



An
Bord
Pleanála

Inspector's Report ABP-313279-22

Nature of Application	Clongriffin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022
Location	Clongriffin to City Centre, County Dublin
Planning Authority	Dublin City Council
Applicant	National Transport Authority
Objectors	See Appendix 1
Date of Site Inspection	12 th August 2022, 12 th January 2023 & 27 th June 2023, 7 th August 2023.
Inspector	Sarah Lynch

1.0 Introduction

1.1. 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 'Clongriffin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022'.
- 1.1.2. The Compulsory Purchase Order relates to the compulsory acquisition of rights over land in the townland of various lands from R107 Malahide Road from Mayne River Avenue to – R107 Malahide Road junction, to the junction with Marino Mart – Fairview and it 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.
- 1.1.3. 30 submissions were received after the first consultation period and 20 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 'Clongriffin to City Centre Core Bus Corridor Scheme', the construction of the Clongriffin to City Centre Bus Corridor which has an overall length of approximately 5.7km and is routed along the R107 Malahide Road from Mayne River Avenue to – R107 Malahide Road junction to the junction with Marino Mart – Fairview and also routed for cyclists via the junction with Malahide Road – Brian Road along Carleton Road, St. Aidan's Park, Haverty Road and Marglann Marion, all in County Dublin within Dublin City Council administrative area.
- 1.2.2. 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.

1.2.3. The NTA have sent 312 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include Dublin City Council, Fingal County Council, ESB, Eircom, 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 'List of Owners Lessees Occupiers served Notice' which has been submitted with the CPO application.

1.3. Accompanying documents

1.3.1. The application was accompanied by the following:

- Compulsory Purchase Order and Schedule thereto, dated 5th April 2022.
- CPO Maps.
- Newspaper notice, published in the Dublin Gazette and the Irish Independent both dated the 7th April 2022.
- Copy of site notices erected at specific locations along the route.
- Copy of notice sent to landowners.
- 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 (B) describe public rights of way to be restricted or otherwise interfered with.
- Land described in Part IV provide a description of private rights to be acquired.

- 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 Clongriffin to City Centre Bus Corridor which has an overall length of approximately 5.7km and is routed along the R107 Malahide Road from Mayne River Avenue to – R107 Malahide Road junction to the junction with Marino Mart – Fairview and also routed for cyclists via the junction with Malahide Road – Brian Road along Carleton Road, St. Aidan’s Park, Haverly Road and Marglann Marion, all in County Dublin within Dublin City Council administrative area. From here the Proposed Scheme ties into a separate project, the Clontarf to City Centre Cycle & Bus Priority Project, currently being developed by DCC.
- 2.2. The Clontarf to City Centre Cycle & Bus Priority Project will provide segregated cycling facilities and bus priority infrastructure along a 2.7km route that extends from Clontarf Road at the junction with Alfie Byrne Road, to Amiens Street at the junction with Talbot Street in the City Centre. The start of the scheme ties into a separate project being developed by DCC namely, The Belmayne Main Street and Belmayne Avenue Scheme, which provides bus and cycle linkages to Clongriffin Dart Station.
- 2.3. Key improvements of the proposed scheme include:
- The number of pedestrian signal crossings will increase by 45% from 36 to 52 as a result of the Proposed Scheme;

- The proportion of segregated cycle facilities will increase from 4% on the existing corridor to 100% on the Proposed Scheme;
- The proportion of the route having bus priority measures will increase from 74% on the existing corridor to 100% on the Proposed Scheme.

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

- 5.7 km (two-way) of bus priority infrastructure and traffic management
- 11.9km (total both directions) of cycling infrastructure and facilities.
- Provision of new / refurbished pedestrian facilities and footpaths along the scheme and associated ancillary works.
- Provision of 15 junction upgrades including conversion of two existing large roundabouts to signalised junctions and associated ancillary works.
- Provision of 31 new / refurbished raised table side entry facilities.
- Reconfiguration of existing bus stops resulting in 30 number new bus stop facilities.
- Public Realm works including landscaping, planting, street furniture, street lighting, retaining walls, boundary walls, and sustainable urban drainage measures,
- Roads associated earthworks including excavation of unacceptable material, importation of material, temporary storage of materials.
- Provision of road pavement, signing, lining and ancillary works.
- Provision of gates, fencing and boundary treatment works.
- Construction of accommodation works including boundary treatment and ancillary grading and landscaping works together with all ancillary and consequential works associated there with.

