COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL



MEETING OF SOUTH DUBLIN COUNTY COUNCIL

Monday, July 10, 2017

HEADED ITEM NO. HI 2 (C)

**HEADED ITEM: C. Performance and Change Management Directorate**

 **REPORTS FROM AREA COMMITTEE**

The Members of the Tallaght Area Committee following consideration of the report set out below recommended that the procedure to extinguish a Public Right of Way between Raheen & Whitebrook be initiated.

**COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL**



**MEETING OF TALLAGHT AREA COMMITTEE**

**Monday, June 26, 2017**

**HEADED ITEM NO. 20**

**HEADED ITEM: L. Leonard**

 Public Right of Way at Raheen & Whitebrook

**REPLY:**

"At a deputations meeting held on 24th May 2017, representatives from Raheen and Whitebrook attended to discuss their respective concerns regarding the public right of way over the open pathway between their estates. The Right of Way at this location has been the subject of proceedings to extinguish it for many years. The Roads Department have responsibility to carry out any formal extinguishment processes and have been involved in this case since 1995.

Some of the historical context was provided at the outset and residents engaged in a discussion of the issues. Councillors McCann, Leech and O’Connor contributed to the debate and raised questions with staff present which were responded to.

There remains a clear difference of opinion with on the one hand Raheen residents advocating strongly for the right of way to be extinguished and the Whitebrook residents voicing an opposing view and stating that the right of way should remain.

Cllr. Cora McCann chaired the meeting and in summing up at the end asked that the executive prepare a report outlining the options open to the Council to progress the matter.

**Options:**

1. Conclude the formal Extinguishment Process in the absence of consensus among residents. Given the timescales involved this would necessitate a re-advertisement of the Councils intention to close the Right of Way, inviting objections/submissions from the public. A report on objections/submissions received would then be brought to the Tallaght ACM for decision and or recommendation to the full Council.
2. The Land Use Planning and Transportation Department recognises the value of the route from a permeability point of view and is prepared to install public lighting along the route which it is hoped would alleviate issues of anti-social behaviour. LUPT would not be in favour of the suggestion made at the Deputations meeting to also extinguish the rights of way over adjacent routes. These routes in general serve the following important purposes for residents of Raheen Estate and adjoining areas who use the path as a route to:-
* the bus stop on Blessington Road
* the shops at Fortunestown Shopping Centre and
* to schools in the general area.

   3. Provide monitored CCTV linked to Tallaght Garda Station, this may be progressed for discussion to the Joint Policing Committee.

**Additional points for consideration**

If the public right of way is extinguished, the Council [Public Realm] can arrange to fence off the site and will continue to maintain the green area(s). Budget allocation may be required for the provision of fencing. There is no financial provision in 2017 budget for any such works.

* The Council will continue to require access to any existing underground services which may inform how the land will be incorporated /secured.
* Closed off lanes generally present problems for public realm with escalation of illegal dumping instances

Residents may be required to submit a comprehensive plan regarding the incorporation of the area into adjoining gardens prior to any decision being taken to extinguish the public right-of-way. Any costs involved in the preparation and implementation of same would be the responsibility of residents themselves and certain limitations due to access to underground services as mentioned above may need to be incorporated."

If the Council **agree** the proposal, the procedure to extinguish the Public Right of Way between Raheen and Whitebrook will be initiated.