

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

**BALBRIGGAN/RUSH-LUSK/SWORDS AREA COMMITTEE
MEETING
[Services A – Operational Matters and Water Services]**

Thursday 10th June 2021

ITEM NO. 84

Proposed Extinguishment of Right of Way Holywell View

The proposed extinguishment was discussed at the Balbriggan/Rush-Lusk/Swords Area Committee Meeting Services A – Operational Matters and Water Services held on Thursday 14th January 2021 where the committee noted the report and it was unanimously resolved that the Extinguishment of Public Right of Way in Holywell process be commenced.

A notice in pursuance of its functions under Section 73 of the Roads Act, 1993 was advertised in local papers to make an order that the public right of way at Holywell View, Holywell, Swords, Co. Dublin as outlined in red on drawing Reference Number ROW-2021-101B shall be extinguished.

A copy of the drawing Ref No ROW-2021-101B was also made available on the online consultation portal <http://consult.fingal.ie> and for inspection by contacting the offices of Fingal County Council from Tuesday 23rd March 2021 to Friday 23rd April 2021 between the hours of 9.30am and 5.00pm Monday to Thursday and 9.30 am to 4.30 pm on Friday.

In total there were 34 submissions received with 19 submissions broadly in favour of the proposed extinguishment and 12 submissions broadly opposed to the proposal during the statutory consultation phase. In addition, a submission was received from the Active Travel team in the Environment, Climate Action and Active Travel Department of the Council and from the

Planning and Strategic Infrastructure Department. One further submission was received from the National Transport Authority (NTA). Subsequent to the closing of the public consultation phase a submission was received from An Garda Síochána recommending the extinguishment of the public right of way.

The principle reasons cited by those in favour of the proposal can be summarised as follows;

- Security concerns
- Anti-social behaviour
- Health and safety of residents in Hollywell View
- Littering and dumping
- Safety of children closing off access to Main Road

The principle reasons cited by those opposed to the proposal can be summarised as follows;

- Entrances are vital for pedestrians and cyclists
- Access regularly used by children travelling between the two schools
- The access provides a safer route away from heavier traffic
- Closure will add extra distance
- Cumulative effect of closures will make Fingal less walkable and cyclable.

A late submission was received from Oliver Woods, Inspector in Swords in the following terms *"I am to inform you that An Garda Síochána have received complaints of Anti-Social Behaviour at this location at Holywell View. In addition, this exit onto public road at Holywell has been used by persons on bicycles availing of a shortcut in other areas of Holywell and there are a number of young children in the area and this has caused a safety issue.*

In light of the above, An Garda Síochána would be in agreement with Fingal County Council proposal to extinguish the public right of way at between Holywell View and the Public Road Holywell, Swords, Co Dublin."

The submission made by the NTA, while not making a recommendation regarding the proposed extinguishment, did reference the Transport Strategy for the Greater Dublin Area 2016-2035 and the National Cycle Manual. They highlight inter alia a number of points in their submission regarding National policy and specifically state that;

- Planning at the local level should promote walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services at the local level such as schools.
- New development areas should be fully permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, in order to give an advantage to these modes.

The NTAs Permeability Best Practice Guide outlines the importance of permeability and explores alternatives to extinguishment of rights of way.

The Senior Engineer in the Active Travel Team in the Environment, Climate Action and Active Travel Department in her submission states that the proposed extinguishment, if implemented, would reduce permeability and accessibility for pedestrians and cyclists and as such the proposal runs contrary to the core objective of the Active Travel unit - to encourage and facilitate active travel by promoting permeability for pedestrians and cyclists through both retrofit of existing built up areas and land use planning This core objective aligns with the Programme for Government (Our Shared Future) which mandates each local authority to carry out an assessment of their road network to make active travel and public transport better and more accessible.

She goes on to state that this proposal, if implemented, would conflict with planning policy including the National Planning Framework (Project Ireland 2040) and Fingal's Development Plan 2017-2023 which promotes active travel throughout and states "the integration of land-use and transport... ensures that places where people live are either close to, or are connected by public transport, to their places of work or education, thereby allowing people to use the most sustainable modes of transport, namely walking, cycling and public transport".

This proposal, if implemented, would be at variance with Fingal County Council's Climate Action Plan 2019 - 2024 which states that "through its own development plan strategy and policies, FCC promotes the integration of land use and transportation, and works with a range of stakeholders to improve transportation in Fingal and encourage modal shift away from private cars to more sustainable alternatives, in order to achieve this target".

The Senior Executive Engineer in the Planning and Strategic Infrastructure Department has also written opposing the proposal. In her submission she notes that several policy documents including the Fingal County Development Plan, The Design Manual for Urban Roads and the NTA's Permeability Best Practice Guide set out the rationale and need for permeability, both for new developments and maintaining existing permeable links.

She goes on to state that the Transport Planning Section would have concern that in allowing the closure of the public right of way, reduced accessibility to public transport may result in increased car use and congestion and potentially diminished public transport service, due to reduced demand. This would impact most on those who depend on public transport.

In conclusion she notes that "As part of the Fingal Development Plan and the NTA Transport Strategy for the Greater Dublin Area a significant investment in cycling and walking infrastructure is planned for the Swords area over the coming years. The local connections such as this pedestrian access are vital to ensure wider connectivity to this future network from residential areas."

Recommendation

In light of the above report and having regard to the submissions received from the NTA and the Senior Engineer and Senior Executive Engineer in the Environment, Climate Action and Active Travel Department Planning and Strategic Infrastructure Department it is strongly recommended to members that this Extinguishment of a Public Right at Hollywell is not proceeded with at this time. It is recommended to engage with local Councillors and residents in line with the NTA's Permeability Best Practice Guide.

The decision regarding the Extinguishment of a Public Right of Way is a reserved function of the Council and in the event that the Members agree to proceed with the proposal the following resolution will be put before the meeting of the full council for consideration?

"That Fingal County Council hereby resolves, pursuant to Section 73, of the Roads Act 1993 the proposed Extinguishment of Public Right of Way as detailed above be Adopted and Approved".