2.5. The Construction Phase for the Proposed Scheme is anticipated to take approximately 24 months to complete. It will be constructed based on individual sectional completions that will individually have shorter durations typically ranging between 3 to 9 months. Various amounts of third-party lands will be required to be compulsorily acquired along the entirety of the route to facilitate the proposed development.

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, a full list is provided by the applicant within appendix 2 of the Planning Report document submitted with the application. Of relevance to this scheme and including a number referred to by Dublin City Council within their submission to the application is the following:

- ABP 307887 - An application for a Strategic Housing Development application at Site 2, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17 was granted in 2020, and comprised of 191 no. apartments and associated site works.
- ABP 305943 - An application for a Strategic Housing Development application at Newtown, Malahide Road, Dublin 17 granted in 2020 and comprised of 331 no. build to rent apartments, childcare facility and associated site works.
- ABP-304196-19 An application for a Strategic Housing Development application at Clarehall was granted in 2019, for 132 no. Build to Rent apartments and associated site works.
- ABP- 306696-20, Permission was granted for the construction of a new predominantly 3 storey 1000 pupil Post Primary School at Mount Temple Comprehensive School, Malahide Road, Clontarf. Dublin 3
- ABP 245738 - An application for an Aviation Fuel Pipeline from Dublin Port to Dublin Airport (granted in 2016; and
- DCC 4214/18 - An application for Street Refurbishments along Belmayne Main Street and Belmayne Avenue.

Dublin City Council refer to an additional two developments as outlined below.

- ABP-304346-19. A Strategic Housing Development at the Former Chivers Factory Site, Coolock granted in 2020 and comprised of 495 no. Build to Rent apartments, creche, cafe, gym and associated site works.

- ABP304838 Permission was granted for the construction of 347 no. Build to Rent apartments, creche and associated site works.
- A Strategic Housing Development at Clarehall, Malahide Road, Dublin 17 (SHD0007/19) granted in 2019,

(Both of the above developments are outside of the immediate scheme extents)

4.0 Overview of submissions

- 4.1. 30 submissions have been received in relation to the proposed CPO, 10 no. relate to the lands to be acquired at the Artane Cottages, 9 no. relate to individual land acquisitions at no.'s 6-10 Maypark, Malahide Road, and the remaining 11 relate to individual properties along the Malahide Road, including the two Protected Structures at 62 and 64 Malahide Road.
- 4.2. The issues raised relate to the proportionality of the scheme, third parties consider that the land take is excessive in certain areas and are concerned about the functionality of their properties in terms of egressing, entering and loss of parking.
- 4.3. Concerns are also raised in relation to increases in noise, deterioration of air quality, impacts to residential amenity, consideration of alternatives with particular regard to bus stops, cycle lane widths, widths of footpaths, damage to properties arising from vibrations, property devaluation, loss of landscaping and clarity regarding specific design details of accommodation works, design details of traffic calming measures and lack of consultation.
- 4.4. All such matters have been examined in detail within the planning application report ref: ABP313182-22 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.
- 4.5. I note that the NTA has responded to the issues raised and such responses will be examined 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 20 responses were received in this regard. Additional responses do not raise any new issues to those outlined in the submission

summarised within Appendix 1, however some still seek details in terms of boundary replacement design and a third party has expressed disappointment that the Board will not be holding an Oral Hearing in relation to the CPO.

- 4.6. Overall, I note 8 no. of the second-round submissions relate to Artane Cottages, 6 no. to individual properties at no's. 6-10 Maypark, Malahide Road, and the remainder to individual properties along the route.

5.0 Policy Context

5.1. European

5.2. 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.

