



An
Bord
Pleanála

Inspector's Report ABP-316377-23

Nature of Application	Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order
Location	Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme
Planning Authority	Dublin City Council & South Dublin County Council.
Applicant	National Transport Authority
Objectors	See Appendix 1
Date of Site Inspection	20 th January, 8 th February, 1 st May and 10 th August 2024
Inspector	Fiona Fair

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1.0 Introduction

Overview

- 1.1.1. This is an application by the National Transport Authority for confirmation by the Board of a Compulsory Purchase Order ('CPO'), entitled "Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme".
- 1.1.2. The Compulsory Purchase Order relates to the compulsory acquisition of rights over various lands along Templeogue Road, Rathfarnham Road, Rathfarnham Wood, Terenure Road East (TRE), Terenure Road North (TRN), Rathmines Road Lower, Richmond Street South and Camden Street. The Route comprises of two main alignments, namely from Templeogue to Terenure (3.7km), and from Rathfarnham to the City Centre (6.3km).
- 1.1.3. The Templeogue to Terenure section, of the proposed scheme which measures approximately 3.7km, commences on the R137 Tallaght Road, east of the M50 junction 11 interchange. From here, the proposed scheme will be routed via the R137 along Tallaght Road and Templeogue Road, through Templeogue Village, to Terenure Cross, where it will join the Rathfarnham to City Centre Section of the proposed scheme.
- 1.1.4. The Rathfarnham to City Centre Section, which measures approximately 6.3km, will commence on the R821 Grange Road at the junction with Nutgrove Avenue and will be routed along the R821 Grange Road, the R115 Rathfarnham Road, the R114 Rathfarnham Road, Terenure Road East, Rathgar Road, Rathmines Road Lower, Richmond Street South, Camden Street Upper and Lower and Wexford Street as far as the junction with the R110 at Kevin Street Lower and Cuffe Street where priority bus lanes will end. From Cuffe Street to Dame Street along Redmond's Hill, Aungier Street, and South Great George's Street the proposed scheme will involve a traffic lane and a cycle track in both directions where it will join the prevailing traffic management regime in the City Centre.
- 1.1.5. In addition to the above, an alternative cycle facility will be provided along Rathdown Park, Harold's Cross Road / Terenure Road North between Terenure

Cross and Parkview Avenue, as well as along Bushy Park Road, Wasdale Park, Wasdale Grove, Zion Road and Orwell Road.

1.1.6. The CPO is made pursuant to the powers conferred on the National Transport Authority which is a designated road authority under Section 2(1) of the Roads Act 1993, as amended.

1.1.7. 62 no. third party submissions, a submission from Dublin City Council and South Dublin County Council were received after the first consultation period and 34 additional submissions were received after the second round of consultation which related to the NTA's response to submissions to the CPO.

1.2. Purpose of CPO

1.2.1. The purpose of the CPO is to facilitate the undertaking of the development referred to as the 'Templeogue / Rathfarnham to City Centre Core Bus Corridor (CBC) Scheme'. It has an overall length of approximately 10km from end to end online with additional offline upgrades and quiet street treatment of approx. 2km and 1.5km respectively. The proposed scheme will be comprised of two main alignments, as stated above, namely from Templeogue to Terenure (3.7km), and from Rathfarnham to the City Centre (6.3km).

1.2.2. The lands are all within the County of Dublin and within the South Dublin County Council (SDCC) and Dublin City Council (DCC) administrative areas.

1.2.3. The overall need for the proposed scheme is to respond to current deficiencies in the transport system. The population in Dublin is expected to rise by 25% by 2040 and the proposed project will cater for more sustainable travel patterns within the city. Without such interventions traffic congestion will lead to longer and less reliable bus journeys throughout the region and will affect the quality of people's lives. It is stated that the proposed scheme is needed because it will provide enhanced walking, cycling and bus infrastructure on this key access corridor in the Dublin region, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor.

1.2.4. The NTA have sent notices to affected Landowners, Lessee and Occupiers along the proposed route. Landowners, Lessee and Occupiers include: Dublin City Council, South Dublin County Council, Dun Laoghaire Rathdown County Council, The Office of Public Works (OPW), ESB, Minister for Public

Expenditure and Reform and private landowners. Some landowners are joint owners of a singular parcel of land, some are singular owners of multiple parcels of lands and some are joint/multiple owners of multiple parcels. All owners and associated parcels to be acquired are detailed in the document titled 'Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order', submitted with the application.

1.2.5. 62 no. third party submissions, a submission from Dublin City Council and South Dublin County Council were received after the first consultation period and 34 additional submissions were received after the second round of consultation which related to the NTA's response to submissions to the CPO.

1.3. Accompanying documents

1.3.1. The application was accompanied by the following:

- Compulsory Purchase Order and Schedule thereto, dated 18th April 2023.
- Application cover letter.
- CPO Maps.
- Newspaper notice, published in the Dublin Gazette and the Irish Independent both dated the 20th April 2023.
- Copy of site notices erected and details of specific locations erected along the route.
- Copy of notice sent to Landowners, Lessees and Occupiers.
- Copy of registered postal receipt for service of each CPO notice.

1.4. Format of CPO and Schedule

1.4.1. The CPO states that the lands are required for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith.

- The lands described in Part I of the Schedule is land being permanently acquired,
- Lands described in Part II of the Schedule is land being temporarily acquired,
- Lands described in Part III (A) describe public rights of way to be extinguished,

- Lands described in Part III (B) describe public rights of way to be restricted or otherwise interfered with.
 - Land described in Part IV (A) provide a description of private rights to be acquired.
 - Land described in Part IV (B) provides a description of private rights to be restricted or otherwise interfered with,
 - Land described in Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.
- 1.4.2. Temporary land takes are required to facilitate construction of the proposed scheme and will be returned to the landowner on completion of the scheme.
- 1.4.3. The lands described in the Schedule are stated to be lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
- 1.4.4. The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

2.0 Site Location and Description

- 2.1. The proposed scheme submitted under this application will comprise the construction of the Templeogue / Rathfarnham to City Centre Bus Corridor which has an overall length of approximately 10km from end to end online with additional offline upgrades and quiet street treatment of approx. 2km and 1.5km respectively. The Proposed Scheme will be comprised of two main alignments, namely from Templeogue to Terenure (3.7km), and from Rathfarnham to the City Centre (6.3km).
- 2.2. The Templeogue to Terenure section will commence on the R137 Tallaght Road adjacent to D’Arcy McGee’s, east of the M50 junction 11 interchange. From here, the Proposed Scheme is routed via the R137 along Tallaght Road and Templeogue Road, through Templeogue Village, to Terenure Cross, where it joins the Rathfarnham to City Centre section.

2.3. The Rathfarnham to City Centre section will commence on the R821 Grange Road at the junction with Nutgrove Avenue, and will be routed along the R821 Grange Road, the R115 Rathfarnham Road, the R114 Rathfarnham Road, Terenure Road East, Rathgar Road, Rathmines Road Lower, Richmond Street South, Camden Street Upper and Lower and Wexford Street as far as the junction with the R110 at Kevin Street Lower and Cuffe Street where priority bus lanes will end. From Cuffe Street to Dame Street along Redmond's Hill, Aungier Street, and South Great George's Street the route will involve a traffic lane and a cycle track in both directions where it will join the prevailing traffic management regime in the City Centre.

2.4. In addition to the above, an alternative cycle facility will be provided along Harold's Cross Road / Terenure Road North between Terenure Cross and Parkview Avenue, as well as along Bushy Park Road, Wasdale Park, Wasdale Grove, Zion Road and Orwell Road.

2.5. The proposed scheme will make significant improvements to pedestrian and cycling facilities and to bus priority. Key changes that will be made to the existing corridor are the following:

- The number of pedestrian signal crossings will increase by 39% from 76 to 106 as a result of the proposed scheme;
- The proportion of segregated cycle facilities will increase from 28% on the existing corridor to 85% on the proposed scheme; and
- The proportion of the route having bus priority measures will increase from 32% on the existing corridor to 87% on the Proposed Scheme.

2.6. The proposed scheme is broken into the following geographical sections:

- Section 1: Tallaght Road to Rathfarnham Road.
- Section 2: Nutgrove Avenue to Terenure Road North – Grange Road, Rathfarnham Road.
- Section 3: Terenure Road North to Charleville Road – Terenure Road East, Rathgar Road; and
- Section 4: Charleville Road to Dame Street.

Section 1: Tallaght Road to Rathfarnham Road

- Between the M50 interchange and the Spawell Roundabout junction it is proposed to relocate the existing two-way cycle track to the carriageway side of the footpath to better tie in with proposals at the Wellington Lane junction.
- It is proposed to convert the Spawell Roundabout to a signalised junction with kerb protection for cyclists. The existing cycle track on the northern side of the carriageway will be relocated to the carriageway side of the footpath, and a new cycle track provided on the southern side of the carriageway between Cheeverstown and the Wellington Lane junction.
- Enhanced cycle facilities will also be provided at Cypress Grove Road junction, with the introduction of kerb protection.
- The existing free standing stone arch adjacent to the R137 Templeogue Road will be cleared of overgrown vegetation and conserved in its existing location. The existing fencing around the arch will be removed and the arch opened up to the public realm. It is proposed to install high quality stone paving, decorative lighting and soft landscaping elements around the arch as well as to construct a new footpath running behind the arch.
- The existing service/access road serving 252 to 258 Templeogue Road will be converted to provide a shared surface for vehicles and pedestrians.
- Bus lanes and traffic lanes are proposed between the Cypress Grove Road junction and the Ashfield Place development. Land take will be required from a number of residential properties on the northern side of the carriageway to achieve this.
- Dedicated cycle facilities are provided on the approach to the Cypress Grove Road junction, however these will terminate approximately 100m from the junction where cyclists will share the bus lane in an inbound direction and the general traffic lane in an outbound direction. To improve safety for cyclists, it is proposed to introduce a 30kph speed limit between Cypress Grove Road and Templeogue Village.

- Signal-controlled priority will be used for 170m of the outbound bus lane outside the Ashfield Place development, as there is insufficient space for a bus lane and a general traffic lane in each direction.
- Between Ashfield Place and the Templeogue Tennis Club, it is proposed to provide a bus lane and a general traffic lane in each direction.
- Within Templeogue Village, between Templeogue Tennis Club and the Templeville Road junction, it is proposed to manage bus priority through the use of Signal-controlled priority and tie into South Dublin County Council's Templeogue Village Initiative Scheme.
- North of Templeogue Village, a cross section consisting of a general traffic lane, and bus lane and a cycle track in each direction is resumed. Between the village and the Springfield Avenue junction, the width of the proposed cycle tracks is reduced locally to minimise the impact on existing mature trees in this section.
- At the junction with Templeville Road, general inbound through traffic may divert to the R112 and further to the R114 through the reintroduction of the right turn onto Springfield Avenue. It is proposed to introduce kerb protection at this junction which will improve cycle facilities and cyclist safety.
- Between the Templeville Road junction and Fortfield Road it is proposed to provide one bus lane, one general traffic lane and cycle tracks in each direction. The proposed cycle tracks have been narrowed to 1.5m along this section to minimise impacts on mature trees on the eastern side of the road.
- It is proposed to upgrade the Fortfield Road junction to provide a direct, protected cycle crossing for inbound cyclists to a proposed two-way cycle facility on the eastern side of Templeogue Road north of the junction.
- Between Fortfield Road and Terenure Road West, on the Templeogue Road it is proposed to maintain one outbound bus lane, one outbound general traffic lane and one inbound general traffic lane.
- A segregated two-way cycle track and footpath is proposed on the southern side of the carriageway within Bushy Park along the alignment of the existing shared path. This cycle track will link to a quiet street treatment on Rathdown Drive. The

existing dirt path through the green space adjacent to Rathdown Drive will be formalised as a footpath.

- It is proposed to provide an inbound Bus Gate at the junction of Olney Grove, which will restrict northbound general traffic on Templeogue Road from accessing Terenure Road West or Terenure Place during the hours of operation of the Bus Gate (06:00 – 20:00 - 7 days a week).
- A right turn ban is proposed from Fergus Road to Templeogue Road, and a left turn ban from Olney Grove to Templeogue Road.
- Right turn bans are also proposed from:
 - Templeogue Road to Rathdown Park and to Rathdown Avenue and
 - Fortfield Road to Greenlea Road and to Lavarna Grove
- A quiet street treatment is proposed along Rathdown Crescent to tie into the proposed quiet street treatment on Rathdown Park.

Section 2: Nutgrove Avenue to Terenure Road North – Grange Road, Rathfarnham Road

- It is proposed to upgrade the junction of Grange Road and Nutgrove Avenue through the provision of kerb protection for cyclists. This will require land take from the entrance to the Rathfarnham Wood development. It is also proposed to reconfigure the existing car park adjacent to this junction to facilitate the revised road arrangement and to install a new island bus stop layout.
- Between Rathfarnham Wood and the Castleside Drive junction it is proposed to provide a single bus lane alongside general traffic lanes and cycle tracks in both directions. To accommodate the road layout, it is proposed to land-take from adjacent properties, including setting back the existing boundary wall to Rathfarnham Castle Park.
- The existing boundary wall of Rathfarnham castle will be set back and reconstructed with a round capping roughcast render.
- It is proposed to upgrade the junction of Rathfarnham Road and Willbrook Road through the provision of kerb protection for cyclists.

- It is proposed to upgrade the junction of Rathfarnham Road and Butterfield Avenue through the provision of kerb protection for cyclists. This will require the removal of general traffic lanes on the Butterfield Avenue arm of this junction.
- On the section of Rathfarnham Road between Castleside Drive and Dodder Park Road, it is proposed to provide an inbound bus lane, two general traffic lanes and a 1.5m wide outbound cycle track, with outbound bus priority provided through signal-controlled priority. Due to construction related constraints, the inbound cycle track will be curtailed over approximately 270m, with cyclists utilising the bus lane over this short section. A section of inbound cycle track will be provided at either end of this section, on approach to junctions.
- It is proposed to introduce a 30 kph speed limit on Rathfarnham Road to the City Centre, due to the presence of multiple urban villages along the route, as well as other sections where cyclists share the bus lane.
- To maintain bus priority through the Dodder Park Road and Rathfarnham Road junction, it is intended to provide signal-controlled priority on the southern and northern approaches to the junction. It is proposed to upgrade this junction through the provision of kerb protection for cyclists, which will tie into the proposed Dodder Greenway on Dodder View Road and Dodder Road Lower.
- Between Dodder Park Road and Rathdown Park, it is proposed to provide bus priority through a combination of signal-controlled priority and partial bus lanes, with 1.5m wide cycle tracks provided.
- Between Rathdown Park and Bushy Park Road, no bus lanes are proposed. It is proposed to maintain bus priority by providing signal-controlled priority in both directions and managing traffic queues in this area.
- From Bushy Park Road to Terenure Road North it is proposed to provide 1.5m wide cycle tracks, bus lanes and traffic lanes in both directions.
- At the Terenure Road North junction it is intended to extend the existing bus lane and proposed cycle track as far as the junction stop line. Bus movements through this junction will be managed with signal-controlled priority.
- A number of existing parking spaces on the approach to Terenure Village will be removed.

Section 3: Terenure Road North to Charleville Road – Terenure Road East, Rathgar Road

- On Terenure Road East (TRE), between the Terenure Road North (TRN) junction and St. Joseph's Church, due to the proximity of existing built form to the carriageway, it is proposed to provide a single general traffic lane in each direction. Bus priority will be provided through this section by signal-controlled priority. It is also proposed to widen the footpaths within this section and to provide high-quality urban realm within Terenure Village.
- Between St. Joseph's Church and the Rathgar Avenue junction it is intended to provide a bus lane and general traffic lane in both directions. To accommodate this it is proposed to acquire land from adjacent properties on both sides of Terenure Road East.
- It is proposed to provide an alternative cycle facility consisting of cycle tracks in each direction along TRN and Harold's Cross Road, connecting to the Kimmage to City Centre Core Bus Corridor Scheme at Harold's Cross. An additional alternative cycle facility is proposed along Bushy Park Road, Wasdale Park, Wasdale Grove, Victoria Road, Zion Road and Orwell Road to provide a secondary east-west route for cyclists travelling between Rathfarnham Road and Rathgar Road.
- At Rathgar Avenue, it is proposed to maintain bus priority through the junction with signal-controlled priority.
- Along Rathgar Road it is proposed to provide bus lanes and 1.5m wide cycle tracks in each direction and a one-way inbound general traffic lane only. Local access for residents on Rathgar Road and adjoining streets will be maintained through the surrounding road network via Rathgar Avenue or Rathmines Road Upper including Frankfort Avenue, Leicester Avenue, Garville Avenue, Garville Road and Highfield Road.
- It is proposed to upgrade the junction of Rathgar Road and Grosvenor Road through the provision of kerb protection for cyclists.
- It is proposed to remove the current right turn ban from Rathmines Road Upper to Highfield Road as well as the right turn ban from Highfield Road onto Rathgar Road to facilitate outbound general traffic movements.

Section 4: Charleville Road to Dame Street

- On Rathgar Road and Rathmines Road Lower between Charleville Road and Castlewood Avenue it is proposed to provide an inbound bus lane, an inbound and outbound traffic lane and cycle tracks in each direction. Outbound bus priority will be provided through signal controlled priority.
- It is proposed to upgrade the junction of Rathmines Road Upper with Rathmines Road Lower/Rathgar Road through the provision of kerb protection for cyclists. An upgraded public realm will be provided at this junction through the reallocation of road space.
- Between Castlewood Avenue and Grove Road, a general traffic lane and a cycle track in each direction are proposed, with the provision of a Bus Gate between Richmond Hill and Lissenfield which will restrict general traffic movements during the hours of operation of the Bus Gate (06:00 – 20:00 - 7 days a week). This proposal also allows for some increase to footpath widths through Rathmines and the provision of 2m wide cycle tracks in each direction through the village.
- It is proposed to reverse the existing one-way traffic regime on Williams Park to facilitate traffic to turn off of the main CBC route at Military Road in advance of the Bus Gate and return via Williams Park.
- It is proposed to provide a mini-roundabout outside of St Mary's College to facilitate school drop off.
- It is proposed to restrict movements on Mountpleasant Street Lower, north of the junction with Richmond Hill to pedestrians and cyclists only through the introduction of planted build-outs.
- It is proposed to reintroduce the right turn from Richmond Hill to Mountpleasant Avenue Upper, to facilitate general traffic to turn off of the main CBC route at Richmond Hill in advance of the Bus Gate and return via Mountpleasant Avenue Upper. Due to the restricted road width at this location, a traffic light shuttle system is proposed to safely manage these traffic movements.
- At La Touche bridge it is proposed to provide an inbound bus lane and an outbound general traffic lane along with a high quality segregated cycling facility, to facilitate connectivity with the Grand Canal cycleway. Inbound general traffic

will be required to turn left onto Grove Road at this point. Outbound bus priority across the bridge will be provided through signal controlled priority from a proposed traffic signal on Richmond Street South approximately 70m north of the bridge.

- On Richmond Street South, it is proposed to maintain the outbound traffic lane with a bus lane and cycle tracks in both directions. Immediately south of the junction of Harrington Street/Harcourt Road/Richmond Street South, the outbound bus lane will be curtailed due to space constraints.
- It is proposed to restrict movements into and out of Lennox Street to pedestrians and cyclists only through the introduction of planted build-outs. It is also proposed to upgrade the junction of Richmond Street South and Harrington Street through the provision of kerb protection for cyclists.
- On Camden Street Upper between Harcourt Road and Charlotte Way, one bus lane in each direction and one inbound general traffic lane is proposed, with a cycle track provided in each direction.
- Between Charlotte Way and Cuffe Street it is proposed to provide bus lanes in each direction and a single outbound general traffic lane on Camden Street/Wexford Street. The outbound bus lane will not commence until just south of Montague Street due to the proximity of existing built form to the carriageway. Bus priority will be achieved by signal controlled priority over this section. Under this proposal, inbound traffic will reroute to Harcourt Street to access Cuffe Street and beyond. 1.5m wide cycle tracks are proposed in this section in order to provide sufficient footpath space in this area of significant pedestrian activity.
- Between Cuffe Street and Dame Street it is proposed to provide one general traffic lane and one cycle track in each direction. No bus lanes will be provided on this section of the route.
- Where practicable, on-street parking bays and loading bays will be retained.
- The proposed scheme ties into the existing road network on Dame Street.
- Turning restrictions are proposed at a number of locations off the immediate CBC route to prevent through traffic diverting inappropriately. These locations are:
 - Proposed right turn ban from Grand Parade onto Dartmouth Place;

- Proposed right turn ban from Cullenswood Road onto Ranelagh Road;
- Proposed right turn ban from Ashfield Road onto Ranelagh Road;
- Proposed left turn bans from Chelmsford Lane and Sallymount Avenue onto Ranelagh Road; and
- Proposed right turn ban from Merton Drive onto Sandford Road

2.7. Construction Compounds are proposed in the following six locations:

- Construction Compound TR1 will be located south of the Spawell roundabout, at the Tallaght Road / Spawell Link Road junction;
- Construction Compound TR2 will be located north-west of Terenure Road North, between Eaton Road and Eagle Hill Avenue;
- Construction Compound TR3 will be located along Dodder View Road, across the road from Bushy Park, in the greenfield area between Dodder View Road, Woodview Cottages and Church Lane;
- Construction Compound TR4 will be located on Military Road, perpendicular to Rathmines Road Lower, south of St Marys College;
- Construction Compound TR5 will be located on Richmond Street South, on the slip road between Richmond Street South and Harcourt Road; and;
- Construction Compound TR6 will be located on Spawell Link Road, between Spawell Roundabout and Firhouse Road.

2.8. Key improvements include:

- The number of pedestrian signal crossings will increase by 39% from 76 to 106 as a result of the proposed scheme;
- The proportion of segregated cycle facilities will increase from 28% on the existing corridor to 85% on the proposed scheme; and
- The proportion of the route having bus priority measures will increase from 32% on the existing corridor to 87% on the proposed scheme.

2.9. Specific works proposed within the development include the following:

- 17.4 Km (two-way) of bus priority infrastructure and traffic management

- Increase in bus priority from 4.4km inbound to 6.1km and from 1.5km outbound to 5.4km
- Proportion of route with bus measures will increase from 32% to 87%
- Reconfiguration of existing bus stops resulting in 60 number new bus stop facilities.
- Total cycle facilities in both directions increasing from 11km to 23.3km (112%) proportion segregated increasing from 28% to 85.4%
- Cycle facilities segregated inbound to increase from 1.3km to 9.6km and out bound from 1.8km to 10.3km
- Cycle facilities non-segregated inbound to decrease from 3.3Km to 1.7km and out bound from 4.6km to 1.7km
- With regards to cycle parking, the proposed scheme will increase provision by 49% to a total of 328 spaces across the entire corridor.
- Provision of new / refurbished pedestrian facilities and footpaths along the scheme and associated ancillary works.
- Number of pedestrian signal crossings will increase from 76 to 106.
- Provision of 32 junction upgrades and associated ancillary works.
- Provision of 105 new / refurbished raised table side entry facilities.
- Overall, the proposed scheme will provide an average increase in footway area for pedestrians of 25% inbound and 28% outbound.
- Public realm works including landscaping, planting, street furniture, street lighting, boundary walls, and sustainable urban drainage measures.
- Roads associated earthworks including excavation of material, importation of material and temporary storage of materials.
- Provision of road pavement, signing, lining and ancillary works.
- Provision of gates, fencing and boundary treatment works.
- Provision of new and diverted drainage infrastructure.
- Diversion of utilities and services including ancillary works.
- Construction of accommodation works including boundary treatments and ancillary grading and landscaping works together with all ancillary and consequential works associated therewith.

- Carparking provision will be reduced by 54 parking spaces and five loading bays as part of the proposed scheme, the majority of these are commercial spaces and have a range of alternative parking spaces within a 200m vicinity/ on side streets.

3.0 Planning History

3.1. There are a significant number of planning applications along the route which include large residential, domestic residential such as alterations to existing houses, commercial development, and telecommunication infrastructure etc. Of relevance to this scheme and including a number referred to by Dublin City Council within their submission to the application are the following:

Reg Ref. 2769/21 Permission Granted (17.96.2021) for a Build-To-Rent residential development at a c. 0.2319 ha site located at No. 348 Harold's Cross Road, Dublin 6, D6W VW99, (formerly known as 'Kenilworth Motors) principally bounded by Laundry Lane to the north, Harold's Cross Road to the east, Kenilworth Manor to the south, and Rosary Park to the west. The development will principally consist of: the demolition of all one storey, with part mezzanine, buildings (1,164 sqm) and certain boundary walls; the construction of a part-two, part-three, part-four, part-five storey building (total gross floor area of c. 5,163 sqm); (comprising 52 no. apartments (4no. studio units; 44 no. 1-bed units; 4 no. 2-bed units, all with balconies or terraces facing east, south and west). The development will also consist of: communal residential amenities (228 sqm) (including lounge, workspace, gym); concierge; plant; circulation space; ESB substation and switch room; 83 no. cycle parking spaces (62 no. at upper ground floor level bike store); and 21 no. external visitor spaces); communal amenity open spaces at upper ground floor level to the southwest (70 sqm); third floor level to the north east (82.5 sqm); and fourth floor level to the east (190 sqm); Public open space to the east (293 sqm); 2 no. car club parking spaces and 5 resident car parking spaces accessed from Harolds Cross Road; alterations to the layout of Laundry Lane including the provision of a pedestrian footpath and service area; sustainable urban drainage system (including green roof, rainwater harvesting and attenuation tanks); waste management area; roof plant, including PV panels; associated hard and soft landscaping; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary

treatments and associated site servicing (foul and surface water drainage and water supply). Access to the scheme will be via Harold's Cross Road and Laundry Lane.

Reg. Ref. 3546/21 Permission Granted (22nd December 2021) for development at this site at 17-19 Richmond Street South and 14 Gordon Place, Dublin 2.

The development (site area of 0.056 hectares) comprises lands currently occupied by the existing buildings of 18 & 19 Richmond St. South which are approved for demolition under Grant of permission DCC Reg. Ref. 4059/18. The proposed development will consist of the demolition of an additional 2 no. existing structures and construction of a new mixed-use development, 'The Gatehouse'.

The proposal will provide for a building ranging in height from 6-storeys (max. parapet height 21.025 m) over ground-level fronting onto Richmond St. South and 7-storeys (max. parapet height 23.8m) over ground-level to the rear with a cumulative Gross Floor Area of 2,341m².

The development will consist of:

Demolition of 2 no. existing structures (total GFA 195m²) comprising;

- a derelict structure adjoining 18/19 Richmond St. South to the north, and
- a derelict structure positioned to the rear of 18/19 Richmond St. South along the southern site boundary.

Construction of a new building comprising:

- 2 no. retail units with a cumulative GFA of 244 sq.m consisting of Unit A (GFA 157sq.m) and Unit B (GFA 87 sq.m) at ground-floor level;
- 22 no. apartment units at first-floor to seventh-floor level consisting of 11 no. 1-bedroom units and 11 no. 2-bedroom units;
- a bin/plant room at ground-floor level with a GFA of 78.6 sq.m.; and
- communal open space totalling 132m² at sixth-floor (roof) level.

All ancillary site works including site development including site clearance, drainage, and landscaping.

The proposed development will be served by a total of 11 no. car-parking spaces and 44 no. bicycle parking spaces located in the basement of the adjacent block known as 'Block 5' which forms part of the wider development.

Reg. Ref. 2412/20 Planning permission Granted (April 2020) for 60 no. bedroom hotel at Hatch Hall (Protected Structure Ref: 3642), Hatch Street Lower, Hatch Place and Hatch Lane, Dublin 2, on a gross site area of 0.2242 ha. Hatch Hall currently ranges in height from 3 no. floors to 5 no. floors.

Reg. Ref. 3378/19 Permission Granted (22 August 2019) for the development of:

- a) the construction of a single storey garden room at rear of existing dwelling and
- b) The construction of a porch/ veranda to entrance areas at front & side of existing dwelling and all associated site works and services at 'Hildon', 51, Rathdown Park, Terenure, Dublin 6Wx.

Reg. Ref. 2550/19 Permission Granted (21st June 2019) for:

- (i) the demolition of all buildings on site (excluding original front (southern) facade of Nos. 201-203 Rathmines Road Lower and including sheds and outbuildings located on the western site boundary to rear of the site);
- (ii) the repair and refurbishment of the original front (southern) facade to Rathmines Road Lower;
- (iii) the erection of a building (three storey facing Rathmines Road Lower and four storey to the rear) comprising:
 - (a) commercial cafe/ restaurant at lower ground/ground floor level, and
 - (b) 3 no. residential apartments at first/second floor level including 1 no. studio apartment, 1 no. two-bedroom apartment and 1 no. three-bedroom apartment (each to be served by either a private courtyard or private balcony);
- (iv) the provision of new signage to serve the restaurant unit; and,

(v) all ancillary works, including landscaping and SuDS drainage, necessary to facilitate the development.

Reg. Ref. 4628/18 Permission Granted (12th June 2019) for the provision of a part 7, part 8 and part 9 storey with set backs at various levels over two level basement office development (26,350 sq. m GFA offices; 6,904 sq. GFA basements) with retail/cafe/restaurant units. Public realm upgrades to Charlemont Street, Harcourt Road, South Richmond Street and laneway south of 7A, Richmond Street South, to include public art feature; the provision of 130 no. car parking spaces and 310 bicycle parking spaces at the proposed basement levels with associated facilities. Located at Harcourt Road, Charlemont Street & Richmond Street South (including 2,3, 4,5,6,7&8 Charlemont Street, Dublin 2

Reg. Ref. 3987/19 Permission Granted for change of use of existing first-floor games room/snooker hall to six number apartments (three number two-bedroom and three number one bedroom units, total area 379 square metres), accessed from existing entrances at Castlewood Avenue and Castlewood Place. The development includes: (a) provision of replacement external escape staircase behind existing return B and adjacent open chair-lift, connecting ground level yard to deck at first floor level, (b) removal of a section of first-floor flat roof to provide an open courtyard at first floor level, (c) replacement of existing link at second floor level, between front and rear blocks with new bridge link, and its connection to first-floor courtyard by new external stairs, (d) provision of rooflight to existing roof over apartment number 6, (e) alterations to existing flat roof at rear to provide private (balconies) and communal open spaces on deck, (f) removal of two number existing steel staircases and provision of a balcony and replacement stairs to rear of apartment number 3, (g) modifications to Rathmines Road elevation to include the provision of two number wintergarden-type balconies at first floor level, (h) extension (two square metres) and alterations to existing entrance from Castlewood Avenue, (i) alterations to existing entrance gates from Castlewood Place, (j) provision of refuse bin storage, bicycle parking, landscaping and all associated site works at rear and (k) various internal and external alterations to existing building fabric. All at 280, 282 and 284 Rathmines Road Lower, Dublin.

ABP 309217/21 / Reg. Ref 2682/20 Permission Granted (30/08/2021) at Dublin Institute of Technology / Technological University Dublin main buildings and Annex Building located at Kevin Street Lower, Church Lane South and Camden Row; part of the Kevin Street Library site, Kevin Street; For ;•Construction of a new mixed-use development in 5 no. blocks (Blocks A - E) ranging from 1 to 14 no. storeys in height above lower ground and basement levels (3 no. levels). The development includes 53,110 sq.m of commercial office floorspace in Blocks A, B and C and 21,669 sq. m of residential accommodation in Blocks D and E, providing a total of 299 no. Build to Rent residential units (130 no. studios, 130 no. 1-bed units, and 39 no. 2-bed units) and residential support and amenity facilities. The proposal includes 1 no. creche facility (305 sq.m), 1 no. café / restaurant unit (122 sq.m) and a double height exhibition space extension to the rear of Kevin Street Library (245 sq.m). The total GFA, including lower ground / basement levels, of the proposed development is 85,436 sq.m. With a total combined gross floor area (GFA) of 27,144 sq.m

PL29S.310381 / Reg Ref. 3381/20 Permission Granted (26/01/2022) for Demolition of 2 residential buildings and construction of a 4 storey building to include 29 apartments at 189-190, Rathgar Road, Rathmines, Dublin 6,

PL29S.247874 Reg. Ref. 3963/16 Permission Granted for demolition of buildings and erection of apartment building in 2 blocks containing 14 apartments, parking and works. At 189 and 190, Rathgar Road, Dublin 6.

PL29S.302989 / Reg. Ref 3207/18 (25/03/2019) Permission Granted for Demolition of buildings & construction of 19 apartments at 189 & 190, Rathgar Road, Dublin 6

PL29S.305659 Permission Granted (10/02/2020) for a Build-to-Rent Shared Living Residential Development comprising 102 bedspaces at 3 Ardee Road, Rathmines, Dublin 6.

PL29S.308678 / Reg. Ref. 2065/20 Permission Granted (09/08/2021) Modifications of residential development for increase from 39 to 55 units to include 2 additional floors.

4.0 Overview of submissions

4.1. 62 no. third party submissions have been received in relation to the CPO of lands and submissions were also received from Dublin City Council and South Dublin County Council. They are summarised hereunder in Appendix 1 of this report, 10 of which requested an Oral Hearing.

4.2. In relation to the content of the submissions it is of note that many issues raised are common to all of the submissions. Individuals do not wish to have road infrastructure brought closer to their properties, loss of on street parking / loading bays for both private residences and businesses is a concern. Removal of trees, impact of bus gates and impact to biodiversity. Individuals are concerned that the proposed development will materially alter how their property functions, loss of privacy and will be exposed to higher levels of both noise and air pollution. Some 7 submissions raise issues with respect to Templeogue Road (impact on safe access to property, loss of mature hedge, shortening of garden, reduction in driveway, loss of privacy), some 4 submissions relate to Rathfarnham Wood (loss of trees, impact upon garden shed and granite boundary wall, loss of south facing rear gardens, impact upon Rathfarnham Castle Park), 25 relate to Rathfarnham Road (option assessment, relocation of bus stops, impact of gradients on driveways), some 20 relate to Terenure Road East (TRE) (justification for corridor routing, one way for general traffic on Rathgar Road), 2 relate to Camden Street, 3 relate to Rathmines Road Lower, 1 relates to Terenure Road North (TRN) and 1 relates to Richmond Street South. Overall, several parties are concerned that the proposed development will materially alter how their property functions and will impact businesses to a significant level. See summary below.

4.3. All such matters have been examined in detail within the planning application report ref: ABP316272-23 and I refer the Board to this report. I will examine the relevant concerns raised in relation to the assessment of the CPO in terms of community need, compliance with the development plan, proportionality and necessity of level of acquisition proposed, alternatives and suitability of lands.

4.4. I note that the NTA responded to the issues raised and such responses will be examined in the context of submissions within the assessment section of this

report hereunder. However, it is important to note that this response was then recirculated to third parties and an additional thirty-four responses were received. Some 10 responses related to Rathfarnham Road, 5 related to TRE, 3 Rathfarnham Wood, 2 to The Town Houses, 2 Lissenfield, 1 to Templeogue Road, Camden Street, Ashfield Place, South Richmond Street, Fortrose Park and Rathfarnham Village. Regard is had to reiteration of concerns; no new issues were raised. The following sets out a list of the additional 34 responses and having read all of the submissions I endeavour to encapsulate a brief summary of issues, as already submitted and summarised in detail in Appendix 1 of this report:

1. Aidan Neill, 65 Rathfarnham Road, Part M of Building Regulations (concerning disabled access) slope of driveways. Attached with NRB Consulting Engineers Report July 2023 & updated March 2024 NRB comments.
2. Reddy Charlton Solicitors on behalf of Mrs Alison Dwyer (71 Camden Street), the Board predetermined No OH without ever having addressed the response of their client. Failure to give adequate reason for refusing to hold an OH, the NTA response failed to respond to Alison Dwyer's submission. Query how scheme documentation resolution of conflicts of fact and clarification as to how the scheme can be reconciled with new plans that have come into effect since the preparation of the documentation.
3. Ashfield Place Owners Management CLG – request a yellow box at the entrance to the estate, against installation of speed humps and request that speed cameras are installed, concern of impact to playground and services, request clarification of boundary treatment.
4. Brendan Timbs, 63 Rathfarnham Road, inconsistency in NTA treatment of similar road sections, alternative measures to deliver efficiencies dismissed, cumulative impact and air quality issues not considered appropriately, non-compliant with Part M of Building Regulations, failure to hold an OH, the NTA response fails to address points of objection.

5. Ciara McElinn, 12 Rathfarnham Wood, loss of part of rear garden and woodland area of Rathfarnham Castle Park. Failure to undertake proper analysis or consideration of the area.
6. Claire Hughes & Fergus Bolster & Others, c/o 44 Rathfarnham Road. EIAR is seriously deficient in terms of describing and assessing only part of a wider project and NTA have not complied with legal principles in relation to CPO of private property. Unsuitable development in an urban village.
7. Dearbhail Shannon, 6 The Townhouses TRE, priority bus signalling implemented on Terenure Road east has proved to be effective. The CPO will cause irreparable damage to mature trees and streetscape with little improved time saving as vehicles travel towards the bottleneck of Terenure Village.
8. Denise Russell, 44 Templeogue Road, unjustified, devaluation of property, negative impact upon environment, trees, community, local businesses and neighbourhood in general, traffic congestion.
9. Elaine Timbs 63 Rathfarnham Road, same as Brendan Timbs submission above, failure of NTA to address points of objection.
10. Clark Hill Solicitors on behalf of Greg and Audrey Turley, (59 TRE) loss of a 200 year old copper beech tree, a 150 year old evergreen oak tree along with mature hedging and 4 semi mature hornbeam trees in their front garden. Right to enjoyment of their home and garden, natural justice has not been followed. Out of date data and information used.
11. Henry Lennon, 53 Rathfarnham Road, consider the response of the NTA flawed, concern of no OH, traffic congestion, loss of front driveways and ability to turn a car in driveway, justification for the proposed scheme flawed. Attached report by RK Nowlan & Associates Chartered Planning & Property Advisors. Additional information should be sought of driveway gradients. Inconsistency in approach to provision of a cycle lane on Rathfarnham Road between junctions with Dodder Park Road and Rathdown Park not explained. Set back of front boundary walls of gardens of houses no.'s 51 – 57 Rathfarnham Road would materially contravene the zoning objective of the DCC Development Plan 2022 – 2028.

