



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

A request 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 the laneway.

The request was made on behalf of the following property owners:

1. Sr. Geraldine MacCarthy (authorised to act on behalf of behalf of the Society of the Holy Child Jesus and Gracemere (Ireland) Limited), Holy Child Convent, 1 Stable Lane, Dublin 2
2. Brian McGill, 58-66 Harcourt Street, Dublin 2
3. Michael Fitzgerald and Tim Conolly, 67 Harcourt Street, Dublin 2
4. Sylvia Harrison, 68 Harcourt Street, Dublin 2
5. Brian McGill, 69 – 70 Harcourt Street, Dublin 2
6. Brian McGill, 72 – 74 Harcourt Hotel, Dublin 2
7. Sarah O'Reilly, 75 Harcourt Street, Dublin 2

The extent of the proposal is shown on Drawing No. R.M. 36563 dated 24th 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. An Garda Síochána, Pearse Street, are supportive of the proposal as the area is prone to regular anti-social behaviour and criminal activity.

The South East Area Committee, at its meeting on 13th 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. Road Maintenance Services, Road Design, Traffic Management & Control, Property Registration have no objections.

Virgin Media, Gas Networks Ireland, Uisce Éireann : Irish Water 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. Agreement has been reached between Public Lighting & Electrical Services and the applicants in relation to the lighting in laneway. The

applicants have confirmed that the requirements of the Service Providers will be complied with.

Statutory Requirement

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

One submission was received on the 24th 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 25th November 2016 and no further correspondence was received by the closing date, 2nd December 2016.

All of the issues raised in the submission by A & L Goodbody on behalf of its client IPUT Plc were taken into consideration.

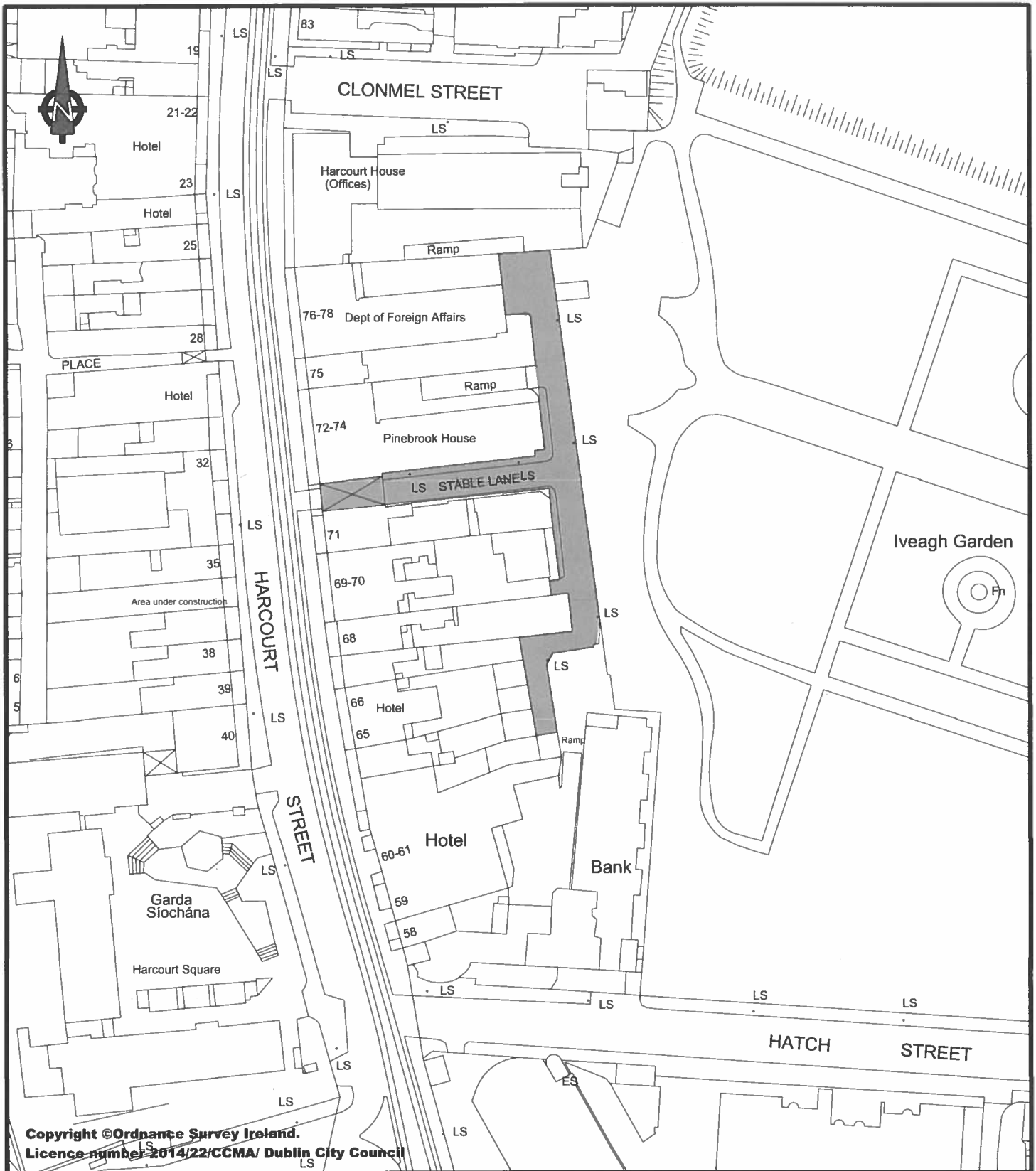
Recommendation

At its meeting on the 9th January 2017 the South East Area Committee recommended that the public right of way as shown on Drawing No. R.M. 36563 should be extinguished subject to the requirements of the Fire Officer and the Planning Department in relation to the design of the gate. The applicants must undertake to set up a Management Company and this Management Company must 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. In addition, the laneway shall not be used by adjoining property owners or others for unauthorised use. The applicants must also comply with the requirements in relation to access.

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

Rose Kenny
Area Manager

21st March 2017



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DUBLIN CITY COUNCIL

Comhairle Chathair Bhaile Átha Cliath

ENVIRONMENT & TRANSPORTATION DEPARTMENT,

CIVIC OFFICES,

WOOD QUAY, DUBLIN 8.

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

John Flanagan
EXECUTIVE MANAGER (ENGINEERING)

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