5.3. 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.

5.4. 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.

5.5. National

5.6. 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.

5.7. National Sustainable Mobility Policy Action Plan 2022-2025

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

5.8. 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.

5.9. 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

5.10. 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.

5.11. 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.

5.12. 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.

5.13. 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.

5.14. 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.

5.15. Climate Action Plan 2023

- The Climate Action Plan (CAP23) sets out a roadmap to halve emissions by 2030 and reach net zero by 2050. CAP23 will also be the first to implement carbon budgets and sectoral emissions ceilings that were introduced under the Climate Action and Low Carbon Development (Amendment) Act, 2021. Sector emission ceilings were approved by Government in July 2028 for the electricity, transport, built environment – residential, built environment – commercial, industry, agricultural and other (F-gases, waste & petroleum refining) sectors. Finalisation of the emissions ceiling for the Land Use, Land Use Change and Forestry (LULUCF) sector has been deferred for up to 18 months from July 2022.
- 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 CAP23 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 CAP23 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. CAP23 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 will be developed in 2023 with the aim of reducing travel demand and improving sustainable mobility alternatives.
- The major public transport infrastructure programme set out in the NDP rebalances the share of capital expenditure in favour of new public transport schemes over road projects. BusConnects in each of our 5 cities, the DART+ Programme and Metrolink will continue to be progressed through public consultations and the planning systems. BusConnects is a key action under the major public transport infrastructure programme to deliver abatement in transport emissions, as outlined in CAP23 for the period 2023-2025.

5.16. Regional

5.17. 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.

5.18. Local

Dublin City Development Plan 2022-2028

- 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 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

- SMT021 - To seek improvements to Cross Guns Bridge for pedestrian and cycle users, taking into consideration the BusConnects and Metrolink projects.
- 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.

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

5.20. 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:

- Maintaining Nature in the City.
- Restoring Nature in the City.
- Building for Biodiversity.
- Understanding Biodiversity in the City
- 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.

5.21. Legislative Context

5.22. 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.

5.23. 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:

5.24. 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.

5.25. 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

6.1. Overview

6.2. 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”¹. Legal commentators² 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,
- 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.

6.3. 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.

Community Need

6.4. 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.

6.5. 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.

¹ Para. 52 of judgement of Geoghegan J in *Clinton v An Bord Pleanála* (No. 2) [2007] 4 IR 701.

² 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).

- 6.6. 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 cyclists and are not always operational on a 24 hour basis.
- 6.7. As noted above, 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 2023 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.
- 6.8. 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.
- 6.9. 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.
- 6.10. 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 30% reduction in car use along the route and an increase in cycling and walking of 93%, in addition to a 24% increase in bus use.

- 6.11. 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 people moving capacity 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.
- 6.12. In terms of local transport need it is outlined by the applicant that bus priority infrastructure is currently provided along approximately 68% (outbound) and 79% (citybound), cumulatively equating to 74% of the length of the route. The Proposed Scheme will facilitate 100% 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.
- 6.13. 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
- 6.14. With regard to cycling it is stated that non-segregated cycling facilities are currently provided along approximately 73% (outbound) and 61% (citybound) of the route of the Proposed Scheme. The remaining extents have no dedicated cycle provision or cyclists must cycle on the bus lanes where provided. This cumulatively equates to only

4% segregated cycle track infrastructure currently on the route. Cycle facilities in the Proposed Scheme will increase to 100% in both directions with the majority, approximately 87%, being segregated and the remainder using quiet streets. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.

- 6.15. It is important to note that the Clongriffin Corridor serves some of the busiest bus routes in Dublin. Demand for travel by bus is anticipated to continue to grow in this corridor into the future, in line with population growth. I draw the Board's attention to the list of SHD applications within the planning history section of this report above and also to the Belcamp/Belcamp Master Plan area which proposes the redevelopment of 24ha of lands for a new town centre residential and mixed use development and is identified as a Strategic Development and Regeneration Area. These lands are located to the north and west of Clarehall and will accommodate significant population growth in this area.
- 6.16. The proposed scheme therefore, will deliver the physical infrastructure necessary to sustain the projected population growth along and within the area of the route. It will also provide a more accessible public transport facility to the most vulnerable in society in a safe, well-lit and protected environment.
- 6.17. In overall conclusion it is clear that there is an obvious community need and justification for the proposed scheme which has been clearly demonstrated from a population growth and congestion perspective and in the interests of land use and transport planning integration.

