



STATUTORY INSTRUMENTS.

**S.I. No. 238 of 2017**



ROADS ACT 1993 (EXTINGUISHMENT OF PUBLIC RIGHT OF WAY)  
ORDER 2017

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ORDER 2017

I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 73(3) of the Roads Act 1993 (No. 14 of 1993) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), hereby order as follows:

1. This Order may be cited as the Roads Act 1993 (Extinguishment of Public Right of Way) Order 2017.

2. Subject to Regulation 3, the Minister approves that part of the order in the Schedule made by Fingal County Council on 16 November 2016 under section 73(2) (a) of the Roads Act 1993 (No. 14 of 1993) relating to the extinguishment of the public right of way over the part of Naul Road (R108) for 663m between R07 and R08 and shown on the map in the Schedule.

3. The extinguishment of the right of way referred to in Regulation 2 shall come into effect on 18 August 2017.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 2nd June, 2017.*

## SCHEDULE

P/TRANS/19/2016

COMHAIRLE CONTAE FHINE GALLRECORD OF CHIEF EXECUTIVE'S ORDER

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Extinguishment of public right of way over Barberstown Lane and parts of Forrest Road, Forrest Little Road, Naul Road(R108), Dunbro Lane and Toberburr Road at Kingstown.

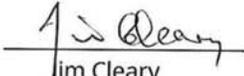
The procedure to enable extinguishment of the rights of way over the roads listed above, as set out in Section 73 of the Roads Act 1993, was initiated at the Balbriggan Swords Area Committee meeting held on 12<sup>th</sup> May 2016. The statutory public consultation process commenced on 24<sup>th</sup> May 2016 seeking representations with regard to the proposals to be submitted up to 11<sup>th</sup> July 2016.

A Chief Executives report was brought to the meeting of the County Council, held on 12<sup>th</sup> September 2016 which outlined the content of the submissions received and the Council's response to the points raised within each submission. The report concluded with a recommendation that the public rights of way over Barberstown Lane and parts of Forrest Road, Forrest Little Road, Naul Road (R108), Dunbro Lane and Toberburr Road at Kingstown be extinguished.

On completion of the presentation of the report, the following motion was proposed by Councillor D. Butler, seconded by Councillor E. Loftus, and resolved:

"That Fingal County Council hereby resolves, pursuant to Section 73(2) of the Roads Act 1993, to extinguish the public right of way over Barberstown Lane and parts of Forrest Road, Forrest Little Road, Naul Road (R108), Dunbro Lane and Toberburr Road at Kingstown as shown on Drawing No. 60489655-SHT-050-0000-CH-0050; the extinguishment of these rights of way shall not be enforced and no stopping off of access shall be allowed until the proposed alternative routes are in place."

The extinguishment of the listed rights of way is now in order, subject only to the requirement that the proposed alternative routes be in place before any stopping off of access is allowed.

  
Jim Cleary  
Senior Engineer

Order: The rights of way over Barberstown Lane and parts of Forrest Road, Forrest Little Road, Naul Road (R108), Dunbro Lane and Toberburr Road at Kingstown are hereby extinguished *subject to the provisions outlined in the above report. Aug.*