12. James M Bourke & Ilona De Burgh, 4 Town Houses 73 – 3 75 TRE, no justification, tree damage, increased heavy traffic and damage to architectural heritage.
13. Jane Neill, 65 Rathfarnham Road, same as response by Aidan Neill (at No. 1 above) Part M of Building Regulations (concerning disabled access) slope of driveways. NRB Consulting Engineers Report – dated 24 July 2023.
14. Joan Scully, 61 Rathfarnham Road, steeper access gradient which would not comply with Part M of Building Regulations and be dangerous for cars exiting and entering driveway, loss of garden & trees, noise of traffic and questionable need.
15. Ronan Brennan Solicitors on behalf of John and Marion Deaton, 44 South Richmond Street, re temporary acquisition of a cellar, basement store, lighting grill, construction impacts and condition of the property upon completion and return of the property. Concern coal holes and cast-iron lids are retained. Concern cycleway and or footpaths would be fitted with bollards which prohibit service deliveries. Footpath width at Lennox Street corner defective and unsafe for pedestrians and users. Property Rights of the tenants of the premises to be able to trade, exigencies of common good and social justice, proportionality test, European Convention of Human Rights, modifications to proposed works.
16. Joseph Phelan 78 TRE, Includes resident's response, concern of extent of CPO of front garden some 3.7m, of a protected structure. Loss of original features and heritage. No justification for the proposed scheme. Object to bus stop removal from 80 to 78 TRE. Contradictory and missing information.
17. Karen Lynch 8 Rathfarnham Wood, Impact of CPO on rear garden, impact upon group of beech trees and loss of two beech trees, over 100 years old, one on her property and one on neighbouring property. Disproportionate impact, small portion of the garden affected, could be avoided. Lack of proper consideration of options. Loss of woodland habitat.

18. Lissenfield Management Company CLG, errors in the documentation. Request that the bus gate be relocated north of Richmond Hill a mere 58m, as the ramifications are profound for both the sustainability of the ecclesiastical community and the established residential neighbourhood.
19. Larna Callanan, 55 Rathfarnham Road, breach of Part M of the Building Regulations along the western side of Rathfarnham Road, north of the River Dodder. Report of NRB Consulting Engineers attached.
20. Marcus Purcell and Family, 67 Rathfarnham Road, breach of Part M of the Building Regulations. Attached report by NRB Consulting Engineers requesting before and after cross sections through the residents properties from Rathfarnham Road to the boundary walls of each house clearly demonstrating Part M compliance. & Report by RK Nowlan & Associates Chartered Planning & Property Advisors, dated March 2024. Concern of traffic flows and congestion on Rathfarnham Road. Additional information should be sought of driveway gradients. Inconsistency in approach to provision of a cycle lane on Rathfarnham Road between junctions with Dodder Park Road and Rathdown Park not explained. Set back of front boundary walls of gardens of houses no.'s 51 – 57 Rathfarnham Road would materially contravene the zoning objective of the DCC Development Plan 2022 – 2028.
21. Margaret Silke 67 TRE, loss of 3 m of front garden, degree of uncertainty of progressing of the scheme, lack of justification, no OH, concern of bus gate at Military Road, traffic congestion, impact upon built heritage and loss of architectural heritage.
22. Maria Blair 10 Rathfarnham Wood, impact upon rear garden, loss of high value amenity area, level of disruption, environmental impact of knocking down a garden shed, and granite faced wall, disproportionate and unnecessary. Negative impact upon Rathfarnham Castle Park. Extending the bus corridor past Rathfarnham Castle Park does not make sense.
23. Michael Birmingham, 6 The Town Houses TRE, same issues as previously raised reiterated, see summarised of submission No. 42 in Appendix 1.

24. Michael O'Donoghue, Glenarm, 61 TRE, concern no OH is to be held, have additional materials and submissions to make and had stated this previously in his submission, wish to make submissions directly at an OH. Need more time to make submissions. Unfairness of procedures, errors and omissions in information submitted by NTA, failure to engage, attack on property rights, concern of failure to reinstate property. Public consultation inadequate, noise and air pollution, post covid – 19 and a change in traffic patterns, removal of trees & inaccuracy of tree survey, air quality and noise pollution, unacceptable impact upon heritage, unnecessary as existing bus priority traffic signal on TRE is effective in its own right. Response accompanied with Report from Dr Martin Rogers, Chartered Transport Planning Professional, March 2024.

- The case for choosing the Rathmines corridor over the Harolds Cross route chosen for BRT scheme has not been sufficiently proven.
- Volume of general traffic will not significantly decrease with the scheme in place.
- Footpath widths proposed are excessive.
- CBA required for balance, existing bus priority system is adequate.
- No compelling need to acquire the property, between Argus House and Greenmount Road along TRE, has been demonstrated. Concern of loss of mature trees and boundaries.
- Given the volume of issues and the scale of the project, insufficient time has been allowed (4 weeks) to prepare a response to the NTA's response. Unfair process.

25. Damian MacGarry Planning Consultant on behalf of Paul Dormer, 15 Fortrose Park Templeogue, garden room / home office not indicated on maps, object to the permanent and temporary CPO of lands, concern at discrepancies in information submitted and queries the justification and need for the project. Data out of date, no economic or social justification.

26. Peter and Kathleen McManamon, 71 Rathfarnham Road, request an OH is held. Concern of traffic chaos on Rathfarnham Road and lack of consultation carried out by NTA.
27. Peter Lynch, 55 Rathfarnham Road, serious breach of Part M of the building regulations and driveway gradients. Need to consider independently the actual facts of the case, lack of comprehensive detail supporting the NTA's case, information should be sought from the NTA on a 'before and after' basis to demonstrate that no increase in the driveway gradients to the houses will occur. Response accompanied with Reports from RK Nowlan & Associates Chartered Planning & Property Advisors, dated March 2024 & NRB Consulting Engineers, dated 14th March 2024 containing response to NTA response, the contents of both reports are referred to above.
28. Ria Duignan, 47 Lissenfield, Lower Rathmines Road, concern of temporary CPO of entrance to Lissenfield and consequences to residents of Lissenfield as a result of the bus gate.
29. Sean Silke, 67 TRE loss of 3 m of front garden, lack of justification and need for the scheme, impact upon built heritage and loss of architectural heritage. Critical of the NTA's dismissive response to the submissions received by ABP.
30. Stonepark Investments Ltd. 1A Stonepark Orchard, Grange Road, Rathfarnham, no yellow box at entrance to Earls Court to allow safe exit / access. Location of the inbound bus stop is a health and safety hazard. Loss of car parking and devaluation of property.
31. The Estate of Ann Bernadette Smith 69 TRE, deprived of OH, concern of design of the scheme, timing of construction / funding and all other matters, loss of 3 m of front garden and proximity of the gable wall of the dwelling to the road scheme. Concern of impact upon houses from Argos House to Greenmount Road Query justification and need for the scheme.
32. Thomas Sexton 9 Rathfarnham Wood, concern for impact upon Rathfarnham Castle Park, loss of woodland and biodiversity, lack of consideration of alternatives – opposite side of the road. No need or

justification for the land take at this location. Disproportional impact of the CPO on rear garden – a very small section is to be taken and the level of disruption is disproportionate.

33. Vera Bannigan, No. 1 / No. 1A Rathfarnham Village. Concern of CPO on operation and occupation of the coach house at No. 1 Rathfarnham Village – drawings are inaccurate, concern of impact upon potential use, commercial viability and loss of access.

34. Vivienne Ryan and Joan Ryan 145 Rathfarnham Road, concern of the word 'approximately' with respect to acquirement / CPO of 0.4. permanently and 'approximately' 2.0m temporarily, of the subject property. Do not want a tree planted outside of their property, concern of devalue of property, higher noise and vibration levels. Hours of operation will cause disturbance in particular noise disruption. No justifiable business case for the project. Rathfarnham Road is a residential community.

5.0 Policy Context

European

5.1.1. Sustainable and Smart Mobility Strategy 2020 (EU Commission 2020)

The Smart and Mobility Strategy is part of the EU Green Deal and aims to reduce transport emissions by 90% until 2050. The Commission intends to adopt a comprehensive strategy to meet this target and ensure that the EU transport sector is fit for a clean, digital and modern economy. Objectives include:

- increasing the uptake of zero-emission vehicles
- making sustainable alternative solutions available to the public & businesses
- supporting digitalisation & automation
- improving connectivity & access.

5.1.2. European Green Deal (EDG) 2019

The European Commission has adopted a set of proposals such as making transport sustainable for all, to make the EU's climate, energy, transport and taxation **policies**

fit for reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

5.1.3. Towards a fair and sustainable Europe 2050: Social and Economic choices in sustainability transitions, 2023.

This foresight study looks at sustainability from a holistic perspective but emphasises the changes that European economic and social systems should make to address sustainability transitions. The EU has committed to sustainability and sustainable development, covering the three dimensions (environmental, social and economic) of sustainability. Transport is identified as an area of opportunity to increase the speed of a cultural shift towards sustainability. The provision of well planned, affordable or free public transport system and bicycle lanes are encouraged.

National

5.1.4. National Sustainable Mobility Policy, 2022

The purpose of this document is to set out a strategic framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in carbon emissions by the end of this decade.

A key objective of the document is to expand the bus capacity and services through the BusConnects Programmes in the five cities of Cork, Dublin, Galway, Limerick and Waterford; improved town bus services; and the Connecting Ireland programme in rural areas.

5.1.5. National Sustainable Mobility Policy Action Plan 2022-2025

BusConnects is identified as a key project to be delivered within 2025.

5.1.6. Permeability in Existing Urban Areas Best Practice Guide 2015

Among the priorities of the National Transport Authority (NTA) are to encourage the use of more sustainable modes of transport and to ensure that transport considerations are fully addressed as part of land use planning. This guidance demonstrates how best to facilitate demand for walking and cycling in existing built-up areas.

5.1.7. Department of Transport National Sustainable Mobility Policy on 7th April 2022.

The plan, prepared by the Department of Transport, includes actions to improve and expand sustainable mobility options across the country by providing safe, green, accessible and efficient alternatives to car journeys.

- United Nations 2030 Agenda

5.1.8. Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020

This is a government document that was prepared in the context of unsustainable transport and travel trends in Ireland. The overall vision set out in this policy document is to achieve a sustainable transport system in Ireland by 2020.

To achieve this the government set out 5 key goals

- (i) to reduce overall travel demand,
- (ii) to maximise the efficiency of the transport network,
- (iii) to reduce reliance on fossil fuels,
- (iv) to reduce transport emissions and
- (v) to improve accessibility to transport.

To achieve these goals and to ensure that we have sustainable travel and transport by 2020, the Government sets targets, which include the following:

- 500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%
- Alternatives such as walking, cycling and public transport will be supported and provided to the extent that these will rise to 55% of total commuter journeys to work.

5.1.9. National Planning Framework Project Ireland 2040

The National Policy Position establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050,

Managing the challenges of future growth is critical to regional development. A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.

National Strategic Outcome 4

- NSO 4 - Dublin and other cities and major urban areas are too heavily dependent on road and private, mainly car based, transport with the result that our roads are becoming more and more congested. The National Development Plan makes provision for investment in public transport and sustainable mobility solutions to progressively put in place a more sustainable alternative. For example, major electric rail public transport infrastructure identified in the Transport Strategy for the Greater Dublin Area to 2035, such as the Metro Link and DART Expansion projects as well as the BusConnects investment programme, will keep our capital and other key urban areas competitive.
- Deliver the key public transport objectives of the Transport Strategy for the Greater Dublin Area 2016-2035 by investing in projects such as New Metro Link, DART Expansion Programme, BusConnects in Dublin and key bus-based projects in the other cities and towns.

5.1.10. National Development Plan 2021-2030

The NDP Review contains a range of investments and measures which will be implemented over the coming years to facilitate the transition to sustainable mobility. These measures include significant expansions to public transport options, including capacity enhancements on current assets and the creation of new public transport links through programmes such as Metrolink.

The NDP recognises Busconnects as one of the Major Regional Investments for the Eastern and Midland Region and this scheme is identified as a Strategic Investment Priority within all five cities.

Over the next 10 years approximately €360 million per annum will be invested in walking and cycling infrastructure in cities, towns and villages across the country.

Transformed active travel and bus infrastructure and services in all five of Ireland's major cities is fundamental to achieving the overarching target of 500,000 additional active travel and public transport journeys by 2030. BusConnects will overhaul the current bus system in all five cities by implementing a network of 'next generation' bus corridors including segregated cycling facilities on the busiest routes to make journeys faster, predictable and reliable.

Over the lifetime of this NDP, there will be significant progress made on delivering BusConnects with the construction of Core Bus Corridors expected to be substantially complete in all five cities by 2030.

5.1.11. National Investment Framework for Transport in Ireland, 2021

One of the key challenges identified within this document relates to transport and the ability to maintain existing transport infrastructure whilst ensuring resilience of the most strategically important parts of the network. Population projections are expected to increase into the future and a consistent issue identified within the five cities of Ireland is congestion. Given space constraints, urban congestion will primarily have to be addressed by encouraging modal shift to sustainable modes.

Within the cities, frequent and reliable public transport of sufficient capacity and high-quality active travel infrastructure can incentivise people to travel using sustainable modes rather than by car.

Bus Connects is identified as a project which will alleviate congestion and inefficiencies in the bus service. The revised NDP 2021- 2030 sets out details of a new National Active Travel Programme with funding of €360 million annually for the period from 2021 to 2025. A new National Cycling Strategy is to be developed by the end of 2022, and will map existing cycling infrastructure in both urban and rural areas to inform future planning and project delivery decisions in relation to active travel.

5.1.12. Design Manual for Urban Roads and Streets, 2019

This Manual provides guidance on how to approach the design of urban streets in a more balanced way. To encourage more sustainable travel patterns and safer streets, the Manual states that designers must place the pedestrian at the top of the user hierarchy, followed by cyclists and public transport, with the private car at the bottom

of the hierarchy. The following key design principles are set out to guide a more place-based/ integrated approach to road and street design.

- To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.
- The promotion of multi functional, placed based streets that balance the needs of all users within a self regulating environment.
- The quality of the street is measured by the quality of the pedestrian environment.
- Greater communication and communication and cooperation between design professionals through the promotion of a plan-led multidisciplinary approach to design.

The manual recommends that bus services should be directed along arterial and link streets and that selective bus detection technology should be considered that prioritises buses. It is noted that under used or unnecessary lanes can serve only to increase the width of carriageways (encouraging greater speeds) and can consume space that could otherwise be dedicated to placemaking /traffic calming measures.

5.1.13. Climate Action Plan 2024

- The Climate Action Plan (CAP24) sets out a roadmap to halve emissions by 2030 and reach net zero by 2050. CAP24 is the third annual update to Ireland's Climate Action Plan 2019 and the second to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. These national targets align with Ireland's obligations under EU and international treaties, most notably the Paris Agreement (2015) and the European Green Deal (2020)
- Citizen engagement and a strengthened social contract between the Government and the Irish people will be required around climate action. Some sectors and communities will be impacted more than others. A just transition is embedded in CAP24 to equip people with the skills to benefit from change and to acknowledge that costs need to be shared. Large investment will be necessary through public and private sectors to meet CAP24 targets and objectives.

- The electricity sector will help to decarbonise the transport, heating and industry sectors and will face a huge challenge to meet requirements under its own sectoral emissions ceiling. CAP24 reframes the previous pathway outlined in CAP21 under the Avoid-Shift-Improve Framework to achieve a net zero decarbonisation pathway for transport. This is a hierarchical framework which prioritises actions to reduce or **avoid** the need to travel; **shift** to more environmentally friendly modes; and **improve** the energy efficiency of vehicle technology.
- Road space reallocation is a measure outlined under both ‘avoid’ and ‘shift’ to promote active travel and modal shift to public transport. It is recognised that road space reallocation can redirect valuable space from on-street car-parking and public urban roadways to public transport and active travel infrastructure (such as efficient bus lanes, and more spacious footpaths and segregated cycle-lanes), whilst also leading to significant and wide-scale improvements in our urban environments. A National Demand Management Strategy is being developed with the aim of reducing travel demand and improving sustainable mobility alternatives.
- The major public transport infrastructure programme set out in the NDP sets out significant investment in new public transport infrastructure is required to deliver on our carbon emissions reduction targets, and to provide people with the sustainable alternatives to private car usage. Major public transport projects and programmes that are being progressed under the National Development Plan include MetroLink, DART+, BusConnects programmes in all five cities and commuter rail programmes in Cork and Limerick, which have been progressing through major delivery milestones.
- With respect to BusConnects Dublin, the programme as well as the procurement strategy for Next Generation Ticketing has significantly advanced, with five phases of the Network Redesign now live, with significant uplift in passenger numbers observed on these routes. Twelve planning applications have been lodged with An Bord Pleanála since April 2022 in respect of the Core Bus Corridor infrastructure to be delivered in the course of subsequent phases.

- Meeting our 2030 transport abatement targets will require transformational change and accelerated action across the transport sector. Key targets to remain within the sectoral emissions ceiling include a 20% reduction in total vehicle kilometers travelled relative to business-as-usual, a 50% reduction in fossil fuel usage, a significant behavioural shift from private car usage to increase the total share of journeys undertaken by walking, cycling or public transport, and continued electrification of our vehicle fleets. While fleet electrification and the use of renewable transport fuels will continue to provide the greatest share of emissions abatement in the medium term, we will continue to expand our walking, cycling and public transport networks in order to reorient our transport systems to a more sustainable basis and to facilitate widespread behavioural change to a healthier, safer, and more people-focused vision for transport. We will continue to pursue policy measures that promote greater efficiency in our transport system, allied with significant investment in sustainable alternatives, incentives and regulatory measures to promote the accelerated take-up of low carbon technologies.

Regional

5.1.14. Regional Spatial Economic Strategy for the Eastern and Midlands Region

- Chapter 5 Dublin Metropolitan Area Strategic Plan (MASP)
 - The MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area that sets out a vision for the future growth of the metropolitan area and key growth enablers.
 - Section 5.3 Guiding Principles for the growth of the Dublin Metropolitan Area - Integrated Transport and Land use which seeks to focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of '**BusConnects**', DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.
 - MASP Sustainable Transport RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS

expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.

- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- Section 5.6 Integrated Land use and Transportation-
 - Key transport infrastructure investments in the metropolitan area as set out in national policy include:
 - Within the Dublin Metropolitan Area, investment in bus based public transport will be delivered through BusConnects, which aims to overhaul the current bus system in the Dublin metropolitan area, including the introduction of Bus Rapid Transit.
- Chapter 8 Connectivity
 - Section 8.4 Transport Investment Priorities:
 - Within the Dublin Metropolitan Area, investment in bus infrastructure and services will be delivered through BusConnects.
 - Section 8.5 International Connectivity:
 - RPO 8.18: Improved access to Dublin Airport is supported, including Metrolink and improved bus services as part of BusConnects, connections from the road network from the west and north. Improve cycle access to Dublin Airport and surrounding employment locations. Support appropriate levels of car parking and car hire parking.

5.1.15. Cycle Design Manual, NTA, 2023

This new Cycle Design Manual, adopted September 2023, supersedes the National Cycle Manual 2011, which is now withdrawn. The new manual draws on the

experience of delivering cycling infrastructure across Ireland over the last decade, as well as learning from international best practice, and has been guided by the need to deliver safe cycle facilities for people of all ages and abilities.

Local

Dublin City Development Plan 2022-2028¹

- Chapter 8 Sustainable Movement and Transport
 - Table 8.1 Current and target mode share outlines that cycling is expected to increase by 7% by 2028 and bus by 3% in the same timeline.
 - It is stated that the modest increase in public transport mode share anticipates the construction of major public transport infrastructure that is proposed to occur over the lifetime of the plan. The impact of public transport infrastructure projects on mode share is more likely to come into fruition during the lifespan of the following plan.
 - Dublin City Council recognises and welcomes the opportunities for developing public realm around the city and in the urban villages where new public transport proposals are being developed such as Metrolink, BusConnects and the Luas expansion and DART+ project.
 - Key strategic transport projects such as the proposed Metrolink, DART+, BusConnects programme and further Luas Line and rail construction and extension will continue the expansion of an integrated public transport system for the Dublin region and have the potential for a transformative impact on travel modes over the coming years. Dublin City Council actively supports all measures being implemented or proposed by other transport agencies to enhance capacity on existing lines/services and provide new infrastructure.
 - SMT22 - Key Sustainable Transport Projects To support the expeditious delivery of key sustainable transport projects so as to provide an integrated public transport network with efficient interchange between

¹ Dublin City Development Plan adopted 14/02/2022

transport modes, serving the existing and future needs of the city and region and to support the integration of existing public transport infrastructure with other transport modes. In particular the following projects subject to environmental requirements and appropriate planning consents being obtained:

- DART
- Metrolink from Charlemount to Swords
- BusConnects Core Bus Corridor projects
- Delivery of Luas to Finglas
- Progress and delivery of Luas to Poolbeg and Lucan
- It is acknowledged that new street/road infrastructure and improvements to existing streets/roads will be required over the period of the plan. In some instances, the development of new areas is predicated on the delivery of new street/road connections such as the new networks in Belmayne, Ballymun, and Cherry Orchard

The Proposed Scheme, for the most part, will comprise lands within the existing public road and pedestrian pavement area where there is no specific zoning objective.

Zoning objectives that are affected by the proposed scheme:

- Zone Z1 – Sustainable Residential Neighbourhoods To protect, provide and improve residential amenities.
- Zone Z2 – Residential Neighbourhoods (Conservation Areas) To protect and/or improve the amenities of residential conservation areas.
- Zone Z3 – Neighbourhood Centres To provide for and improve neighbourhood facilities.
- Zone Z4 – District Centres To provide for and improve mixed-services facilities.
- Zone Z6 – Employment / Enterprise To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.
- Zone Z9 – Recreational amenity and open space To preserve, provide and improve recreational amenity and open space and green networks

- Zone Z15 – Institutional and Community To protect and provide for institutional and community uses.

South Dublin County Development Plan 2022-2028²

Policy Context

Chapter 7 Sustainable Movement:

Policy SMI:

‘Promote ease of movement within, and access to South Dublin County, by integrating sustainable land-use planning with a high-quality sustainable transport and movement network for people and goods’.

SMI Objective 1:

‘To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the County Development Plan, in line with the County mode share targets of 15% Walk; 10% Cycle; 20% Bus; 5% Rail; and 50% Private (Car/Van/ HGV I Motorcycle)’.

SMI Objective 3:

‘To support the delivery of key sustainable transport projects including DART and Luas expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network in accordance with RPO 5.2 of the RSES / MASP’.

SMI Objective 4:

‘To ensure that future development is planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe and attractive street environment for pedestrians and cyclists, in accordance with RPO 5.3 of the RSES / MASP’.

Policy SM2: Walking and Cycling

² South Dublin County Council Development Plan 2022 – 2028 adopted 03/08/2022

‘Re-balance movement priorities towards sustainable modes of travel by prioritising the development of walking and cycling facilities and encouraging a shift to active travel for people of all ages and abilities, in line with the County targets’.

SM2 Objective 8:

‘To work with the NTA to acquire funding and secure full implementation of the Cycle South Dublin programme and actions which may arise from the sustainable movement studies carried out to inform the plan’.

SM2 Objective 9:

‘To work with the NTA to review the feasibility of implementing additional cycling facilities within the major urban and recreational areas of the County’.

Policy SM3: Public Transport

‘Promote a significant shift from car-based travel to public transport in line with County targets and facilitate the sustainable development of the County by supporting and guiding national agencies in delivering major improvements to the public transport network’.

SM3 Objective 1:

‘To achieve and monitor a transition to the County mode share targets of 20% Bus and 5% Rail’.

SM3 Objective 3:

‘To ensure that future development is planned in such a manner as to facilitate a significant shift to public transport use through pursuing compact growth policies, consolidating development around existing and planned public transport routes and

interchanges, and maximising access to existing and planned public transport services throughout the network’.

SM3 Objective 4:

‘To optimise accessibility to public transport, increase catchment and maximise permeability through the creation of new and upgrading of existing walking and cycling routes linking to public transport stops’.

Policy SM3: Public Transport - Bus

SM3 Objective 11:

‘To facilitate the delivery of the BusConnects Core Bus Corridors and seek additional bus corridor and orbital routes to serve the County by securing and maintaining any required route reservations and to ensure the BusConnects Corridors do not adversely affect the village life and livelihoods of any of our County Villages’.

SM3 Objective 12:

‘To work with the NTA to secure the expansion of the bus network, including distinct new bus networks as necessary, to serve new development and regeneration areas within the South Dublin County area including Tallaght, City Edge, Adamstown, Clonburris, Fortunestown, Ballycullen and Newcastle’.

SM3 Objective 17:

‘To work with the NTA and other state agencies to facilitate the delivery of the Kennelsfort Road-R148 grade separated junction or an equivalent solution to maximise the efficacy of the BusConnects Project’.

SM3 Objective 18:

‘To liaise with bus service providers where new bus stop infrastructure is proposed in order to ensure facilities such as shelters and bins are included, where appropriate’.

7.5.3 Design of Cycle Facilities

7.5.4 Active Travel and Schools

7.6.1 BusConnects

Route 12 Rathfarnham to city centre

Policy SM3: Public Transport – Bus

SM3 Objective 11:

‘To facilitate the delivery of the BusConnects Core Bus Corridors and seek additional bus corridor and orbital routes to serve the County by securing and maintaining any required route reservations and to ensure the BusConnects Corridors do not adversely affect the village life and livelihoods of any of our County Villages’.

SM3 Objective 12:

‘To work with the NTA to secure the expansion of the bus network, including distinct new bus networks as necessary, to serve new development and regeneration areas within the South Dublin County area including Tallaght, City Edge, Adamstown, Clonburriss, Fortunestown, Ballycullen and Newcastle’.

5.2. Greater Dublin Area Transport Strategy – 2022-2042

This strategy replaces the previous GDA Transport Strategy 2016-2035. Busconnects is identified as a major project which is provided for within this strategy. The NTA has invested heavily in the renewal of the bus infrastructure, including bus stopping facilities, Real Time Passenger Information and fleet improvements and has commenced the largest ever investment programme in our bus network under BusConnects Dublin.

The Strategy recognises the government’s commitment to sustainable mobility as outlined in NSO 4 of the National Development Plan 2021-2030.

Busconnects is identified as an essential to protecting access to Dublin Airport, ensuring that the Airport will operate in a sustainable fashion in terms of landside transport.

- Measure INT2 – International Gateways

It is the intention of the NTA, in conjunction with public transport operators, TII, and the local authorities, to serve the international gateways with the landside

transport infrastructure and services which will facilitate their sustainable operation. Throughout the lifetime of the strategy, the NTA will continue to work with Dublin Port Company, other port and harbour operators and DAA in respect of Dublin Airport, in monitoring, assessing and delivering these transport requirements.

Major transport interchanges are recognised as an integral part of the bus connects project.

- Measure INT5 – Major Interchanges and Mobility Hubs

It is the intention of the NTA, in conjunction with TII, Irish Rail, local authorities, and landowners to deliver high quality major interchange facilities or Mobility Hubs at appropriate locations served by high capacity public transport services. These will be designed to be as seamless as possible and will incorporate a wide range of facilities as appropriate such as cycle parking, seating, shelter, kiosks selling refreshments plus the provision of travel information in printed and digital formats.

The NTA recognises that the construction of major projects including bus connects will cause disruption and it will seek to minimise such impacts through up-to-date travel information.

- Section 11.4 Cycle Infrastructure Provision and Management
- Section 12.2 Bus
- Measure BUS1 – Core Bus Corridor Programme

Subject to receipt of statutory consents, it is the intention of the NTA to implement the 12 Core Bus Corridors as set out in the BusConnects Dublin programme.

- Measure BUS2 – Additional Radial Core Bus Corridors

It is the intention of the NTA to evaluate the need for, and deliver, additional priority on radial corridors.

- Measure BUS3 – Orbital and Local Bus Routes

It is the intention of the NTA to provide significant improvements to orbital and local bus services in the following ways: 1. Increased frequencies on the BusConnects orbital and local services; and 2. Providing bus priority measures at locations on the routes where delays to services are identified

- Section 12.2.4 Zero Emissions Buses

The transition to a zero emissions urban bus fleet for the State operated bus services has begun under BusConnects. Under the BusConnects Dublin programme, the full Dublin Area urban bus fleet will have transitioned to zero or low emission vehicles by 2030 and will have been converted to a full zero emission bus fleet by 2035.

- Measure BUS6 – Higher Capacity Bus Fleet

In the later phases of the Transport Strategy period, it is the intention of the NTA to introduce higher capacity bus vehicles onto select appropriate BusConnects corridors in order to increase passenger carrying capabilities in line with forecast demand.

- 12.2.8 New Bus Stops and Shelters

Bus shelter provision will be significantly expanded as part of the BusConnects Dublin programme and Connecting Ireland (section 12.2.7).

- 13.8 Road space Reallocation

In line with transport policies and objectives to reduce car dependency and to favour sustainable modes over the private car, and as a means of achieving reductions in carbon emissions, it is the intention to reallocate roadspace from its current use for general traffic to the exclusive use by walking, cycling and public transport. This approach is applicable generally across the GDA, and in addition to the reallocation proposed under BusConnects.

- Measure Road 13 – Roadspace Reallocation

The local authorities and the NTA will implement a programme of roadspace reallocation from use by general traffic or as parking to exclusive use by sustainable modes as appropriate, as a means of achieving the following:

- Providing sufficient capacity for sustainable modes;
- Improving safety for pedestrians and cyclists; and
- Encouraging mode shift from the private car and reducing emissions.

5.3. Dublin City Biodiversity Action Plan 2021-2025.

The Dublin City Biodiversity Action Plan 2021-2025 (DCC Biodiversity Plan) recognises that in addition to legally designated sites there are numerous habitats

across the city that have conservation value for biodiversity, including public parks and open spaces, rivers, canals, and embankments. The DCC Biodiversity Plan sets out five themes supported by objectives and actions, these themes are set out below:

1. Maintaining Nature in the City.
2. Restoring Nature in the City.
3. Building for Biodiversity.
4. Understanding Biodiversity in the City
5. Partnering for Biodiversity.

The objectives of the DCC Biodiversity Plan include:

- Objective 4 – Monitor and conserve legally-protected species within Dublin City, particularly those listed in the annexes of the EU Birds and Habitats Directive,
- Objective 11 – Ensure that measures for biodiversity and nature-based solutions are incorporated into new building projects, retrofit and maintenance works, and
- Objective 12 which promotes net biodiversity gain.

Legislative Context

5.3.1. Under Section 44(1)(c) of the Dublin Transport Authority Act, 2000 (as amended), the National Transport Authority (NTA) may acquire and facilitate the development of land adjacent to any public transport infrastructure where such acquisition and development contribute to the economic viability of the said infrastructure whether by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000.

5.3.2. The process of acquisition of is set out within the Planning and Development Act 2000, as amended, whereby the functions of such acquisitions are a matter for the Board. As follows:

5.3.3. Under Section 213(2)(a) of Part XIV of the Planning and Development Act, 2000 (as amended), a local authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or

facilitating the implementation of its development plan, acquire land, permanently or temporarily, by agreement or compulsorily.

5.3.4. Compulsory Purchase Orders are made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act, 1960, (as substituted by section 86 of the Housing Act 1966), as amended by section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000 (as amended). Orders are served on owners, lessees and occupiers in accordance with Article 4(b) of the Third Schedule to the Housing Act, 1966.

6.0 Assessment

Overview

6.1.1. The National Transport Authority (“NTA”) is seeking confirmation of the Templeogue/ Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022 (“the CPO”). The purpose of the CPO is to facilitate the construction of the Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme (‘the Proposed Scheme’) to facilitate public transport and all ancillary and consequential works.

6.1.2. For the Board to confirm the subject CPO, it must be satisfied that the National Transport Authority has demonstrated that the CPO “is clearly justified by the common good”³. Legal commentators⁴ have stated that this phrase requires the following minimum criteria to be satisfied:

- There is a community need that is to be met by the acquisition of the site in question,
- The particular site is suitable to meet that community need,

³ Para. 52 of judgement of Geoghegan J in *Clinton v An Bord Pleanála* (No. 2) [2007] 4 IR 701.

⁴ Pg. 127 of *Compulsory Purchase and Compensation in Ireland: Law and Practice*, Second Edition, by James Macken, Eamon Galligan, and Michael McGrath. Published by Bloomsbury Professional (West Sussex and Dublin, 2013).

- Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable, and
- The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan.

6.1.3. Another test set out in “Planning and Development Law” (Garrett Simons – Second Edition) requires consideration of whether the proposed CPO measures will have a disproportionate or excessive effect on the interests of the affected persons. I will therefore address each of the four criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the submissions. In assessing the CPO I have considered throughout whether the lands/rights being acquired are necessary and suitable to facilitate the provision of the Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme. The Board should also note that a number of these issues (in particular, justification/need for the scheme, development plan compliance, and assessment of alternatives) have been discussed throughout the Planning Assessment of the Roads Scheme which runs concurrently with this CPO (316272-23) and EIA of my report in respect of 316272-23 and accordingly this CPO assessment should be read in conjunction with my assessment of 316272-23.

Community Need

6.1.4. The proposed development is being developed in response to the need for a sustainable, reliable form of public transport along the main radial routes from the City Centre. Sustainable transport infrastructure is known to assist in creating more sustainable communities and healthier places to live and work while also stimulating our economic development and also contributes to enhanced health and well-being when delivered effectively.

6.1.5. According to the National Planning Framework, 2018, the population of the Greater Dublin Area is forecast to increase by 25% by 2040 and this growth will have associated travel demands, placing added pressure on the transport system. Significant congestion already occurs throughout the GDA from private car dependence and intervention is therefore required to optimise road space and prioritise the movement of people over the movement of vehicles.

- 6.1.6. At present, the reliability and effectiveness of existing bus and cycle infrastructure on key radial traffic routes into and out of Dublin city centre is compromised by a lack of bus lanes and segregated cycle tracks. Furthermore, existing bus lanes are often shared with parking and cyclist's and are not always operational on a 24-hour basis.
- 6.1.7. The overriding motivation for BusConnects is to reduce CO₂ emissions and this is critical from a global climatic perspective. The proposed scheme is specifically identified and supported within the Climate Action Plan 2024 and is seen as a key action under the major public transport infrastructure programme to deliver abatement in transport emissions. The scheme is also identified within the National Sustainable Mobility Policy document and the accompanying action plan as a key piece of infrastructure to be delivered to achieve reductions in emissions and provide for more efficient cities in terms of accessibility for all. The scheme is also seen as an economic driver within the cities which currently experience significant congestion and impediments to movement and accessibility.
- 6.1.8. At the local and shorter-term level, the issue of congestion is more obvious, and both congestion and CO₂ emissions are continuing to rise. Any further increases in traffic levels will see an exacerbation of congestion, CO₂ emissions and of all of the associated issues highlighted above. Private car dependence will worsen unless there is intervention to optimise road space and prioritise the movement of people over the movement of vehicles.
- 6.1.9. When examining the functionality and capacity of road space to facilitate the movement of people it is important to consider the capacity of the space and how to optimise it. It is estimated that approximately 80% of road/ street space is dedicated to the car. A car travelling at 50kph requires 70 times more space than a pedestrian or cyclist. A double-deck bus takes up the equivalent spatial area of three cars but typically carries 50-100 times the number of passengers.
- 6.1.10. The prioritisation of buses over cars and the creation of more space for pedestrians and cyclists will therefore allow for increased people movement capacity along the core bus corridor. This is vital given the existing congestion and the forecasted growth in population, jobs and goods vehicle numbers by

2040. The proposed scheme is expected to see a reduction in car use along the route and an increase in cycling and walking in addition to an increase in bus use.

6.1.11. Having regard to the above, the proposed scheme is of critical importance to the transport network in Dublin to facilitate the actual movement of people and this can only be achieved through a realistic modal shift from the private car to sustainable modes. The proposed scheme allows for increased capacity for people moving and the best chance to avoid gridlock in future years as the population grows and the demand for travel increases. The proposed scheme also has the potential to reduce Ireland's greenhouse gas emissions significantly. The proposed scheme will therefore make a significant contribution to carbon reduction, the easing of congestion and the creation of more sustainable travel patterns for the growing population, therefore demonstrating a clear community need for the proposed scheme.

6.1.12. In terms of local transport in situ along the proposed Templeogue / Rathfarnham to city centre scheme, bus priority infrastructure will increase from 4.4km inbound to 6.1km and from 1.5km outbound to 5.4km. Currently bus lanes are available for 30% of Templeogue / Rathfarnham to City Centre, with signal control priority for buses provided over 2% of the route. The proportion of route with bus measures will increase from 32% to 87%. The scheme will facilitate 87% bus priority and complement the rollout of the Dublin Area Bus Network Redesign to deliver improved bus services on the route. This will improve journey times for bus, enhance its reliability and provide resilience to congestion.

