The letter stated that IPUT Plc was objecting to the proposed extinguishment of the public right of way until such time as it received comprehensive replies to the points raised. A comprehensive reply was issued to A&L Goodbody by Dublin City

Council's Law Agent on the 25<sup>th</sup> November 2016 and no further correspondence was received by the closing date, 2<sup>nd</sup> December 2016.

### **Recommendation**

I have considered the issues raised by A & L Goodbody on behalf of its client IPUT Plc. A comprehensive reply was sent by the Law Agent in relation to the issues raised and no further correspondence was received by the closing date 2<sup>nd</sup> December.

Stable Lane is not a through-way and suffers from poor passive surveillance. An Garda Síochána, Pearse Street, are supportive of the proposal as the area is prone to regular anti-social behaviour and criminal activity. The laneway is routinely littered with needles and other drug paraphernalia along with human waste. The Community of the Holy Child reside on Stable Lane and their home has been broken into on a number of occasions.

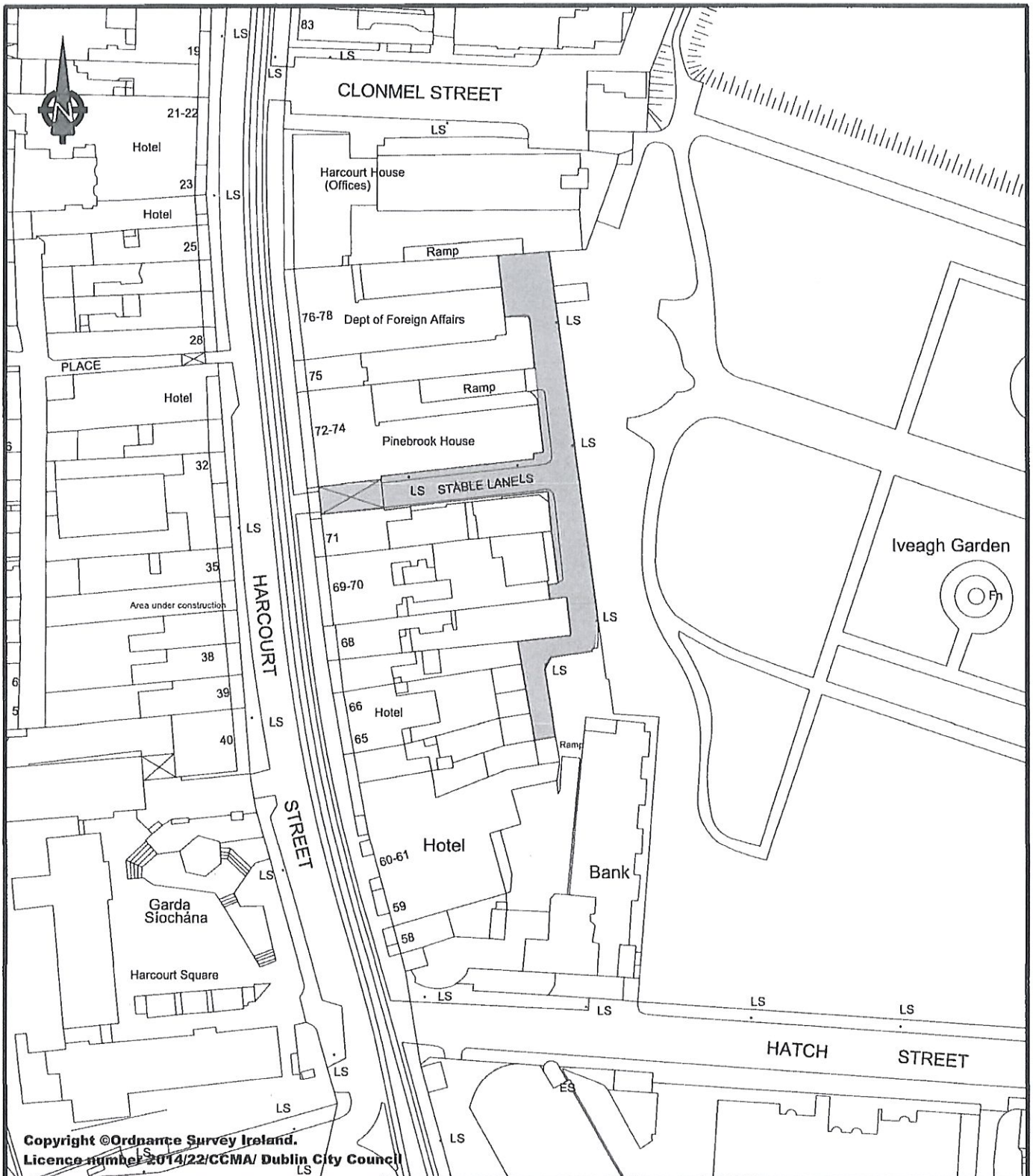
Should the laneway be gated, access will be provided via a keypad operated lock on the gate. The gates will also be manned by an intercom system 24/7 with CCTV cameras linked to the reception desk in the nearby Harcourt Hotel, so that access can be maintained at all times. The applicants have undertaken that a Management Company will be set up representing the majority of the owners mentioned above and this Management Company will cover public liability and all other issues that may arise on the laneway post extinguishment in respect of all of the owners whose property is abutting or has access to the lane.

I am satisfied that the gating of the laneway is the best solution to eliminate the anti-social behaviour in this area and to facilitate a safer environment for those who live here and for those who legitimately use this laneway.

I accordingly recommend that the Committee recommend to the City Council that the extinguishment of the public right of way over the area indicated on Drawing No. R.M. 36563 be approved subject to the requirements of the Fire Officer and the Planning Department in relation to the design of the gate. In addition, the laneway shall not be used by the adjoining property owners or others for unauthorised use.

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

**Rose Kenny**  
**Area Manager**



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**DUBLIN CITY COUNCIL**

Cornhairle Chathair Bhaile Átha Cliath

ENVIRONMENT & TRANSPORTATION DEPARTMENT,

CIVIC OFFICES,

WOOD QUAY, DUBLIN 8.

**John Flanagan**  
EXECUTIVE MANAGER (ENGINEERING)

Roads Act 1993 Section 73 (1).

Proposed extinguishment of public r.o.w.

over 'Stable Lane' at rear of nos

64-78 Harcourt Street as shown.

**ROADS MAINTENANCE DIVISION**

**R.M. 36563**

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