  
Director of Services

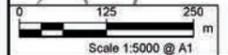
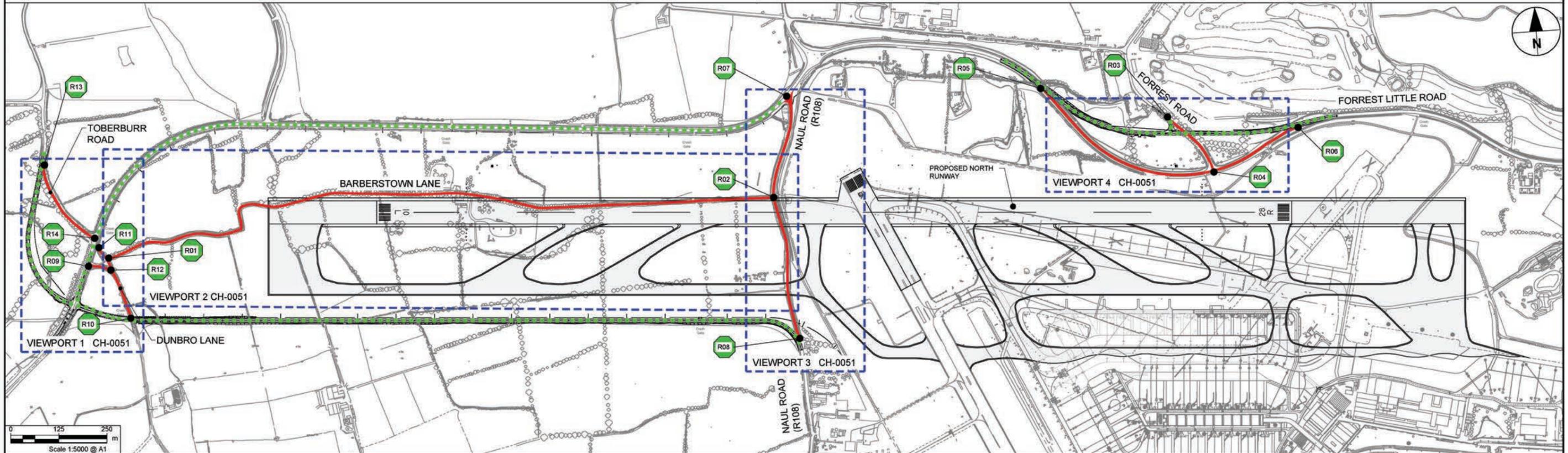
*Aug-16th*  
Dated: ~~27th~~ November, 2016

Date *7/11/2016*  
thereunto empowered by order of the Chief Executive, Fingal County Council C.E No: *6746* delegating to me all his powers, functions and duties in relation to the Council of the County of Fingal in respect of this matter.

| Submission | Date: |  |
|------------|-------|--|
| Prepared:  |       |  |
| Checked:   |       |  |
| Submitted: |       |  |



# PROPOSED EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY OVER BARBERSTOWN LANE AND PARTS OF FORREST ROAD, FORREST LITTLE ROAD, NAUL ROAD (R108), DUNBRO LANE AND TOBERBURR ROAD AT KINGSTOWN



Comhairle Contae Fhine Gall  
Fingal County Council  
Roads Act 1993, Section 73

**Notice of Intention to Extinguish the Public Right of Way over Barberstown Lane and parts of Forrest Road, Forrest Little Road, Naul Road (R108), Dunbro Lane and Toberburr Road at Kingstown**

Notice is hereby given that Fingal County Council in pursuance of its function under Section 73 of the Roads Act, 1993, proposes, as local authority for the administrative area of the County of Fingal to make an order that the public right of way described in the schedule hereunder shall be extinguished.

A copy of drawing reference no. 60489655-SHT-050-0000-CH-0050 indicating the public right of way to be extinguished may be inspected from **24<sup>th</sup> May 2016 to 27<sup>th</sup> June 2016** at the following locations:

Fingal County Council Offices, County Hall, Swords, Co. Dublin.  
Fingal County Council Offices, Grove Road, Blanchardstown, Dublin 15  
From Monday to Friday 9.30am to 4.30 pm (open through lunch)

They are also available to view on our website:  
[www.fingalcoco.ie/YourLocalCouncil/Planning/PlanningItemsonDisplay](http://www.fingalcoco.ie/YourLocalCouncil/Planning/PlanningItemsonDisplay)

Objections to or representations regarding the proposed extinguishments may be made in writing to Senior Executive Officer, Planning and Strategic Infrastructure Department, Fingal County Council, County Hall, Swords, Co. Dublin, or by e-mail to [devplan@fingal.ie](mailto:devplan@fingal.ie) to arrive no later than **4.30pm on 11<sup>th</sup> July 2016**. Persons making such objections or representations may at the same time make a request in writing to state their case at an oral hearing conducted by a person appointed by Fingal County Council for that purpose.

