

13th June 2022

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

**With reference to a proposal to extinguish the Public Right of Way
over the laneway at rear of 32, 33 Dolphin Road, Dublin 12**

A request to have the public right of way extinguished over the laneway at the rear of No.32 and No.33 Dolphin Road, Dublin 12 has been received.

The reason for the proposed extinguishment is to eliminate anti-social behaviour, improve security and prevent ongoing issues of illegal dumping in the laneway. The laneway is accessed from Herberton Drive and the portion of the laneway that abuts No.32 and No.33 Dolphin Road is a cul-de-sac with no through public access.

The proposed method of closure is by means of a lockable gate. Planning Permission may be required for the erection of the gate and discussions in relation to the proposal have taken place with the Area Planner.

The extent of the proposal is shown on the attached Drawing No. R.M. 37662A dated 12th May 2022. The laneway is under the charge of Dublin City Council.

Service Check

A service check has been initiated.

Dublin Fire Brigade, Road Maintenance Services, Water Services Department and Public Lighting & Electrical Services have no objections to the proposal. The Environment & Transportation Department has no objection but has stipulated that the gate must be positioned 5 metres down the laneway and should hang on the rear wall of property No.32 to allow adequate turning room for vehicles. A City Council housing complex 'Dolphin Court' is located beside No.33 Dolphin Road and one of the properties No. 7 Dolphin Court abuts the laneway. Housing & Community Services has no objection but has stipulated that access will have to be maintained.

Virgin Media, Gas Networks and Openeir have no objections. ESB Networks has no objection but has stipulated that access will have to be maintained.

The applicants have provided written confirmation to Dublin City Council that the various utility companies and Dublin City Council Departments have been consulted and that all the requirements stipulated will be met should the proposal be successful.

Statutory Requirement

The statutory procedure requires that public notice of the proposal is placed in one or more newspapers circulating in the city and that a notice is placed at each end of the right of way for a period of not less than 14 days. Members of the public are given a month in which to view the plans of the proposed extinguishment and objections or representations in relation to the proposal can then be made within 14 days of the end of that period. The

extinguishment of a public right of way is a function reserved to the elected members of the City Council who shall consider any objections or representations made and not withdrawn.

Recommendation

I recommend that procedures be initiated under Section 73 of the Roads Act 1993 to extinguish the public right of way over the laneway to the rear of No.32 and No.33 Dolphin Road, Dublin 12 as indicated on Drawing No. R.M. 37662A.

Karl Mitchell

Director of Services, Central and South East