6.1.13. One of the key objectives of the proposed scheme is to enhance interchange between the various modes of public transport operating in the city and wider metropolitan area. The CBC Infrastructure Works, including the Proposed Scheme, are developed to provide improved existing or new interchange opportunities with other existing and planned transport services, including:

- DART stations;
- Existing Dublin Bus and other bus services;

- The Greater Dublin Area (GDA) Cycle Network Plan;
- Future public transport proposals such as the DART+ Programme and MetroLink; and
- Supporting the Dublin Bus Network Re-design

6.1.14. Currently cyclists must typically share space on bus lanes or general traffic lanes with only 15% of the route providing segregated cycle tracks. It is stated that cycle facilities in both directions will increase from 11km to 23.3km (112%) with the proportion segregated increasing from 28% to 85.4%. Cycle facilities segregated inbound will increase from existing 1.3 Km to 9.6 Km and outbound from 1.8Km to 10.3Km. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.

6.1.15. It is important to note that the Templeogue / Rathfarnham Corridor serves some of the busiest bus routes in Dublin. Congestion is already a common experience along this route, and without appropriate intervention the additional population and forecasted economic growth will increase traffic volumes and potentially lead to gridlock becoming a common feature along the route. Planning and transport policy all clearly point to the need to provide a better alternative to facilitate increased people movement along transport corridors to reduce emissions and congestion which adversely effects the population, economy and climate.

6.1.16. Overall, the proposed scheme as facilitated by the CPO will deliver critical and necessary physical infrastructure which is required to sustain and cater for the projected population growth. It will also provide more accessible, resilient, efficient and reliable public transport to the most disadvantaged and vulnerable in society, in a safer environment while also allowing travellers to benefit from better journey times and providing comfortable, predictable and attractive alternative to the private car. I also note that the private car will continue to be accommodated within the corridor albeit reallocation of road space will be in favour of public transport, cycling and pedestrian facilities.

6.1.17. The delivery of the Templeogue / Rathfarnham to city centre Busconnects scheme is a controversial route (as is evident from the number of

submissions received and issues raised) and difficult geographically (urban setting with established street furniture, boundaries, gardens and trees), it will however be of benefit to the wider community. I acknowledge given the scale of the works that there will be disruption to residents, businesses and those who need to transit through this area during the construction phase, however, this will be finite, relatively short term, mitigated and managed. On balance, such inconvenience during the construction phase is necessary for any change and improvement to occur. From the above it is clear that there is distinct and obvious community need and justification for the proposed scheme, in the longer term, from a population growth and congestion perspective; through the provision of the necessary infrastructure to facilitate connections and connectivity throughout the corridor and the wider area. The infrastructure facilitated by the CPO will provide greater opportunities and enhanced connectivity for all sections of the local community (and those who need to transit through this area) and all will be able to enjoy the wider benefits arising in terms of modal shift, reduced congestion, and reduced emissions, as well as providing healthier and more sustainable transport options. I note, a recent High Court Judgement (2022) IEHC 7, Record No. 2020/816JR - Ballyboden Tidy Town Group V An Bord Pleanala regarding sufficient local public transport capacity in the context of urban development and I consider it of direct relevance to the subject project.

Suitability of lands/land to meet community need.

6.1.18. Under the CPO it is proposed to acquire land (both on a permanent and temporary basis), restrict or otherwise interfere with public rights of way and private rights, acquire private rights, and temporarily restrict/interfere with private rights, all along and in proximity to existing roads and streets throughout the identified Templeogue / Rathfarnham transport corridor. A detailed description of the proposed scheme and its route has been provided previously in Section 2 above.

6.1.19. The lands that are the subject of this CPO are currently used for a number of uses but predominantly relate to loss of front gardens and boundary of property along Templeogue Road, Terenure Road East (TRE), Rathfarnham

Road, Grange Road and Templeogue Road, also impact upon rear gardens in Fortrose Park and Rathfarnham Wood. It will also impact upon rights of way and accesses (e.g. Lissenfield and Ashfield Place). The CPO impacts Rathdown Park and Rathfarnham Castle Park and also a few commercial premises along the route, notably at Main Street Rathfarnham, Camden Street and South Richmond Street. The temporary CPO of lands for construction compounds relate to lands at six locations with the main construction compound proposed at Woodview Cottages (construction compound TR3) currently in use as green space / amenity space. The Board should note that the scheme for the most part will comprise lands within the existing public road and pedestrian area where there is no specific zoning objective, contained in the various Development Plans.

6.1.20. The proposed scheme passes through South Great Georges Street Architectural Conservation Area (ACA), Grand Canal Conservation Area (CA), Richmond Street to Aungier St CA, and Dame St CA. There are 13 Industrial Heritage sites identified in the study area. Four of these are Protected Structures. These include Pearse Bridge (RMP DU022044002, DCIHR 220700201) and St. Pancras works {DCC RPS 5686, DCIHR 220303501}, Grand Canal House (DCC RPS 8721, DCIHR 181504001), South City Markets (DCC RPS 3214 to 3223, DCIHR 181116601). A further two were also identified in the NIAH Building inventory. None of which are affected. The Circular Line of the Grand Canal itself has not been assessed by NIAH, but its features such as La Touche Bridge (NIAH 50110273), Canal Locks {NIAH 50110274} and Grand Canal Dock {NIAH 50020499} are rated as being of Regional Importance by the NIAH. Overall, however it is considered that the proposed works are compatible with the relevant zoning objectives of the two Development Plans and will not prevent or negatively impact the achievement of same.

6.1.21. Zonings pertaining to the lands within Dublin City Council include the following:

- Z1 – residential
- Z2 - residential neighbourhoods - conservation area,
- Z3 - Neighbourhood centres

- Z4 – District Centres
- Z5 – City Centre
- Z6 – Employment / Enterprise
- Z9 – Amenity / Open Space / Green Network and
- Z10 - Inner Suburban and Inner City Sustainable Mixed uses
- Z15 - Community and Social Infrastructure.

6.1.22. Zonings pertaining to the lands within South Dublin City Council include the following:

- RES - To protect and/or improve residential amenity.
- Objective VC - To protect, improve and provide for the future development of Village Centres.
- OS - To preserve and provide for open space and recreational amenities.
- HA - To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas.

6.1.23. I note that the secondary elements of the proposed scheme, such as bus shelters and RTPI poles fall within the definition of Public Service Installations as defined within Appendix 21 of the Dublin City Development Plan. I am satisfied that these elements of the proposed works along with the proposed reallocation of road space and the provision of active travel infrastructure are compatible with the zoning objectives of the Development Plan.

6.1.24. As noted in Section 2.0 above, the proposed route will be comprised of two main alignments, one will follow the R114 Rathfarnham Road to Terenure, Terenure Road East (TRE), Rathgar Road, Rathmines Road Lower and Camden Street to City centre and the other will follow the R137 Templeogue Road to Terenure where it will join with the Rathfarnham route and proceed to the City Centre. Due to the restrictions in width in places along the route and the restrictions in relation to the acquisition of lands due to the presence of buildings, 'Quiet Streets' have been identified to divert cyclists off the main thorough fare. These areas include a route from Rathdown Crescent via

Rathdown Park to Rathfarnham Road and from Rathfarnham Road via Wasdale Park, Wasdale Grove, Victoria Road, Zion Road and Orwell Road to TRE.

6.1.25. The scheme due to the restricted width of some sections of the existing carriageway encroaches on a number of third-party lands to allow for the proposed improvements which include a segregated cycle lane and bus stops. Larger areas of land at the open space areas associated with residential or recreational uses will be temporality acquired to accommodate construction compounds and will be relandscaped and returned to their original use once construction is complete. Other lands will be acquired on a permanent basis to facilitate new cycle lanes and improved pedestrian facilities.

6.1.26. The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with.

6.1.27. Overall given the current use of lands and the minimal additional lands to be acquired which lie directly adjacent to the existing carriageway and footpath I am satisfied that the lands to be acquired are suitable for such use.

Accordance with the Development Plan

6.1.28. BusConnects is identified within both the Dublin City Development Plan and the South Dublin County Development Plan as being a key transport infrastructure project that will improve the viability, accessibility and economic competitiveness of Dublin City and suburbs. The project is specifically identified and supported at all levels of government policy as outlined above within the policy section of this report and is acknowledged within the Dublin City Development Plan as being a key strategic transport project for the city specifically supported by Dublin City Council under policy SMT22 and South Dublin County Council under Policy SM3.

6.1.29. The scheme is also identified as a component of Strategic Investment Priority which has been determined as central to the delivery of the National Planning Framework. Given the abundance of policy documents and plans at both an EU, national and local level that support both specifically the proposed scheme and the type of scheme being a sustainable and active travel scheme, I

am satisfied that the proposal is justified and in accordance with the overriding policy position, as set out both within the Dublin City Development Plan 2022-2028 and the South Dublin County Development Plan 2022-2028, and other national and regional policy documents as set out within the policy section of this report above, see section 5.18 and 5.19 of my report. .

Use of Alternative Methods of Providing Public Transport.

6.1.30. I note reference is made within the 3rd party submissions received to a lack of consideration to alternative options for the proposed scheme. The consideration of alternatives is documented within Section 3 of the EIAR submitted with the planning application ABP-316272-23. I note that alternatives were considered at three levels, strategic alternatives, route alternatives and design alternatives.

6.1.31. It is stated that the appropriate type of public transport provision in any particular case is predominately determined by the likely quantum of passenger demand along the particular public transport route. With this in mind the applicant considered the option of constructing a light rail service which would cater for a passenger demand of between 3,500 and 7,000 per hour per direction (inbound and outbound journeys). Based on the number of passengers predicted to use the new service, it was considered that there would be insufficient demand to justify a light rail option. The light rail option would also require significantly more land take, necessitating the demolition of properties.

6.1.32. Metro alternative was also considered and as there is a higher capacity requirement for such solutions, generally designed for peak hour passenger numbers exceeding about 7,000 passengers per hour per direction, it was deemed not suitable for this route. In addition, the development of an underground metro would not remove the need for additional infrastructure to serve the residual bus needs of the area covered by the proposed scheme.

6.1.33. Heavy rail alternatives carry in excess of 10,000 people each direction each hour and was considered an unsuitable solution.

6.1.34. Demand management in the form of restricting car movement or car access through regulatory signage and access prohibitions, to parking

restrictions and fiscal measures (such as tolls, road pricing, congestion charging, fuel/vehicle surcharges and similar) were all considered as alternatives to the proposed scheme. However, it is stated that in the case of Dublin, the existing public transport system does not currently have sufficient capacity to cater for large volumes of additional users, such measures would not work in isolation to address car journeys into and out of the city and would not encourage people onto alternative modes.

6.1.35. Whilst technological alternatives are becoming increasingly advanced, the use of electric vehicles does not address congestion problems and the need for mass transit.

Route Alternatives

6.1.36. As set out above, a comprehensive options assessment process was undertaken for the scheme and is summarised in Section 3.3. of Chapter 3 Consideration of Reasonable Alternatives in Volume 2 of the EIAR.

6.1.37. Alternative route options have been considered in a number of areas during the iterative design of the proposed scheme, such as optimising the road layout in constrained locations including Rathfarnham Road, Rathgar Road, Rathmines Road Lower and Templeogue Road. The iterative development of the route selection and design has also been informed by a review of feedback and new information received during each stage of public consultation and as data, such as topographical surveys, transport and environmental information was collected and assessed. In addition, the potential for climate impact was considered in all phases of the design process. As the design progressed climate was indirectly affected in a positive way by refining the design at each stage through reducing the physical footprint of the scheme coupled with the inclusion of technological bus priority measures.

6.1.38. The Feasibility and Options Reports identified feasible options along the corridor, assessed these options and arrived at an Emerging Preferred Route (EPR). Two reports were published for the proposed scheme: the Rathfarnham to City Centre Core Bus Corridor CBC Feasibility Study and Options Assessment Report and the Tallaght to Terenure Core Bus Corridor CBC Feasibility Study and Options Assessment Report. These Reports formed

the basis for the first phase of public consultation. The Feasibility and Options Reports used a two-stage assessment process to determine the EPR, comprising:

- Stage 1 – an initial high-level route options assessment, or ‘sifting’ process, which appraised routes in terms of ability to achieve scheme objectives and whether they could be practically delivered. The assessment included consideration of the potential high level environmental constraints as well as other indicators such as land take (particularly the impact on residential front gardens); and
- Stage 2 - Routes which passed the Stage 1 assessment were taken forward to a more detailed qualitative and quantitative assessment. All route options that progressed to this stage were compared against one another using a detailed Multi-Criteria Analysis (MCA) in accordance with the Department of Transport Document ‘Common Appraisal Framework for Transport Projects and Programmes’.

6.1.39. The study area for the Tallaght to Terenure corridor comprised of two main sections;

- Section 1 examined feasible route options from the N81/M50 interchange to the Springfield Avenue / Templeville Road corridor.
- Section 2 examined feasible route options from the Springfield Avenue / Templeville Road corridor to Terenure Road West.

6.1.40. The study area for the Rathfarnham to City Centre corridor comprised of three main sections:

- Section 1 examined feasible route options from Taylors Lane and Grange Road to the River Dodder.
- Section 2 examined feasible route options from the River Dodder to the Grand Canal.
- Section 3 examined feasible route options from the Grand Canal to Dame Street.

6.1.41. I note that 16 route options were considered for the Tallaght to Terenure corridor and 104 no. for the Rathfarnham to City Centre section. Three options were brought forward to the Stage 2 assessment between Nutgrove Avenue and Dodder View Road (Section 2 of the Rathfarnham to City Centre Corridor), SA1 to SA3. For the section between Dodder View Road and Grand Canal, Seven options were brought forward to the stage 2 assessment, CB1 to CB7. The reasonable alternatives options were progressed to Stage 2 of the assessment process. These routes were then considered against the following criterion: economy, integration, accessibility and social inclusion, safety and environment. Under each headline criterion, a set of sub-criteria were used to comparatively evaluate the options which included capital costs, transport quality and reliability, land use policy, archaeological, architectural and cultural heritage, flora and fauna, soils and geology, hydrology, and landscape and visual, air quality, noise and vibration and land use character.

6.1.42. As set out above the proposed scheme initially comprised of two Core Bus Corridors, the Tallaght to Terenure Core Bus Corridor and The Rathfarnham to City Centre Core Bus Corridor. Following the completion of the public consultation process in relation to the Emerging Preferred Route (EPR), various amendments were made to the scheme proposals to address a number of the issues raised in submissions, including incorporating suggestions and recommendations from local residents, community groups and stakeholders, and/or arising from the availability of additional information. These amendments were incorporated into the designs (this is specifically acknowledged in third-party submissions received, ref. to Submission 10 of Appendix 1 of this report by Celine and John Cullen (15 Fortrose Park)) and informed a draft Preferred Route Option (PRO). Additional design development took account of:

- New and updated topographical survey information.
- Output from engagement and consultation activities on the (EPR) and draft (PRO) proposals;
- Further design development and options assessment; and
- Changes in the extent of the scheme.

6.1.43. Where substantial revisions had been made to the design since the publication of the EPR, options were assessed using Multi Criteria Assessment (MCA) to determine the PRO. The MCA assessed any newly developed options against the previously identified EPR. The methodology and MCA used were consistent with that carried out during the initial route optioneering work (including consideration of the relevant environmental aspects), which informed the identification of EPR.

6.1.44. Following completion of the Stage 1 initial appraisal, Option S2-12 was identified as having significant benefits over the other options for Section 1: Tallaght Road to Rathfarnham. It would consist of providing an outbound bus lane along Templeogue Road from Rathdown Park to Springfield Avenue. An inbound bus lane would be provided between the Olney Grove/Templeogue Road junction and the Terenure Road West/Templeogue Road junction. A bus gate would be implemented on Templeogue Road to ensure only inbound (north-eastbound) buses and cyclists would be permitted entry from Springfield Avenue/Templeogue Road junction to Rathdown Park/Templeogue junction (Local access would be permitted). No inbound traffic lane would be provided between the Fortfield Road/Templeogue Road junction and Rathdown Park/Templeogue junction (Local access would be permitted). A two-way cycle route would be provided through Bushy Park adjacent to Templeogue Road. A shared/mixed street would be provided along Rathdown Drive. Segregated cycle facilities would be provided in the outbound direction from the Terenure Road West/Templeogue Road junction to Rathdown Drive pedestrian access/new proposed Toucan crossing. The inbound general traffic lane on Templeogue Road would be removed from Olney Grove to Terenure Cross, to reduce the required land acquisition on residential properties approaching Terenure Cross.

6.1.45. As already stated following completion of the Stage 1 assessment, three options were brought forward to the Stage 2 assessment between Nutgrove Avenue and Dodder View Road (Section 2 of the Rathfarnham to City Centre Corridor). Option SA1 was identified as having significant benefits over other options in relation to Transport Quality and Reliability and Cycle Network

Integration. For the section between Dodder View Road and Grand Canal, seven options were brought forward to the stage 2 assessment.

6.1.46. Terenure Village to Rathgar – TVR. There were eight scheme sub-options (TVR1 to TVR8) considered for the section along Rathfarnham Road and Terenure Road East to Rathgar Village. Section 3.3.2.2.2.1 of EIAR Chapter 3 describes the subsection between Terenure Village and Rathgar Village. Following an MCA, sub-option TVR3 was identified as the preferred option for this sub-section and was brought forward for assessment as part of the principal route options.

6.1.47. Section 3.3.2.2.2.2 of EIAR Chapter 3 describes the Parallel Cycle Route Options between the Dodder Crossing and the Grand Canal. There were six scheme sub-options (CR1 to CR6) considered for the section between the Bushy Park junction on Rathfarnham Road to the Grand Canal Crossing via Rathmines Village. The assessment sub-criteria which were differentiators between scheme sub-options included Capital Cost, Road Safety, Coherence, Directness, Attractiveness, Comfort, and Environment. Sub-option CR5 was identified as having significant benefits over other sub-options in relation to Attractiveness and Comfort, and some benefits over other sub-options in relation to Road Safety, Coherence and Directness. Following an MCA, sub-option CR5 was identified as the preferred option for this sub-section and was brought forward for assessment as part of the principal route options.

6.1.48. It is stated that informed by the appraisal of options repeatedly, the EPR was identified. A non-statutory public consultation on this EPR was undertaken from 23 January 2019 to 30 April 2019, providing feedback which was then considered in the further development of the scheme proposal.

6.1.49. The EPR Option proposal included a proposed connection for cyclists to Brookvale Downs via a narrow laneway between an existing residential property and a petrol station. While it was proposed as part of the EPR Option to widen a section of this laneway, it is noted from a review of the topographical survey that this would require demolition of one or other of these buildings to accommodate a two-way cycle route as well as accommodating pedestrians. Concerns relating to the proposal from the public were coupled with the delivery

of a compromised and potentially unattractive route for cyclists. As such, alternative cycle route options were explored in this area in determining the draft PRO.

6.1.50. Furthermore, based on a review of the topographical survey, it became more evident that a number of properties along Rathfarnham Road, between Brookvale Road and Dodder Park Road, as well as north of the Dodder, between Dodder Park Road and Rathdown Park, currently have steep driveways in excess of current standards. As part of the public consultation, the issue of compliance with Part M of the Building Regulations was highlighted. It was considered, that with the level of land acquisition proposed as part of the EPR Option, existing driveways would be made much steeper than they currently are and would not be compliant with the Regulations without substantial mitigation. As such, alternative design solutions were therefore explored in this area in determining the draft PRO.

6.1.51. Within this section of the CBC route, Rathfarnham Road is particularly constrained in terms of the available width. As such, this section of the route was brought through an initial assessment to determine the optimum alternative cycle route for this section.

6.1.52. In developing options for alternative cycle routes, it became evident that some options being considered would require a new pedestrian and cyclist bridge crossing the River Dodder. Two potential bridge sites were identified within this general location. In order to rationalise the number of parallel cycle route options to be assessed, an initial assessment of two potential bridge locations within this area was undertaken. The preferred bridge option was then incorporated into end-to-end parallel cycle route options for comparative assessment.

6.1.53. Following the initial assessment of Parallel Cycle Route options, a number of principal route options for the delivery of the CBC scheme from Grange Road to Rathdown Park were developed.

6.1.54. Option RF2 – the provision of two bus lanes and two general traffic lanes on Rathfarnham Road south of the Dodder with cyclists diverted to the draft preferred parallel route - was identified as the preferred option as it best

aligned with the objectives for the proposed scheme by providing full physical bus priority throughout the section and minimising the impact on residential properties with steep existing driveways on Rathfarnham Road through the provision of an alternative cycle route linking to Rathdown Park. This option would provide bus priority, and while cycle facilities would not be provided along a short section of the CBC, the proposal included an attractive and safe alternative.

6.1.55. Having regard to the information submitted it is clear that the applicant has considered a significant number of options for the proposed scheme and has been responsive to consultations held and concerns raised by the public.

6.1.56. It is clear, in my opinion, that the Preferred Route Option, as described in the General Arrangement Drawings detailed in Volume 1 of the EIAR and Chapter 3 Proposed Scheme Description included in the EIAR Volume 2 has evolved through comprehensive design iteration, with particular emphasis on minimising the potential for environmental impacts where practicable, whilst ensuring the objectives of the proposed scheme are attained.

6.1.57. Having regard to the information provided by the NTA in relation to the alternatives considered I am satisfied that a significant number of rational options have been considered in detail and that the process undertaken by the applicant has been a robust assessment of alternative options having regard to environmental considerations and the stated Project Objectives, which are considered to be reasonable. I agree that the routes chosen are the ones which best meet these objectives. I also accept that the consideration of options within the selected route corridor and the strategy for key infrastructure provisions was a rigorous process, which had regard to minimising land take, environmental considerations and to the project objectives. I therefore concur with the reasons for choosing the preferred alternatives as presented in the EIAR.

Proportionality and Necessity of Level of Acquisition Proposed in relation to submissions received.

6.1.58. Concerns were raised in relation to (i) Number of Scheme Wide Common Issues & Area Based Issues and (ii) Individual Issues, which I will group together and examine, hereunder. It is important for the Board to note, as

mentioned above, concerns relating to planning matters such as noise, air and visual and residential amenity impacts are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-316272-23, and as such this CPO report should be read in conjunction with the aforementioned planning application report for the proposed scheme.

6.1.59. The NTA response to the CPO Objections states that the operation of the proposed scheme will require the permanent acquisition from 72no. residential plots, having checked the deposit maps and submissions received, I calculate that the 'permanent' CPO acquisition relates to some 121 plots, 73 of which are residential, No 63 TRE is included in the CPO and NTA's response to submission but was for some reason inadvertently not included in the NTA's overall submitted summary of affected residential plots.

6.1.60. As stated above, 62 no. landowner and observer third party submissions, were lodged in the initial public consultation phase in relation to the CPO process. The submissions and issues raised have all been summarised individually and are attached as an appendix to this report. The submissions were circulated to the applicant (the NTA) who submitted a response to the issues raised (the NTA's 739-page response contains a response to each individual submission). The NTA responses were forwarded to the various parties by the Board and further commentary was invited, thirty-four (34) further submissions were made, which are briefly summarised in section 4.4 of this report above. No new substantive issues were raised.

6.1.61. The CPO affects the following properties on Templeogue Road:

- Nos. 317, 319, 321, 323, 325 and 327 Templeogue Road (6no.)
- Nos. 311, 313 and 315 Templeogue Road (3no.)
- Nos. 44 and 45 Templeogue Road (2no.)
- Nos. 11, 14 and 15 Fortrose Park, (Templeogue Road) (3no.)

6.1.62. Some 14 number submissions were received from residents of Templeogue Road, Fortrose Park and Ashfield Place. Issues raised include impact upon front and rear gardens, loss of boundary walls and railings, proximity of carriageway to dwellings, removal of trees, impact on access to

property and lack of clarity around land take and temporary nature of acquisition.

6.1.63. Between Tallaght Road to Rathfarnham Road (Section 1 of the scheme) bus lanes and traffic lanes are proposed between Cypress Grove Road junction and the Ashfield Place development. Land is required from a number of residential properties on the northern side of the carriageway to achieve this. Between Ashfield Place and the Templeogue Tennis Club, it is proposed to provide a bus lane and a general traffic lane in each direction. Immediately in front of Ashfield Place and to the east, it is proposed to manage outbound priority through the use of signal-controlled priority due to physical constraints. In order to achieve the desired design for the Proposed Scheme, permanent and temporary land acquisition is proposed at Ashfield Place, with removal of trees and a green area, with a maximum width of land to be permanently acquired of approximately 2m.

6.1.64. Concern is expressed by the owners of property in Fortrose Park with respect to loss of a portion of rear gardens, privacy, increased noise and air pollution, lack of clarity around the temporary acquisition. It is submitted by the NTA that in order to achieve the desired design for the Proposed Scheme, permanent and temporary land acquisition is necessary. The proposed permanent acquisition will result in the loss of between 2.2m to 1.2m at the roadside of the back gardens, with an additional 3.0m – 6.5m temporarily required to allow for the construction of boundary treatment works and tying into the existing gardens.

6.1.65. The affected houses along Templeogue Road have mature established gardens with boundary railings / walls, entrances / gates and associated lawns and plantings. There will be continuing effects from permanent loss of land area and trees which will be removed during the construction phase. However, there will be like-for-like reinstatement of boundaries, planting and, in most cases, the planting of new street trees in similar locations to those removed, which will reduce negative effects over the long-term.

6.1.66. Reinstatement of property frontage including boundary walls, gates, railings, landscaping, along Templeogue Road and playground outside the

Ashfield Development will be on a like-for-like basis and detailed accommodation works plans will be prepared in consultation with landowners. In addition to reinstating the property frontage on a like-for-like basis, it is also proposed to provide four new street trees on the footpath, on the section of Templeogue Road between No. 315 and 44.

6.1.67. At no. 44 Templeogue Road the permanent acquisition will result in the loss of some 3.0m of lands with an additional 3.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden/driveway. At No. 315 the proposed permanent acquisition will result in the loss of 3.4m at the roadside of the front garden, with an additional 3.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden. The edge of the nearest proposed traffic lane will be c.4.0m closer to the residences than the kerb of the existing general traffic lane. The proposal will not hinder the availability of parking in the driveways. The principle of how residents can access/egress their property is unchanged along Templeogue Road. The existing access/egress scenario to driveways, is similar to the proposed with the requirement for a vehicle to be driven across a cycle lane/cycle track and footpath. Upon completion of the permanent works, the temporary land take area will be handed back to the property owners. It is acknowledged that during the construction of the works there will be inconveniences for all users, but this will be managed to minimise impacts for all affected parties. Prior to undertaking any accommodation works within private property the appointed contractor will engage in consultation with landowners, during consultation the landowner will have an opportunity to raise any concerns and outline any requirements associated with the land in question.

6.1.68. The aim of the proposed scheme is to provide enhanced walking, cycling and bus infrastructure on Templeogue Road and surrounding area, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor. I consider that the proportion of lands to be acquired is justified and proportionate. The scheme will greatly improve transport services for all that live along the route, including on Templeogue Road, by providing significantly improved sustainable transport options. I consider that the land take is proportionate to the improvements to the

sustainable transport options on Templeogue Road and surrounding areas and will promote more frequent local trips to nearby amenities, such as Templeogue and Terenure Village.

6.1.69. At Rathfarnham Road & Rathfarnham Wood (Section 2 of the scheme: Nutgrove Avenue to TRN – Grange Road, Rathfarnham Road) the following plots are affected by the CPO

- Nos. 8, 9, 10, 11 and 12 Rathfarnham Wood (5no.)
- Nos. 141, 143, 145, 147, 149, 151 and 153 Rathfarnham Road (7no.)
- Nos. 51, 53, 55, 57, 59, 61, 63, 65, 67, 69 and 71 Rathfarnham Road (11no.)
- Nos. 34, 36, 38, 40, 42, 44, 46, 48, 50 Rathfarnham Road (9no.)

6.1.70. In order to achieve the proposed scheme objectives on Grange Road and Nutgrove Avenue land take is required from the entrance to the Rathfarnham Wood development. It is also proposed to reconfigure the existing car park adjacent to this junction. Between Rathfarnham Wood and the Castleside Drive junction it is proposed to provide a single bus lane alongside general traffic lanes and cycle tracks in both directions. To accommodate the road layout, it is proposed to land-take from adjacent properties, including setting back the existing boundary wall to Rathfarnham Castle Park. On the section of Rathfarnham Road between Castleside Drive and Dodder Park Road, it is proposed to provide an inbound bus lane, two general traffic lanes and a 1.5m wide outbound cycle track, with outbound bus priority provided through signal-controlled priority. A detailed description of proposed scheme and specific works is set out in section 2.0 of this report above. I note that at the Terenure Road North junction it is intended to extend the existing bus lane and proposed cycle track as far as the junction stop line. Bus movements through this junction will be managed with signal-controlled priority. A number of existing parking spaces on the approach to Terenure Village will be removed.

6.1.71. Some 29 submissions are concerned with impact of CPO on their properties at Rathfarnham Wood and Rathfarnham Road. With respect to proportionality, I note concern is raised with respect to removal of boundaries and impact on gradients of driveways along Rathfarnham Road. Individual submissions is dealt with subsequently in this report, see Individual

Submissions section of this report below. Of the residential properties that are identified to experience significant impacts, seven are located along Rathfarnham Road (67 and 153 – 141), all of which required temporary land take from a large part of their driveways. Two properties at Rathfarnham Wood (No.'s 10 and 11) will require acquisition of a portion of rear garden and demolition of garden sheds. The matter of driveway gradients is dealt with separately under Issues Common to Multiple Objectors and Area Based Issues, in the following section of this report.

6.1.72. I note that the proposed layout at the junction of Grange Road with Nutgrove Avenue has been co-ordinated with the recently completed Grange Road Walking and Cycling Scheme to ensure that the schemes tie-in. This includes the recently upgraded car park layout, which will be modified slightly to facilitate the tie in. The NTA notes the loss of parkland and amenity space within Rathfarnham Castle Park. This impact has been documented and assessed in the EIAR and has been justified I believe in the detailed project / junction design and alternatives considered.

6.1.73. It is clear that there will be a change at Rathfarnham Castle Demesne, there will be road widening, road reconstruction, utility diversion works as well as boundary wall construction. Most notably there will be adverse effects from loss of land and from trees removed during the Construction Phase. However, there will be provision of substantial tree planting to consolidate the woodland edge to the demesne and restore the recreational amenity, which will reduce the negative effects over the long-term. Overall, the effect of land take will be initially negative in the short-term becoming neutral over the long-term. I agree that the sensitivity is high and the magnitude of change is high. However, the land take at Rathfarnham Castle Demesne is overall reasonable and proportionate.

6.1.74. In relation to the proposed CPO at the existing exit of Rathfarnham Castle car park, I note it is proposed to realign this access to provide a safer environment for pedestrians and cyclists. Currently, the exit joins Rathfarnham Road at an acute angle, making it difficult for drivers exiting the car park to see oncoming cyclists, and encouraging higher vehicle speeds. It is proposed to provide a raised crossing for cyclists and pedestrians at this location, as well as

to increase the angle between the side road and Rathfarnham Road, to provide a lower speed exit for vehicles and improve vulnerable road user safety at this exit.

- 6.1.75. At the junction of Rathfarnham Main Street and Rathfarnham Road I note the objection to the CPO by occupiers and reputed owners of plot no. 1003(1).1e. The submissions in relation to 1A Main Street is dealt with under Individual Submissions set out below. I note however with respect to proportionality it is proposed to retain the existing public plaza, including stone paving, planters, stainless steel bollards. In addition, the existing dropped kerb arrangement will be reinstated in the same location, including the removable bollard. Vehicular access arrangement into the plaza will be reinstated as per the existing condition.
- 6.1.76. I note that the scheme, including the section along Rathfarnham Road is supported by the Greater Dublin Area Cycle Network Plan 2013 and the 2022 Greater Dublin Area Cycle Network is needed to address the deficiencies in the very limited segregated cycling infrastructure currently available on this corridor.
- 6.1.77. As stated above a detailed response to the optioneering process complete for Grange Road and Rathfarnham Road is provided in response to consideration of alternatives in the planning assessment report for this scheme 316272-23. Section 5 of Appendix A4.1 BusConnects Preliminary Design Guidance Booklet (PDGB) of the EIAR sets out the guidance for the proposed cross-sectional width of all proposed facilities including footpath and cycle tracks. This sets the desirable width of 2.0m for footpaths and desirable width of 2m for cycle tracks. The proposed land acquisition represents the minimum required to achieve the optimal cross-section, as detailed in the EIAR Volume 2 Chapter 4 and the Preferred Route Option Report.
- 6.1.78. In summary, I consider that the proportion of lands to be acquired is justified and proportionate. The scheme will greatly improve transport services for all that live along the route, including on Grange Road and Rathfarnham Road, by providing significantly improved sustainable transport options. I consider that the land take is proportionate to the improvements to the

sustainable transport options on Rathfarnham Road and surrounding areas and will promote more sustainable trips to nearby amenities, and to the city centre.

6.1.79. At Terenure Road East (TRE), Rathgar Road and Rathmines the following properties will be affected by the CPO:

- Nos. 74, 74A, 76, 76A, 78 and 80 Terenure Road East (Incl. No. 80 Earls Court, Terenure Road East) (6no.)
- Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 Town Houses, Terenure Road East (9no.)
- Nos. 59, 61, 63, 65, 67 and 69 Terenure Road East (6no.); and
- Nos. 52, 54, 56, 58, 60 and 62 Terenure Road East (6no.).

6.2. On Terenure Road East (TRE), between the Terenure Road North (TRN) junction and St. Joseph's Church, due to the proximity of existing built form to the carriageway, it is proposed to provide a single general traffic lane in each direction. Bus priority will be provided through this section by signal-controlled priority. It is also proposed to widen the footpaths within this section and to provide high-quality urban realm within Terenure Village. Between St. Joseph's Church and the Rathgar Avenue junction it is intended to provide a bus lane and general traffic lane in both directions. To accommodate this, it is proposed to acquire land from adjacent properties on both sides of Terenure Road East. A detailed description of the proposed scheme (Section 3: TRN to Charleville Road – TRE, Rathgar Road) and specific works is set out in section 2.0 of this report above.

6.2.1. 20 submissions raise issues around CPO of lands along TRE. A number of submissions highlight that the scheme will have impacts on properties of significant heritage and architectural significance. Submissions reference loss of trees, the relocation of boundary walls/railings along Terenure Road East and state that the scheme will have a significant impact on the character of the street. I note impact upon heritage properties is dealt with under CPO Issues Common to Multiple Objectors section of this report and Individual Submission also deals with individual submissions from properties along in the main TRE.

6.2.2. I note the following set out in the NTA's response to submission received:

“Land take at 74a to 80 Terenure Road East will result in the removal of the boundary treatments to 74, 76 and 78 Terenure Road East (DCC RPS 8118, 8119, 8121) Protected Structures of Medium Sensitivity. The boundary to 76 consists of a cement rendered wall with dressed granite capping. The entrance piers are similarly constructed. Railings are reproduction electric gates. The boundary to 78 is like that to 76 except that it retains its original entrance gates. Boundary treatments to 74 and 74a have been replaced with a 20th century yellow brick boundary and reproduction railings. The magnitude of Impact is High. The potential Construction Phase impact will be Direct, Negative, Significant, Temporary. The boundary treatments to 59 to 69 Terenure Road East (odd number only) will be directly impacted by the proposed land take. 59, 61, 63, 65, 67 and 69 to 71 Terenure Road East are Protected Structures (DCC RPS 8106, 8107, 8109, 8111, 8113, 8116) of Medium Sensitivity. Features which will be affected by the proposal include the boundary treatment to 59 including the tree, boundaries to 61 and 63, boundary to 67 and 69 including the tooled granite pier, and the trees to be removed as they contribute to the vista down the road and the character of the streetscape. The boundary to No. 65 has been rebuilt in modern red brick, and has been rendered and painted at some point in the past. The magnitude of Impact is High. The potential Construction Phase impact will be Direct, Negative, Significant, Temporary”.

“The boundaries to the Protected Structures at 50 to 62 Terenure Road East (DCC RPS 8097, 8099, 8101, 8103, 8105, 8108) will be impacted by the proposed land acquisition. The houses are of Medium Sensitivity. Significant features which will be affected by the proposal are as follows, the boundary to No. 50, 52, 54, 58. The boundary treatment and piers to 56 has been rebuilt and consists of a modern brick wall with concrete plinth and capping. It is a poor replacement and not in keeping with its neighbours. The boundary treatment to No. 62 is also a reconstructed boundary treatment as evident from the concrete capping, pointing, reproduction railings, and modern brick to piers. The magnitude of Impact is High. The potential Construction Phase impact will be Direct, Negative, Significant and Temporary”.

“The proposed land take on Terenure Road East will directly impact the boundary treatments to 74a (CBC1012BTH143) and 80 Terenure Road East

(CBC1012BTH144) both houses are of medium sensitivity. The boundary treatments to 74 and 74a have been replaced with a 20th century yellow brick boundary and reproduction railings. The boundary wall to number 80 has been radically altered in the 20th century. The removal of these boundaries has the potential to have a negative impact, the magnitude of which is low. The potential Construction Phase impact is Direct, Negative, Slight Temporary. The proposed land take on Terenure Road East will directly impact the boundary treatments to 60 Terenure Road East (CBC1012BTH148). Number 60 Beaumont House is a 20th century apartment block which replaced a house of the same name. The boundary treatment survives, however and is of medium sensitivity. It consists of a randomly coursed granite rubble wall with a cut granite plinth and dressed granite capping. An iron milestone plaque is located in the wall. The boundary treatments are largely intact and consistent and contribute to the character of the houses and the streetscape in general. The removal of these boundaries has the potential to have a negative impact. The magnitude of Impact is High. The potential Construction Phase impact is Direct, Negative, Moderate and Temporary”.