Suitability of Lands

- 6.18. At the outset, the Board will note that the NTA are seeking to both permanently and temporarily acquire lands.
- 6.19. The lands that are the subject of this CPO are currently used for a number of uses including house garden, public open space associated with a residential development (recreational), commercial i.e space associated with a commercial premises also referred private landings, footpath and private access roads. 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.

- 6.20. The proposed scheme passes along a small section of the boundary of the Casino Marino ACA, however it is considered that the proposed works are compatible with the objectives of this designation and will not prevent or negatively impact the achievement of same.
- 6.21. Zonings pertaining to the lands include the following:
- Z1 – residential
 - Z3- Neighbourhood centres
 - Z4 – District Centres
 - Z6 – Employment / Enterprise
 - Z9 – Open Space
 - Z12 – Institutional Land with Development Potential
 - Z14 – Strategic Development and Regeneration Areas.
 - Z15 – Institutional and Community
- 6.22. 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 roadspace and the provision of active travel infrastructure are compatible with the zoning objectives of the development plan.
- 6.23. As noted in Section 2.0 above, the proposed route generally follows the alignment of the R107 for 5.7km with the exception of the additional 500 metres for cyclists along the quiet road section from Marino Marglann Road to the junction with Brian Road and the Malahide Road via Haverty Road, St. Aidans Park Road and Carleton Road.
- 6.24. The scheme due to the restricted width of the existing carriageway encroaches minimally on either side of the route onto third party lands to allow for the proposed improvements which include a segregated cycle lane. A large area of land at the open space associated Buttercup Park will be temporarily acquired to accommodate a construction compound and will be re-landscaped and returned to its original use once construction is complete.

- 6.25. 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, submissions received in relation to rights of way relate solely to the lands at the Artane Cottages where such rights are to be interfered with on a small parcel of lands at an existing access gate which is to be set back from its existing position slightly.
- 6.26. 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 and the minimum area of land required is being acquired to facilitate the proposed development with no excessive acquisitions along the route. It is clear from the information provided and the extents of the scheme that the rights of the landowner will be impacted but the degree of impact is clearly proportionate to the overall benefits of the proposed scheme to the wider community and the environment.

Accordance with the Development Plan

- 6.27. BusConnects is identified 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 the Council under policy SMT22.
- 6.28. 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 set out both within the Dublin City Development Plan 2022-2028 and other national and regional policy documents as set out within the policy section of this report above.

Use of Alternative Methods

- 6.29. I note reference is made within the 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-313182-22. I note that alternatives were considered at three levels, Strategic alternatives, route alternatives and design alternatives.

- 6.30. 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.
- 6.31. Metro alternative was also considered and as there is a higher capacity requirement for such solutions it was 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.
- 6.32. Heavy rail alternatives carry in excess of 10,000 people each direction each hour and was considered an unsuitable solution.
- 6.33. 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.
- 6.34. 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

- 6.35. The applicant outlines within section 3.3 of the EIAR that alternative route options have been considered throughout the design development in response to consultations held with the public. The route selection process is outlined in Section 3.3.1 of the EIAR, I

note that 70 individual links were considered, and a sifting process ensued resulting in the development of 4 routes. These routes were then considered against environmental considerations such as soils and geology, flora and fauna, potential archaeological, architectural and cultural heritage impacts and impacts to roadside amenity such as existing trees. Other constraints relating to these routes such as land availability and the extent of third-party lands to be acquired were also considered and the route selections reduced and modified accordingly.