**Schedule**

The public right of way to be extinguished is over Barberstown Lane for 1815m between R01 and R02 as shown coloured red on Drawing No. 60489655-SHT-050-0000-CH-0050.

The public right of way to be extinguished is over the part of Forrest Road for 171m between R03 and R04 as shown coloured red on Drawing No. 60489655-SHT-050-0000-CH-0050.

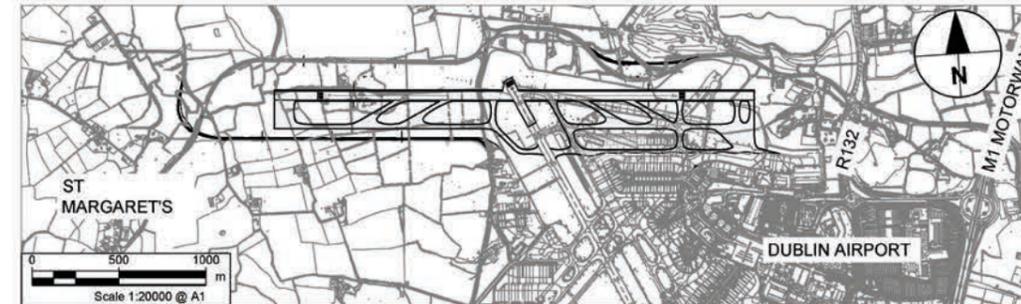
The public right of way to be extinguished is over the part of Forrest Little Road for 776m between R05 and R06 as shown coloured red on Drawing No 60489655-SHT-050-0000-CH-0050.

The public right of way to be extinguished is over the part of Naul Road (R108) for 663m between R07 and R08 as shown coloured red on Drawing No. 60489655-SHT-050-0000-CH-0050.

The public right of way to be extinguished is over the part of Dunbro Lane for 274m between R09 and R10, and R11 and R12 as shown coloured red on Drawing No. 60489655-SHT-050-0000-CH-0050.

The public right of way to be extinguished is over the part of Toberburr Road at Kingstown for 253m between R13 and R14 as shown coloured red on Drawing No. 60489655-SHT-050-0000-CH-0050.

Philip Long  
Senior Executive Officer  
24th May, 2016



OVERALL AREA PLAN

**NOTE**

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRG 60489655-SHT-050-0000-CH-0051

**LEGEND**

- RIGHT OF WAY TO BE EXTINGUISHED
- R01 ● EXTENT OF ROAD CLOSURE
- ALTERNATIVE ROUTE

| Rev | Date | Detail | Issue | Check | App'd |
|-----|------|--------|-------|-------|-------|
|     |      |        |       |       |       |

Status: PUBLIC DISPLAY

Client: FINGAL COUNTY COUNCIL

Project: DUBLIN AIRPORT NORTH RUNWAY

Title: PROPOSED EXTINGUISHMENT OF THE PUBLIC RIGHT OF WAY OVER BARBERSTOWN LANE AND PARTS OF FORREST ROAD, FORREST LITTLE ROAD, NAUL ROAD (R108), DUNBRO LANE AND TOBERBURR ROAD AT KINGSTOWN

|                  |                 |
|------------------|-----------------|
| Design: AD       | CAD: DA         |
| Chk'd: GY        | App'd: CA       |
| Date: 10.05.2016 | Scale: AS SHOWN |



Adelphi Plaza, Georges Street Upper, Tel: +353 (0) 1 238 3100  
Dun Laoghaire, County Dublin  
Ireland [www.aecom.com](http://www.aecom.com)

| Project No.    | Dwg No.                       | Stat. | Rev. |
|----------------|-------------------------------|-------|------|
| R15100-110-050 | 60489655-SHT-050-0000-CH-0050 |       |      |



GIVEN under my Official Seal,  
30 May 2017.

SHANE ROSS,  
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation)*

This order approves that part of Fingal County Council's Order (Order No. P\Trans\19\2016) dated the 16th November, 2016 relating to the extinguishment of a public right of way on part of the Naul Road (Regional Road R108) at Dublin Airport.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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