“The cast iron pillar style post box at 50 Terenure Road East (CBC1012PB007) will be directly impacted necessitating its temporary removal. The post boxes will be reinstated. There is the potential for loss or damage to the post boxes during removal, transportation, storage, and reinstatement”.

“Land take will directly impact on a vent pipe on Terenure Road East (CBC1012BTH146) necessitating its removal and relocation. The vent pipe is of regional importance and medium sensitivity. There is potential for damage of the sensitive fabric during its removal, transport, storage, and reassembly”.

“A Milestone at 69 Terenure Road East (CBC1012MS002) will be directly impacted by the proposed land take. The milestone is of regional importance and medium sensitivity. There is potential for damage of the sensitive fabric during its removal, transport, storage, and reassembly. The magnitude of this impact is High. The predicted Construction Phase impact is Direct, Negative, Significant and Temporary”.

“An iron milestone plaque (CBC1012MS04) located in the wall of 60 Terenure Road East will be directly impacted by the proposed land take. There is potential for damage of the sensitive fabric during its removal, transport, storage, and reassembly.”

6.2.3. I note there will be substantial changes along the corridor of the proposed scheme between Terenure and Rathgar. Although land take has been minimised through design iteration, Terenure Road East will be widened in parts which will require permanent land acquisition from sections of residential properties, some of which are protected structures, and others which have mature trees that are prominent features of the streetscape. The proposed permanent acquisition along TRE will result in the loss of the roadside of front gardens, with an additional temporarily area required to allow for the construction of boundary treatment works and tying into the existing gardens.

6.2.4. There will be a change to the alignment of historic boundary features and loss of several prominent mature garden trees which are located on the edge of the street. There will, however, be provision of several new street trees along Terenure Road which over time will neutralise the negative effects associated with loss of trees removed during the Construction Phase. Upon completion of the permanent works, the temporary land take area will be handed back to the property owner. The edge of the proposed carriageway (bus lane) will be closer to the affected residences than the edge of the existing general traffic lane. Reinstatement of property frontage including boundary walls, gates, railings and landscaping will be on a like-for-like basis and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with mitigation measures.

6.2.5. With respect to proportionality along this section of the scheme I consider it has been clearly justified that the land take is for the common good. It has also been demonstrated that the minimum cross – section width is applied in order to minimise impacts on adjacent properties while also meeting the scheme objectives. Enhancing capacity of the public transport system and enhancing safe infrastructure for cycling are underpinned by the central concept and design philosophy of ‘People Movement’. I note the NTA submit the following definition of “People Movement”

“People Movement is the concept of the optimization of roadway space and / or the prioritisation of the movement of people over the movement of vehicles along the route and through the junctions along the Proposed Scheme. The aim is to reduce journey times for modes of transport with higher person carrying capacity (bus, walking and cycling), which in turn provides significant efficiencies and benefits to users of the transport network and the environment.”

6.2.6. From my assessment I believe great care was taken to minimise the impact on adjacent properties and to reduce land acquisitions to the extent possible while still meeting the project's objectives. This approach was clearly adopted to balance the necessity of the development with the preservation of the interests and rights of property owners in the area.

6.2.7. At Richmond Road and Camden Street (Section 4.0 of the Scheme) concerns are raised with respect to CPO of lands at 71 Camden Street, 72 / 73 Camden Street Lower and 44 South Richmond Street.

Key issues raised include impact upon coalholes, proposed footpath width, impact on lightwell, impact during construction, extinguishment of Rights, scale of mapping, CPO brought under inappropriate provisions.

On Camden Street Upper between Harcourt Road and Charlotte Way, one bus lane in each direction and one inbound general traffic lane is proposed, with a cycle track provided in each direction. Between Charlotte Way and Cuffe Street it is proposed to provide bus lanes in each direction and a single outbound general traffic lane on Camden Street/Wexford Street. The outbound bus lane will not commence until just south of Montague Street due to the proximity of existing built form to the carriageway. Bus priority will be achieved by signal-controlled priority over this section. Under this proposal, inbound traffic will reroute to Harcourt Street to access Cuffe Street and beyond.

6.2.8. 1.5m wide cycle tracks are proposed in this section in order to provide sufficient footpath space in this area of significant pedestrian activity. It is noted that in the immediate vicinity of the 71 Camden Street Lower, it is proposed to provide a 2m public footpath, a 1.5m cycle track and on street parking/loading bays. This will require c. 0.6m of the private landing to be permanently acquired to provide a public footpath 2m in width in this particularly busy area for

pedestrians. It is noted that c. 1.4m of private landing will be retained in front of 71 Camden Street Lower following completion of the works.

6.2.9. I have read and considered the NTA's response to all matters raised. For clarity, it is noted that the proposed works will not result in any impact on access to any of the properties upon completion of the scheme. When roads and streets are being upgraded, there will be some temporary disruption / alterations to on street and off-street parking provision, and access to premises. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the Camden Street area. The duration of the works will vary from property to property, but access and egress will be always maintained. A period of 8 months is the estimated construction duration for the Camden Street Lower, Section 4b Grove Road to Cuffe Street, section of the proposed scheme. I note that key issues raised have been dealt with separately under issues common to multiple objectors and under individual submission section of this report below.

6.2.10. With respect to the matter of proportionality, I consider the land take and impacts upon commercial receptors at Camden Street, Harrington Street and South Richmond Street, during the construction and operational phase are moderate and acceptable.

CPO Issues Common to Multiple Objectors & Area Based Issues:

6.2.11. I note the range of common issues submitted by landowners and observers. It is important for the Board to note, as mentioned above, concerns relating to planning matters such as noise, vibration, air loss of landscaping, parking, access, alternatives and traffic impacts etc are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-316272-23, and as such this report should be read in conjunction with the aforementioned planning application report for the proposed scheme. However, given that the NTA has responded to such issues in their CPO response I have had regard to the response and again reiterate the cross over of issues and assessment between 316272-23 and the subject CPO case 316272-23.

6.2.12. Adequacy of Consultation

- 6.2.13. Third Parties raised concerns and expressed dissatisfaction in relation to the level of engagement by the NTA in relation to the process.
- 6.2.14. Whilst I acknowledge third parties' submissions in this regard, I have reviewed the file in relation to the statutory obligations in relation to engagement of landowners and note that the NTA has complied with its statutory obligations in relation to the notification of landowners in relation to the process and also advertised the process accordingly. I can therefore find no failure in relation to the NTA's compliance with the relevant legislation in this regard. I note this matter has also been dealt with, in greater detail, in my assessment of 316272-23.
- 6.2.15. Three rounds of consultation were undertaken with a number of methods used including, a dedicated website, brochures social media coverage, advertising and public information events, whereby the first 2 sessions were held in person and the 3rd virtually due to COVID restrictions. Details of the public meeting events are outlined within the NTA's response. I note that the final round of non-statutory consultation was open for 6 weeks and whilst virtual, a call back facility was added.
- 6.2.16. In relation to the statutory process, I note the applicant erected 39 site notices along the proposed route, advertised the scheme within the relevant newspapers as required and engaged with third parties who have engaged with the process through their submissions to the Board. As set out above under third party submissions, 'Site Notices', the NTA notes the comment in relation to the incorrect date which was stated on the original site notices. Upon realising this error, the NTA liaised directly with An Bord Pleanála and the public consultation period was extended beyond the original deadline of 20th June 2023 to 15th August 2023 in order to ensure full and effective public participation as outlined in the further notice which was published in a national and a local newspaper on 8th June 2023. In addition to the newspaper notice, the owners, lessees and occupiers were notified of this extended deadline by letters dated 13th June 2023 and new site notices, referencing this extended public consultation period, were erected in all 39 locations in place of the original site notices on 8th June 2023. I am therefore satisfied that the applicant has complied with the requirements of the Aarhus Convention in its relevance to the

statutory process and note that such requirements are not relative to any non-statutory consultation which is carried out at the discretion of the applicant.

6.2.17. It is of further note that the Kazakhstan Advice is also not relevant to any non-statutory public consultation and relates to the holding of public hearings in relation to the statutory process. Such hearings provided for under the Planning and Development Act 2000, as amended are a discretionary function of the Board.

6.2.18. Throughout the proposed CBC infrastructure works, it is clear the NTA have engaged with residents groups. Members of the BusConnects Infrastructure team had Zoom meetings with representatives of the Rathfarnham Road Residents Association, Terenure Residents Association, Rathfarnham Road Group (South of Dodder), Templeogue Road Residents Group, Castlewood Avenue Residents (Rathmines), Rathfarnham Mill, Woodview Cottages & Owendore Residents and a number of other groups along Templeogue Road throughout 2020 and 2021 to discuss the proposals on the Templeogue/Rathfarnham to City Centre Core Bus Corridor scheme.

6.2.19. It is also clear that the residents and the wider community along the route have been made fully aware of the scheme details and as a result have participated actively in the CPO process and the planning application process through the initial 380 plus and 62 plus third party submissions received by the Board to the planning application 316272-23 and CPO 316377-23, respectively, which is welcomed.

6.2.20. Concerns have also been raised in relation to the level of clarity provided within the documents in relation to the description of the proposed works. I have reviewed the documentation, plans and particulars submitted with the application in detail and note that the documents provided leave no ambiguity to the specifics of the proposed scheme extents in terms of landtake from properties permanently and temporarily, its route, design, implementation and all mitigation measures proposed.

6.2.21. I note that a detailed response by the NTA to all of the submissions received, setting out an individual response to each submission incl. drawings, photographs and dimensions of lands subject to the CPO, a communications

plan in conjunction with the appointed contractor will be put in place to ensure dialogue in relation to any accommodation works to be carried out between property owners and the NTA.

6.2.22. Combining two routes into one scheme

6.2.23. The submissions raise a concern about the NTA combining two of the previously separate routes into one scheme.

6.2.24. The applicants submit that during the non-statutory public consultations and the route selection process up to the choice of the Preferred Route Option (PRO) these two sections had been considered separately. The principal reasons for combining the Templeogue to Terenure and the Rathfarnham to City Centre sections into one scheme include: their geographical association, functional interdependence and the fact that the Templeogue to Terenure section joins the Rathfarnham to City Centre section at Terenure Place and shares the remaining section of the route from that junction to the City Centre.

6.2.25. I consider it is logical and appropriate to apply for approval of the scheme as presented by the NTA on the basis of the arguments put forward.

6.2.26. Lack of Cumulative Impact of all CBC schemes.

6.2.27. A number of the submissions noted particular concern the cumulative impacts of the proposed scheme with immediately adjacent schemes such as the Kimmage to City Centre and Tallaght / Clondalkin to City Centre, did not appear to have been considered. Of particular concern was the cumulative traffic impact of bus gates and traffic management measures proposed along these schemes.

6.2.28. The applicant submits that the cumulative traffic impacts and assessment of the operational cumulative effects of the proposed scheme, in conjunction with a scenario whereby the other 11 Core Bus Corridor schemes are also operational has been undertaken. Chapter 21 of Vol 2 of the EIAR (Cumulative Impacts and Environmental Interactions) submitted with the planning application case 316272-23 considers the potential for cumulative impacts to arise and the potential for interactions between factors to occur. The EIAR states that cumulative impacts are considered in the context of other permitted and planned development in the area as well as the remaining 11

other bus connects routes. While each of the other BusConnects Core Bus Corridor schemes will be subject to a separate application for approval, they have a similar likelihood of going ahead as the subject scheme and therefore, the potential cumulative effects of the other BusConnects Core Bus Corridor schemes are of relevance to the potential cumulative effects of this proposed scheme, so they were included on the preliminary list. I note the assessment of traffic related cumulative effects carried out by the NTA.

6.2.29. In terms of direct interfaces, the proposed scheme intersects the Kimmage to City Centre Core Bus Corridor at which it interacts at the signalised junction of Harold's Cross Road / Rathgar Avenue / Kenilworth Square / Kenilworth Park and the junction of Harold's Cross Road and Parkview Avenue. The NTA submits that coordinated design tie-ins at these locations will ensure a holistic design has been achieved, so that each scheme can be implemented, and integrated, independent of the planning consent process. Further details on the tie-ins between both schemes can be found in Chapter 4 (Proposed Scheme Description) of the EIAR.

6.2.30. When both schemes are operational (as well as all other proposed Core Bus Corridor schemes), this has the effect of constraining the opportunity for traffic to displace onto adjoining / adjacent roads when compared to the effect when only one of the Core Bus Corridor schemes is operational.

6.2.31. In addition to this, with all the Core Bus Corridor schemes operational, there is predicted to be a higher modal shift from private car trips to sustainable modes of travel compared to the singular scheme scenario. This is due to the combined effect of all Core Bus Corridor schemes being operational and the journey time savings and reliability for bus travel and the interchange opportunities that this provides to travel around Dublin in combination with the BusConnects network re-design proposals. In addition, the Core Bus Corridor schemes will facilitate a step change in the level of segregated cycling provision in comparison with existing conditions along the entire length of the corridors resulting in more people cycling.

6.2.32. The NTA submit that the cumulative effect of all Core Bus Corridors in operation and in tandem with the roll out of the wider GDA Transport Strategy

measures, future growth in overall travel demand is catered for by sustainable modes. No significant negative effects over and above those considered in the standalone assessments for the Operational Phase were predicted in the cumulative impact assessment and therefore no additional mitigation measures are considered necessary. The cumulative traffic impact and cumulative impact on people movement has been used to inform further environmental assessments. I note the Construction Traffic Management Plans for all schemes, the Biodiversity assessment, the Landscape (Townscape) and Visual assessment and the Human Health Assessment. Significant environmental interactions occur between the topics of population, human health, air quality, noise and vibration and traffic and transport. The assessments made for each of those topics consider those interactions both directly and indirectly. As an environmental factor, landscape and visual considerations have natural relationships with all other environmental factors. Some are direct relationships, e.g., population and visual impacts; biodiversity and landscape; land, soils and water and landscape; or the setting around features of cultural heritage etc. Others may be indirect, e.g. human health, air quality and landscape, material assets and landscape and visual aspects. Wherever possible these potential interactions have been incorporated into the relevant assessments.

6.2.33. I note that both Traffic Division of SDCC and the Traffic Division of DCC is supportive of the integrated sustainable transport proposals and recognises the significant improvements that they will bring in terms of safe cycling measures and in enabling an efficient public transport services along all 12 routes. I note the DCC submission states: 'The corridor cannot be operated in isolation and must in fact be a managed corridor such that DCC traffic control systems is constantly managing requests for priority and has the necessary information to determine what level of priority is appropriate in order to maintain an even headway on the corridor.' The report goes on to state: 'The corridor needs to be considered as a whole and that the various different measures to prioritize public transport, walking and cycling need to be implemented in as full amount or as possible to avoid 'watering down' the benefits of this scheme by making localised changes to the design.' It is evident from the DCC submission that modelling works were carried out on the corridor to mimic the real life

operation of a full corridor management system using an adaptive traffic control system and allows for a firm basis for how the corridor can be evaluated and to determine benefits.

6.2.34. Based on the analysis submitted I am of the opinion that the Core Bus Corridor Infrastructure Works achieves the project objectives in supporting the delivery of an efficient, low carbon and climate resilient public transport service, which supports the achievement of Ireland's emission reduction targets. The Core Bus Corridor Infrastructure Works has the potential to reduce GHG emissions equivalent to the removal of approximately 105,500 and 209,100 car trips per weekday from the road network in 2028 and 2043 respectively. This has the effect of a reduction in total vehicle kilometres, a reduction in fuel usage, and increases to sustainable transport trips and modal share in accordance with the 2024 Climate Action Plan. It is concluded that, cumulatively, the Core Bus Corridor Infrastructure Works will make a significant contribution to carbon reduction.

6.2.35. I am satisfied based on the information submitted that the proposed scheme both in isolation and in combination with the other 11 Core Bus Corridor Schemes, will meet its required objectives (maximising people movement capacity across the city) and that the environmental impacts and level of residual impacts will be reduced to a minimum. I am also satisfied that the cumulative and in combination impacts have been robustly assessed in the documents submitted.

6.2.36. Route Option Assessment

6.2.37. Route Alternatives has been dealt with previously in this report at paragraph 6.6. I note, however, several submissions raise route option assessment, proportionality and necessity of level of acquisition. It is contended that the option assessment along Rathfarnham Road is flawed and that sufficient bus priority for outbound buses could be achieved by utilising a bus priority signal at the end of the dual carriageway beside Rathfarnham Village (at the junction of Rathfarnham Road / Butterfield Avenue) in doing so, it would enable reduction of the land take necessary (along Grange Road) and thereby reduce the impact on Rathfarnham Castle Park.

- 6.2.38. Multiple observers submit that consideration should be given to stopping the scheme before Rathfarnham Castle. Specific concern is raised with respect to climate impact of tree removal, biodiversity impact, replacement of the castle wall, lack of consideration of impact upon Glin River, landscape and visual impact and the impact upon the woodland playground.
- 6.2.39. As stated above, concerns relating to planning matters such as noise, air, biodiversity, heritage and visual and residential amenity impacts are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-316272-23, and as such this report should be read in conjunction with the aforementioned planning application report for the proposed scheme.
- 6.2.40. Concern is raised of need for land take outside of house No's 42 and 44 and No's 46 and 48 on the eastern side of Rathfarnham Road also No's 50, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69 and 71 on the western side of Rathfarnham Road, regard being had to safety of pedestrians, cyclists and vehicles accessing and exiting entrances, gradient of driveways and adherence to Part M requirements. Concern is also raised with respect to need for the project to remove a section of front gardens replacing it with a bus lane to the front of No's 141, 143, 145, and 149 to the western side of Rathfarnham Road opposite Crannagh Road.
- 6.2.41. Multiple submissions are accompanied with reports by NRB Consulting Engineers requesting before and after cross sections through the resident's properties from Rathfarnham Road to the boundary walls of each house clearly demonstrating Part M compliance with Building Regulations. Also a report by RK Nowlan & Associates Chartered Planning & Property Advisors suggesting that there is inconsistency in the approach to provision of the cycle lane on Rathfarnham Road. Both reports were addended and resubmitted with additional submissions received subsequent to the NTA response being recirculated.
- 6.2.42. The NTA has responded to the submissions setting out the relevant extract from the typical cross-section in the EIAR, Vol 3, Part 1 of 3, Chapter 4 Proposed Scheme Description. The typical cross section along Rathfarnham

Road (adjacent to No.'s 50 – 71) indicates two general traffic lanes, one dedicated bus lane, two cycle lanes and two footpaths. Between Dodder Park Road and Rathdown Park, it is proposed to provide bus priority through the combination of signal-controlled priority and partial bus lanes, with 1.5m wide cycle tracks. The NTA response indicates the proposed permanent and temporary land acquisition lines overlain on aerial photography and google street view images of all of the affected frontages.

6.2.43. I note that two options were considered for this section along Rathfarnham Road. Option RC1 which was selected for the purposes of the application, as it would provide a general traffic lane in each direction along the entirety of this route section, as well as dedicated bus lanes and cycle tracks. The Emerging Preferred Route Option (EPRO), is refined to reflect issues identified upon review of the topographical survey. The other option RC2 would provide a general traffic lane in each direction along the entirety of this route section, as well as a combination of dedicated bus lanes and signal controlled priority and cycle tracks along the CBC.

6.2.44. The applicant submits that both options were assessed using a multi-criteria analysis. RC1 performs favourably under the economy and integration criteria, while performing equally to other options under the accessibility and social inclusion and safety criteria. Based on that analysis, Option RC1 is the PRO for the Rathfarnham Road area as it offers more benefits over other options. It was selected for the following reasons:

- It would provide segregated bus priority on the CBC throughout the entirety of this section of the scheme, supporting reliability of journey time for the bus.
- It would deliver segregated online cycle facilities on Secondary Route S04 of the GDA cycle network plan; and
- It would maintain existing general traffic provision along Grange Road.

6.2.45. The PRO Report explains the rationale for the options on Rathfarnham Road south of the Dodder. The Rathfarnham to City Centre Core Bus Corridor CBC Feasibility Study and Options Assessment Report, determined that the route should stop at the junction of Nutgrove Avenue and Grange Road, as south of this point generally there are three principal routes between Marley

Park and the Dodder crossing namely via Stone Mason's Way, Grange Road and Ballyboden Road which currently carry less frequent bus services and which converge at Nutgrove Avenue in the vicinity of the junction with Grange Road. In addition, the A2, A4 and S6 Bus services split at the Nutgrove junction which further supports the rationale to extend the scheme as far as Nutgrove junction. In addition to the MCA's, a number of minor changes to the design were made based on feedback received during public consultation and dialogue with stakeholders.

6.2.46. The NTA acknowledge road widening into properties on the northern side of Grange Road and on the western and eastern side of Rathfarnham Road. They have responded to the objectors concerns and state that the proposed acquisition is absolutely necessary to accommodate the road layout, it is proposed to utilise limited land-take from adjacent properties, including setting back the existing boundary wall to Rathfarnham Castle Park.

6.2.47. The existing boundary wall of Rathfarnham castle will be set back and reconstructed with a round capping roughcast render. Reinstatement of property frontage including boundary walls, gates, railings, and landscaping will be on a like-for-like basis and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or conditions/modifications from An Bord Pleanála.

6.2.48. Overall, having reviewed the information submitted by the NTA and the objectors and having inspected the lands, I am satisfied that the width and extent of the proposed permanent and temporary land acquisitions are justified, necessary and proportionate in the context of meeting the identified community need.

6.2.49. A number of submissions query the routing of the core bus corridor along Terenure Road East, Rathgar Road and Rathmines Road. These submissions suggest that the route should continue straight through Terenure Cross on Terenure Road North and continuing along Harold's Cross Road to connect to the Kimmage to City Centre Core Bus Corridor.

- 6.2.50. A large number of options were considered along Terenure Road East. Given the physical constraints along the road, particularly on the western end, full physical priority was not possible. It is proposed to deploy a system of Signal Controlled Bus Priority, to avoid severity of impact upon private residential properties.
- 6.2.51. The NTA response notes that the primary route corridors considered in the assessment of this section of the route focussed on the Harold's Cross and the Rathgar/Rathmines corridors. The 'Rathfarnham to City Centre Core Bus Corridor CBC Feasibility Study and Options Assessment Report' concluded that the Rathgar/Rathmines corridor was preferred for a number of reasons, one of which being that the Harold's Cross corridor would have duplicated the then proposed Clongriffin to Tallaght Bus Rapid Transit (BRT) Route.
- 6.2.52. Notwithstanding the fact that the BRT Route is no longer currently being progressed, the Rathgar/Rathmines Corridor remains the preferred corridor for the Rathfarnham to City Centre section. The primary reason for this is the significantly stronger demand for bus along the Rathgar Road / Rathmines Road when compared to Harold's Cross Road. This route corridor serves the urban village of Rathmines, which is a significant trip attractor on the southern side of the city.
- 6.2.53. I consider that the justification for the chosen route in the context of the CPO, as set out in the general traffic assessment in Volume 4 of the EIAR (submitted with the planning application 316272-23) and in the response by the applicant to the submissions received is well reasoned and rational. It is my opinion the chosen route is well considered and reasonable on the basis of the feasibility and options report, and Multi-Criteria Analysis (MCA) which evaluated the route options under the assessment criteria of economy, integration, accessibility and social inclusion, safety and environment. In particular, with respect to environment, the chosen route has regard to archaeology, architectural and cultural heritage, hydrology, potential to impact on the townscape / streetscape as well as the landscape and visual impact, air quality, noise and vibration. From my assessment of the information on file I conclude that the chosen route has benefits over other options in relation to Capital Cost,

Transport Quality and Reliability, Cycle Network Integration, Key Trip Attractors, Road Safety, Pedestrians Safety, Flora and Fauna and Landscape and Visual.

6.2.54. Traffic Related Cumulative Effects

6.2.55. A large number of submissions are concerned with traffic displacement to surrounding residential streets and actual time saving for commuters.

Concern is raised with regard to necessity of a bus gate on Rathmines Road Lower and traffic diversions in Rathmines, Rathgar and Ranelagh, this matter is also dealt with in my assessment of 316272-23, however, it is also an issue of concern raised in the CPO.

6.2.56. As noted previously, in section 6.8.16 of this report, cumulative assessment of effects of all 12 busconnects projects for the city of Dublin, the other 11 BusConnects Core Bus Corridor schemes are included in the assessment of this project. The applicant submits that for Operational Phase effects, the assessments assume all 12 proposed Bus Corridor Schemes would be operational, along with other identified projects and GDA Strategy projects included in the Do Minimum and Do Something scenarios. For traffic and transport, the assessment predicted that the proposed scheme and the other 11 Core Bus Corridor schemes are expected to facilitate a long term, profound positive cumulative effect on people movement by sustainable modes.

6.2.57. Detail on the cumulative traffic impact is presented in Section 7.2.6.3 of Appendix A6.1 Traffic Impact Assessment of the EIAR and in Chapter 6 Vol 2 of the Main Report submitted with 316272-23. I highlight that the applicant is clear in setting out, that given the improvements to bus priority, walking and cycling as a result of the proposed scheme, there will likely be an overall reduction in operational capacity for general traffic along the direct study area. While this may in turn result in some redistribution of general traffic away from the main corridor onto the surrounding road network, I am of the view that general traffic will be removed rather than displaced.

6.2.58. It is submitted in the EIAR that to determine the impact that the proposed scheme (in combination with the other proposed Core Bus Corridor schemes) will have in terms of general traffic redistribution, the LAM Opening

Year (2028) and Design Year (2043) model results have been used to identify the difference in general traffic flows between the Do Minimum and Do Something scenarios i.e. with and without all proposed Core Bus Corridor schemes in place. The changes in traffic flows have been presented with reference to TII's Traffic and Transport Assessment Guidelines (May 2014) i.e., traffic redistribution resulting in an increase or decrease above 100 combined flows (i.e. in a two-way direction) along roads in the vicinity of the Core Bus Corridors in the AM and PM Peak Hours are presented. The threshold aligns with an approximate 1 vehicle per minute increase or decrease per direction on any given road. This it is contended is a very low level of traffic change on any road type and ensures that a robust assessment of the changes in traffic levels are presented. The NTA submit that the Traffic and Transport assessment did not identify any localised capacity impacts during the AM and PM peak period at any junctions in the surrounding network of the proposed scheme as a result of displaced traffic. The impact on private vehicles passing through Terenure and Rathmines community area is considered Negative, Not Significant to Slight and Long-Term, this is due to the proposed introduction of the bus gates at Olney Grove on Templeogue Road and Lissenfield on Rathmines Road.

6.2.59. A central aim of the proposed scheme is the reduction of journey times for higher person carrying capacity modes (bus, walking and cycling), which in turn provides significant efficiencies and benefits to users of the transport network and the environment. I note that average people movement by mode during the 2028 AM Peak Hour traffic indicates there will be a reduction of 30% in the number of people travelling via car, an increase of 123% in the number of people travelling via bus and an increase of 79% in people walking or cycling along the subject route. The results indicate a 74% increase in people moved and 113% increase in people moved by sustainable modes (Public Transport, Walk, Cycle).

6.2.60. I note that the results of the extensive survey work carried out by the NTA conclude that effects to traffic congestion and displacement will be short-lived and localised. Section 5.4.2 of DMURS (2019) recognises that a certain level of traffic congestion is an inevitable feature within urban networks and that junctions may have to operate at saturation levels for short periods of time

during the peak hours of the day. Chapter 1 of the Smarter Travel Policy Document also acknowledges that it is not feasible or sustainable to accommodate continued demand for car use. It should therefore be considered that the traffic congestion that is outlined in the impact assessment is acceptable with regard to the urban location of the area. Redistributed traffic is not predicted to lead to a significant deterioration of the operational capacity on the surrounding road network.

6.2.61. I note that the Environment and Transportation Department of Dublin City Council and the Traffic Division are supportive of the improvements to bus and cycling infrastructure noting a shift to sustainability mobility. South Dublin County Council Traffic Division are also supportive of the proposed scheme and notes it supports the actions contained in the Climate Action Plan, The National Development Plan, RSES, the Transportation Strategy for the Greater Dublin Area (2022- 2042). In particular, the scheme supports the sustainable movement policies within this strategic plan. The comments from technical divisions of both local authorities are mainly focused on the construction management controls and minor design details of the scheme. It is acknowledged by SDCC that many of the concerns have been addressed through extensive consultation process that has been carried out by the NTA.

6.2.62. I note the DCC report which states: “In practice DCC will utilize its adaptive traffic control system SCATS to undertake the required traffic management on the corridor to enable the public transport corridor to perform as per the requirements. Because of the use of a real-world system which was which has multiple inputs from the bus AVL system, cycle and pedestrian detection as well as vehicular actuated sensors, the signals will be running multiple sets of timings across the day rather than a fixed set of timings and the use of this technology will allow improved corridor operation”.

6.2.63. To say the least, the design of this scheme is difficult and complex and has called for multiple iterations and interventions along the road network in order to achieve its objectives. The use of bus priority signals, bus gates and a combination of one way system and turn bans are all intended to alter the current traffic situation along the route and ensure that public transport walking and cycling can be prioritised over the private car.

6.2.64. I highlight again that the DCC report states: “It should be noted that this corridor needs to be considered as a whole and that the various different measures to prioritize public transport walking and cycling, need to be implemented in as full a manner as possible to avoid “watering down” the benefits of this scheme by making localized changes to the design”. This I feel is crucial and I note that centralized traffic control system for the city will, in the course of time, be in charge and will play a key role in how the corridor is dynamically managed.

6.2.65. I agree with the above statement because of the nature of the turn bans and the use of signal control priority the deployment of camera-based bus lane enforcement will need to have been rolled out on this corridor before the full benefits of the scheme in terms of bus journey reliability can be achieved.

Existing Bus Priority Signal on Terenure Road East (TRE)

6.2.66. Several submissions note that there is an existing bus priority signal in operation along TRE that combined with reduced traffic volumes in future, it would continue to operate in a satisfactory manner. It is submitted that retaining the existing situation would negate the need for land acquisition from any properties along TRE.

6.2.67. The NTA submit that a large number of options were considered along TRE. Given the physical constraints along the road, particularly on the western end, full physical bus priority was not possible.

6.2.68. The NTA’s response sets out that given the physical constraints at Terenure Cross, the reduction in length over which signal controlled priority is required to be maintained is important to the successful maintenance of journey times and reliability through this area.

6.2.69. It is submitted that comparing the existing and proposed scheme arrangements, the proposed scheme better meets the scheme objectives for the following reasons.

- Significant increase in physical inbound priority of 330m (+220% on Terenure Road East) and an increase in physical outbound priority of 215m (+200% on Terenure Road East);

- Reduction in the distance over which signal controlled bus priority operates by 310m inbound (- 350%) and 220m outbound (-280%). Combined with the increased bus lane provision, this will improve bus speeds and journey time reliability through this area;
- The increase in bus lane provision results in an increased length over which cyclists will not be required to share with general traffic, instead sharing with buses and taxis only. This proposal is complemented by a reduced speed limit of 30kph. This provides further resilience to the cycle network in the area in combination with the proposed alternative cycle route along Harolds Cross Road and as well as the alternative east-west route via Bushy Park Road, Wasdale Park, Wasdale Grove, Victoria Road, Zion Road and Orwell Road, linking back to the CBC at Rathgar Village.

6.2.70. I consider that the proposal would provide a considerable improvement to the movement of buses along Terenure Road East and is preferable to the existing arrangement being retained. I have reviewed the proposed acquisition in the context of the proposed works and submissions received and am satisfied that the quantum of lands to be acquired are not in excess of the schemes needs, is justifiable in the context of the common good and I am therefore satisfied that the acquisition is appropriate at this location.

Templeogue Road Bus Gate

6.2.71. A number of submissions queried the need for the proposed inbound bus gate on Templeogue Road. Some of these stated that the existing bus priority signal operated satisfactorily and noted that this arrangement could be retained. Hours of operation of the Bus Gate are also queried.

6.2.72. The NTA's response sets out that the route along the Templeogue Road proposes an inbound bus gate which will be operational between 06:00 and 20:00 seven days a week. An analysis of existing traffic flow levels on the corridor do not show a significant reduction in traffic volumes through the day (relative to peak hours), and hence bus gate operation during the hours noted above is necessary to provide fast, reliable bus journey times for all services.

6.2.73. I consider that the proposal would provide a considerable improvement to the movement of buses along Templeogue Road from Springfield Avenue / Templeogue Road junction to Rathdown Park / Templeogue Road Junction with inbound general traffic lane removed from Olney Grove to Terenure Cross. This also reduces the required landtake acquisition on residential properties approaching Terenure Cross and is preferable to the existing arrangement being retained. Albeit raised as a concern in the submissions to the CPO no land take from private residential properties is proposed at this location. What is proposed is reorganisation of road space, only.

Increase in traffic on Fortfield Road

6.3. The NTA submits that traffic modelling undertaken does not identify any material change in traffic volumes along Fortfield Road as a result of the proposed scheme i.e. any changes in traffic volumes along Fortfield Road are less than 100 passenger car units per hour. It is contended that the proposed signage strategy, in combination with supplementary traffic management measures ensure that traffic increases are limited to roads more suitable for dealing with increased traffic. It is also noted that in both peak periods, traffic is seen to divert more strategically as indicated by increases along the M50.

6.4. I see no justifiable reason to doubt the modelling undertaken by the NTA, no defensible survey work has been put forward by any expert to credibly discount the data, traffic modelling and conclusions reached. The Traffic and Transportation Departments of DCC and SDCC are supportive of the proposal. I note that ultimately it will be the responsibility of the competent authority, i.e. DCC and SDCC, by way of the centralised traffic control system for the city to be in charge and ensure the corridor is vigorously managed.

Effect of Turn Bans on Access

6.4.1. A number of submissions raised concerns about the proposed turn bans from Fortfield Road to Greenlea Road and Lavarna Grove.

6.4.2. The NTA's response clearly sets out that given the large expenditure required to deliver the BusConnects program, stringent enforcement measure will be

enforced. To effectively ensure this outcome, camera-based enforcement will be required to augment the on-street activities of An Garda Síochána

Inadequate advanced signage to divert through traffic away from Templeogue Road

- 6.4.3. The NTA response submits that on the western approach to the upgraded Spawell junction, it is proposed to update directional signage to direct city bound traffic right towards Firhouse Road and onwards to the city via Rathfarnham Road. Equally traffic arriving at the junction from Wellington Lane would be directed towards Firhouse Road. Traffic Signs, Road Markings and directional signage are proposed at the Spawell junction.
- 6.4.4. It is submitted that similarly, at the Templeogue Road/Cypress Grove Road junction, directional signage is to be updated to direct traffic to turn right from Templeogue Road to Old Bridge Road where traffic can continue to the city centre via Rathfarnham Road.
- 6.4.5. The NTA submit that at the Templeogue Road / Templeville Road / Springfield Avenue junction, a similar strategy is proposed with all traffic bound for the city centre, Rathfarnham and Terenure being directed to Springfield Avenue. At this point, only local traffic should be travelling eastwards on Templeogue Road. As such, at the Fortfield junction a sign reinforcing 'Local Access' for traffic continuing east is proposed. There is no directional signage proposed for traffic turning to Fortfield Road as it is not intended as a through traffic route.
- 6.4.6. I consider that the proposed directional signage strategy will strive to ensure that traffic is given a number of opportunities to divert to alternative suitable routes towards the city centre and therefore reduces the potential for through traffic to divert via Fortfield Road. This is reflected in the traffic modelling which indicates no material change to traffic flows on Fortfield Road.
- 6.4.7. Overall, I note that there is support for an increase in cycling facilities from 11 Km to 23.3 Km of which 85.5% will be segregated. The proposed scheme will improve bus services and offer safe segregated cycling facilities. The provision of (almost) continuous segregated cycle tracks from Rathfarnham through Terenure to Harolds Cross. The segregated cycle tracks from Rathgar and

Rathmines to the city centre. The segregated cycle tracks from the Tallaght M50 junction to Templeogue, and from Templeogue Village to Rathdown Avenue. The bus gate at Olney Grove to provide bus priority through the Terenure Village. The bus gate in Rathmines and segregated cycle tracks through Rathmines Village, all benefit the central concept and design philosophy of 'People Movement' and a healthier place to live.

6.4.8. Lands to be acquired for construction compounds use.

6.4.9. As set out above in section 2.6.3 of this report construction compounds are proposed in six locations. South Dublin County Council (SDCC) Public Realm section note that a number of construction compounds are proposed within public realm areas. SDCC question the need for CPO, either temporary or permanent, for proposed construction compounds. SDCC notes that in normal practice, contract managers liaise with the Council to agree suitable locations for construction compounds and agree mitigation and reinstatement measures directly with the council. SDCC Public Realm section note that they were not consulted in relation to the proposed CPO of these lands for the works and did not agree to them.

6.4.10. I note in particular the contentious nature of temporary CPO of lands to provide Construction Compound TR3, located along Dodder View Road, across the road from Bushy Park, in the greenfield area between Dodder View Road, Woodview Cottages and Church Lane. The area of Construction Compound TR3 is approximately 5,120m². SDCC advise that the location of the proposed compound is believed to be too close to residential properties and note that the location has been a well-used amenity area for a long time. SDCC further note that residents have raised safety concerns in relation to the proposed siting of a construction compound with the associated HGV traffic, in close proximity to a busy residential area. SDCC goes on to state, that if no alternative location can be identified, that the NTA should propose upgrade works to improve the amenity value of the green space in compensation for its temporary loss to residents.