- 6.36. 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. Each emerging route was considered in relation to a number of criteria such as economy, safety, integration, accessibility and social inclusion and environment.
- 6.37. In relation to concerns raised regarding the location of a bus stop adjacent to the Artane Cottages I note that the applicant has examined the relocation of this bus stop in detail which has been outlined within the planning application report associated with this CPO Ref: ABP-313182-22, in summary the applicant's response states that the proposed location adjacent to the Artane Cottages is the only location suitable due to constraints with entrances at 300-302 Malahide Road. Concerns are also raised in relation to the provision of a bus stop adjacent to the Goblet Public House, this third party is concerned about loitering at the bus stop, I note that the bus stop is an island style bus stop with shelter and is located at a remove from the business. I further note that reasonable alternatives in relation bus stop locations have been robustly considered by the applicant and am satisfied that the proposed location and type of bus stop is required and necessary at this location.
- 6.38. Thus, having regard to the information provided by the NTA in relation to the alternatives considered I am satisfied that a significant number of 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 route chosen is the one which best meets 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 environmental considerations and to the Project Objectives. I

therefore generally concur with the reasons for choosing the preferred alternatives as presented in the EIAR and as mentioned above the preferred option was proportionate to the overall community benefit to be delivered by the scheme. I acknowledge that the proposed development will negatively impact landowners, however 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.

6.39. CPO Issues common to multiple Objectors

6.40. Concerns were raised in relation to a number of common 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-313182-22, and as such this report should be read in conjunction with the aforementioned planning application report for the proposed scheme.

Property Values

6.41. Residents and businesses are concerned that the proposed scheme will devalue their properties. In general I note the NTA's response to these contentions within the EIAR submitted with the planning application 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.

Impact on Parking & Access

6.42. Concerns are raised by third parties that they will not be left with enough space to park their cars. 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.

Engagement in the process

- 6.42.1. Third Parties raised concerns and expressed dissatisfaction in relation to the level of engagement by the NTA in relation to the process.
- 6.42.2. 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.
- 6.42.3. I note that 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.

Accommodation works details.

- 6.42.4. General concerns are raised within the submissions in relation to the detailed design or replacement boundaries and landscaping. As mentioned above I consider that such accommodation works are a matter for the arbitration process.

Artane Cottages

- 6.43. Whilst a number of issues raised within the Artane Cottages are common issues such as the adequacy of the consultation process, alternatives, impacts to residents, location of bus stops. Specific concerns relating to the existing access lanes etc were also raised. In this regard I note the NTA's response as follows:
- A small triangular portion of permanent land acquisition (0.1m²) is required at this access laneway.
 - Specifically, the small land acquisition from the laneway is required to facilitate relocation of the gate post, 0.34m away from the road to accommodate the required footpath width. Plot number 1027(2).2a is an area of temporary land acquisition (2.0m x 0.88m) to allow working space for the relocation of the gate post.

- The NTA notes the request for clarification in relation to proposed access to residential parking and acknowledge that the vehicular access to the rear lane is primarily via the southern gate between nos. 3 and 4 Artane Cottages Lower. The intention under the Proposed Scheme will be to retain the existing access to the driveway at this location and thus not adversely impact these existing arrangements
- An issue of rising damp was raised and is outside the confines of the CPO process.

Maypark Residents

- 6.44. Specific Concerns are raised by residents living within Maypark, Malahide Road in relation to the above matters. I note the NTA's response in this regard in which it is stated that presently accessing / egressing properties at 5, 6, 6A,7,8, 9 10 Maypark Road requires crossing the bus lane and the footpath; with the Proposed Scheme it will also involve crossing the new cycle track. The existing width of the footpath is approximately 2.3m wide. The width of the proposed footpath is 2.0m and the cycle track is 1.75m in front of the properties, with the increase in width crossed being 1.45m. The principle of how residents can access/ egress their properties is unchanged by the scheme proposals.
- 6.45. In order to accommodate the required segregated cycle track the Proposed scheme will require between 1.9m and 2.1m of land acquisition from these properties and the demolition and replacement of the existing front boundaries. The new proposed boundary treatment to the front driveways will be approximately at least 9m wide and will be between 11.6m and 12.7m from the building upon completion of the scheme. This will not significantly affect the parking capacity at the front of these properties.
- 6.46. In addition to the foregoing I note that concerns are raised by Vincent Nolan, Maypark Dental Practice in relation to the impact of the proposed scheme on parking space to the front of his property. It has been clarified by the applicant that 2 metres of land will be acquired and will not have a significant impact on the car parking capacity at this property.
- 6.47. Acquisitions at this section of the proposed scheme will accommodate a new fully segregated cycle lane, kerb line and new footpath while accommodating a dedicated bus lane and single general traffic lane within the carriageway. I am satisfied that the

