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## Proposal to declare Adair Lane, Dublin 2 to be a public road

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### Proposal

The laneway known as Adair Lane, Dublin 2 was in Dublin City Council's charge until 10<sup>th</sup> January 2011 when Dublin City Council extinguished the public right of way over the laneway at the request of the applicant Messrs. Gleeson, McGrath, Baldwin Solicitors on behalf of their client The Fleet Street Inn Dublin Limited (trading as The Temple Bar Hotel, Fleet Street, Dublin 2). The application stated that the extinguishment of the public right of way over the laneway was required in order to gate the laneway to facilitate the development of a smoking area/beer garden to the rear of the Temple Bar Hotel. Dublin Fire Brigade, the Environment & Transportation Department and the Planning & Development Department requested that a number of stipulations be attached to the closure and the public right of way was extinguished subject to the following conditions:

- I. *The applicant is to provide written confirmation that no building will take place on this laneway and to acknowledge that if Dublin City Council wishes to develop Adair Lane as part of the public pedestrian or vehicular network, that this extinguishment would not preclude development of plans, consultation or re-adoption of the laneway by the City Council as a public right of way.*
- II. *There must be strictly no parking anywhere along the laneway as this would restrict Fire Brigade access.*

Written confirmation regarding the conditions stipulated was received from the applicant. Planning Permission was subsequently granted for Planning Ref. No. 2186/11 in 2011. Condition 6 states that the permission was valid for a period of 2 years from the date of grant of permission.

The planning application was not implemented however and the current position is that Adair Lane is owned by Dublin City Council but is no longer in charge. The laneway has not been gated since the extinguishment was approved and the planning permission for the smoking area/beer garden has expired.

Vehicles have started to park in Adair Lane. Access for emergency vehicles is restricted as a result which is in direct breach of a condition specified by Dublin Fire Brigade in relation to the extinguishment. The extinguishment was subject to a stipulation that Dublin City Council could re-adopt the laneway as a public right of way. The Environment and Transportation Department recommends the re-adoption of the laneway as a public right of way to address these issues and to regularise the current position. Messrs. Gleeson, McGrath, Baldwin Solicitors on behalf of their client, The Fleet Street Inn Dublin Limited (trading as The Temple

Bar Hotel) have been notified of this decision and have informed the City Council that the Temple Bar Hotel was sold by their client a number of years ago.

The taking in charge of this road is governed by the Roads Act 1993 Section 11. Under Section 11 (b) where a road authority proposes to declare a road to be a public road it must satisfy itself that the road is of a general public utility and it must consider the financial implications of the authority of the proposed declaration. In considering these requirements the Environment and Transportation Department is satisfied that the road in question is of general utility and is satisfied that the road is up to taking in charge standard.

The South East Area Committee at its meeting on the 8<sup>th</sup> July 2019 agreed to initiate procedures to have the laneway known as Adair Lane, Dublin 2 taken in charge by Dublin City Council under Section 11 of the Roads Act 1993 as indicated on Drawing No. R.M.25173B.

### **Service Check**

A service check was initiated with the Service Divisions in Dublin City Council. Road Maintenance Services is satisfied that the road is up to taking in charge standard. Public Lighting Services has no objections. The Planning & Property Development Department does not object to the road being taken in charge. There are no issues regarding Water and Drainage Services.

### **Statutory Requirement**

By public advertisement in the Irish Independent on the 22<sup>nd</sup> July 2019, representations or objections were invited by the 9<sup>th</sup> September 2019. Site notices were erected on Adair Lane on the 22<sup>nd</sup> July 2019 for a period in excess of 1 month. One representation was received in relation to the proposal from the Temple Bar Company on behalf of Traders in the Area. The submission stated that over the past number of years that the number and frequency of public order incidents in Adair Lane has been significant and in April 2019 there was an incident of arson to the rear of the Temple Bar Hotel which could have led to significant damage to property. The submission also states that there are significant anti-social issues on this space including drug taking, illegal dumping and drug dealing on a daily basis. They would like to propose to 'manage' this space with Dublin City Council and try to arrange a community management plan for this space which would see gates erected at either end of Adair lane, these gates and the space to the rear would be managed by the Temple Bar Company. They asked that their proposal be considered and that perhaps the lane would not be taken back in charge but rather it could be gated and managed for the benefit of the local community by the Temple Bar Company.

The issues raised by the Temple Bar Company on behalf of Traders in the Area were considered. Dublin Fire Brigade has reported that it would not be acceptable from its perspective for gates to be erected at either end of Adair Lane. Fire Brigade access needs to be maintained to Adair Lane at all times. This includes the prohibition of parking on Adair Lane as it would impede Fire Service vehicles from accessing premises along the street. In addition there are a number of premises whose only means of escape, or alternative means of escape discharges onto Adair Lane, and the erection of gates could impede their escape in the event of a fire. The Planning and Development Department would not be in favour of gating Adair Lane.

**Recommendation**

At its meeting on the 9<sup>th</sup> March 2020 the South East Area Committee was notified that the proposal to take Adair Lane, Dublin 2 in charge as indicated on Drawing No. R.M. 25173B dated 3<sup>rd</sup> July 2019 will be considered by the City Council at its meeting on the 6<sup>th</sup> April 2020.

The Environment and Transportation Department has considered the requirements of Section 11 (b) of the Roads Act 1993 and is satisfied that the road in question is of general utility and is satisfied that the road is up to taking in charge standard.

The declaration of a road to be a public road under the provisions of Section 11 of the Roads Act 1993 is a reserved function of the City Council.

**Resolution:**

“It is hereby resolved that we, the Lord Mayor and members of Dublin City Council, being the Road Authority for the City of Dublin declare the roads and footpaths at Adair Lane, Dublin 2, to be public roads and footpaths as shown on Drawing R.M. 25173B in accordance with Section 11 of the Roads Act 1993”.

**Mary Taylor**

**Executive Manager**

**25<sup>th</sup> March 2020**