6.4.11. The NTA have responded that under the provisions of the relevant legislation, the NTA has exercised certain powers under Section 44(2)(b) of the

2008 Act to the effect that the functions in relation to securing the provision of public transport infrastructure falling within Section 44(2)(a) of the 2008 Act (as amended) in relation to the CBC Infrastructure Works, should be performed by the NTA. Those functions include the design and construction of the Proposed Scheme and, effectively, the NTA becomes the road authority in respect of the exercise of those functions. Under the relevant legislation, upon the completion of the construction of the Proposed Scheme the NTA automatically ceases to be the road authority and the status of SDCC as the relevant road authority is automatically restored – it does not require the operation of the conventional “taking-in-charge” arrangements provided for elsewhere in legislation. Accordingly, the legislative provisions appropriately govern the arrangements for the NTA to commence the construction of the scheme, subject to the necessary planning and environmental consents, and govern the restoration of the road authority function to the relevant local authority, in this case being South Dublin County Council. Consequently, all CPO lands acquired by NTA for purposes of the proposed scheme will be transferred to the relevant local authority. The NTA will however continue the very positive and constructive liaison with SDCC throughout the procurement and construction process including in relation to the CPO.

6.4.12. I have reviewed the proposed acquisitions and the detailed response by the NTA, set out in section 3.63.2 of their response, ‘Summary of the Points of Objection to the CPO by SDCC’. The location of the Construction Compounds in relation to the proposed scheme are shown in Figure 5.1 in Volume 3 of the EIAR attached to the planning application for the proposed scheme (316272-23). It is submitted that the Construction Compound locations have been selected due to the amount of available space, their relative locations near to the majority of the proposed scheme major works and access to the National and Regional Road network. With respect to construction compound TR3 it is submitted that a construction compound has been located at this site, during recent construction works carried out for the Dodder Greenway Scheme. It is further stated that following completion of the construction works, the Construction Compound areas will be cleared and reinstated to match pre-existing conditions.

6.4.13. The NTA submits that close liaison with SDCC has been in place during the planning and design stage of the Proposed Scheme, which included extensive dialogue with the relevant sections within SDCC. The NTA is satisfied that the scheme as submitted to An Bord Pleanála has properly considered, and taken into account, the inputs from those sections during the design development process. I acknowledge the NTA's commitment to continue the very positive and constructive liaison with SDCC throughout the preparation of the construction-stage documents and during the construction works. I am satisfied that the matters raised can be successfully addressed between SDCC and the NTA.

6.4.14. I have reviewed the proposed compound acquisitions and consider that the proposed quantum of lands to be acquired are proportionate to the scheme and are necessary. The applicant does not seek to acquire lands in excess of what is absolutely necessary to accommodate appropriate necessary construction compounds along the route and I am satisfied that the temporary use is justified in the context of the common good in that the proposed development will provide a sustainable and active travel scheme benefiting all residents in the area. It is within the remit of any competent authority, in this instance the NTA to ensure that construction compounds, in particular TR3, are reinstated to a high standard and fit for purpose and it is incumbent upon them, in my opinion, to improve the amenity value of the green space for local residents upon reinstatement.

6.4.15. No consideration of River Glin

6.4.16. Numerous submissions to the CPO are concerned with respect to impact upon the River Glin. Concerns are raised that the Environmental Impact Assessment Report, Natura Impact Statement and other scheme documents submitted with the planning application case 316272-23 are deficient as they do not consider Glin River or Whitechurch Stream.

6.4.17. The applicants submits that the River Glin and the catchment it forms part of are captured in the EIA assessments carried out and submitted in conjunction with the CBC corridor scheme with the planning application 316272-23. The applicant submits that it is important to note that the assessment as

presented in the EIAR and AA documents, uses the correct water body name as per the Water Framework Directive (WFD) – this is the Owendoher_010.

6.4.18. A full assessment of impact upon Rathfarnham Castle Park and the River Giln / Whitechurch Stream is carried out in my assessment of 316272-23. Overall, I conclude that the Whitechurch Stream (locally known as the River Glin), is not itself directly impacted by the CPO application.

6.4.19. Impact Upon Rathfarnham Castle Park

6.4.20. Submissions contend that the tree/habitat removal proposed within Rathfarnham Castle Park to facilitate road widening will have a significant negative landscape and visual impact on the park and will negatively impact upon the woodland playground located within the park, due to increased noise.

6.4.21. As a consequence of the proposed scheme the vehicular traffic lanes will be circa 4.5m closer to the natural playground than the existing road.

6.4.22. The applicant's response states Chapter 9 of the EIAR has undertaken a detailed impact assessment relating to both construction and operational phase noise and vibration impacts associated with the proposed scheme taking account of the realignment of all vehicular and active travel lanes and the resultants forecasted traffic flows along the adjoining road network with and without the proposed scheme in place. The resultant noise impacts associated with the scheme once operational are determined to be neutral to minor positive within the park. This is due to the overall reduction in traffic flows (cars and HGVs) along the route. This is I consider a reasonable analysis. It is noted that the existing boundary wall will be replaced with a wall of the same height along the park boundary and hence no change in the effectiveness of noise screening from the boundary wall treatment will occur. Whilst there will be a portion of trees removed from the park boundary, these do not provide any notable noise screening for road traffic and hence are not relied upon for noise reduction.

6.4.23. I note the level of opposition to the CPO of lands at Rathfarnham Castle Park, excessive land take, climate impact of tree removal, biodiversity impact, impact upon the natural woodland playground, replacement of Castle Wall, landscape and visual and Giln River. The NTA have justified their option assessment along Rathfarnham Road:

- It would provide segregated bus priority on the CBC throughout the entirety of this section of the scheme, supporting reliability of journey time for the bus:
- It would deliver segregated online cycle facilities on Secondary Route S04 of the GDA cycle network plan; and
- It would maintain existing general traffic provision along Grange Road.

6.4.24. I note the issues raised by observers and SDCC with respect to accuracy of assessment of tree loss proposals within Rathfarnham Castle Park woodland area, in particular that there is an over estimation of potential tree retention and an over optimistic view of the proposals within the scheme to protect trees proposed for retention. Impact upon root zones of trees located outside of the land take area for the bus connects scheme is of concern. SDCC raise concern that tree survey work is incomplete. This matter is dealt with in the planning scheme assessment for the project 316272-23. However, I consider that the matter as identified can be mitigated by way of condition and agreement with SDCC. It is not insurmountable. Overall, I consider that the corridor needs to be considered as a whole, regard is had to the site location and description of the proposal as set out in Section 2.0 of this report above and specifically Section 2.0 of the proposal: Nutgrove Avenue to TRN – Grange Road, Rathfarnham. Notably:

- It is proposed to upgrade the junction of Grange Road and Nutgrove Avenue through the provision of kerb protection for cyclists. This will require land take from the entrance to the Rathfarnham Wood development. It is also proposed to reconfigure the existing car park adjacent to this junction to facilitate the revised road arrangement and to install a new island bus stop layout.
- Between Rathfarnham Wood and the Castleside Drive junction it is proposed to provide a single bus lane alongside general traffic lanes and cycle tracks in both directions. To accommodate the road layout, it is proposed to land-take from adjacent properties, including setting back the existing boundary wall to Rathfarnham Castle Park.
- The existing boundary wall of Rathfarnham castle will be set back and reconstructed with a round capping roughcast render.

6.4.25. Having weighed up the matter, considered the loss of parkland and the impacts raised in the CPO. I consider the refiguration of the entrance to Rathfarnham Wood development and road widening to prioritise public transport, walking and cycling at this location is a planning gain and acceptable on balance. As stated previous throughout this report it is my considered opinion, in agreement with DCC that 'watering down' the benefit by making localised changes is not favourable. I have reviewed the proposed acquisition at this location and consider that the proposed quantum of land to be acquired is proportionate to the scheme. The wall to Rathfarnham Castle Park is not original. An improvement in footpath, cycle path, CBC route utilising universal design and creating an accessible route, is desirable and in line with good planning principles and policy. The applicant does not seek to acquire lands in excess of what is absolutely necessary to accommodate appropriate cycle and pedestrian infrastructure at this location and I am satisfied that the loss of lands is justified in the context of the common good in that the proposed development will provide a sustainable and active travel scheme benefiting all residents in the area.

6.4.26. Under the relevant legislation, upon the completion of the construction of the scheme the NTA automatically ceases to be the road authority and the status of DCC and SDCC as the relevant road authorities is automatically restored.

6.4.27. The NTA has confirmed that engaging and collaborating on the construction arrangements, the road maintenance arrangements during construction and the standard to which the proposed scheme will be completed prior to transfer back to SDCC and DCC will be fully agreed.

6.4.28. Driveway Gradients

6.4.29. Third party concern is raised that alterations will give rise to a significantly steeper access gradient and breach of part M of the Building Regulations to access driveways to the front of 51 – 71 Rathfarnham Road.

6.4.30. The NTA response sets out a detailed response to this matter. It is contended that the design of the Proposed Scheme has been carried out so as to minimise impacts on adjacent properties at this location, such that it will not

result in any increase to the maximum driveway gradients. This it is contended this has been achieved through a combination of the following design measures aimed at minimising the impact on adjacent properties:

- Raising the centreline level of the road by c. 0.14m at this location (as presented in the Mainline Plan and Profile drawings provided the Volume 3 of the EIAR).
- Reducing footpath gradient but retaining it above the gradient typically provided for new built schemes.

6.4.31. The submission refers to the NRB Consulting Engineers report which accompanies several of the submissions. The NTA submit that the underlying assumptions of this report are incorrect and based upon on an assumed road cross-section.

6.4.32. In the case of No. 61 Rathfarnham Road the permanent acquisition will result in the loss of 2.0m of lands with an additional 2.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden/driveway. The front boundary wall, including gate and entrance pillars will be at least 15m from the front of the house. This would not introduce any additional risk to the owners during the operation of the Proposed Scheme and that this should not hinder the availability of parking in the driveway nor the ability to turn within the driveway.

6.4.33. The NTA clearly submit that the Proposed Scheme design has fully considered the engineering requirements along Rathfarnham Road to both minimise the impact of the Proposed Scheme on adjacent properties and facilitate no increase to the maximum gradients within these properties. I consider that this matter can be dealt with by way of condition and compliance. The NTA have in my opinion adequately responded to the matter and propose to carry out the works in compliance with best practice and procedure. This I consider acceptable and the duty of any competent authority.

6.4.34. Lack of Consideration of Park and Ride

6.4.35. A number of the submissions raised concern that the proposed scheme does not include any proposals for park and ride.

6.4.36. The applicant submits that BusConnects Dublin is a suite of transformative changes to the bus system, intended to make it more efficient, faster, reliable and easier to use. The BusConnects Dublin programme contains nine elements, one of which is the BusConnects Dublin – Core Bus Corridor Infrastructure Works (the CBC Infrastructure Works). The nine elements are:

1. Core Bus Corridor Infrastructure Works;
2. Dublin Area Bus Network Redesign;
3. Transitioning to a new low emissions bus fleet;
4. State of the art ticketing system;
5. Cashless payment system;
6. Simpler fare structure;
7. New Park and Ride sites in key locations;
8. New bus livery providing a common style across all operators; and
9. New bus stops and shelters with better signage and information.

6.4.37. I note that new park and ride facilities form part of the broader BusConnects programme and will be implemented to complement improvements to the overall bus system, including the proposed scheme infrastructure. Given the geographical urban location of the Templeogue / Rathfarnham to city centre bus corridor scheme the existing environment and road / infrastructure layout, incl. existing bus and cycle lanes, I am satisfied this matter has been adequately addressed in terms of the wider delivery of sustainable transport infrastructure.

6.4.38. Commercial Accessibility

6.4.39. Concern is raised that commercial businesses along the route will be negatively impacted. I intend to deal with individual submissions below in this report. It is acknowledged that construction works will cause a level of disruption to access, however, I note that construction works will be for a short duration, and will work only at distinct identified locations along the alignment at specific times, in planned phases, and will not significantly disrupt businesses with access maintained throughout the period. A communications plan in conjunction

with the appointed contractor will be put in place to ensure dialogue in relation to any accommodation works to be carried out between property owners and the NTA.

6.4.40. With respect to impact upon businesses over the lifetime operation of the project I agree and accept the submission that there is strong international evidence to suggest that the proposed improvements will lead to further increases in the use of sustainable transport and may positively impact on footfall to business. Creating a city with less cars will not only reclaim areas for the public but can improve public health in ways other things can't. Whilst spend per visitor may fall slightly, due possibility to ability to carry a lot of goods in one trip by one person, the overall spend rises due to the increased overall footfall. This effect should occur as soon as the new proposed routes open with shoppers choosing to make even more use of sustainable transport decisions. Whilst there is limited evidence of the impact during the construction work, none of the international evidence suggested an increase in business insolvency or a departure of businesses from the area during construction works. This I believe has been the experience in Fairview, from my local knowledge and observation of media coverage of the cycle network and bus lanes currently being rolled out there.

6.4.41. There will also be positive impacts of improved accessibility by pedestrians, cyclists and bus users, and employees to access commercial businesses upon completion of the scheme. The nature of the proposed works means accessibility impacts will differ based on the mode of travel used. The applicant has determined that people movement would significantly increase along the scheme as a result of improved footpaths and cycle paths. It is expected that all businesses along the scheme will, to some extent, benefit from the increase in passing trade.

6.4.42. The NTA have determined that the bus gates are not expected to have a significant impact on private vehicles accessing commercial businesses along these stretches of roads due to the lack of on-street parking provision, however they will impact accessibility in terms of lengthened and re-routed journeys.

6.4.43. Overall given the lack of on-street car-parking along the route, especially in the villages of Rathfarnham, Terenure and Rathmines I consider the applicants response is reasonable and that while construction works will invariably cause short-term disruption to those operating businesses along the route it is justified, necessary and unavoidable. As stated above in paragraph 6.2 of this report 'Community Need', I acknowledge given the scale of the works that there will be disruption to residents, businesses and those who need to transit through this area during the construction phase, however, this will be finite, mitigated and managed. On balance, it is necessary for any change and improvement to occur. There is distinct and obvious community need and justification for the proposed scheme, in the longer term, from a population growth and congestion perspective; through the provision of the necessary infrastructure to facilitate connections and connectivity throughout the corridor and the wider area.

6.4.44. Heritage Properties

6.4.45. A number of submissions highlight that the proposed scheme will have impacts on properties of significant heritage and architectural significance. Submissions reference the impact on properties, and in particular the relocation of boundary walls/railings along Terenure Road East and state that the proposed scheme will have a significant impact on the character of the street.

6.4.46. The NTS's response states land take at TRE will result in the removal of the boundary treatments incl. mature trees, a cement rendered wall with dressed granite capping, entrance piers and railings to Protected Structures of Medium Sensitivity. The magnitude of Impact is High. The potential Construction Phase impact will be Direct, Negative, Significant, Temporary. It is evident that the works will impact upon heritage structures along TRE incl. boundaries, trees, cast iron pillar style post boxes, a vent pipe and a mile stone.

6.4.47. I note that three locations were identified where the proposed scheme will directly impact on the boundaries of Protected Structures during the Construction Phase. These include the boundaries to 74, 76 and 78 Terenure Road East (DCC RPS 8118, 8119, 8121), 59 to 69 Terenure Road East (DCC

RPS 8106, 8107, 8109, 8111, 8113, 8116) and 50 to 62 Terenure Road East (DCC RPS 8097, 8099, 8101, 8103, 8105, 8108).

6.4.48. The boundaries are to be repositioned to facilitate the proposed bus and cycle lanes. The proposed mitigation is the recording of the existing boundaries and heritage structures in position prior to the works, labelling the affected masonry, brickwork, railings, gates, gate posts, capping stones prior to their careful removal to safe storage, and their reinstatement on new lines, which reinstate the existing details, and the relationships between the entrances and the historic buildings. Recording is to be undertaken by an appropriate architectural heritage specialist engaged by the appointed contractor. The architectural heritage specialist will oversee the labelling, taking-down and reinstatement of the affected gates, railings, piers, bricks and masonry. Works to historic fabric will be carried out in accordance with the works methodology set out in the EIAR for the planning scheme 316272 - 23.

6.4.49. Overall, in respect of proportionality and necessity of level of acquisition proposed in relation to submissions received, as stated in assessment of the Templeogue section of the CBC route, set out above, a balance needs to be struck between road widening, tree loss and boundary encroachment. I acknowledge road widening into properties on the northern side of TRE west of Heathfield and to the south of TRE east of Greenmount Road. Having considered the NTA's detailed response to the objectors concerns I am of the opinion the proposed acquisition is absolutely necessary to accommodate the road layout, it is proposed to utilise limited land-take from adjacent properties, including setting back the existing boundary walls where required on a like for like basis.

6.4.50. Overall, I consider that the land to be acquired permanently for the operation of the proposed scheme, and temporarily for the construction phase, as well as the associated acquisition/interference with various rights, is modest and proportionate and is acceptable in relation to submissions received. The land take ensures that as far as practically possible, geometric design standards to facilitate bus lanes, cycle paths, pedestrian movement and general traffic movement are adhered to, and that such land take is commensurate with the requirements to implement the project to a sufficient design standard. I also

note, where necessary preferred infrastructure widths have been reduced, or not provided for, it is to minimise the scale of land take requirements.

6.4.51. Loss of Trees/Vegetation & Loss of Landscaping

6.4.52. A number of the submissions raised concern about the removal of trees generally across the scheme.

6.4.53. As mentioned above impacts in relation landscape and loss of trees generally are considered within the planning report associated with this CPO and are considered in detail within the EIAR, nonetheless the NTA has responded to this issue and I have had regard to the response submitted. I am satisfied that the proposed route and associated works are the most appropriate for the proposed scheme in terms of its operational efficiency and the design iterations has taken all reasonable endeavours to avoid vegetation and tree loss and impact upon private properties.

6.4.54. The applicant sets out that the route traverses both Dublin City Council and South Dublin County Council administrative areas, with the boundary between both Local Authorities located close to the Fortfield Road junction for the Templeogue to Terenure section and at the River Dodder for the Rathfarnham to City Centre section. The relevant development plans of both local authorities have been examined. I note the proximity of the Dun Laoghaire Rathdown County Council (DLRDCC) administrative boundary at the junction with Nutgrove Avenue, south of the entrance to Rathfarnham Wood and note, that the CPO works are not within the administrative boundary of DLRDCC.

6.4.55. It is submitted that the planting strategy has been developed to meet the needs of the South Dublin County Council Development Plan 2016 –2022, the Dublin City Tree Strategy and the Dublin Biodiversity Action Plan. The applicant submits that:

- Where possible the initial conservation of existing biodiversity has been considered;
- Opportunities have been identified to enhance biodiversity through green infrastructure;

- Promote the role of street trees planting consistent with the recommendations of South Dublin County Council Development Plan 2016 –2022 and the Dublin City Development Plan 2016 – 2022; and
- Develop the role of SuDS opportunities within the proposed scheme to ideally reduce impervious areas for drainage management benefit.

6.4.56. It is submitted that there will be 169 individual trees removed as a result of the works. The Preliminary Design Report in the Supplementary Information notes that there will be 400 new trees planted, resulting in an overall net increase of 231 trees.

6.4.57. The applicant submits that the scheme has been subject to an iterative design development process which has sought insofar as practicable to avoid or reduce negative impacts, including townscape and visual impacts. Nevertheless, the scheme will give rise to some degree of townscape and visual effect, most notably during the construction phase. These impacts arise especially where there is temporary and / or permanent acquisition of lands associated with residential or other properties including amenities, and where tree removal is required. The project includes for replacement of disturbed boundaries, reinstatement of the construction compounds, return of temporary acquisition areas, and for additional tree and other planting where possible. In the Operational Phase localised residual effects will remain for properties, including protected structures, experiencing permanent land acquisition.

6.4.58. The NTA submit that, there will be overall positive effects for all sections of the scheme, excluding Nutgrove to Terenure Road North, which will have a neutral effect (Rathfarnham Castle, Rathfarnham Road, Rathfarnham Village). The project provides for improvements in the urban realm, which will provide positive long-term effects for the townscape and visual character, most notably at centres of Rathgar and Rathmines and along the route from Grand Canal to Dame Street. The restoration and reincorporation of Templeogue Arch into the streetscape will also be a notable improvement.

6.4.59. I note removal of trees needs to be balanced against an enhanced level of service for public transport and for pedestrian / cycle connectivity. I am satisfied based on the information submitted that loss of trees and vegetation

have been adequately considered, is necessary, justifiable and can be mitigated through additional planting and public realm improvements.

6.4.60. Loss of Car Parking / Loading Spaces

6.4.61. Several submissions raised concerns about the loss of car parking and loading bays esp. within Terenure, Rathgar and Rathmines villages and the impact this would have on businesses.

6.4.62. As noted in Chapter 6 of Volume 2 of the EIAR, the potential impacts of the proposed scheme on parking and loading provision have been assessed through a comparison of the availability of spaces or lengths of bay in the Do Minimum and Do Something scenarios. The assessment considers the impact of any changes on the general availability of parking and loading in the vicinity of the scheme. This qualitative assessment has also taken into account nearby parking, which is defined as alternative parking locations along side roads within 200 – 250m of the route.

6.4.63. I note, Table 6.36 of the EIAR Vol 2, 'Overall changes in parking / loading spaces.' It sets out that there are approximately 76 current parking spaces affected within the area of the Section 1 (Terenure Road – Rathgar). Under the proposals, 32 parking spaces will be lost, mainly commercial parking spaces. It is contended that this change is considered to have a Negligible and Long-term effect due to the presence of a large number of similar types of spaces within proximity to the affected locations. I agree that this effect is considered acceptable in the context of the aim of the proposed scheme, to provide enhanced walking, cycling and bus infrastructure on this key access corridor.

6.4.64. The removal of three pay and display and one loading bay space (three vehicles) on Rathgar Road, at Highfield Road. There are a large number of on-street spaces in the vicinity, this is considered to have a Negligible and Long-term impact.

6.4.65. It is proposed to increase the number of loading bays in Rathmines from 4 to 6 bays, an increase of 2 loading bays. In terms of parking, it is proposed to reduce the number of spaces by 4 out of 21 residential pay and display spaces on Military Road.

- 6.4.66. With respect to Section 2 (Rathfarnham) of the proposed scheme there are approximately 22 current on-street parking spaces affected. Under the proposals, seven parking spaces will be lost, all commercial spaces. It is contended by the applicant that this change is considered to have a Negligible and Long-term effect, due to the low numbers of spaces lost and the presence of a large number of similar types of spaces on side roads along Section 2. It is submitted that the effect is acceptable in the context of the aim of the scheme, to provide enhanced walking, cycling and bus infrastructure on this key access corridor.
- 6.4.67. The impact on parking in Terenure Village is covered in two scheme sections being Section 2 (R821 Nutgrove Avenue to R137 Terenure Road North) and Section 3 (R137 Terenure Road North to Charleville Road). With respect to Section 3 relevant to Terenure Village, there are five pay and display parking spaces and four taxi rank spaces on Terenure Road North between Rathmore Villas and Eagle Hill Avenue. It is proposed that all five of the pay and display parking spaces are removed due to the presence of a bus stop and cycle lane. Due to the availability of parking on various side streets in the vicinity, this is considered to have a Negligible and Long-term impact.
- 6.4.68. It is proposed to retain the 3 loading bays (6 spaces) on Richmond Street South, between Lennox Street and Harcourt Road and Richmond Street. As depicted in the extract from the General Arrangement Drawing in Figure 3.26.6 below, it is proposed to retain the loading bay directly opposite 44 Richmond Street South. It is not expected that the Proposed Scheme will have an impact on the delivery activities to the premises.
- 6.4.69. Overall, I consider that an acceptable qualitative impact assessment has been undertaken of the impacts on the existing parking and loading. The results of the assessment demonstrate that the changes to the parking and loading provision will result in an overall loss of 54 parking spaces and five loading bay spaces within the redline boundary of the proposed scheme (-7 spaces in Section 2, -32 (including 5 loading bay spaces) in Section 3 and -20 spaces in Section 4). I have considered the comments by DCC in their submission with respect to extent of loss of loading bays, and their opinion that clear quantification and adequacy of alternative provision needs to be

demonstrated. I consider the loss of 5 loading bay is not significant in the context of the mass wider benefits of this scheme.

6.4.70. I also note concerns of local businesses and commercial units. As indicated elsewhere in this report, see 'commercial accessibility' set out above in paragraph 6.4.38 it is held that commercial accessibility with increased people movement would significantly increase along the proposed scheme. It is therefore expected that all businesses along the proposed scheme will, to some extent, benefit from the increase in passing trade. Commercial businesses located along the Proposed Scheme are listed in Appendix A10.1 (Schedule of Commercial Businesses) in Volume 4 of this EIA.

6.4.71. I have reviewed the proposed acquisition in the context of the proposed works and am satisfied that the quantum of lands to be acquired are not in excess of the schemes needs, and I am therefore satisfied that the reallocation of road space and acquisition / loss of car parking spaces / loading spaces as proposed is appropriate and acceptable.

6.4.72. The applicant does not seek to acquire lands in excess of what is absolutely necessary and is reallocating road space to accommodate appropriate cycle and pedestrian infrastructure along the route.

6.4.73. Noise, Vibration & Dust

6.4.74. As stated above, planning matters such as noise, vibration, air and dust are dealt with within the EIA submitted with the planning application and have been examined within the planning application report for this scheme ref: ABP-316272-23. Nonetheless the NTA has responded to this issue and I have had regard to the response submitted and am satisfied that the proposed route and associated works are the most appropriate for the proposed scheme in terms of its operational efficiency.

6.4.75. I consider the information submitted in relation to construction and operational phase impacts of noise, dust and vibration to be fully considered and valid and the works proposed proportionate and necessary to the level of acquisition proposed in this regard.

6.4.76. Traffic baseline data out of date (COVID-19)

6.4.77. A number of the submissions raise concerns that the traffic data which informed the assessment was collected prior to the COVID-19 pandemic during which travel patterns changed. It is submitted in these submissions that the traffic assessment is therefore based on outdated traffic data.

6.4.78. The NTA have responded and submit that it is considered that the traffic assessment contained in the EIAR, and the traffic data upon which it is based (collected pre-covid pandemic), represents an accurate basis for the assessment given travel patterns have generally recovered to prepandemic levels.

6.4.79. I concur with the applicant's response. I believe that the short-term changes to travel patterns caused by the COVID-19 pandemic does not impact on the objectives of the scheme to reduce car dependency in the Greater Dublin Area and remains particularly relevant in light of anticipated population growth into the future.

6.4.80. I note in particular the submission by Dublin City Council which states 'The return of bus passenger number to above pre COVID levels and the increase of bus use at weekends of 27% over the pre COVID levels is very welcome.'

6.4.81. Need for the Increase in Frequency and Capacity

6.4.82. A number of submissions query the need and justification of the proposed scheme. Noting that the project provides poor economic value. Adding that the project is an expensive short-term solution to a developing demand due to the current and future intensification of population increase in the South Dublin Area.

6.4.83. The NTA has outlined the need for the proposed scheme stating that: The key radial traffic routes into and out of Dublin City Centre are characterised by poor bus and cycle infrastructure in places. Effective and reliable bus priority depends on a combination of continuous bus lanes and signal control priority at pinch-points and junctions. Currently bus lanes are available for 30% of Templeogue / Rathfarnham to City Centre, with signal control priority for buses provided over 2% of the Proposed Scheme. Cyclists must typically share space

on bus lanes or general traffic lanes with only 15% of the route providing segregated cycle tracks.

6.4.84. Private car dependence has resulted in significant congestion that has impacted on quality of life, the urban environment and road safety. The population of the Greater Dublin Area (GDA) is projected to rise by 25% by 2040 (National Planning Framework, 2018), reaching almost 1.5 million. This growth in population will increase demand for travel necessitating improved sustainable transport options to facilitate this growth.

6.4.85. I concur with the opinion that the traffic assessment contained in the EIAR, and the traffic data upon which it is based (collected pre-covid pandemic), represents an accurate basis for the assessment given travel patterns have generally recovered to prepandemic levels.

6.4.86. I note in particular the DCC submission which lends weight to my conclusion that the bus is the most important mode of public transport in Dublin. Their submission states:

‘In 2019 almost 160 million journeys were made by bus in the Dublin region representing 65% of all public transport trips in the Dublin area. In addition, the DCC/ NTA cordon count in 2019 showed that the bus was the single highest mode of transport crossing the canal, 30% of all trips, and the bus accounted for over half of all public transport trips into the city centre.’

6.4.87. Increased Traffic, Congestion and Safety Concerns

6.4.88. Third party concern is raised that the proposed scheme will result in increased traffic and congestion and consequential safety concerns.

6.4.89. The applicant successfully argues in my view that the proposed scheme is needed in order to enable and deliver efficient, reliable, safe and integrated sustainable transport movement along the corridor through the provision of enhanced walking, cycling and bus infrastructure on this key access corridor in the Dublin region.

6.4.90. Private car dependence has resulted in significant congestion that has impacted on quality of life, the urban environment and road safety. The population of the Greater Dublin Area (GDA) is projected to rise by 25% by

2040 (National Planning Framework, 2018), reaching almost 1.5 million. This growth in population will increase demand for travel necessitating improved sustainable transport options to facilitate this growth. Without intervention, traffic congestion will lead to longer and less reliable bus journeys throughout the region and will affect the quality of people's lives. The proposed scheme is needed in order to enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor through the provision of enhanced walking, cycling and bus infrastructure on this key access corridor in the Dublin region.

6.4.91. It is indicated by the applicant that the impact of the reduction in general traffic flows along the proposed scheme will be a Positive, Moderate and Long-term effect whilst the impact of the redistributed general traffic along the surrounding road network will have a Negative, Slight and Long-term effect. Thus, it is contended overall, there will be no significant deterioration in the general traffic environment in the study area as a consequence of meeting the scheme objectives of providing enhanced sustainable mode priority along the direct study area.

6.4.92. I note and highlight that in meeting its objectives, the scheme will deliver strong positive impacts in terms of promoting active travel and sustainable transport. I note that the modelled forecasts for the 2028 opening year indicate that one of the impacts of the proposed Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme is that there is a reduction of 30% in the number of people travelling via car along the route towards the city centre at AM peak hour. Similarly, in the PM peak hour, there is a reduction of 39% in the number of people travelling outbound via car.

6.4.93. The applicant submits that evidence shows:

- No material increase or decrease in traffic is anticipated along Highfield Road, Palmerston Road or Palmerston Park as a result of the Proposed Scheme.
- Negligible impact on junctions along Palmerston Road and Palmerston Park as a result of the Proposed Scheme.

- An overall reduction in traffic along Rathmines Road Upper (-191 PCUs) in the morning peak period. It is noted that this is along the northern section Rathmines Road Upper.
- The majority of Rathmines Road Upper would see no material increase in traffic (+/- 100 PCU).
- An increase in traffic is projected on the southern part of Rathmines Road Upper (+113 PCUs).
- An increase in traffic is projected along Palmerston Park (+238 PCU), although it is noted that this is just the portion in the middle of the Rathmines Road Upper/Palmerston Park/Dartry Road junction.
- Junction capacity assessment was undertaken along road links to determine they have the capacity to cater for the additional traffic volumes because of the scheme.
- While there is some redistribution of traffic because of the proposed scheme, the traffic impact is considered to be negligible.
- It is not expected that there will be any increase in traffic along Highfield Road and as a result access to Saint Luke's hospital will not be affected.
- It is acknowledged that some sections of footpath along Rathgar Road have been reduced to 1.8m (absolute minimum footpath width), and that the desirable footpath width is 2.0m.

6.4.94. Overall, I consider that the proposed scheme will increase the effectiveness and attractiveness of bus services operating along the corridor and will result in more people availing of public transport due to the faster journey times and reliability improvements which the scheme provides. This in turn will support the potential to increase the bus network capacity of services operating along the corridor and thereby further increasing the attractiveness of public transport.

6.4.95. In addition to this, the significant segregation and safety improvements to walking and cycling infrastructure that is a key feature will further maximise the safe, efficient, movement of people travelling sustainably along the corridor

and will therefore cater for higher levels of future population and employment growth.

6.4.96. Legal Principle, as identified in the Supreme Court in Reid v Industrial Development Agency {2015} 4 IR 494.

6.4.97. A number of submissions raise concerns regarding the NTA's compliance with the legal prerequisites for the compulsory acquisition of private property, as delineated by the Supreme Court in the case of Reid v Industrial Development Agency [2015]. It is contended that the proposed road layout and the intended compulsory acquisition, lack justification or necessity in light of the requirements for enhanced public transport infrastructure.

6.4.98. The applicants submits that they are empowered by section 44 of the Dublin Transport Authority Act 2008 (as amended) to compulsorily acquire land for the purpose of establishing public transport infrastructure. Thus, the NTA possesses the requisite statutory authority to execute the Compulsory Purchase Order (CPO). Regarding principal, the NTA has delineated the necessity of the proposed scheme in the EIAR submitted with the planning application 316272-23. Transport requirements at both regional and local levels is set out in Volume 2 Chapter 2 Need for the Proposed Scheme. The NTA response submitted to the third-party objections expounds on how the scheme aligns with various national and regional policies, including but not limited to the National Development Plan (2021-2030), the Transport Strategy for the Greater Dublin Area (2016-2035), the Climate Action Plan (2023) (now updated by the CAP 2024), and the Climate Action and Low Carbon Development (Amendment) Act 2021, often referred to as the 2021 Climate Act.

6.4.99. As set out above under 'Community Need' section of this report, while I acknowledge that the proposed development will negatively impact landowners, on balance, the proposed development will provide a significantly improved public transport service and public realm that I am satisfied justifies the interference with landowners rights in relation to property in the interest of the common good.

6.4.100. CPO Brought under Inappropriate Provisions

6.4.101. The submission/objection lodged by Reddy Charlton Solicitors on behalf of Alison Dwyer suggests that the Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme should have been characterised as a “busway” and that accordingly the scheme has been brought under the incorrect and inappropriate statutory provisions.

6.4.102. The NTA has responded stating that the power to acquire lands by means of a compulsory purchase order in accordance with Part XIV of the 2000 Act and the procedures by which the NTA is required to make an application for confirmation of such a compulsory purchase order are set out under section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and the NTA has applied in accordance with the appropriate procedures. Any suggestion to the contrary in the submission/objection lodged by Reddy Charlton is entirely misplaced.

6.4.103. The Proposed Scheme is not a “busway” within the meaning of section 44 of the 1993 Act, which defines “busway” as meaning “a public road or proposed public road specified to be a busway in a busway scheme approved by the Minister under section 49”. Save in limited circumstances, pedestrians and pedal cyclists are prohibited from using a busway. A ‘Busway’ is not what is contemplated by the Proposed Scheme, which involves the provision of bus priority (through the provision of bus lanes and other measures to provide priority to bus movement over general traffic movements) as well as improved pedestrian and cycling infrastructure.

6.4.104. I concur that the proposed scheme cannot be construed as a “busway” within the meaning of section 44 of the 1993 Act (which means a public road or proposed public road rather than specific bus lanes for example), and that therefore the provisions of section 44 of the 1993 Act (and accordingly section 49 of the 1993 Act) are not relevant to the development concerned.

6.4.105. Section 1.5.4 of Chapter 1 of the EIAR for the Proposed Scheme clearly sets out the legislative basis for the application under section 51 of 1993 Act, as follows:

“Section 50 of the Roads Act 1993 is concerned with the requirement for EIA of road development. Section 50(1)(a) states that: ‘A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:

- (i) the construction of a motorway;
- (ii) the construction of a busway;
- (iii) the construction of a service area;
- (iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road’.

Under Article 8 of S.I. No, 119/1994 - Road Regulations 1994 (as amended) the prescribed type of road development for the purposes of section 50(1)(a)(iv) of the Roads Act are:

‘(a) The construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area’; and

‘(b) The construction of a new bridge or tunnel which would be 100 metres or more in length.’ The Proposed Scheme meets the threshold as set out in Article 8 of the Road Regulations 1994, as amended, in that it includes the realignment and / or widening of an existing road so as to provide four or more lanes, where such realigned and / or widened road is more than 500 metres in length and is in an urban area.

The Proposed Scheme meets the threshold as set out in Article 8 of the Road Regulations 1994, as amended, in that it includes the realignment and / or widening of an existing road so as to provide four or more lanes, where such realigned and / or widened road is more than 500 metres in length and is in an urban area.”

6.4.106. I am satisfied that the description of the proposed scheme and the legislative provisions under which the application has been made are procedurally correct and appropriate. proposed land acquisition is necessary and proportionate in the context of meeting the identified community need.

6.4.107. The Proposed Scheme and CPO cannot be considered/approved at the same time.

6.4.108. The submission by Reddy Charlton Solicitors on behalf of Alison Dwyer also suggests that the “Board must address whether in fact to approve the scheme and that exercise must be undertaken first” and “it is only following a consideration of the scheme as approved that the impact upon property for the purpose of Section 76 of the Housing Act 1966 can then be determined”.

6.4.109. I note and agree with the applicant’s response to this matter. It is appropriate and statutorily required under section 51(7)(b) of the Roads Act, that the Board make its decisions at the same time in respect of the roads planning application case and the CPO case. Therefore, it is not open to the Board to accede to the request made on behalf of the objector to first make a decision in relation to the application for approval of the proposed scheme under section 51.