quantum of lands to be acquired is proportionate and not excessive and will not impact the functionality of these properties in any significant manner.

Individual Submissions that are not part of a group of buildings with similar issues.

Gavin & Clara Guinane, (Plots 1048(1).1d & 1048(2).2d) & Gernard & David Murnaghan (Plots (1046(1).1d & 1036(2).2d) - 62 & 64 Malahide Road

- 6.48. Similar concerns in relation to proportionality and level of detail are raised by the property owners of 62&64 Malahide Road. In this regard the Board should note that permanent land acquisitions at these locations will be from 0.55m to 0.65m in width and from 0.51m to 0.55m width respectively. The present Malahide Road does not have an outbound bus lane at this location. The acquisition of lands at these properties will facilitate provision of a bus lane at this location which will be key to ensuring a reliable and efficient service supporting the Proposed Scheme objectives.
- 6.49. In response to concerns raised in relation to the detailed design of replacement boundaries, the Board should note that such matters are appropriately dealt with as part of the detailed accommodation works plans in consultation with impacted landowners upon confirmation of CPO.

Aidan & Christina McGovern

- 6.50. In relation to the specific works at this property I note the NTA's clarification as follows:
- The Permanent acquisition will result in the loss of between 4.1m to 4.5m with an additional 2.0m temporarily required to allow for the construction of boundary treatment and tying into the existing garden/driveway.
 - The edge of the proposed bus lane will be 2.2 to 2.7m closer to the residence than the kerb of the existing general traffic lane.
 - The 14.0m front boundary wall will be at least 7.5m from the front of the house.
 - It is believed that this should not hinder the parking cars at present but there will be the loss of the planted area on the house side of the front boundary wall.

Bernadette Clarke & Maria Clarke

- 6.51. Issues are raised in relation to noise, vibration, air, loss of landscaping, parking, access, alternatives and loss of wastewater and sewerage access.

6.52. As mentioned above impacts in relation to air, noise, vibration are considered within the planning report associated with this CPO and are considered in detail within the EIAR and will not be repeated, consideration of alternative is also examined in detail within the planning report and above, none the less 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.

6.53. In relation to the specific acquisition at this property I note the NTA's response:

- The permanent acquisition of land between 4.2m to 4.4m of land is to allow for the construction of a bus lane, 1.5m wide cycle track and 2.0m wide footpath
- the new boundary will be approximately 9.0m from the property. The proposed new road alignment will move the existing kerb line of the proposed bus lane between 2.4 to 2.7m closer to the property.
- No loss of parking is expected and ingress and egress will remain as is currently the situation.
- Access to waste and sewerage will be maintained.

Blarney Stone Public House (Plot 1031(1).1a & 1030(1).1e

6.54. Concerns are raised in relation to the location of bus stops which has been examined above. Loss of an outdoor seating area is of concern at this property and the resultant impact to business. I concur with the applicant that such matters are subject to the arbitration process and as mentioned above I am satisfied that the land acquisition is reasonable and necessary at this location. Other planning matters raised have been examined in detail within the planning application report referred to above.

6.55. Of note is the impact to carparking during construction, I note it may be necessary for the applicant to make local arrangements on a case-by-case basis to maintain continued access to homes and businesses affected by the works, at all times, where practicable. This is acceptable and common practice for such linear developments.

6.56. In terms of access to this premises it is stated that the proposed works will improve access by providing a greater separation from the vehicular entrance to the carriageway.

