

To the chairperson and members of
North Central Area Committee

With reference to the proposed extinguishment of the public right of way over a laneway located at 6 – 60a Annadale Drive and 1-59 Annadale Crescent, Marino, Dublin 9.

The legal procedure to extinguish the public right of way at the above location was initiated under Section 73 of the Roads Act 1993.

Proposal

A request to have the public right of way extinguished over a section of laneway located at 6– 60a Annadale Drive and 1-59 Annadale Crescent, Marino, Dublin 9 was submitted to Dublin City Council's North Central Area Office by a majority of residents whose properties abut the laneway. The reason for requesting the closure is to prevent the ongoing issue of illegal dumping and anti-social behaviour in the laneway and to improve the safety and security of their homes. The proposed method of closure is by means of gates with coded padlocks. The extent of the proposed extinguishment is shown on Drawing No RM 38267 (copy attached).

Service Checks

A service check was carried out.

- Dublin City Council's Drainage Division advised that there is a surface water sewer crossing the laneway, and they will reserve the right to access this section of the laneway should it ever be necessary.
- Gas Networks Ireland has Distribution Gas Network in the area and require that current gas network maps must always be kept on site during any works in the laneway.
- ESB have a cable at the entrance to the laneway that they need to have access to.
- Virgin Media advised that there are Virgin Media underground services adjacent to and in the laneway, which they need to have access to. Any work to be carried out in the vicinity will necessitate that a Virgin Media Protection Officer be present during the work.

Statutory Requirement

By public advertisement on 13th July 2023 representations or objections were invited by 1st September 2023.

There were twelve submissions objecting to the proposal and none supporting it.

Summary of Submissions

- A withdrawal of support for the original petition from 5 residents who stated they were not fully aware of the consequences should the proposal be approved

- Concerns regarding responsibility of residents over the ongoing upkeep of the laneway
- Concerns regarding the financial burden of paying for the installation and ongoing upkeep of the gate and the laneway
- The installation of a gate will impede ease of access for residents by car, bicycle and on foot to the rear of their properties
- Concerns that the installation of a gate will reduce the width of the laneway, impeding access by emergency vehicles and other large work/deliver vehicles
- Residents who park in the laneway free up parking on the street, if the laneway is closed making this more difficult, there will be less space for residents' parking
- Objection to taking on DCC's responsibilities in relation to the upkeep of the laneway
- Concerns relating to Irish Water/Dublin City Council's Drainage division having necessary access to services
- A petition against the proposal was submitted containing 10 signatures

The original petition was signed by 37 of the 51 properties abutting the laneway. During the consultation process two additional petitions were submitted to this office, with signatures from 41 dwellings which abut the laneway; 26 dwellings signed in favour, and 15 signed in opposition.

An Garda Síochána Pulse Check

An Garda Síochána reported that there were the following incidents recorded between 2019 and 2023 in the immediate vicinity of Annadale Crescent/Annadale Drive:

- Suspicious activities: 4
- Criminal damage: 1
- Anti-social behaviour: 13
- Public order: 3
- Burglary: 5
- Burglary attempted : 1
- Theft: 2
- Unauthorised Taking (Vehicle theft) : 1

Recommendation

After reviewing the petitions, the submissions and the report from An Garda Síochána I recommend that the Committee approve the proposal to **extinguish** the public right of way over the area as shown on Drawing No RM 38267.

Mick Carroll
Senior Executive Officer