6.4.110. Further, I note, there are many practical reasons including the practicalities of delivering the scheme and the efficient use of the decision maker’s resources, as to why it is entirely appropriate to deal with the section 51 application and the related application for confirmation of the CPO together.

Scale of mapping

6.4.111. A submission by Michael O’Donoghue, 61 TRE suggests that the maps and documentation accompanying the application are at a scale and drawn in such a manner that it is not possible to identify precisely and accurately the full extent of the land being acquired.

6.4.112. The applicant has responded stating that requirements with respect to the CPO are set out in Section 76 of and the Third Schedule to the Housing Act 1966 as extended by section 10 of the Local Government (No. 2) Act 1960 and amended by the Planning and Development Act 2000 (as amended). There is no express legislative requirement dictating what scale of mapping is to be used with respect to the CPO maps (i.e., deposit and server maps). The NTA has proceeded on the basis that all of the mapping is of a suitable size and scale and it is noted that the drawing scales selected are in line with the scale adopted on other major infrastructural projects.

6.4.113. While it appears that the complaint with respect to the scale of mapping relates to the CPO maps, it is noted that with respect to the NTA's application under section 51 of the 1993 Act, that section 51(3)(aa) of the 1993 Act requires a map of a scale of not less than 1:1000 in a built-up area and 1:2500 in any other area and the NTA has complied with those requirements for all scheme design drawings.

6.4.114. I consider the scale of the maps and documents accompanying the application, including the photomontages along TRE are acceptable, clear and unambiguous for the purpose of assessing the CPO. I also consider that the extent of land acquisition is clearly identified for the purposes of informing the public as to the nature and extent of the acquisition involved.

6.4.115. Climate Impact

6.4.116. A number of submissions raise the issue of climate impact from possible longer journey times, congestion and tree removal.

6.4.117. Based on the analysis outlined in the assessment, I conclude that the Core Bus Corridor Infrastructure Works achieves the project objectives in supporting the delivery of an efficient, low carbon and climate resilient public transport service, which supports the achievement of Ireland's emission reduction targets.

6.4.118. Following implementation of mitigation measures, I consider that the construction phase will give rise to significant short-term negative impacts, similar to any large-scale transport construction project. Mitigation measures and construction practices will serve to minimise these but not alter the significance of impact in relation to climate.

6.4.119. In the operational phase both direct (transport network along the proposed schemes) and indirect (area of influence that the proposed scheme has cumulatively with the other 11 CBCs) have been considered. A comparison between the 'do minimum' and cumulative 'do something' GHG emissions for total car and bus in 2028 predicts a decrease of 27% CO_{2eq}, and a similar 25% decrease in total car and bus emissions in the design year (2043). While bus, cycling and pedestrian infrastructure is improved it is noted that there will be an overall reduction in operational capacity for general traffic (private car) along the

direct study area which will redistribute some traffic onto alternative and sometimes longer routes, such indirect impacts cumulatively are predicted to give rise to increases of a total of 4.5% and 5.2% in CO₂ eq emissions in the opening year and design years respectively. The CBCs have been designed to cater for increased cycling, bus frequency(/reliability/resilience) and demand management. The increase in bus frequency and resilience that would be facilitated by the overall BusConnects CBCs will provide the schemes with the capacity to remove approximately 105,500 and 102,200 car trips per weekday in 2028 and 2043 if all residual capacity is used, or the removal of 74,400 and 69,700 weekday car trips in 2028 and 2043 respectively should 50% of the residual capacity be taken up. These figures would represent a significant contribution towards the 20% reduction in total car kilometres by 2030 targeted in CAP 24.

6.4.120. I note that tree loss will be mitigated with a robust and high-quality scheme of new tree planting. Albeit, 169 trees are identified to be removed across the scheme, there will be substantial replanting of trees along the scheme, resulting in a net increase of 231 trees.

6.4.121. Given the foregoing I am of the opinion the residual climate effects as a result of the operation of the scheme are wholly acceptable.

6.4.122. Accommodation works details.

6.4.123. General concerns are raised within the submissions in relation to the detailed design or replacement boundaries and landscaping.

6.4.124. The applicant has responded that if the CPO is confirmed by An Bord Pleanála, reinstatement of property frontage including boundary walls, gates, railings, driveway, footpath and landscaping will be on a like for-like basis and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or conditions/modifications from An Bord Pleanála in relation to the Proposed Scheme application.

6.4.125. The applicant also submits that any land temporarily acquired from a landowner will only be utilised for the purposes of undertaking boundary works or accommodation works related to the land in question. Any lands acquired

temporarily to facilitate construction work will be returned to landowners on completion of the works. Existing boundary walls or fencing being relocated will be constructed to match the existing conditions, unless otherwise agreed. The removal of trees, vegetation, lawns, paving etc. will be minimised in so far as practicable.

6.4.126. Overall, I consider that such accommodation works are necessary and essentially a matter for the arbitration process which is outside the scope of this assessment.

6.4.127. Property Values

6.4.128. Residents and businesses are concerned that the proposed scheme will devalue their properties. In general I note the NTA's response to these contentions, in which it is concluded that in overall terms the public realm improvements planned by the NTA may lead to an increase in value of both residential and retail property prices, especially in the community centres along the corridors, with evidence showing that investing in public realm creates nicer places that are more desirable for people and business to locate in, thereby increasing the value of properties in the area.

6.4.129. I consider that the proposed scheme will reduce congestion and sensitively improve the public realm and it will, in my opinion, contribute to and enhance the amenities of the areas in which it is situated, furthermore the improvements in transportation infrastructure will make the area more attractive. Accordingly, I consider that the scheme will in fact strengthen property values throughout the area. While I note that land take will have impacts on some individual properties, I note that this has been kept to a minimum and land acquisition has only been used as necessary. I am satisfied that the mitigation measures and design proposed will ensure significant adverse impacts on property values will not arise.

6.4.130. I note that financial compensation is not a matter for the Board's consideration in its deliberations.

6.4.131. Extinguishment of Rights

6.4.132. The CPO is based upon a corridor of various width and alignment, with the majority of the works occurring within the existing carriageway and adjoining

footpaths. Third party concern is raised with respect to extinguishment of rights over property, e.g., at 71 Camden Street Lower, South Richmond Street and at Main Street Rathfarnham. Concern is raised about the acquisition of lands adjacent to existing commercial properties. Concern is also raised with respect to widening of TRE from the garden of 59 TRE to the corner of Greenmount Road.

6.4.133. The NTA have responded that there is no requirement for the compulsory purchase order to provide for the extinguishment of the current use of Plot 1091(1).1e - 71 Camden Street Lower. I note that it is proposed to acquire c. 0.6m of the private landing to provide a public footpath 2m in width. It is noted that c. 1.4m of private landing will be retained in front of 71 Camden Street Lower following completion of the works. It is noted that the owner can continue to utilise the retained portion of private landing for commercial purpose if so desired (c. 1.4m of private landing retained).

6.4.134. As stated throughout in response to CPO submissions, ultimately, in the event that the CPO is confirmed by the Board, and the NTA exercise its powers of acquisition pursuant to such a confirmed CPO, Notices to Treat will be served on all those included in the confirmed CPO and it will then be for persons to make a claim for compensation and establish that they have a compensable interest in the land in question.

6.4.135. I am satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective, impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.

6.4.136. Overall, I consider that the land to be acquired permanently for the operation of the proposed scheme, and temporarily for the construction phase, as well as the associated acquisition/interference with various rights, is modest and proportionate to the works, and is required in the context of meeting an identified community need. The land take ensures that as far as practically

possible, geometric design standards to facilitate bus lanes, cycle paths, pedestrian movement and general traffic movement are adhered to, and that such land take is commensurate with the requirements to implement the project to a sufficient design standard. I also note, where necessary preferred infrastructure widths have been reduced it is to minimise the scale of land take requirements.

6.4.137. Construction Programme

6.4.138. A number of submissions have raised concern over construction time duration and disruption.

6.4.139. The applicant has presented an indicative construction programme for the proposed scheme. This indicates an overall programme of c. 24 months to complete the scheme. To undertake the works, the scheme has been split into 18 number sections. Construction shall take place on a section-by-section basis and therefore will not affect the entirety of the community along the alignment over a continuous 24 month period.

6.4.140. Access will be maintained for emergency vehicles along the Proposed Scheme, throughout the Construction Phase.

6.4.141. It is acknowledged that during the construction of the works there will be inconveniences for all users but this will be managed to minimise impacts for all affected parties. The duration of the works will vary from property to property, but access and egress will be maintained at all times. As described in Chapter 5 Construction of Volume 2 of the EIAR, details regarding temporary access provisions will be discussed with homes and businesses prior to construction starting in the area. When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. Local arrangements will be made on a case-by-case basis to maintain continued access to homes and businesses affected by the works, at all times. This includes facilitating alternative pedestrian access to the site if required, which is noted as a concern in the submission.

6.4.142. I note that it is submitted that a Construction Traffic Management Plan (CTMP) will be prepared, and subsequently implemented, by the appointed

contractor prior to construction, including Temporary Traffic Management arrangements prepared in accordance with Department of Transport's 'Traffic Signs Manual, Chapter 8 Temporary Traffic Measures and Signs for Roadworks'. The CTMP will be consulted upon with the road authority and will include measures to minimise the impacts associated with the Construction Phase upon the peak periods of the day. It will include imbedded mitigation measures which will assist to alleviate any negative impact as a result of the Construction Phase of the Proposed Scheme. The appointed contractor will also prepare a Construction Stage Mobility Management Plan (CSMMP) which will be developed prior to construction, as described in the CEMP, to actively encourage personnel to travel to site by sustainable means.

6.4.143. I am satisfied based on the information presented that the submitted construction programme is reasonable.

Individual Submissions

19 No. submissions relating to lands to be acquired along Rathfarnham Road, see Appendix 1 for details of each submission and section 4.0 of this report, above, for additional responses to the NTA response:

- Little Sisters of the Assumption (42 Rathfarnham Road)
- Claire Hughes and Fergus Bolster (44 Rathfarnham Road) Plot Ref. 1032(1),1(d) (lands proposed to be permanently acquired) and 1032(2),2d (land proposed to be temporarily acquired).
- Brid and Tom Rafter (46 Rathfarnham Road)
- Bernard Colman (48 Rathfarnham Road)
- Linda and James Hennessey (50 Rathfarnham Road)
- Henry Lennon (Trevi, 53 Rathfarnham Road) CPO of Plot list 1027(1)
- Lorna Callanan (55 Rathfarnham Road)
- Peter Lynch (55 Rathfarnham Road)
- Joan Scully (61 Rathfarnham Road) CPO of Plot List 1074
- Brendan Timbs (63 Rathfarnham Road)
- Elaine Timbs (63 Rathfarnham Road) (Plot List 1073(1).1d, 1073(2).2d)
- Aidan Neill: (65 Rathfarnham Road)

- Jane Neill (65 Rathfarnham Road)
- Marcus Purcell & Family (67 Rathfarnham Road) Plot List 1071(1).1d, 107(2).2d
- Kathleen and Peter McManamon (71 Rathfarnham Road) Plot List 1069(1).1(d), 1069(2) 2d
- Peter McAuley (141 Rathfarnham Road)
- Michael McAuley (143 Rathfarnham Road)
- Vivienne and Joan Ryan (145 Rathfarnham Road) Plot list 1012(1).1d and 1012(2).2d
- Mark Fitzgerald (149 Rathfarnham Road)

6 No. Submissions relating to lands to be acquired at – Rathfarnham Wood.

- Karen Lynch (8 Rathfarnham Wood) Plot List 1016(1).1(d), 1016(2) 2d
- Mary O' Mahony (9 Rathfarnham Wood) Plot List 1017(1).1(d), 1017(2) 2d
- Thomas Sexton (9 Rathfarnham Wood) Plot List 1016(1).1(d), 1016(2) 2d & Plot list 1001(1).1f; 1001(2).2f.
- Maria Blair (10 Rathfarnham Wood) Plot List 1018(1).1(d), 1018(2).2d
- Brian and Ethna Healy (11 Rathfarnham Wood)
- Ciara McElinn (12 Rathfarnham Wood) Plot List 1020(1).1d, 1020(2).2d

3 No. Submissions relating to lands to be acquired at – Rathfarnham

- Moto4u (1A Main Street Rathfarnham) Plot list 1003(1) 1e
- Vera Bannigan 1A Main Street, Rathfarnham relating to MOTO4U, Plot List 1003(1).1e
- Rose and Michael O'Neill (3 Village Green, Rathfarnham Road)

20 no. Submissions relating to lands to be acquired at – Terenure Road East (TRE)

- Tom Kelly (2 Townhouses TRE)
- James M Bourke and Ilona De Burgh (4 Town Houses, 73 – 75 TRE) Plot List 1050(1).1d, 1050 (2).2d
- Dearbhail Shannon (6 The Townhouses, TRE) Plot List: 1048(1).1, 1048(2).2d

- Michael Birmingham (6 The Townhouses TRE) Plot List: 1048(1).1, 1048(2).2d
- Joseph Turley (Lorna, 45 TRE) Plot List 1067(1).1d, 1067(2).2d
- Anita MacAleavy (53 TRE) Plot List: 1067(1).1d,1067(2).2d
- Thomas MacAleavy (53 TRE) Plot list 1067(1).1d & 1067(2).2d
- Greg and Audrey Turley (Argus House, 59 TRE) Plot List 1066(1).1d, 1066(2).2d
- Reflective Measurements System Ltd. (59A Rear of 59 TRE) Plot list 1067(1).1d and 1067(2).2d
- Zorana and Sladjan Kuzmanovic (60 TRE) plot list 1058(1).1d and 1058(2).2d
- Patrick J M Durcan and Mary Clare McCormack Durcan (Apartment 3.5 Beaumont House, 60 TRE Plot list 1058(1).1d, 1058(2).2d
- Michael O'Donoghue (Glenarm 61 TRE) Plot list 1065(1).1d 1056(2).2d; 1067(1).1d, 1067(2).2d – two plots of land
- Anne Kennedy (62 TRE)
- Liam Bell (63 TRE)
- Margaret Silke (67 TRE)
- Sean Silke (67 TRE)
- The Estate of Ann Bernadette Smith (69 TRE) Plot list 1054(1).1(d) & 1054(2).2d
- Conal and Raquel O'Donnell (No. 76 TRE) Plot No's 1043 (1).1(d) & 1043(2).2(d)
- Joesph Phelan (78 TRE) Plot List 1041.(1)d, 1041(2),2d
- Stonepark Investment Ltd. Earl's Court, 80 Terenure Road East.

6.4.144. The NTA submit that a total of 94 community receptors (75 residential properties and 19 community facilities) are impacted by temporary land take as a result of the proposed scheme. 12 residential properties are expected to experience significant temporary land take impacts during the construction phase. Of the residential properties that experience significant impacts, seven are located along Rathfarnham Road (67 and 153 – 141), all of which require temporary land take from a large part of the driveways. Two properties at Rathfarnham Wood (10 and 11 – demolition of garden sheds and acquisition of

a proportion of rear gardens) and three at Fortrose Park (11, 14 and 15 - demolition of garden sheds and acquisition of a proportion of rear gardens) are expected to experience significant impacts.

6.4.145. Concerns are raised by James J and Catherine Finn (11 Lissenfield Lower Rathmines Road, Rathmines), Lissenfield Management Company CLG and Ria Duignan (47 Lissenfield) with respect to temporary CPO of Plot List 1077(1) 2 d, lands located at the entrance to Lissenfield on Rathmines Road Lower. Concern of impact upon access to Lissenfield. Concern of length of time the subject lands would be retained by the NTA. Concern of location of a 'bus gate' immediately adjacent to the entrance to Lissenfield. Concern is also expressed with regard to impact upon Mary Immaculate Refuge of Sinners Church on Rathmines Road Lower. They object to the CPO of lands on the basis it would facilitate the development of the bus gate and associated prohibition on right turning traffic movements from the entrance onto the road during the hours of operation of the bus gate.

6.4.146. I highlight that traffic related cumulative effects, route selection and inclusion of bus gates has been referred to throughout this report and my assessment of 316272-23. It is considered that given the intermittent nature of the bus priority measures in each direction, as well as the absence of safe, segregated cycle facilities, the existing situation will not deliver the aim and objectives to provide enhanced walking, cycling and bus infrastructure on this key corridor, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor. I consider that careful consideration has been given to the location of the bus gate such that it meets the objectives of the proposed scheme while balancing this with vehicular access and egress to Rathmines Village. Of particular importance to the environment around the bus gate, is the provision of an opportunity for traffic to divert away from the bus gate in close proximity to the restriction. This minimises the risk of vehicles reaching the bus gate and not having an appropriate and safe means to turn around to divert away from the bus gate. The identified location provides this turn around opportunity via Richmond Hill and Military Road to the south, and Lissenfield to the north. Locating the bus gate at the suggested location at the junction with Grove Road would not

provide an appropriate opportunity for vehicle turnaround when approaching from the south. Furthermore, Grove Park would need to be closed to traffic in order to remove the potential for traffic to continue northbound along Rathmines Road Lower and bypass the bus gate by travelling along Grove Park onto Grove Road. This could severely impact on inbound bus journey times.

6.4.147. I note that it is not necessary to permanently CPO lands to provide for the bus gate. Temporary land acquisition at the entrance to Lissenfield is proposed. No right turn from Lissenfield onto Rathmines Road (06:00 – 20:00) is also proposed. The bus gate in Rathmines is designed to restrict access to private vehicles and prioritise buses. The NTA's response states that the impact on private vehicles passing through Rathmines Road Lower at the junction with Lissenfield will require minor local rerouting but will not change the ability to access community facilities in the area.

6.4.148. Commercial accessibility has already been considered under section 6.4.38 above. With respect to access to the Church of Mary Immaculate Refuge of Sinners, it is noted that the primary car park associated with the church is accessed off Richmond Hill. Access/egress to this car park from the south will remain as per the existing situation. Access to the smaller car park (c. 8 spaces) in front of the church on Rathmines Road Lower will be accessible from north of the bus gate. The planning merit of access routes, parking and loading, accessibility for private vehicles, community accessibility is considered in the planning assessment of the CBC scheme which has been carried out in tandem with this CPO report, on foot of file ref. 316272-23.

6.4.149. It is noted that while the proposed bus gate may result in an inconvenience for those seeking to access businesses, community or residential premises in Rathmines by car, vehicular access will be retained via routes from all directions. The bus gate will restrict general traffic movements during the hours of operation of the Bus Gate (06:00 – 20:00 - 7 days a week). Outside of these hours, access to and from Rathmines Village will be similar to the existing situation.

6.4.150. I have reviewed the proposed acquisition at this location and consider that the proposed quantum of lands to be temporarily acquired is proportionate

and necessary to accommodate the scheme at this location. The applicant does not seek to acquire lands in excess of what is absolutely necessary, and I am satisfied that the proposal is justified in the context of the common good in that the proposed development will provide a sustainable and active travel scheme benefiting all residents in the area.

6.4.151. A number of submissions raised concerns about the removal of mature trees along Terenure Road East from the garden of 59 TRE to Greenmount Road a distance of some 90m and the impact that this would have on the streetscape. I note submissions by or on behalf of: Anita MacAleavy 53 TRE, residents of The Town Houses 1-8 TRE, Anne Kennedy 62 TRE, Liam Bell 63 TRE, Sean & Margaret Silke 67 TRE, Michael O'Donoghue, Glenarm (61 TRE), Zorana and Sladjan Kuzmanovic (60 TRE) all raise concern of loss of mature trees and the submission on behalf of 59A TRE, Greg and Audrey Turley, citing concern over loss of 200 year old copper beech tree, 150 year old evergreen oak tree along with mature hedging and 4 semi mature hornbeam trees. Many of the submissions also noted concern over potential for other trees in the vicinity to be impacted during the construction works. I note submission by Conal and Racquel O'Donnell of No. 76 TRE, regarding Plot No's 1043 (1).1(d) & 1043(2).2(d) and the submission that the EIS/EIAR has not properly, or fully considered the impacts of the proposed scheme on the O'Donnell family home incl. the fact that it is a protected structure, which includes a tree which is protected under the current Development Plan Provision.

6.4.152. Regard is had to the NTA response to tree loss along the route and in particular along TRE. It is submitted that although land take has been minimised through design iteration, TRE will be widened in parts which will require permanent land acquisition from sections of residential properties, some of which are protected structures, and others which have mature trees that are prominent features of the streetscape. There will be a change to the alignment of historic boundary features and loss of several prominent mature garden trees which are located on the edge of the street. There will be provision of several new street trees along Terenure Road which over time will neutralise the negative effects associated with loss of trees removed during the Construction Phase.

6.4.153. Regarding the statement made in the submission concerning the protection of the tree in the front garden of 76 Terenure Road East under the current Development Plan provision, it's important to note that Chapter 3 of The South Dublin Development Plan 2022-2028 outlines various policies and objectives related to built heritage, architectural conservation, landscapes, natural heritage sites, public rights of way, tree preservation orders (TPO), cultural heritage, and sites of geological heritage. Notably, there are no Tree Preservation Orders (TPO) in place along the proposed scheme. The NTA submits that there will be 400 new trees planted, resulting in an overall net increase of 24% in individual trees as a result of the proposed scheme. It is noted that approximately 19 street trees are proposed along Terenure Road East between the Rathfarnham Road/Terenure Place/Terenure Road North junction and the Rathgar Road/Orwell Road junction, with the proposed removal of approximately 18 street trees, resulting in a net gain of 1 tree along this section of the proposed scheme. Approximately 107 trees are being retained along this section.

6.4.154. With respect to objection to CPO on behalf of Greg and Audrey Turley (59 TRE) the NTA's response acknowledges one tree was omitted from the Arboricultural Impact Assessment Report. While the tree was not captured in the Arboricultural Impact Assessment Report or on the Landscape General Arrangement Drawings, the planned removal of this tree was identified in the Proposed Surface Water Drainage Works drawings and was included in the overall tree loss count. The response also submits that there is to be no loss of trees in Beaumont House (60 Terenure Road East) contrary to concerns raised.

6.4.155. From the NTA response it is evident that the primary change along TRE, at St. Josephs, at Heathfield Road and at Ferrard Road is the widening of the road, with land take from the residential properties, setting back of boundary alignment, like-for-like reinstatement of property boundaries and the loss of several large mature trees. New street trees are provided at similar location to those lost but there is an overall loss of tree canopy volume. A raised pedestrian crossing surfaced with sett paving is provided to the junction with Healthfield Road. There is a notable reduction to the visual amenity of the view, however, I

note it is submitted that this will be negated through growth of the street trees over time.

6.4.156. I note that trees to be retained within and adjoining the works areas will be suitably protected as necessary as per the British Standards Institution (BSI) British Standard (BS) 5837:2012 Trees in Relation to Design, Demolition and Construction (BSI 2012). The magnolia tree at No. 14 Fortrose Park is not identified for removal. I note that it is not intended to remove any trees from the back garden of 11 Rathfarnham Wood.

6.4.157. I note submissions by Denise Russell (44 Templeogue Road), Maureen Egan (Glendale 311 Templeogue Road) Plot List 1113(1).1d, Daniel and Jackie Durkan (Burnsely, 315 Templeogue Road), Mr Andrew Fahy and Mrs Denise (Boyle) Fahy (Cranford House, 325 Templeogue Road), Ashfield Place Owners Management CLG, Celine and John Cullen (14 Fortrose Park), Paul Dormer (15 Fortrose Park) Plot List 1108(1).1d & Plot List 1108(2).2d. The submissions raise concerns with respect to land acquisition, loss of garden amenity space, especially in relation to removal of trees, green area, and children's playground outside Ashfield Development. Need for a bus gate, hours of operation, impact on Fortfield Road / Greenlea Road / Laverna Road, impact upon access to Rathdown, effectiveness of proposed turn bans.

6.4.158. The issues raised common to multiple observers have been dealt with in the preceding sections of this report. I note the issue with respect to access and temporary and permanent CPO of lands at Ashfield Place, Easton Hall (TRN) and Earls Court (No. 80 TRE). The NTA submit that there is currently no yellow box provided at the entrance to Ashfield Place or Earl Court. A bus priority signal is proposed near to Ashfield Place, a toucan crossing is located nearby Earl Court it is not considered necessary to include a yellow box at such locations. However, should an issue with access be identified in future, a yellow box may be considered appropriate and could be installed by the local authority. It is noted that the proposed scheme would not preclude this being introduced. I consider this response acceptable. Regard is had to the submission relating to lands to be acquired at Terenure Road North (TRN) Plot List 1056(1).1e; 1056(2).2e. Concern is expressed by Eaton Hall Owners 'Management Company with respect to access for residents of Eaton Hall. Request that an

undertaking be given to ensure continued access to the parking area for residents. I note that the proposed scheme does not propose to permanently restrict vehicular access/egress to/from the grounds of Eaton Hall. The temporary acquisition, required to facilitate the construction of the proposed raised crossing, will result in a temporary restriction on private rights at this location when construction works are in progress at the entrance. Upon completion of the works, the temporary land take area will be handed back to the property owner. It is noted the temporary acquisition will not be required for the full duration of the works.

6.4.159. With regard to submissions by MOTO4U and Vera Bannigan with respect to 1A Main Street Rathfarnham, and the area immediately outside MOTO4U (plaza) which is currently being used for bike stock display. Ownership is disputed by / on behalf of Vera Bannigan. It is the applicant's assertion, however, that the lands to the front of 1A Main Street, Rathfarnham to be permanently acquired are under the ownership of SDCC.

6.4.160. The NTA response submits that access to 1A Rathfarnham Main Street currently used by the MOTO4U bike business will not be impacted. That the proposed scheme will not affect existing access arrangements to the property. It is proposed to retain the existing public plaza, including stone paving, planters, stainless steel bollards. In addition, the existing dropped kerb arrangement will be reinstated in the same location, including the removable bollard. In relation to the impact of the proposed bus stop on the viability of MOTO4U, the NTA have responded that it will not impede operations of the business, impact on display area or impact on access. The vehicular access arrangement into the plaza will be reinstated as per the existing condition as part of the proposed scheme. The plans submitted verify this is what is proposed and therefore I consider the proposal acceptable in principle.

6.4.161. I am satisfied that the land acquisition is necessary and proportionate in the context of meeting the identified community need. With respect to ownership issue, the CPO has been prepared on the basis of thorough research into the extent of private properties and ownership of same. The NTA submit that their research does not indicate that Vera Bannigan has any legal interest in this plot. Ultimately, however, in the event that the CPO is confirmed by the

Board, and the NTA exercise its powers of acquisition pursuant to such a confirmed CPO, Notices to Treat will be served on all those included in the confirmed CPO and it will then be for such persons, and/or any others that may not be on the Schedules, to make a claim for compensation and establish that they have a compensable interest in the land in question.

6.4.162. Regard being had to the submission by SDCC regarding permanent CPO of public realm at the Junction of Rathfarnham Road and Rathfarnham Main Street outside of the old graveyard entrance, I am satisfied that the proposed acquisition of this section of lands and to CPO along Grange Road and Rathfarnham Road is proportionate and necessary, would be justified by the exigencies of the common good and would be consistent with national, regional and county level planning policies and objectives.

6.4.163. As indicated previously in this report 14 number properties along Templeogue Road will be affected by the CPO, namely: Nos. 44 and 45 Templeogue Road, Nos. 311, 313 and 315 Templeogue Road, Nos. 317, 319, 321, 323, 325, 327 Templeogue Road and No.'s 11, 14 and 15 Fortrose Park.

6.4.164. I note the concerns raised with respect to access to property, loss of privacy, necessity removal of hedges, trees and impact on air quality, noise and visual appeal and other matters such as justification, changes to work patterns etc. Issues common to multiple objectors have been considered in the preceding sections of this report.

6.4.165. With respect to submission by Denise Russell No. 44 Templeogue Road. The NTA response indicates that permanent acquisition will result in the loss of 3.0m of lands with an additional 3.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden/driveway. The edge of the nearest proposed traffic lane will be 4.0m closer to the residence than the kerb of the existing general traffic lane. The front boundary wall, including gate and entrance pillars will be at least 16m from the front of the house. This would not introduce any additional risk to the owners during the operation of the proposed scheme and that this should not hinder the availability of parking in the driveway. The principle of how residents can access/egress their property is unchanged by the scheme proposals. The

existing access/egress scenario is similar to the proposed with the requirement for a vehicle to be driven across a cycle lane/cycle track and footpath.

6.4.166. I note that in the vicinity of 311 Templeogue Road (Maureen Egan CPO 41), it is proposed to remove vegetation from inside the property boundary – this includes one tree from within 311 Templeogue Road. With respect to concerns raised by 315 Templeogue Road, Daniel and Jackie Durkan, the matter relating to removal of trees, green area, and children’s playground outside Ashfield Development, traffic calming, bus gate on Templeogue Road. I note issues common to all have been dealt with in the preceding section of this report and with respect to land acquisition it is submitted that no trees are proposed to be removed from 315, two trees are proposed to be removed from the Ashfield development (a sycamore and a Yew) the proposed permanent acquisition will result in the loss of 3.4m at the roadside of the front garden of 315, with an additional 3.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden. Upon completion of the permanent works, the temporary land take area will be handed back to the property owner. I note the submission by Mr. Andrew Fahy and Mrs Denise (Boyle) Fahy (Cranford House, 325 Templeogue Road) with respect to concern of permanent CPO of approx. 9.3 sq. m being an area of front garden, mature trees, stone wall and entrance to the residence together with temporary acquisition of 65 sq. m. issues of clarity, extent of land acquisition, access, construction phase impacts, mitigation, impact upon trees, and service connections raised are similar to other objectors along Templeogue Road.

6.4.167. When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises. However, I note that the roads and streets along the proposed scheme will remain open to general traffic wherever practicable during the Construction Phase. Works will be constructed ensuring disturbances to residents, businesses and road users are minimised, any closures will be short in duration and alternative routes will be available. Access for emergency vehicles will be maintained at all times.

6.4.168. Both permanent and temporary land acquisition is outlined in the deposit maps submitted. Land temporarily acquired will be returned to

landowners, property boundaries will be reinstated following construction. In some instances, boundaries will be rebuilt along their original alignments. In other cases, boundaries will be re-built on a new setback alignment. In general, property boundaries will be reinstated on a 'like for like' basis, including any walls, piers, fences, railings, gates, driveway finishes and private landscaping. Private grounds that are utilised in part for construction access will be reinstated following completion of the works to match the existing landscaping of the property. Where private grounds are reduced by permanent land take required for the scheme, the remaining grounds will be reinstated to match the landscape and character of the existing grounds in consultation with the property owner.

6.4.169. With respect to loss of privacy it is submitted that if the CPO is confirmed reinstatement of property frontage including boundary walls, gates, railings and landscaping will be on a like-for-like basis and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or conditions/modifications attached to any decision to approve the proposed scheme.

6.4.170. The submission by Celine and John Cullen (14 Fortrose Park) raised a concern regarding the proposed temporary acquisition of their property, concern of impact upon use of a garden shed and a 40-year-old Magnolia tree within the area proposed for temporary acquisition. The submission states that the area proposed for temporary acquisition is not suitable for a site compound, and if it was to be used for those purposes it would cause severe disturbances to the residence life. The proposed permanent acquisition will result in the loss of between 2.2m to 1.2m at the roadside of the back garden, with an additional 3.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden. Upon completion of the permanent works, the temporary land take area will be handed back to the property owner. The edge of the proposed carriageway (bus lane) will be 3.5m to 2.3m closer to the residence than the edge of the existing general traffic lane. The NTA submit that proposed land acquisition at 14 Fortrose Park is necessary to facilitate the optimum cross-section in line with the scheme's objectives. It is submitted that the proposed temporary acquisition is to facilitate any potential work to the shed

on the property that may arise due to the works associated with the proposed scheme and that the magnolia tree on the property is not identified for removal.

6.4.171. I note concerns raised by Paul Dormer with respect to CPO of rear garden of No. 15 Fortrose Park, Templeogue. Concern is raised among other matters with respect to loss of garden room / home office, not included on the map furnished with the CPO. The submission states the design drawings are based on out-of-date mapping noting that a home office at the rear of the garden of the premises is not shown despite being built 20 years ago. It also notes that the ESB Asset Alteration drawings have been overprinted with different properties overlaying the properties on Fortrose Park and the Templeogue Road with labels for roads being displaced into incorrect positions.

6.4.172. The NTA response acknowledges that while the OS mapping does not show the home office structure located in the rear garden of the 15 Fortrose Park, the topographical survey carried out for the design work does identify the presence and location of this structure and as such the design has taken full cognisance of it and the potential impacts. The NTA response also accepts that the ESB Asset Alteration drawings contained in Volume 3 of the EIAR were not clear and with property outlines overlapping each other. It is acknowledged that during the final printing of the ESB Asset Alteration drawing set sheets 28 to 37 got corrupted. While it is acknowledged that the presentation of these drawings was affected in the EIAR due to the corrupted printouts, the specifics of the design was not in any way affected, and the assessment of these proposed works remain as presented and set out in the EIAR.

6.4.173. I note that the various utility drawings presented in Volume 3 of the EIAR are presented on topographical survey and show the home office structure located in the rear garden of the 15 Fortrose Park. An extract from the Corrected ESB Asset Alteration drawings is presented in the NTA's response.

6.4.174. The submission by Ciara McElinn (12 Rathfarnham Wood) (summarised in detail at CPO 12 Appendix 1 of the report) states that the proposed land acquisition at 12 Rathfarnham Wood will result in reduced privacy, loss of a large portion of south facing rear garden (permanent 5m, 3m temporary loss). Concern of level of disruption and environmental impact. The

submission contends that the acquisition of land from Rathfarnham Castle Park and other private properties to install an outbound lane from Butterfield Avenue/Grange Road junction to the Grange Road/Nutgrove Avenue junction is not justifiable given the significant impact on biodiversity within the park. The impact to No. 12 Rathfarnham Wood is noted and considered acceptable and justified. I also note the response to general matters common to multiple observers is highlighted and referenced throughout this report.

6.4.175. As stated above with respect to loss of privacy, reinstatement of property boundaries including boundary walls, gates, railings, driveway, footpath and landscaping will be on a like for-like basis and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations.

6.4.176. Overall, having reviewed the information submitted by the NTA and the objectors and having inspected the lands, I am satisfied that the width and extent of the proposed permanent and temporary land acquisitions are necessary and proportionate in the context of meeting the identified community need.

6.4.177. The submission by Christopher Langheld and Others, proprietors of 72/73 Camden Street Lower, submit concern over extent of land ownership, impact upon two listed coal drop covers and a barrel drop which it is stated extend 900mm from the front of their property also an issue is raised with respect to replacement of lead piping and outdoor seating associated with the Public House. The NTA response states that the Compulsory Purchase Order has been prepared on the basis of thorough research into the extent or private properties and ownership of same. The research undertaken by the team, including consultation with Dublin City Council, notes the land owned by 72/73 Lr. Camden Street and the seating area. It is further noted that the space between the private landing and the loading bay is a public footpath.

6.4.178. With respects to lead piping. The NTA have responded that the replacement of water infrastructure is a matter for Irish Water.

6.4.179. Overall, having reviewed the information submitted by the NTA and having inspected the lands, I am satisfied that the width and extent of the

proposed permanent land acquisition (approximately of 0.7m along the footpath) is necessary and proportionate in the context of meeting the identified community need, as such acquisition is necessary in order to deliver the scheme proposed.

6.4.180. A submission in relation to South Richmond Street (CPO of Plot List 1079(1)1e, 1079(2)2s, 1079(3).2s) has raised concern of impact upon a light well to a basement canteen, impact upon cast iron coalholes, query the cycle track protection arrangement and impact upon deliveries to commercial premises, footpath width and step up to the entrance.

6.4.181. The NTA's response sets out that the proposal will impact upon the lightwell and will sever the connection between the coal holes at the current locations and the cellar. However, if the CPO is confirmed, reinstatement of will be on a like for-like basis, and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or conditions/modifications from An Bord Pleanála. There is no change to number of pay and display commercial parking or loading bays on Richmond Street South between Lennox Street and Harcourt Road and Richmond Street.

6.4.182. With respect to the cycle track layout the NTA submits, that the proposed cycle track will have vertical and horizontal protection with a raised kerb above the road. It is noted that the current situation outside the premises includes a 24-hour mandatory cycle lane. This lane prohibits vehicles, including delivery vehicles, from stopping on the cycle lanes at any time. The Proposed Scheme intends to retain this prohibition.

6.4.183. With respect to proportionality and necessity of CPO of lands on Richmond Street South I note that the Preliminary Design Guidance Booklet (PDGB) of the EIAR sets out the guidance for the proposed cross-sectional width of all proposed facilities including footpath. This sets the desirable footpath width of 2.0m for footpaths, and absolute minimum footpath width of 1.8m. With respect to foot path width at Lennox Corner the NTA submit that the proposed footpath width between 44 Richmond Street South and the Lennox Street Junction ranges between 1.9m and 2.8m.