6.56.1. 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.

Noel Regazzoli (plots 1009(1).1d & 1009(2).2d

6.57. Concerns are raised in relation to accessibility of property for the disabled, impacts to birds and loss of trees, air and noise. Loss of vegetation, air and noise impacts area examined within the EIAR submitted with the planning application for this scheme ref: ABP-313182-22 and will not be repeated. I note the NTA's response in full and particularly the response to accessibility as follows:

- There will be no impediment to the stopping of a disabled vehicle at the front of the property to facilitate access.
- The proposed scheme will result in the permanent acquisition of between 2.3m to 3.3m of land, as a result of this acquisition the existing landscaping will be impacted, compensation for such matters relate to the arbitration process.

Stephen Flangan & Family

6.58. Concerns are raised in relation to the need for the development, impacts arising from air and noise, value of property, movement of road close to property, and accessibility into and out of the property. All of these issues have been examined above and will not be repeated hereunder. In relation to the particulars of this property I note the NTA's response as follows:

- The Permanent acquisition will result in the loss of between 3.4m to 3.9m which will result in the new boundary being at least 8.5m from the front of the house.
- It is believed that this should not hinder the parking cars at present but there will be the loss of the planted area on the house side of the front boundary wall.
- The design allows for the safe use of the access as per the design standards.

- The new bus lane will be 2.1m closer to the residence but the separation from the boundary wall to the bus lane will increase from 1.6m to 3.5m allowing easier egress from the property.

Sherry Abraham & Bijo George (plots 1011(1).1d & 1011(2).2d)

6.59. Common issues raised in relation to consultation and alternatives are addressed above and will not be repeated. Of particular concern to the third party is the loss of parking and access into the property for persons with mobility impairments. I note the NTA's response as follows:

- The design allows for the safe use of the access as per the design standards.
- The existing footpath is 1.7m wide and the proposed footpath will be widened to 2.0m which will allow easier use when egressing the access.
- The Permanent acquisition will result in the loss of between 4.0m to 4.2 m this will result in the new boundary being at least 7.0m from the front of the house. It is believed that this should not hinder parking cars but there will be the loss of the planted area on the house side of the front boundary wall.
- The new bus lane will be 2.1m closer to the residence but the separation from the boundary wall to the bus lane will increase from 1.6m to 3.5m allowing easier egress from the property.
- Proposed works will not alter current arrangements for egress and ingress to this property.

Kieran Tumulty & Danielle O'Riordan (Plot 1076(1).1d & 1076(2).2d)

6.60. Issues raised in relation to property value, noise, consultation, design of accommodation works have all been examined above and will not be repeated. Concerns a in relation to loss of parking, lack of information and impacts to integrity of the property have been addressed by the NTA as follows:

- The Permanent acquisition will result in the loss of approximately 0.8m strip of land with an additional 2.0m temporally required to allow for the construction of boundary treatment and tying into the existing garden/driveway.
- The existing 10.0m wide front boundary will be at least 7.2m from the front of the house.

- This will not hinder the parking of cars as accommodated at present but there will be the loss of the planted area on the house side of the front boundary wall.
- The proposed new road alignment will move the bus lane about 0.5m closer to the residence.
- Impacts from vibrations are not likely and will be monitored throughout the construction process.

Cunningham Funeral Directors (Plots 1005(1).1c & 1005(2).2c

6.61. Concerns are raised in relation to loss of carparking and the ability to accommodate a hearse at the front of the property and family parking. I note the NTA's response as follows:

- The proposed scheme will require the acquisition of a strip of land of not more than 1.8m over 8.5m resulting in a loss of 11.8m².
- While it is acknowledged that there will be a loss of parking space there will remain sufficient space to park a hearse and family parking.

