COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL

**Meeting of South Dublin County Council Meeting**

**9th July 2018**

HEADED ITEM NO 10

**HEADED ITEM: Land Use, Planning and Transportation Directorate**

**REPORT ON PROPOSED EXTINGUISHMENT OF PUBLIC RIGHT OF WAY BETWEEN WHITEBROOK PARK AND RAHEEN CLOSE.**

**MAP REF: RE 9608**

“The attached report was CONSIDERED at the Tallaght Area Committee Meeting on Monday 25th June 2018.

Following consideration of the report it was proposed by Councillor Mick Duff and seconded by Councillor Charlie O Connor and AGREED:

“That this Committee recommends to the Council that the public right of way between Whitebrook Park and Raheen Close **not** be extinguished.

The decision regarding the extinguishment of a public right of way is a reserved function of the Council.

If the Council agrees to the recommendation, the following resolution is required.

**“South Dublin County Council in pursuance of its power under Section 73 of the Roads Act, 1993 hereby orders that the public right-of-way between Whitebrook Park and Raheen Close, Tallaght Dublin 24 as shown shaded red on drawing RE 9608 not be extinguished.**

COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL

**Meeting of Tallaght Area Committee**

**­­­­­­­­­­­­­­­­­­­­­­25th June 2018**

HEADED ITEM NO 13

**HEADED ITEM: Land Use, Planning and Transportation Directorate**

**Proposed Extinguishment of Public Right of Way between**

**Whitebrook Park and Raheen Close**

South Dublin County Council at its meeting of 10/07/2017 under Section 73 of the Roads Act 1993 agreed to initiate the procedure to extinguish the Public Right of Way, between Raheen Close and Whitebrook Park.

The proposal to extinguish the public right of way was advertised in the Tallaght Echo on Thursday 20th July 2017 and signs were erected on site in accordance with Section 73 of the Roads Act, 1993. A Leaflet Drop was carried out to all homes in the vicinity on Tuesday 1st August 2017. The latest date for the receipt of objections, representations and requests for oral hearing was Thursday 31st August 2017.

The following is a breakdown of the submissions received in response to the public advertisement/notice:-

**Against the Extinguishment of the Right of Way**  **359**

Of which: 212 requested public lighting and or CCTV be provided in the laneway

 31 requested public lighting and CCTV Security linked to Garda Station,

 regular patrols of the lane and lane to be cleaned and graffiti free.

**In favour of Extinguishment of the Right of Way**  **304**

**Number of Requests for Oral Hearing 3**

**Reports from Utility providers:**

**Bord Gais** No comment on Proposal - Map with Pipeline in the vicinity - when an agreement has been reached contact Bord Gais re method of closure

**Eircom**  No comment on proposal – Map with Plant in the laneway.

Plan is kept in situ with documented stipulation of 24 hour access allowance to Eir’s plant by Eir or its agents for maintenance and upgrade or Eir’s existing plant is moved to an alternative location at LA’s expense.

**ESB** No comment on proposal – Map showing approximate location of underground services close to the laneway.

**Civils@UPC**

**Virgin media** No objection

**Water and Drainage** No objection – permanently retain access to Surface water drain

**Public Lighting** No objection

At the County Council Meeting held on 25th September 2017 the Council requested that an Oral Hearing be arranged.

Mr. Niall Hayden (retired Chief Technician) conducted the Oral Hearing on 29th March 2018. The Oral hearing was attended by three representative Groups, Raheen R.A, 4 delegates. Jobstown Estate Management 3 delegates and Whitebrook R.A, 4 delegates.

Having taken oral evidence at the hearing, read the submissions and visited the site the Chief Technican does not accept that the extinguishment of the public Right of Way and the fencing off of the area will eliminate the threat of Anti-Social behaviour, nusiance and noise associated with the Right of Way. The area in his opinion, because of its size, location and configuration would still attract Anti-Social behaviour and would be more susceptible to dumping and would be more difficult to control and police and recommends that the extinguishment of the public right of way between Raheen Close and Whitebrook Park not proceed and recommends to the Council that the implementation of remedial measures below be considered to improve and enhance the public safety and security on the Right of Way:-

1. Provide high quality anti-vandal Public Lighting along the Right of Way from Raheen Road to Cheeverstown Road. This lighting should be designed to cover all vulnerable areas so as to highlight and minimise potential danger spots to reduce the risk of crime.
2. Examination of a Community Based CCTV plan such as the scheme supported and grant aided by The Department of Justice and Equality. CCTV to be linked directly to Garda Station.
3. Provide litter bins in at least four locations, one on Maplewood Road adjacent to the entrance / exit to the Fortunestown Shop Centre, one on the south side of Maplewood Road at the Pedestrian Crossing, one on Raheen Road in the green area adjacent to point A. on Appendix Map. 1. and a fourth at the confluence of the Right of Way and the pathway from Whitebrook Park at point D. on Appendix Map. 1.
4. A mobility suitability survey to be carried out on the footpath surfaces within Whitebrook Park, and any deficiencies identified to be remedied.
5. It is considered that it would be advantages to permit the residents of Raheen Close to increase the height of their rear boundary walls, where the boundary walls abut and adjoin the grass margin area and Right of Way, to effect the maximum protection to their private property.
6. Should the above recommendations be adopted, I recommend that a review of the measures taken be undertaken after a period of 2 years.

The decision regarding the extinguishment of a public right-of-way is a reserved function of the Council.

The recommendation of the Committee will be brought to the attention of the Council.