- 6.4.184. It is proposed to retain the loading bay directly opposite 44 Richmond Street South. It is not expected that the Proposed Scheme will have an impact on the delivery activities to the premises. The Proposed Scheme will generally retain existing footpath gradients through this area and as such it is not proposed to remove the step that currently exists at the threshold to the building.
- 6.4.185. Overall, having reviewed the information submitted by the NTA and having inspected the lands, I am satisfied that the width and extent of the proposed permanent land acquisition is necessary and proportionate in the context of meeting the identified community need. I feel it imperative to repeat, I am satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective, impair the property rights of affected landowners as little as practically possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 6.4.186. Concerns is expressed by Claire Hughes and Fergus Bolster (44 Rathfarnham Road) and others along the scheme that they will not be left with enough space to park their car in the driveway or inability to turn a car within the driveway. I note the NTA response which considers that how residents' access / egress their property is unchanged. The proposal will not hinder parking within the driveway. In this regard I have reviewed the deposit maps and the NTA's response to such concerns in relation to each of the individual properties and I note that permanent acquisitions will not prevent the parking of cars within the front garden area of properties along the route. The NTA have also confirmed that access to properties will be maintained during the construction phase of the proposed scheme and the manner in which residents access their properties at present will remain unchanged once the scheme is operational.
- 6.4.187. I note that Alison Dwyer takes issue with the characterisation of the Plot 1091(1).1e, 71 Camden Street as being occupied by Dublin City Council, suggesting that Dublin City Council have not and have never occupied these Lands and they request that the record be amended appropriately.

6.4.188. The NTA have responded stating that in preparing the schedule to the CPO, a comprehensive property referencing exercise has been undertaken, it is their understanding that DCC have occupied the plot. The purpose of including persons/entities in the CPO schedule is to ensure that all potentially relevant persons are notified.

6.4.189. However, ultimately, in the event that the CPO is confirmed by the Board, and the NTA exercise its powers of acquisition pursuant to such a confirmed CPO, Notices to Treat will be served on all those included in the confirmed CPO and it will then be for persons to make a claim for compensation and establish that they have a compensable interest in the land in question. I note this matter is applicable to all concerns raised with respect to disputed ownership or lessees or reputed lessees and is also relevant to MOTO4U 1A Main Street Rathfarnham (Plot List 1003(1) 1e). This response I consider is reasonable.

6.4.190. Third party concern is raised that alterations will give rise to a significantly steeper access gradient and breach of part M of the Building Regulations to access driveways to the front of 51 – 71 Rathfarnham Road. Also that width of the proposed footpath at 51 – 57 Rathfarnham road is of concern. It notes that the NTA has proposed footpath widths between 2.35m and 2.9m at this location. Two expert consultants' reports have been submitted by the observers (RW Nowlan & Associates and NRB Consulting Engineers), the contents of which are summarised in Appendix 1 of this report and are duly noted.

6.4.191. The NTA response sets out a detailed response to this matter. It is contended that the design of the proposed scheme has been carried out so as to minimise impacts on adjacent properties at this location, such that it will not result in any increase to the maximum driveway gradients. This has been achieved through a combination of the following design measures aimed at minimising the impact on adjacent properties:

- Raising the centreline level of the road by c. 0.18m at this location (as presented in the Mainline Plan and Profile drawings provided the Volume 3 of the EIAR);

- Retaining existing footpath gradient at this location;
- Some minor regrading within the property over a distance of 2.0m which would result in a gradient no greater than the maximum existing gradient within the property. It is noted that this is incorporated into the temporary land acquisition presented in the Deposit Maps.

6.4.192. It is submitted that the proposed scheme design has fully considered the engineering requirements along Rathfarnham Road to both minimise the impact on adjacent properties and facilitate the no increase to the gradients within these properties. The NTA has responded to and contradicts the consultants report submitted and this matter will be further assessed and evaluated in the planning assessment on foot of 316272-23. However, it is my opinion that the design of the scheme has fully considered the engineering requirements along Rathfarnham Road to both minimise the impact of the proposed scheme on adjacent properties and facilitate no increase to the maximum gradients within these properties.

6.4.193. In the case of No. 61 Rathfarnham Road the permanent acquisition will result in the loss of 2.0m of lands with an additional 2.0m temporarily required to allow for the construction of boundary treatment works and tying into the existing garden/driveway. The front boundary wall, including gate and entrance pillars will be at least 15m from the front of the house. This would not introduce any additional risk to the owners during the operation of the proposed scheme and that this should not hinder the availability of parking in the driveway nor the ability to turn within the driveway.

6.4.194. I note the proposal by the NTA that removed trees and hedgerows inside private boundary walls are to be reinstated, all disturbed landscape will be reinstated and there are 7 No. semi-mature wild cherry trees proposed along the section of Rathfarnham Road between No.'s 51 and 71.

6.4.195. With respect to concerns of footpath width, I note the NTA submit that a footpath width of 2m is proposed on the western side of Rathfarnham Road and of 2.9m on the eastern side. The 2.9m footpath width on the eastern side of Rathfarnham Road represents an existing localised footpath widening outside 122 Rathfarnham Road where the boundary wall is set back slightly further over

a short distance. Elsewhere along this section of the scheme, a footpath width of 2m is proposed.

6.4.196. I highlight the extent and range of issues raised, the list is considerable. I have read all of the submissions in detail and the NTA's response in detail, I have sought to identify each issue and concern and consider same in the context of the objectives of the scheme and proportionality and necessity of level of acquisition. With respect to concern of footpath widths e.g. outside of the post office / centra on Terenure Road North, as previously referred to at Lennox Street, also at Camden Street and South Richmond Street within Terenure village and generally across the scheme, concern of lack of detail on final road boundary to be put in place, concern of alternative road surface, concern alternative routes and options have not been explored, request that trees be planted at Village Green Rathfarnham, requests that no trees be planted e.g. Vivienne Ryan and Joan Ryan 145 Rathfarnham Road, impact upon cast iron style post boxes, I consider the NTA have responded in detail to all of the issues raised I note that the proposed footpath width directly outside nos. 128 to 138 Terenure Road North, next to the reconfigured loading bay and on-street parking, is between 2.2 and 3.0m which is above the Design Manual for Urban Roads and Streets (DMRUS) recommended desirable footpath width of 2.0m and only marginally narrower than the existing width of 2.3 to 3.2m. However, this proposal provides significantly enhanced cycle facilities through this area.

6.4.197. Overall, having reviewed the information submitted by the NTA and the objectors and having inspected the lands, I am satisfied that the width and extent of the proposed permanent and temporary land acquisitions are necessary and proportionate, to accommodate the scheme at this location, in the context of meeting the identified community need. Reinstatement of property frontage including boundary walls, gates, railings and landscaping will be on a like-for-like basis, meaning that the current boundary treatment will be reinstated as it currently is. Detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or

conditions/modifications from An Bord Pleanála in relation to the proposed scheme application.

6.4.198. I note the lands will ultimately be handed back to DCC. The applicant does not seek to acquire lands in excess of what is absolutely necessary, and I am satisfied that the proposal, to allow for the construction of the Templeogue / Rathfarnham to city centre busconnects scheme is justified in the context of the common good in that the proposed development will provide a sustainable and active travel scheme benefiting all residents in the area.

7.0 Conclusion

7.1. On foot of my assessment, set out above, I am satisfied proposals for road widening into properties, temporarily and permanently given the NTA's response that the proposed acquisition is both necessary and suitable to accommodate the road layout. I concur, that in order for the objectives of the scheme to be effectively delivered, it is necessary to utilise limited land-take, including altering access arrangements, and setting back existing boundary walls.

7.2. The construction works will be for an agreed finite duration and will not significantly disrupt residential access and businesses with access maintained throughout the period.

7.3. I am satisfied that the process and procedures undertaken by the National Transport Authority have been fair and reasonable, that the NTA has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to facilitate the provision of the BusConnects Scheme.

7.4. Having regard to the constitutional and convention protection afforded to property rights, I consider that the acquisition of lands as set out in the compulsory purchase order and on the deposited maps as follows, pursues and is rationally connected to, a legitimate objective in the public interest, namely the provision of a sustainable public transport bus service and active travel facility:

- The lands described in Part I of the Schedule is land being permanently acquired,

- Lands described in Part II of the Schedule is land being temporarily acquired,
- Lands described in Part III (A) describe public rights of way to be extinguished,
- Lands described in Part III (B) describe public rights of way to be restricted or otherwise interfered with.
- Land described in Part IV (A) provide a description of private rights to be acquired.
- Land described in Part IV (B) provides a description of private rights to be restricted or otherwise interfered with,
- Land described in Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.

7.5. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective, impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective, referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.

7.6. The key is that this is a proportionality test and there should be regard to the effect on the landowner of the land take. By its nature, it is a balancing exercise but there must be regard to all competing interests. These are the public interest and the common good, as well as the constitutional and convention rights of the landowner. This is meant to be adaptable to the circumstances of each case, including their statutory context (e.g. Roads or Derelict Sites).

7.7. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way would be consistent with the policies and objectives of the Dublin County Development Plan 2022-2028 and South Dublin County Development Plan 2022-2028 in which supporting the delivery of the proposed BusConnects scheme is an objective within both plans. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

8.0 Recommendation

I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 21st April 2023, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

I am satisfied that: the process and procedures undertaken by the National Transport Authority have been fair and reasonable, that the National Transport Authority has demonstrated the need for the lands, and that, all the lands being acquired are both necessary and suitable to facilitate the provision of the Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023.

Having considered the objections made to the compulsory purchase order, the report of the Inspector who considered the objections, the purpose of the compulsory purchase order to facilitate the delivery of BusConnects; sustainable public transport and active travel infrastructure, and also having regard to:

- (i) The constitutional and convention protection afforded to property rights,
- (ii) The substandard infrastructure provided for along the existing route.
- (iii) The strategic nature of the scheme in the context of reducing carbon emission and climate change.
- (iv) The community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands, and
- (v) The proportionate design response to the identified need,
- (vi) The suitability of the lands and the necessity of their acquisition to facilitate the provision of the BusConnects Sustainable Public Transport and Active Travel Scheme.
- (vii) The policies and objectives of the Dublin City Development Plan 2022-2028 and South Dublin County Development Plan 2022-2028.

- (viii) The submissions made to the Board.
- (ix) The report and recommendation of the Inspector.

it is considered that the acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way, by the NTA, as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the report of the person who conducted the assessment of the objections.

I confirm that the report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fiona Fair
Senior Planning Inspector
20.09.2024

Appendix 1 Third Party Objections

1. Aidan Neill: 65 Rathfarnham Road

- The access gradient will be significantly steeper.
- Concern of contravention of Building Control Regulations, specifically Part M
- Concern a member of the household may need a wheelchair in the future.
- Lack of information and meaningful communication.
- Concern for the need for the layout and land-take proposed.
- Concern for actual benefit of the project.
- Concern of devaluation of property.
- Concern of loss of privacy, intrusiveness, and noise.
- Concern of lack of cumulative assessment of adjoining bus connects schemes.
- Concern impact of no right turn onto Templeogue Road will have on traffic congestion, traffic jams and chaos.
- Consultants' conclusion that sufficient detailed design has not been carried out.
- The proposed pedestrian and vehicular access from the public road to each house does not meet Part M requirements.

2. Alison Dwyer (The plot list identified is 1091(1)) 71 Camden Street Lower, Dublin 2

- The scheme has been brought under the incorrect and inappropriate statutory provisions and cannot be further considered by An Bord Pleanala.
- The Board must reject the proposed development and require that the scheme be brought in the manner appropriate for the development to which the documents refers, namely a busway or as it is described in the language of the documentation lodged "a Core Bus Corridor Scheme".
- **Request that an OH be held.**
- Concern that the maps and documentation accompanying the application are at a scale and drawn in such a manner that it is not possible to identify precisely and accurately the full extent of the land being acquired.
- The schedule accompanying the application is fundamentally incorrect.
- Take issue with the characterisation of the occupier as Dublin City Council.
- Lands are private lands, and therefore entirely within the ownership of Alison Dwyer not Dublin City Council.
- The occupier should be Mrs Allison Dwyer and Cracked Nut Limited of 71 Camden Street Lower, Dublin 2 which is the name under which Ebb & Flow operate in respect of that part of the premises that has been acquired.

- Request that the record be amended.
- Concern as to the level of detail of boundary treatment and footpaths indicated on the documentation submitted.
- Following a range of judgments in the Superior Courts including Clinton v. An Bord Pleanala (2006] IESC 58, Lord Ballyedmond v. The Commission for Energy Regulation & Anor (2006] IEHC 206 and the An Blascaod M6r case [1999] IESC 4, the Courts have been at pains to point out the application of the test of proportionality in respect of any consideration as to whether it is appropriate to confirm a CPO.
- Given the lack of information and detail and thus impact upon lands subject to CPO, the Board have no basis upon which to confirm the CPO.
- The Board must be satisfied by way of appropriate documentation that the NTA have considered the issue of proportionality as part of making the CPO; that the NTA considered the impact on the retained lands of our client additionally; that the NTA considered the nature of the works that would be carried out on the land and the impact that these works would have as well as the operational use of the land to be acquired and the effect that that would have; and having considered all of these matters were satisfied that this was proportionate having regard to the need for the scheme.
- Submit that until the scheme is the subject matter of a decision relative to its approval and indeed if it is not approved then it follows that the CPO cannot be confirmed.
- Concern of construction stage impact, proximity, safety, access to and viability of the ground floor restaurant business and to residential units above.
- Concern of impact of emissions, noise and general nuisance attached to the buses using the busway.
- Concern of absence of the appropriate level and type of consideration which is fundamental to vindication of property rights.
- Concern that the NTA have dealt with this application as if it were a type of planning application or a type of an approval of the scheme rather than what it is required to be. Which is an exercise applying fundamental legal principles as in the nature of the scheme and the procedural requirements required, for example, in respect of a busway, the issue of proportionality which requires identification of the effects on a specific property and in particular on the constitutionally protected property rights.

3. Anita MacAleavy (53 TRE) Plot List: 1067(1).1d,1067(2).2d

- Concern to the widening of Terenure Road East from the garden of 59 Terenure Road East 006 N1K6 to the corner of Greenmount Road a distance of approximately 90 meters.
- Concern of the removal of large heritage trees and loss of front gardens for 5 large Victorian protected structures.
- Concern that townhouses 1-4 near the corner of Greenmount Road will lose additional front garden leaving their front doors a few meters from the roadway.
- Concern of impact to wildlife.
- Consideration should be given to running footpaths behind trees.
- Concern of justification of the project.
- Concern of loss of bus stops especially one on Brighton Road.
- **Request that an OH is held.**

4. Anne Kennedy (62 TRE)

- Support the aim of the project to provide improved walking, cycling and bus infrastructure.
- Object to the CPO of lands at No. 62 TRE – permanent acquisition of 3.3 sq. m and temporary acquisition of 16.5 sq. m
- No. 62 TRE is a protected structure with granite stone wall and metal railing, the front garden contains extensive planting and mature trees.
- Query the need for the CPO of lands and justification of the project.
- Alternatives such as extension of signal – control priority should be considered as an alternative.
- Concern of loss of heritage value, including loss of mature trees.
- Concern of lack of communication from NTA with regard to CPO
- Submit that the PRO had regard to concerns of residents at other locations along the route.
- Concern detailed design has not been carried out, no detail of how buildings that are being affected will be dealt with.
- Concern of residents need to be noted and in particular avoidance of land acquisition, where possible.

5. Ashfield Place Owners Management CLG

- Part of the common area of Ashfield Place is affected by the CPO – section 1d: Cypress Grove Junction to Templeville Road, 1110(1).1d (permanent) and 1110(2).2(d) (temporary)
- Concern that there is no provision for a yellow box at the entrance to the estate.

- Concern cycle path proposed is not continuous and a shared space.
- Request that speed cameras are installed to enforce the 30 Kph speed limit, through Templeogue Village.
- Oppose the installation of speed humps due to noise pollution.
- Concern over alteration to the playground and amenity space. Survey requested of attenuation tank under the playground and commitment to reinstatement of impacted trees and compliance with safety requirements and planning approval.
- Request clarification on the fencing and boundary treatment plan. Whether a wall is to replace a fence and possibility of provision of a gated access to the estate.
- Concern of impact of the proposal on the viability of businesses in the village.
- Concern of diverted traffic and ability to move within the local area.
- Believe with revisions a functioning bus corridor would be beneficial to all concerned.

6. Bernard Colman (48 Rathfarnham Road)

- Object to the proposed CPO of lands at 44 Rathfarnham Road, Terenure.
- Concern the EIAR is deficient with respect to assessment of cumulative impacts.
- O’Grianna v An Bord Pleanala is of relevance.
- Concern legal principals have not been complied with in relation to the compulsory acquisition of private property as identified by the Supreme Court in Reid v Industrial Development Agency [2015] 4 IR 494:
 - Not justified or necessary.
 - Not proportionate.
- Negligible time savings (for bus commuters travelling in either direction between Bushy Park Road and Terenure Road North) do not justify the project and its proportionality.
- Concern the impact on private property has not been adequately described or assessed as required by law when considering the preferred route option or any alternative option.
- Concern the proposal is reasonable or proportionate given time savings.

- Concern of dangers for property owners entering and exiting their properties, due to new road layout, and for the cyclists, pedestrians and motorists they will have to negotiate.
- Concern of increased noise pollution and toxic emissions.
- Concern of impact upon community, social and safety reasons within urban villages.
- Concern of access to schools, sports venues, shops, amenities, social events for local residents.

7. Brendan Timbs (63 Rathfarnham Road)

- Concern of impact to 63 Rathfarnham Road – removal of 23.7 sq. m of front garden (Plot List 1073(1).1d, 1073(2).2d)
- Concern alterations will give rise to a significantly steeper access gradient and breach of part M of the Building Regulations.
- Concern that it is excessive to remove front boundary walls and parts of front gardens just to achieve a cycle lane where a shared cycle / bus lane exists already.
- Concern sufficient and competent traffic modelling has not been carried out.
- Concern of rerouting of traffic and traffic chaos.
- Concern of environmental impact.
- Concern a holistic approach under EIA Directive that all environmental impacts of all of the Busconnects schemes are not considered.
- Concern that signal controlled junctions at Dodder Park Road and Rathdown Park, only 260m apart, will lead to traffic congestion.
- Concern of width of footpaths esp. at 51 – 57 Rathfarnham Road
- Concern that proposal is contrary to the zoning Z2.
- Concern of traffic hazard and health risks.
- Flawed public consultation and non-adherence to Aarhus Convention
- Concern of need and justification of the scheme – actual time saving queried.
- Lack of consideration for local residents living in urban villages.
- Concern of impact upon heritage.

- Concern private traffic forced onto secondary roads and into housing estates will cause grid lock.
- Concern of lack of Park and Ride proposals.
- Concern the merits of a Metro network has not been given due review.
- Concern a CBA has not been adequately carried out.
- **Request that an OH be held.**
- Submission accompanied with report by RW Nowlan & Associates on behalf of residents of no.'s 51 – 57 Rathfarnham Road & NRB Consulting Engineers report C/O residents of 55, 59, 61, 63, 65, 67 and 71 Rathfarnham Road.

8. Brian and Ethna Healy (11 Rathfarnham Wood)

- Concern to the proposed CPO affecting their property at 11 Rathfarnham Wood Plot List 1019(1).1d, 1019(2).2d
- Concern of proposed CPO of woodland area of Rathfarnham Castle Park Plot list 1001(1).1f; 1001(2).2f.
- Concern of amount of lands acquired permanently (38.7 sq. m) and amount of land sought temporarily (31.3sq.m)
- Concern of level of disruption and environmental impact.
- Agree and support all of the grounds of the Rathfarnham Wood Residents Association (RWRA) submission.
- Concern of loss of trees, removal of / impact upon shed and granite boundary wall.
- Concern of impact upon hydrology and Glin River
- Concern Water Framework Directive has not been complied with.
- Concern of impact upon Rathfarnham Castle Park.
- Concern of impact upon climate, flora and fauna, landscape and visual, noise, vibration and air.

9. Brid and Tom Rafter (46 Rathfarnham Road)

- Owners / Occupiers of 46 Rathfarnham Road, Terenure
- Concern the EIAR is deficient in describing and assessing only part of what is a wider project in material non-compliance with the requirements of the EIA Directive.

- Concern it is not possible for the Board to carry out an adequate environmental impact assessment of the proposed scheme on the basis of the EIAR.
- Concern legal principals have not been complied with in relation to the compulsory acquisition of private property as identified by the Supreme Court in Reid v Industrial Development Agency [2015] 4 IR 494:
 - Not justified or necessary.
 - Not proportionate.
- Concern of impact upon community, social and safety reasons within urban villages.
- Negligible time savings (for bus commuters travelling in either direction between Bushy Park Road and Terenure Road North) do not justify the project and its proportionality.
- Concern the impact on private property has not been adequately described or assessed as required by law when considering the preferred route option or any alternative option.
- Concern of dangers for property owners entering and exiting their properties, due to new road layout, and for the cyclists, pedestrians and motorists they will have to negotiate.
- Concern of access to schools, sports, shops, amenities, social events for local residents.

10. Celine and John Cullen (14 Fortrose Park)

- A part of their rear garden at 14 Fortrose Park is subject to CPO
- Proposals are an improvement on the original proposals.
- Concern of absence of continuous cycle lanes south of Templeogue Village, creating a serious road traffic safety problem.
- Scheme needs to be redesigned to prioritise cycle and bus traffic over general traffic along the entire stretch at Templeogue Village.
- Concern of permanent CPO of private rear garden amenity space.
- Concern of temporary CPO of additional garden space.
- Concern of impact of temporary land take and duration, proximity to living space and use of garden shed.
- Concern of loss of a Magnolia tree.

- Concern of impact to health and amenity.
- Concern of displacement and nuisance.
- Loss of boundary trees and privacy.

11. Christopher Langheld and Others (73 Pleasants Place Dublin 8)

- Proprietors of 72 / 73 Lr. Camden Street, Dublin 2 (Ref. Plot List 1090(1))
- Concern that 70mm width of property will be subject to CPO
- The drawings do not show 2 listed coal drop covers and a barrel drop all of which extend about 900mm from the front of their property.
- Concern that they are retained as the barrel drop is in use daily.
- Irish Water are anxious to remove all lead fresh water piping as soon as possible, there may be opportunity to do this.
- The area subject to CPO is currently used as an outdoor seating with barrels and stools associated with a Public House.

12. Ciara McElinn (12 Rathfarnham Wood)

- Concern of CPO of rear garden amenity space of 12 Rathfarnham Wood Plot List 1020(1).1d, 1020(2).2d
- Concern of proposed CPO of woodland area of Rathfarnham Castle Park Plot list 1001(1).1f; 1001(2).2f.
- Concern of loss of large portion of south facing rear garden (permanent 5m in depth and a further 3m temporarily).
- Concern of level of disruption and environmental impact.
- Agree and support all of the grounds of the Rathfarnham Wood Residents Association (RWRA) submission.
- Concern of loss of trees, removal of / impact upon nesting birds, frogs, shed and granite boundary wall.
- Concern of impact upon hydrology and Glin River.
- Concern Water Framework Directive has not been complied with.
- Concern of impact upon Rathfarnham Castle Park.
- Concern of impact upon climate, flora and fauna (bats, wild birds, waterfowl, frogs and bees), landscape and visual, noise, vibration and air.
- Concern of traffic safety for pedestrians, cyclists and motorists.
- Misleading maps and details in the scheme documentation

- Breaches of Aarhus Convention
- Disproportionate interference with property rights
- Cease the bus corridor at the Butterfield Avenue junction.
- Submission accompanied with letters from South Dublin County Council re Rathfarnham Castle Lake / stream, The submission by Rathfarnham Wood Residents Association. A letter from IFI. A letter from The Good Shepard NS. A letter from Rathfarnham Educate Together NS, Scoil Naomg Pdraig, Rathfarnham Parish, Ballyroan Boys NS, AS I AM – Irelands National Autism Charity, Involve Autism.

13. Claire Hughes and Fergus Bolster (44 Rathfarnham Road)

- Owners / Occupiers of 44 Rathfarnham Road, Terenure, pursuant to Plot Ref. 1032(1),1(d) (lands proposed to be permanently acquired) and 1032(2),2d (land proposed to be temporarily acquired).
- Object to the CPO of their lands.
- Concern the EIAR is deficient in describing and assessing only part of what is a wider project in material non-compliance with the requirements of the EIA Directive.
- Concern it is not possible for the Board to carry out an adequate environmental impact assessment of the proposed scheme on the basis of the EIAR.
- Concern legal principals have not been complied with in relation to the compulsory acquisition of private property as identified by the Supreme Court in Reid v Industrial Development Agency [2015] 4 IR 494:
 - Not justified or necessary.
 - Not proportionate.
- Concern of impact upon community, social and safety reasons within urban villages.
- Negligible time savings (for bus commuters travelling in either direction between Bushy Park Road and Terenure Road North) do not justify the project and its proportionality.
- Concern the impact on private property has not been adequately described or assessed as required by law when considering the preferred route option or any alternative option.

- Concern of dangers for property owners entering and exiting their properties, due to new road layout, and for the cyclists, pedestrians and motorists they will have to negotiate.
- Concern of access to schools, sports, shops, amenities, social events for local residents.

14. Conal and Racquel O'Donnell (No. 76 TRE)

- Regarding Plot No's 1043 (1).1(d) & 1043(2).2(d)
- The approval of the CPO would be premature having regard to a number of factors inc.:
 - The scheme does not have planning permission,
 - No detailed design drawings,
 - No understanding of the impact upon the affected properties,
 - Query the justification and need for the project and CPO.
 - Alternative solutions not considered.
 - No consideration of acquiring the properties by way of agreement.
 - Query the funding for the project and its construction within a reasonable timeframe.
 - Unfair burden place on affected properties.
 - In the case of Clinton V An Bord Pleanala it was held that the confirming authority must prove that the acquisition of the property is clearly justified by the common good. This has not been proven.
 - The scheme does not comply with the Development Plans of the Local Authorities.
 - Alternative routes not adequately assessed in the EIAR.
 - The EIS/EIAR has not properly, or fully considered the impacts of the proposed scheme on the O'Donnell family home incl the fact that it is a protected structure, which includes a tree which is protected under the current Development Plan Provision.
 - Concern regarding the legislation and procedures which will apply to the determination and settlement of their compensation claim.
 - Concern of the timeframe and funding in place to carry out the scheme. Submit that the CPO should not be approved unless the proposed scheme has planning permission and unless both detailed design and funding for land acquisition and construction are available.

15. Daniel and Jackie Durkan (Burnsely, 315 Templeogue Road)

- Concern of the detrimental impact of the proposal on the social and economic fabric of communities.
- Concern of erection of traffic lights outside the Ashfield Development heading in the Tallaght direction will stop traffic to allow the bus to travel through a pinch point on the Templeogue Road.
- Concern of another proposed traffic light erected on the opposite side of the road, stopping traffic and giving priority to buses entering the village.
- Concerns raised with the NTA during public consultation have been ignored.
- Concern of the removal of the green area, mature trees and childrens playground outside the homes of the Ashfield residents.
- Concern suggestion to provide traffic calming measures at the two main junctions at either side of the village has been ignored.
- Concern the entire proposal is flawed.
- Concern of single lane traffic, no right turns and traffic calming.
- Concern of traffic displacement on smaller side residential streets and no consideration of HGV's will have on these side roads.

16. Dearbhail Shannon (6 The Town houses, TRE)

- Concern and object to the planning application for Busconnects scheme.
- Concern of CPO of property at 6 The Townhouses, TRE, Dublin 6. Plot List: 1048(1).1, 1048(2).2d
- Concern of lack of detailed drawings and final designs.
- Concern of flawed public consultation process.
- Concern of negative impact to communities, urban villages and local residents.
- Query the justification, need and cost benefit of the proposal.
- Concern of loss of trees, impact upon heritage, period properties and protected structures, loss of historic railings and old brick / granite walls
- Concern of irreversible damage to the landscape, loss of architectural heritage.
- Concern of displacement of traffic to surrounding residential streets.
- Concern alternative measures have not been considered and trailing of alternative solutions.
- Concern of impact of right turn bans, one-way systems, Bus gates on secondary or small local roads.
- Concern of impact to businesses and service deliveries.

17. Denise Russell (44 Templeogue Road)

- Query the justification, need and cost benefit of the proposal.
- Concern of CPO of property.
- Concern of deterioration of the aesthetic of the property (removal of mature hedges and shortening of the garden).
- Concern of loss of privacy.
- Concern of reduction in the size of the driveway
- Concern of safe access to the road from driveway.
- Concern of loss of trees and mature hedges
- Concern of increased air and noise pollution.
- Concern of devaluation of property.
- Concern of displacement of traffic to surrounding residential streets.
- Concern of increase in traffic volumes.
- Concern for continuous cycle tracks.
- Concern alternative measures to improve public transport have not been considered.

18. Eaton Hall Owners 'Management Company (Eaton Hall TRN)

- Object to CPO of Plot List 1056(1).1e; 1056(2).2e
- Said lands constitute the only vehicular access to the premises of all residents of Eaton Hall. 2
- Request that an undertaking be given to ensure continued access to the parking area for residents.
- Restricted or blocked access would cause unnecessary expense, inconvenience for residents, impact those with restricted mobility, services and esp. emergency services and large goods deliveries.

19. Elaine Timbs (63 Rathfarnham Road)

- Concern of impact to 63 Rathfarnham Road – removal of 23.7 sq. m of front garden (Plot List 1073(1).1d, 1073(2).2d)
- Concern alterations will give rise to a significantly steeper access gradient and breach of part M of the Building Regulations.

- Concern that it is excessive to remove front boundary walls and parts of front gardens just to achieve a cycle lane where a shared cycle / bus lane exists already.
- Concern sufficient and competent traffic modelling has not been carried out.
- Concern of rerouting of traffic and traffic chaos.
- Concern of environmental impact.
- Concern a holistic approach under EIA Directive that all environmental impacts of all of the Busconnects schemes are not considered.
- Concern that signal controlled junctions at Dodder Park Road and Rathdown Park, only 260m apart, will lead to traffic congestion.
- Concern of width of footpaths esp. at 51 – 57 Rathfarnham Road
- Concern that the proposal contrary to the zoning Z2.
- Concern of traffic hazard and health risks.
- Flawed public consultation and non-adherence to Aarhus Convention
- Concern of need and justification of the scheme – actual time saving queried.
- Lack of consideration for Local Residents living in urban villages.
- Concern of impact upon heritage.
- Concern private traffic forced onto secondary roads and into housing estates will cause grid lock.
- Concern of lack of Park and Ride proposals.
- Concern the merits of a Metro network has not been given due review.
- Concern a CBA has not been adequately carried out.
- **Request that an OH be held.**
- Submission accompanied with report by RW Nowlan & Associates on behalf of residents of no.'s 51 – 57 Rathfarnham Road & NRB Consulting Engineers report C/O residents of 55, 59, 61, 63, 65, 67 and 71 Rathfarnham Road.
- This submission raises the same grounds as Brendan Timbs submissions, summarised above at No. 7 above of the submissions. It relates to the same address - No. 63 Rathfarnham Road.

20. Greg and Audrey Turley (Argus House, 59 TRE)

- Object to the CPO of Plot List 1066(1).1d, 1066(2).2d relating to 48.5 msq (0.00485 ha) of garden.
- Loss of mature trees on private lands. 200 year old copper beach tree and 150 year old evergreen oak tree along with mature hedging and 4 semi mature hornbeam trees in their front garden.
- Concern of impact upon essential services and disruption to services.
- Concern of impact upon peaceful enjoyment of their property and garden.
- Concern of lack of consultation.
- Concern of loss of trees not identified on the NTA maps.
- Concern for impact upon biodiversity and climate change.
- Concern of impact upon residential amenity both during and post works.
- The data used by the NTA in the Environmental Report is outdated.
- Query the legitimacy of the CPO procedure in advance of a grant of planning permission.
- Query the need and justification for the proposal.
- Concern of impact to built heritage along Terenure Road East.
- Consultation process pertaining to CBS has been unfair and undemocratic.
- Concern of impact upon historic heritage villages and communities.
- Information available is technical and not easily understandable in lay – man’s terms.
- Query the cost effectiveness and robustness of the plan. A CBA is required. Especially in light of post Covid and changing environment.
- New Right turn at Terenure Cross from Rathfarnham Road towards Rathgar via Terenure Road East needs to be reconsidered.
- Concern of loss of car parking.
- Concern to cycle arrangements proposed. Diversions are not credible.
- Concern of spill over traffic and diverted traffic flow on local roads.
- Full implications of the bus gate and one-way system proposals needs to be assessed.
- Vulnerable elderly people affected by possible CPO’s.
- Integrated traffic modelling for each of the routes Templeogue / Rathfarnham to city centre, Kimmage to city centre and Tallaght / Clondalkin to city centre is required.

21. Henry Lennon (Trevi, 53 Rathfarnham Road)

- Concern of CPO of Plot list 1027(1) comprising a double front garden.
- Concern of impact upon family home and quality of life.
- Query the need for the scheme, already a cycle lane in place.
- Concern of traffic diversion onto Rathfarnham Road.
- Concern of traffic congestion and pollution.
- Concern of noise and vibration and damage to property.
- Concern of devaluation of property.
- Concern of impact to services and loss of car parking.
- Concern of lack of information and detailed design.

22. James J and Catherine Finn (11 Lissenfield Rathmines)

- Concern of loss of access to services, local community, social, retail, cultural and other facilities.
- Concern of provision of a Bus gate on Rathmines Road Lower immediately south of the entrance to Lissenfield and the associated prohibition on the right turning traffic movements from the entrance of Lissenfield onto the road during the operation of the bus gate.
- Concern of restricted access to Lissenfield.
- Object to the restrictions being imposed by the Bus Gate.

23. James M Bourke and Ilona De Burgh (4 Town Houses, 73 – 75 TRE)

- Object to CPO of Plot List 1050(1).1d, 1050 (2).2d
- Concerns in relation to impact along Terenure Road East, in particular from No. 53 to No's 73 – 75 road widening is not justified.
- Object to destruction of Terenure village character, impact upon mature trees and natural habitats, protected structures, original railings, front gardens and stone boundaries.
- Concern of the environmental impact of the scheme
- Harmful effect of pollution on health
- Concern with increased heavy traffic volume and damage to property.

24. Jane Neill (65 Rathfarnham Road)

- Concern alterations will give rise to a significantly steeper access gradient and breach of part M of the Building Regulations.
- Concern of lack of consultation and sharing of assessments carried out.

- Concern of accident from cars sliding in winter conditions.
- Concern of need for the proposed layout outside of house No.s 51 – 71 Rathfarnham Road.
- Concern of expense, disturbance, stress and inconvenience for little or no improvement of bus service.
- Concern of devaluation of property.
- Concern of loss of privacy, intrusive and noisy.
- Concern that cumulative impact of other Busconnects schemes has not been taken into account.
- Concern of impact upon Templeogue Road, traffic chaos and traffic congestion.
- Concern sufficient and competent traffic modelling has not been carried out.
- Concern adequate CBA has not been carried out.

25. Joan Scully (61 Rathfarnham Road)

- Concern of CPO of Plot List 1074
- Concern of lack of detailed design drawings.
- Concern alterations will give rise to a significantly steeper access gradient and be dangerous for cars exiting and accessing driveway.
- Query the need for or justification of the proposal.
- Concern of negative impact upon amenity, noise, proximity, pollution.
- Concern of removal of mature garden space and trees.
- Concern of devaluation of property.

26. John & Marian Deaton (44 South Richmond Street)

- Concern of CPO of Plot List 1079(1)1e, 1079(2)2s, 1079(3).2s
- Concern of permanent acquisition of the footpath and the temporary acquisition of the cellar. The width of the landing for permanent acquisition is given approx. as 1.5m.
- Concern a lighting grill which provides light to a basement canteen and basement store will be removed and or structurally damaged.
- Concern coal holes and cast iron lids are retained.

- Concern cycleway and or footpaths are to be fitted with bollards which would prohibit service deliveries to the premises for retail purposes.
- The design of the proposed footpath reducing to 2.0m at Lennox Street corner is inadequate. Creating a pinch point at this busy location would be dangerous to pedestrians and cyclists.
- Request that the step up to the door of 44 South Richmond Street be level with the footpath to comply with Part M of the Building Regulations.
- Concern exigencies of common good and social justice are adhered to.
- Raise issues of judicial cases of social justice and common good.
- Concern the matter of proportionality test in order to satisfy constitutional test is met.
- No objection in relation to the cycle-path and acknowledge its public benefit but believe it should be altered / modified:
 - To take account of constitutional rights and proportionality test.
 - The defective design / width of the proposed footpath.
 - To take into account the rights of the tenants of the premises to be able to trade and have peaceful enjoyment of the premises.
- **Request an OH is held.**

27. Joesph Phelan (78 TRE)

- Concern of CPO of Plot List 1041.(1)d, 1041(2),2d
- 78 TRE and its environs is a protected structure.
- Concern that the removal of a third of the front garden space will have a negative effect on the protected structure.
- It is intended to restore the property to its original state.
- Concern of the cost of CPO
- Concern of impact upon streetscape of TRE and historic property.
- Concern of lack of detailed design drawings.
- Concern alterations will give rise to a significantly steeper access gradient and be dangerous for cars exiting and accessing driveway.
- Query the need for or justification of the proposal.
- Concern of negative impact upon amenity, noise, proximity, pollution.
- Concern of devaluation of property.
- Concern for need and justification for the project.

28. Joseph Turley (Lorna, 45 TRE)

- Concern of CPO of Plot List 1067(1).1d, 1067(2).2d
- Concern of the widening of TRE from the garden of 59 TRE to the corner of Greenfield Road a distance of approx. 90 meters.
- Concern of loss of mature trees and front gardens of Victorian protected structures.
- Concern for need for the road widening, the current bus lane operates efficiently.
- Concern of effectiveness of the proposal.
- Query whether consultants have studied the effectiveness of the existing bus gate.
- Concern of loss of mature trees and consequential impact upon quality of life, loss of amenity, noise, proximity, pollution and loss of animal, insect and bird habitat.
- Concern Habitats Directive complied with
- Query the need for or justification of the proposal.

29. Karen Lynch (8 Rathfarnham Wood)

- Object to CPO of 8 Rathfarnham Wood Plot List 1016(1).1(d), 1016(2) 2d
- Object to CPO of Woodland area of Rathfarnham Castle Park Plot list 1001(1).1f; 1001(2).2f.
- Concern of impact to rear garden, lands sought to be acquired is 2sq.m and the lands sought temporarily is 23sq.m
- Concern of loss of mature trees.
- The CPO and removal of the tree is disproportionate and unnecessary.
- Concern of removal of / impact upon 3m high granite boundary wall.
- Agree and support all of the grounds of the Rathfarnham Wood Residents Association (RWRA) submission.
- Concern of impact upon hydrology and Glin River
- Concern Water Framework Directive has not been complied with.
- Concern of impact upon Rathfarnham Castle Park.
- Concern of impact upon climate, flora and fauna, landscape and visual, noise, vibration and air.
- The impact on the garden of No. 8 Rathfarnham Wood would be removed if the proposal terminated at the Rathfarnham Village Bypass

and a signal controlled priority light for outbound buses was located at the junction with Butterfield Avenue.

30. Kathleen and Peter McManamon (71 Rathfarnham Road)

- Object to CPO of 71 Rathfarnham Road Plot List 1069(1).1(d), 1069(2) 2d
- Concern of flawed consultation process.
- Concern for the section from Pearse Bridge to the Rathdown Junction – approx. 100m, is without merit.
- Concern of cost, disruption, increased traffic congestion, environmental damage for c. 100m of cycle lane.
- Query the justification of the proposal in terms of common good.
- Concern the CPOs are unnecessary, disproportional and fail to satisfy any reasonable criteria for their inclusion.
- Concern of impact upon amenities, trees and wildlife and fauna.
- Concern of impact to Beech tree in front garden of no. 71.
- Concern of environmental impact assessment of cumulative impact.
- Concern for justification of the proposal.
- Concern of breach of Part M of the Building Regulations with respect to access.

31. Liam Bell (63 TRE)

- Object to the proposed roads case and to the CPO (of lands at 63 TRE)
- **Request that an OH be held.**
- Concern of impact of bus gates.
- Concern of justification and need for the proposal esp. as it relates to TRE
- Queries the CBA of the scheme.
- Concern of loss / destruction of trees, historic built heritage, protected structures, original railings, stone boundaries and parts of gardens.
- Concern of loss of elm tree in the garden of No. 63 TRE, trees at Beaumont House, Argos House and those at No. 61.
- Concern no bicycle lane proposed on TRE
- Concern of pinch points at Rathgar and Terenure.
- Concern of flawed consultation process.
- Contrary to Aarhus Convention.
- Concern of conflict with Dublin City Development Plan.
- Concern of CBA of the project.
- Concern of need, justification and time saving involved.

- Concern of lack of alternatives considered.
- Concern of the impact of the new right turn for buses, taxis and cyclists at Terenure Cross, from Rathfarnham Road towards Rathgar via TRE.
- Concern of loss of on street parking, loading areas and local access on businesses and local traders.
- Concern the proposal is excessive.
- Concern of times of operation of the bus gates.
- Concern cycling arrangements are unsatisfactory, piecemeal, chaotic and dangerous.
- Concern of rat running, traffic displacement and increased traffic volume on suburban roads.
- Concern of impact upon journey times (travelling by car) for locals, esp. elderly.
- Concern of CPO of lands esp. for more vulnerable people.
- Concern of lack of communication and in person consultation.
- Concern it is premature to consider the approval of a CPO, since the scheme does not have planning permission.

32. Linda and James Hennessey (50 Rathfarnham Road)

- Object to CPO of lands at 50 Rathfarnham Road, Terenure
- Concern the EIAR is deficient in describing and assessing only part of what is a wider project in material non-compliance with the requirements of the EIA Directive.
- Concern it is not possible for the Board to carry out an adequate environmental impact assessment of the proposed scheme on the basis of the EIAR.
- Concern legal principals have not been complied with in relation to the compulsory acquisition of private property as identified by the Supreme Court in *Reid v Industrial Development Agency* [2015] 4 IR 494:
 - Not justified or necessary.
 - Not proportionate.
- Concern of impact upon community, social and safety reasons within urban villages.
- Negligible time savings (for bus commuters travelling in either direction between Bushy Park Road and Terenure Road North) do not justify the project and its proportionality.

- Concern the impact on private property has not been adequately described or assessed as required by law when considering the preferred route option or any alternative option.
- Concern of dangers for property owners entering and exiting their properties, due to new road layout, and for the cyclists, pedestrians and motorists they will have to negotiate.
- Concern of access to schools, sports, shops, amenities, social events for local residents.

33. Lissenfield Management Company CLG (Rathmines)

- Re: Plot List 1077(1) 2 d – lands at the entrance to Lissenfield on Rathmines Road Lower
- Concern of necessity to acquire these lands by CPO.
- Concern of proposed access arrangements to Lissenfield for pedestrians, cyclists, motorists, service vehicles and public service vehicles.
- Concern of length of time the subject lands would be retained by the NTA
- Concern of location of 'bus gate' immediately adjacent to the entrance to Lissenfield.
- The submission to the planning application case ABP 316272 - 23, on behalf of the Lissenfield Management Co. CLG requests the bus gate be omitted or relocated to the north of the entrance to Mary Immaculate Refuge of Sinners Church on Rathmines Road Lower.
- Object to the CPO of lands on the basis it would facilitate the development of the bus gate and associated prohibition on right turning traffic movements from the entrance onto the road during the hours of operation of the bus gate.

34. Little Sisters of the Assumption (42 Rathfarnham Road)

- Object to the proposed CPO of lands at 42 and 44 Rathfarnham Road, Terenure.
- Concern alternative proposals not considered.
- Concern time savings for bus commuters is negligible, proposal unjustified and not proportionate.
- Concern the proposal is an unsuitable development in an urban village for community, social and safety reasons.

- While dedicated cycle tracks are to be welcomed, the construction of the four bus and traffic lane configuration will have a negative impact on the character of the area.
- Concern of pedestrian safety from speed of vehicles.
- Concern of dangers for property owners entering and exiting their properties, due to new road layout, and for the cyclists, pedestrians and motorists they will have to negotiate,
- Concern the EIAR is deficient with respect to assessment of cumulative impacts.
- Concern legal principals have not been complied with in relation to the compulsory acquisition of private property as identified by the Supreme Court in Reid v Industrial Development Agency [2015] 4 IR 494:
 - Not justified or necessary.
 - Not proportionate.
- O’Grianna v An Bord Pleanala is of relevance.
- Negligible time savings (for bus commuters travelling in either direction between Bushy Park Road and Terenure Road North) do not justify the project and its proportionality.
- Concern the impact on private property has not been adequately described or assessed as required by law when considering the preferred route option or any alternative option.
- Concern the proposal is reasonable or proportionate given time savings.
- Concern of increased noise pollution and toxic emissions.
- Concern of impact upon community, social and safety reasons within urban villages.
- Concern of access to schools, sports venues, shops, amenities, social events for local residents.

35. Lorna Callanan (55 Rathfarnham Road Terenure)

- Consider the objective to improve mass public transport and cycling infrastructure and reduce congestion is commendable and necessary the short-term benefits of the proposal are not proportionate.
- Query the CBA of the scheme.
- **Requests and OH be held.**

- Breach of Part M of the Building Regulations on Rathfarnham Road, Rathdown Park Junction to Pearse Bridge
- Concern of CPO's affecting 51, 53, 55, 57, 59, 61, 63, 65, 67, 69 and 71 Rathfarnham Road.
- Concern of lack of consideration of alternatives to CPOs and road widening.
 - To provide a cycle track on the inbound, uphill section of Rathfarnham Road, with inbound cyclists sharing the downhill bus lane.
 - Off line cycling alternatives (new bridge over the Dodder)
 - One way systems or bus gates were not fully assessed.
- Concern alternatives on Rathfarnham Road – Bushy Park Road to Beechlawn Way have not been considered (dovetailing bus lanes)
- Concern alternatives along TRE have not been considered (Bus priority signalling)
- Moving signalling 150m to the west at Saint Joseph's Church, will extend CPO of historical boundaries (and listed) for road widening and yields no material advantage.
- Concern of proportionality, justification and need. Query time savings proposed.
- Concern of sustainability of the proposal long term Luas lines will be required.
- Concern no Park and Ride facilities provided along the scheme.
- Concern of failure to assess the cumulative effects of traffic re-routing proposed in the Templeogue / Rathfarnham Scheme in combination with what will be caused by the 24/7 bus gate proposed in the Kimmage Scheme and cumulative effect of the Kimmage to city centre Bus connects scheme.
- Concern of diversion of commercial traffic, Bus gate time plating and right hand turn bans (into Rathdown Avenue from Rathdown Park and Templeogue Road is overly restrictive.)
- Concern proposal is contrary to the Dublin City Development Plan.
- Concern of destruction to amenity, heritage, listed properties, trees / environment, etc
- Concern of reduction in footpath width outside the PO/Centra on Terenure Road North.
- Concern the impacts of the proposed scheme are disproportionate to the limited costly benefits.
- Submission accompanied with NRB Consulting Engineers report C/O Residents of 55, 59, 61, 63, 65, 67 & 71 Rathfarnham Road (detailing assessment of gradients post Bus Corridor for each residence).

36. Marcus Purcell & Family (67 Rathfarnham Road)

- Concern with regard to CPO of Plot List 1071(1).1d, 107(2).2d lands associated with 67 Rathfarnham Road
- Concern it is not impossible to understand the full impact of the proposed CPO on property due to lack of information and detailed design drawings.
- Concern of potential violation of Part M, of the Building Regulations.
- Concern of lack of consideration of impact of the proposal on the wider traffic volume / area and traffic dispersion.
- Concern of justification and need for the project (post pandemic and changed work patterns).
- Concern of impact upon built heritage, protected structures, original railings, stone boundaries, mature trees and parts of gardens.
- Concern cumulative impact of the scheme, in conjunction with other Bus Connects schemes, has not been considered.
- Concern consultation process is unfair and undemocratic.
- Concern the proposal has no regard to the Aarhus Convention with respect to failure to properly engage in public consultation.
- Concern information available is in technical language, technical drawings, engineering – speak and not possible to access data which is readily understandable.
- Concern that the CBA and time savings which will be achieved are justified.
- Concern consideration of ‘common sense’ ideas has not been exhausted.
- Concern of the impact of the new right turn for buses, taxis and cyclists at Terenure Cross, from Rathfarnham Road towards Rathgar via TRE.
- Concern of loss of on street parking, loading areas and local access on businesses and local traders.
- Concern the proposal is excessive.
- Concern of times of operation of the bus gates.
- Concern cycling arrangements are unsatisfactory, piecemeal, chaotic and dangerous.
- Concern of rat running, traffic displacement and increased traffic volume on suburban roads.
- Concern of impact upon journey times (travelling by car) for locals, esp. elderly.
- Concern of the combined impact on private cars of the bus gate at Military Road and the one way system on Rathgar Road.

- It is premature to consider the approval of a CPO, in advance of planning permission being granted for the scheme.
- Submission contains two reports from RW Nowlan & Associates and from NRB Consulting Engineers outlining a number of concerns and flaws.

37. Margaret Silke (67 TRE)

- Concern of traffic congestion
- Negative impact on Terenure village and local communities.
- Loss of mature trees
- Unfair and undemocratic consultative process – Covid – 19 pandemic.
- Concern that the proposal is properly costed. A CBA is required.
- Concern that Bus Connects scheme is not the solution to Dublin transport issues.
- An underground metro should be considered as a long term solution.
- Concern of loss of built heritage and historic Dublin.
- Concern that the proposal is not justified, properly trailed or necessary.
- Concern of the impact of the new right turn for buses, taxis and cyclists at Terenure Cross, from Rathfarnham Road towards Rathgar via TRE.
- Concern the proposal is excessive.
- Concern of times of operation of the bus gates.
- Concern cycling arrangements are unsatisfactory, piecemeal, chaotic and dangerous.
- Concern of rat running traffic displacement and increased traffic volume on suburban roads.
- Concern of impact upon journey times (travelling by car) for locals, esp. elderly.
- Concern of the combined impact on private cars of the bus gate at Military Road and the one way system on Rathgar Road.
- It is premature to consider the approval of a CPO, in advance of planning permission being granted for the scheme.

38. Maria Blair (10 Rathfarnham Wood)

- Object to CPO of 10 Rathfarnham Wood Plot List 1018(1).1(d), 1018(2).2d
- Object to CPO of Woodland area of Rathfarnham Castle Park Plot list 1001(1).1f; 1001(2).2f.

- Concern of impact to rear garden, lands sought to be acquired is 27 sq. m and the lands sought temporarily is 33.1 sq. m
- Concern of level of disruption and environmental impact.
- Concern of loss of garden shed, 3m high granite wall and a garden tree. One of a group of trees.
- Agree and support all of the grounds of the Rathfarnham Wood Residents Association (RWRA) submission.
- Concern of impact upon hydrology and Glin River
- Concern Water Framework Directive has not been complied with.
- Concern of excessive land take.
- Concern of impact upon Rathfarnham Castle Park.
- Concern of impact upon climate, flora and fauna, landscape and visual, noise, vibration and air.
- The bus corridor should terminate at the Rathfarnham Village bypass.
- Submission accompanied with Rathfarnham Wood Residents Association (RWRA) submission.

39. Mark Fitzgerald (149 Rathfarnham Road)

- Concern of CPO of front garden of 149 Rathfarnham Road.
- Concern of increased noise levels, and air pollution.
- Concern of negative impact upon residential amenity and community.
- Concern of proximity of the bus lane to the property and devaluation of property.
- Concern of traffic speed of buses and safety of pedestrians/residents.
- Query the justification and need for the project post Covid.

40. Mary O' Mahony (9 Rathfarnham Wood)

- Object to CPO of 9 Rathfarnham Wood Plot List 1017(1).1(d), 1017(2) 2d
- Object to CPO of Woodland area of Rathfarnham Castle Park Plot list 1001(1).1f; 1001(2).2f.
- Concern of impact to rear garden, lands sought to be acquired is 1.6m and the lands sought temporarily is 3m
- Concern of level of disruption and environmental impact.
- Concern of loss of a 100 year old tree in private rear garden
- The CPO and removal of the tree is disproportionate and unnecessary.
- Concern of removal of / impact upon 3m high granite boundary wall.

- The land grab suggested is very minor and could be easily avoided by reducing the width of footpaths and cycle lanes.
- Agree and support all of the grounds of the Rathfarnham Wood Residents Association (RWRA) submission.
- Concern of impact upon hydrology and Glin River
- Concern Water Framework Directive has not been complied with.
- Concern of impact upon Rathfarnham Castle Park.
- Concern of impact upon climate, flora and fauna, landscape and visual, noise, vibration and air.
- The bus corridor should terminate at the Rathfarnham Village bypass.
- The Park and Woodland area should be protected for future generations.

41. Maureen Egan (Glendale 311 Templeogue Road)

- Concern regarding CPO of Plot List 1113(1).1d
- The amount of land sought to be acquired permanently is 33.6 sq. m and temporarily is 34.3 sq. m.
- Concern of proportion of front garden being acquired.
- Concern of level of disruption and environmental impact is necessary or proportionate given that sufficient bus priority could be achieved by use of a signal-controlled bus priority light.
- Concern of excessive land take and unnecessary.
- Concern of difficulty in entering and exiting property safely.
- Concern loss of trees and bushes will give rise to negative environmental and visual impacts.
- Concern of loss of privacy.
- Concern of out of date traffic studies.
- Concern substantial disadvantages outweigh minimal benefits.
- Concern of justification of the scheme and unjustifiable attack on property rights.
- Signal controlled bus priority lights should be considered to prioritise buses.

42. Michael Birmingham (6 The Townhouses TRE)

- **Request an OH is held.**

- Concern of CPO of property at 6 The Townhouses, TRE, Dublin 6. Plot List: 1048(1).1, 1048(2).2d
- Concern of lack of detailed drawings and final designs.
- Concern of flawed public consultation process.
- Concern Aarhus Convention has not been taken into account.
- Concern of negative impact to communities, urban villages and local residents.
- Query the justification, need and cost benefit of the proposal.
- Concern of loss of trees, impact upon heritage, period properties and protected structures, loss of historic railings and old brick / granite walls
- Concern of irreversible damage to the landscape, loss of architectural heritage.
- Concern of displacement of traffic to surrounding residential streets.
- Concern alternative measures have not been considered and trailing of alternative solutions.
- Concern of impact of right turn bans, one-way systems, Bus gates on secondary or small local roads.
- Concern of impact to businesses and service deliveries.
- Concern that the CBA and time savings which will be achieved are justified.
- Concern consideration of alternative has not been exhausted.
- Concern of the impact of the new right turn for buses, taxis and cyclists at Terenure Cross, from Rathfarnham Road towards Rathgar via TRE.
- Concern of loss of on street parking, loading areas and local access on businesses and local traders.
- Concern of rat running, traffic displacement and increased traffic volume on suburban roads.
- Concern of impact upon journey times (travelling by car) for locals, esp. elderly.

43. Michael McAuley (143 Rathfarnham Road)

- Concern of CPO of property at 143 Rathfarnham Road
- Concern of impact upon amenity and safety.
- Concern of removal of a section of front garden replacing it with a bus lane.
- Concern of increased noise and pollution.
- Concern of devaluation of property.
- Concern of traffic safety.
- Concern of need for the proposal, post covid and change in work patterns.
- Concern there is no longer a justifiable business case.

44. Michael O'Donoghue (Glenarm 61 TRE)

- Object to CPO of lands at 61 TRE, Plot list 1065(1).1d 1056(2).2d; 1067(1).1d, 1067(2).2d – two plots of land
- **Request an OH is held.**
- Concern of undesirable intensification of traffic.
- Concern of Co2 emissions increase.
- Concern of noise pollution.
- Concern of road widening of TRE and safety concerns for pedestrians.
- Concern of conflict of vehicular capacity of TRE and conflict with bus gate in Rathmines.
- Concern of loss of cultural heritage and architectural heritage, negative impact upon urban villages.
- Concern of loss of mature trees.
- Concern of flawed consultation process.
- Concern of appropriateness of the proposal along TRE.
- Concern of need and justification of the project, actual time saved by bus users and change in work patterns post covid.
- Concern that details of lands subject to CPO are not sufficiently surveyed and detailed on the subject maps.
- Concern of appropriateness and length of time required for temporary CPO of lands and impact upon property rights.
- Concern that no approach was made to voluntarily acquire the lands.
- Concern there has been no offer to discharge legal, land valuation, road design professionals or other essential costs at this stage.
- Concern raised that An Bord Pleanála does not have the legal authority to confirm the CPO.
- Submission is accompanied with a report by Dr Martin Rogers Consulting Ltd. Transport Planning Professional. The conclusions of this report are summarised as follows:
 - TRE is part of a village community, with a high level of connectivity between all residences and businesses and shops / retail outlets in the vicinity. The scale of the proposed road space proposed by Bus Connects will have a significantly negative impact on connectivity.

- The size of the road planned is on a scale of a national / regional route and not one suited for a suburb within 3.5 Km of the south city centre area.
- Risk of creating another Clanbrassil Street where communities will be severed.
- Given the scale of disruption to residents of the proposed scheme, it must be demonstrated that the preferred route constitutes the optimum route linking Terenure Village to the south city centre. Its superior performance to TRN option has, as yet not been demonstrated.
- The proposed scheme does not rebalance the road space, it increases it for general traffic, thus contravening DCC policy on promoting sustainable transport.
- The proposed provision of additional bus space must be done at the expense of general vehicle space, along the lines of the proposal for Rathmines Village – this will limit planned increases in road width along Terenure Road East and deter increases in private car trips during the morning peak.
- The provision of dedicated cycle lanes in both direction is not warranted -the imposition of a 30 kph speed zone will allow cyclists to safely use the bus lane.
- It has not yet been proven that TRE is the most appropriate bus route for linking the Terenure / Tallaght / Rathfarnham areas to the city centre.

45. Moto4u (1a Main Street Rathfarnham)

- Concern with regard to CPO of Plot list 1003(1) 1e pertaining to 1a Main Street Rathfarnham.
- Concern of effect on a family business that has been operational for 24 years.
- Concern of loss of display area for motorcycles and electric wheeled vehicles incl. pedal assisted ebikes.
- The area is not suitable as a bus stop as the road is obstructed by the Heritage Credit Union building.
- Concern of elimination of access to MOTO4U business.

- Concern alternative location for a bus stop that does not affect any business has been carefully considered.

46. Mr Andrew Fahy and Mrs Denise (Boyle) Fahy (Cranford House, 325 Templeogue Road)

- Concern of permanent acquisition by CPO of approx. 9.3 sq. m being an area of front garden, mature trees, stone wall and entrance to the residence together with temporary acquisition of 65 sq. m being an area of garden incorporating mature trees, flowerbeds, shrubberies and lawns.
- Concern the project fails to supply accurate information regarding mitigation measures, design, and availability of access to the subject property during construction and post construction.
- Concern detailed drawings unavailable and renders ability of the landowner to properly assess the impact and interference.
- Concern of impact upon private property, severe detrimental effect on enjoyment of the property.
- Object to the temporary acquisition of lands. Concern acquisition is unnecessary and excessive.
- The area of permanent acquisition will require the removal of a stone wall and its replacement of same in almost the same location. The acquisition could be rendered unnecessary if minor modification to the scheme be made.
- Concern insufficient detail in the proposed scheme in respect of protecting the integrity of the residence, trees and garden adjoining the construction area.
- Concern of lack of detail on final road boundary treatment to be put in place.
- Concern of loss of services to the property during construction.
- Concern insufficient documentation has been submitted.

47. Patrick J M Durcan and Mary Clare McCormack Durcan (Apartment 3.5 Beaumont House, 60 TRE)

- Concern of CPO of lands at Plot list 1058(1).1d, 1058(2).2d
- Concern of loss of privacy.
- Concern of loss of trees, devaluation of property and diminish the natural beauty currently enjoyed.
- Concern of loss of car parking and impact for elderly.
- Concern of noise pollution and disruption both during construction and operation.

- Concern of implementation of the scheme creates a designated bus corridor along a 19th century residential road, which was never designed for such intrusion.

48. Paul Dormer (15 Fortrose Park, Templeogue)

- Concern of CPO of Plot List 1108(1).1d & Plot List 1108(2).2d
- Concern of the acquisition of 3.8sq. m permanently and 41.6 sq. m temporarily.
- Piecemeal approach is unacceptable.
- Concern of discrepancies in documentation lodged and published, omissions, lack of coherence and errors.
- The rear of the property contains a garden room / home office constructed 20 years ago – not indicated on the map furnished with the CPO.
- Concern maps and documentation is factually incorrect and inaccurate.
- Concern the map attached to the statutory notice does not express dimensions for the proposed permanent acquisition nor does it express dimensions for the area intended as a temporary acquisition.
- Proposal is contrary to DMURS
- Concern there is a lack of coherent thinking and an inherent disconnect in the presentation of the Core Bus Corridors (CBC) project and its relationship with other major infrastructural projects, such as St. James's Hospital campus.
- Concern of a disregard for mandatory design standards.
- Concern of the issue of walking distances to bus stops.
- Concern of economic or social justification, time saving, and costs involved (value for money).
- Concern the proposal would result in complete gridlock of general traffic on Rathfarnham Road.
- Concern of traffic dispersion and residents being effectively precluded from entering or existing their properties at peak time.
- Concern no consideration has been given to cashless buses, which would result in a reduced transit time (of some 2 – 5 min).
- Concern blended work patterns have not been taken into account.
- Concern proposals for a Bus Rapid Transit (BRT) system, which went as far as a public consultation process in 2014, has been dropped.
- Concern of destruction of environment and damage to the social and commercial fabric of the area.

49. Peter Lynch (55 Rathfarnham Road)

- Concern of impact of CPO to No. 55 Rathfarnham Road, Terenure and in particular to properties No.'s 51 – 71 Rathfarnham Road i.e. Pearse Bridge to the Rathdown entrance junction.
- Submission contains two reports from RW Nowlan & Associates and from NRB Consulting Engineers outlining a number of concerns and flaws.
- Submit the proposed scheme should be modified to omit CPO in respect of No.'s 51 – 71 Rathfarnham Road as the works are unnecessary, disproportionate and fail to satisfy any reasonable criteria for their inclusion.
- Concern of lack of detailed design of works proposed under CPO.
- Concern of lack of integrated assessment of the overall scheme.
- Concern the EIAR of the project is fundamentally flawed.
- Concern of impact upon Terenure Village, trees, residential amenity, wildlife and fauna in the area.
- Concern the proposed does not consider alternatives and is shortsighted.
- Concern of:
 - Removal of left hand turning lane into Rathdown Park outside house nos. 51-53
 - Dedicated cycle lane to replace shared cycle/bus lane outside house nos. 51-71
 - Compulsory acquisition and loss of land to enable set back of boundary wall outside house nos. 51-71 to facilitate a cycle lane.
 - New boundary treatment to match existing outside house nos. 51-71
 - Signal controlled priority for buses outside no. 51.
- This submission questions the necessity and benefit of the setting back of the boundary wall along the front gardens of the house nos. 51-71 on the basis that this setback does not facilitate an additional bus lane but rather a cycle lane where such a cycle lane is already available as a shared bus/cycle bus.
- Concern of impact on traffic flows and congestion.

- Concern of gradient of private dwellings and driveways.
- Concern of lack of rationale for the dedicated cycle lane.
- Concern of conflict with Development Plan zoning objective.
- Concern that the Bus Connect plans (as per the Planning Application, based on the design data provided) appear to result in a significantly steeper approach to the majority of the subject dwellings, contravening National Building Control Regulations.
- Concern the implications for accessibility to the subject houses has not been undertaken.

50. Peter McAuley (141 Rathfarnham Road)

- Concern of CPO of 0.2 sq. meters from front garden – some 2 m of works.
- Concern of impacts of cost, time and inconvenience.
- Require the reinstatement of driveway / pillar, wall, trees and shrubs.
- Require compensation for inconvenience and devaluation of property.

51. Reflective Measurements System Ltd. (59A Rear of 59 TRE)

- Concern regarding CPO of Plot list 1067(1).1d and 1067(2).2d
- Concern of loss of access
- Concern and object to the widening of TRE from the garden of No. 59
- Concern justification for the road widening is flawed given pinch points through narrow busy villages.
- Concern of loss of front garden of 5 Victorian protected structures.
- Concern of loss of heritage trees.
- Concern of impact upon townhouses 1 – 4 near the corner of Greenmount Road, loss of front garden.
- Concern of impact upon quality of life, noise, pollution and loss of animal, insect and bird habitat.
- Concern the Habitats Directive is adhered to.
- Concern the benefit is justified given the destruction to homeowners.

52. Ria Duignan (47 Lissenfield, Lr Rathmines Road)

- Concern of location of 'bus gate' immediately adjacent to the entrance to Lissenfield.

- Concern of prohibition on right turning movements, from the entrance to Lissenfield onto Rathmines Road Lower.
- Concern of impact of Bus connects project on meals on wheels delivery in the area, specifically from St. Mary's Community centre located behind the church on Lower Rathmines Road.
- Request the bus gate be omitted or relocated or not operate between the hours of 10.00 and 14.00 Monday - Friday.

53. Rose and Michael O'Neill (3 Village Green)

- Concern of the impact of the Bus Corridor to their property given age and with a Bus Stop and heavy, noisy traffic.
- Request that some trees be planted between NO. 3 Village Green and the road.

54. Sean Silke (67 TRE)

- Concern of the absence of detailed final design drawings (incl. sections and profiles).
- Concern of traffic congestion
- Negative impact on Terenure village and local communities.
- Loss of mature trees
- Unfair and undemocratic consultative process – Covid – 19 pandemic.
- Concern that the proposal is properly costed. A CBA is required.
- Concern that Bus Connects scheme is not the solution to Dublin transport issues.
- An underground metro should be considered as a long term solution.
- Concern of loss of built heritage and historic Dublin.
- Concern that the proposal is not justified, properly trailed or necessary.
- New Right turn at Terenure Cross from Rathfarnham Road towards Rathgar via Terenure Road East needs to be reconsidered.
- Concern of loss of car parking.
- Concern to cycle arrangements proposed. Diversions are not credible.
- Concern of spill over traffic and diverted traffic flow on local roads.
- Full implications of the bus gate and one-way system proposals needs to be assessed.
- Vulnerable elderly people affected by possible CPO's.

- Integrated traffic modelling for each of the routes Templeogue / Rathfarnham to city centre, Kimmage to city centre and Tallaght / Clondalkin to city centre is required.
- It is premature to consider the approval of a CPO, since the scheme does not have planning permission, nor have the NTA established that there is a need for the scheme.
- Submission is accompanied with a report by Ciaran Sudway & Associates Ltd.
 - The CPO is premature as it does not have planning permission, no detailed design drawings, no draft drawings to an appropriate scale to facilitate an understanding of the impact of the proposed acquisition on the retained property.
 - Concern for need and justification of the scheme.
 - Concern alternatives are not considered.
 - Concern funding has not been approved, unclear timelines for construction and impact / burden upon individuals right to enjoyment of property - Convention of Human Rights.
 - Concern the CPO is clearly justified by the common good.
 - Concern the proposed scheme contravenes the judgment in O'Mahony v An Bord Pleanala (2005). In that it does not comply with Development Plans of the LA's through which the scheme passes.
 - Concern of legal procedures which will apply to the determination and settlement of claims.

55. Stonepark Investment Ltd. (1A Stonepark Orchard, Grange Road)

- Submit that the existing bus stop on Terenure Road East is a health and safety issue for access and egress into Earls Court, No. 80 Terenure Road East. Request that the bus stop be relocated.
- Concerns that the proposal will create a traffic hazard and negatively impact upon the residents of Earls Court to enter and exit the property.
- Concern of loss of car parking
- Concern of devaluation of property
- Concern of loss of residential amenity.
- Concern that the entrance does not meet the required NRA design safety standards.

56. The Estate of Ann Bernadette Smith (69 TRE)

- A report by Ciaran Sudway & Associates Ltd. on behalf of Ann Bernadette Smith.
- Concern in relation to CPO of Plot list 1054(1).1(d) & 1054(2).2d
- The CPO is premature as it does not have planning permission, no detailed design drawings, no draft drawings to an appropriate scale to facilitate an understanding of the impact of the proposed acquisition on the retained property.
- Concern for need and justification of the scheme.
- Concern alternatives are not considered.
- Concern funding has not been approved, unclear timelines for construction and impact / burden upon individuals right to enjoyment of property - Convention of Human Rights.
- Concern the CPO is clearly justified by the common good.
- Concern the proposed scheme contravenes the judgment in O'Mahony v An Bord Pleanala (2005). In that it does not comply with Development Plans of the LA's through which the scheme passes.
- Concern of legal procedures which will apply to the determination and settlement of claims.

57. Thomas MacAleavy (53 TRE)

- **Request an OH be held.**
- Object to CPO of Plot list 1067(1).1d & 1067(2).2d
- Concern and object to the widening of TRE from the garden of No. 59
- Concern of loss of front garden of 5 Victorian protected structures.
- Concern of impact upon townhouses 1 – 4 near the corner of Greenmount Road, loss of front garden.
- Concern of effectiveness of the Bus gate.
- Concern justification for the road widening is flawed given pinch points through narrow busy villages.
- Concern of loss of trees.
- Concern of impact upon quality of life, noise, pollution and habitat loss.
- Concern the Habitats Directive is adhered to.
- Concern the need and benefit is justified.

58. Thomas Sexton (9 Rathfarnham Wood)

- Object to CPO of 8 Rathfarnham Wood Plot List 1016(1).1(d), 1016(2) 2d
- Object to CPO of Woodland area of Rathfarnham Castle Park Plot list 1001(1).1f; 1001(2).2f.
- Concern of impact to rear garden, lands sought to be acquired is 1.6m and the lands sought temporarily is 3m.
- This submission raises the same concerns as the submission by Mary O'Mahony at No. 9 Rathfarnham Wood summarised above (under 40).
- Concern of level of disruption and environmental impact.
- Concern of loss of a 100 year old tree in private rear garden
- The CPO and removal of the tree is disproportionate and unnecessary.
- Concern of removal of / impact upon 3m high granite boundary wall.
- Agree and support all of the grounds of the Rathfarnham Wood Residents Association (RWRA) submission.
- Concern of impact upon hydrology and Glin River
- Concern Water Framework Directive has not been complied with.
- Concern of impact upon Rathfarnham Castle Park.
- Concern of impact upon climate, flora and fauna, landscape and visual, noise, vibration and air.

59. Tom Kelly (2 Townhouses TRE)

- Concern as a property owner who is affected by CPO
- Concern of:
 - The requirement to purchase the specified land has not been properly demonstrated.
 - The consultation process has not given residents adequate opportunity for engagement.
 - The design of the Bus Corridor Scheme will negatively impact not just the immediate vicinity of the corridor, but a far wider zone.
 - The scheme would result in irreparable damage to the heritage of the local area, and to the local community.
 - The scheme would severely impact the quality of life for local residents.
- The proposed scheme has not taken into account changing work & travel patterns resulting from the Covid-19 pandemic.

- The proposed scheme has not adequately taken into account alternative forms of transport.
- No attempt has been made to properly sequence improvements to the bus corridor.
- The scheme is short-sighted and not remotely future-proofed.
- The sites proposed for CPO on Terenure Road East do not seem to be required in the context of the NTA's Signal Controlled Priority Plans.
- Concern of loss of trees and built heritage.
- Concern of impact upon the community and businesses and trade.
- The scheme would severely impact the quality of life for residents of affected properties, and considerable destruction to property value.
- Concern of loss of two beautiful trees on private property which act as noise barrier.
- Concern of proximity of carriageway 20m closer to bedroom window of 2 Townhouses, TRE, D6.

60. Vera Bannigan (1 Aranleigh Park, Rathfarnham)

- Concern regarding CPO of Plot List 1003(1).1e and CPO issued to MOTO4U, 52 Barton Drive, Rathfarnham in relation to private landings (0.00278 / 27.8) public area at the junction of Main Street & Rathfarnham Road.
- Note Mrs Vera Bannigan has not been served with an order. However, Mrs Bannigan is the legal owner.
- Currently taking legal advice and opinion.
- Issue relates to the boundary of the Coach House which is the premises in question regarding the CPO. Seeking legal opinion as to whether the boundary in question corresponds to the land outlined in the CPO.
- Mr. Trevor Baker (MOTO4U) is a tenant of the property, not the owner.
- Are in the process of gathering evidence regarding right of way and land ownership by Mrs Vera Bannigan.
- Challenge the drawings which show number 1 Rathfarnham Village as one property. This is incorrect. The Coach House of which Mr. Trevor Baker occupies is separate from the building and requires separate access which is the area allotted in the CPO.
- Concern of commercial use and viability of the building if access is impeded.

- Request that the documents are amended to reflect Mrs Vera Bannigan as the owner of the property and Mr. Trevor Baker (MOTO4U) as a tenant of the property.

61. Vivienne and Joan Ryan (145 Rathfarnhan Road)

- Concern regarding the CPO of Plot list 1012(1).1d and 1012(2).2d
- The proposed scheme is not in the public interest.
 - In contravention of the European Convention on Human Rights Act 2003 (the peaceful enjoyment of one's possessions),
 - Query the need and justification of the project post Covid.
 - An extreme and excessive response to traffic management.
 - Unnecessary destruction of property
 - Will have an adverse effect on the value of property affect the quality of individuals and community life.
 - Will not yield value for taxpayers money.
- Adverse effects on the environment.
 - Concern of the impact of the bus lane closer to property
 - Concern of noise and air pollution and impact to public health.
 - Concern of the CPO of woodland area of the Rathfarnham castle park.
- Adverse implications for proper planning and sustainable development.
 - Concern of loss of on street parking
 - Concern of reduced access for occupants to services
 - Concern proximity of traffic would give rise to a traffic hazard and risk to safety of residents.
 - Concern of devaluation of property.
- Risks to public health and safety.
- Lack of transparency.
 - No evidence to support the necessity to CPO private property.
 - Concern other alternatives were not considered.
- Request for annulment of CPO
 - Concern of general public interest, health and safety for individuals and the Community property rights and impacts on the environment.

62. Zorana and Sladjan Kuzmanovic (60 TRE)

- Concern regarding CPO of plot list 1058(1).1d and 1058(2).2d

- Appreciate the need for an improved environmentally friendly public transport system.
- Concern of no appreciable increase in bus's on the route to meet an increase in demand.
- Concern no significant reduction in time saving.
- Concern of a negative impact for adjacent residential roads with introducing 24/7 or lengthy Busgates on routes to the city centre.
- Concern of the significant costs of CPO
- Concern of loss of trees
- Concern of lack of up-to-date traffic data.
- Concern the project is over engineered and costly.
- Concern that cycling will not be continuous, direct and safe.
- Concern of impact for pedestrians and businesses in urban villages
- Concern of introduction of the bus gate on the Templeogue Road, Rathgar Road, Lower Kimmage Road and Rathmines Road Lower are necessary given the Dublin city council's priority traffic lights are a proven solution to manage easy flow of buses with much less adverse impact on adjacent residential roads.
- Concern long term solutions such as light rail and our metro southwest have not been considered.