Caroline O'Hara (Plot 1039(1).1d & 1039(2).2d

6.62. Issues raised in relation to, noise and property value are addressed above and within the EIAR of the proposed scheme. I note concerns are also raised in relation to loss of car parking and access to property and note the NTA response as follows:

- The width of land to be acquired is approximately 1.7m and will require the demolition and reconstruction of two concrete pillars and 1 pedestrian gate, with the new footpath being constructed 1.7m closer to the residence.
- The proposed bus lane will be moved only 0.2m closer to residence, but a new footpath will be constructed 1.7m closer to the residence to accommodate the new cycle track. It is not envisioned that the construction of the new footpath, cycle track or bus lane will cause any damage to the residence.

- The existing 5.3m wide road frontage boundary will be at least 6.0m from the front of the house. This will not hinder the parking of a car at this location relative to the existing arrangement.
- No changes are proposed in relation to the accessibility to this property in terms of ingress or egress.

Conclusion

6.63. I have examined all of the issues raised within the submissions received and those received in response to the NTA's response. I am satisfied that the proposed extent of land acquisition is reasonable and proportional to the stated purpose of the Proposed Scheme. I am also satisfied that the process and procedures undertaken by the applicant have been fair and reasonable and it has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of the lands would be justified by the exigencies of the common good and would be consistent with National, regional and county level planning policies and objectives.

6.64. 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.

6.65. 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 (B) describe public rights of way to be restricted or otherwise interfered with.
- Land described in Part IV provide a description of private rights to be acquired.

- Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.

6.66. 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 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.

6.67. 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 in which the delivery of the proposed BusConnects is an objective. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

6.68. Recommendation

6.69. I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 8th April 2022, based on the reasons and considerations set out below.

6.70. Reasons and Considerations

Having considered the objections made to the compulsory purchase order, the report of the Inspector who conducted the oral hearing into 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.
- (viii) The submissions made at 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.

Sarah Lynch
Planning Inspector

16th November 2023

Appendix 1 Third Party Objections

Artane Cottages

1. **Aine Kelly - 1027(1).1a Lands Being Permanently Acquired & 1027(2).2a Lands Being Temporarily Acquired,** (Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)
 - 5 Artane Cottages – the cottages are the oldest remaining buildings on this stretch of road, these houses suffering from severe, air, light and noise pollution and lack of privacy.
 - EIA identifies a low visual impact in relation to the proposed new bus stop opposite these cottages.
 - Impact on residential amenity to these cottages is not recognised anywhere in EIA.
 - The bus stop will undermine the residents efforts to maintain the original character of these houses.
 - Removal of existing bus stops on either side of Artane cottages was not considered in depth during the consultation stage and should have been highlighted more clearly within these stages of change.
 - Justification for location of bus stop at Artane Cottages is not adequately addressed.
 - Distance between two bus stops to be removed is similar to all other proposed bus stop separation distances, it is argued that there is no justification for removing these stops and instead these should be modified.
 - Proposed bus stop at Artane cottages is substandard in terms of design.
 - Proposed bus stop also does not retain agreed 3.5 metre width of footpath.
 - Reduction of cycle lane width to 1 metre at bus stop is also not acceptable and is contrary to guidance.
 - Bus stop is not appropriate for wheelchair users as it requires the crossing of a cycle lane.
 - Sufficient seating is not provided at bus stop which will lead to people sitting on window cills.

- The project will see the removal of two sheltered bus stops and the replacement with a section of shared path.
- Bus stop location is in contravention of NTA's own criteria.
- It is the duty of NTA and Local Authority to not worsen living environment for residents. It is contended that the bus stop would worsen conditions for the residents of the Artane cottages.
- Pedestrian crossing is c. 25m from bus stop which will result in buses backing up in front of the houses.
- Objection to the local narrowing to the footpath at the junction – proposed layout leaves 1.8m footpath compared to the current 3.5m. These changes also divert footfall closer to the cottages.
- Cycle lane could be accommodated at the front of no.10 Artane cottages where footpath is wider and allowing for a two way cycle lane on the northern and western arms of junction or revised cycle crossing layout on northern arm.
- Existing bus stops are located at areas with significantly wide footpaths.
- A revision of bus stop 1219 south by 30-50m in front of 25a Malahide road would move 1277 to more than 250m, bus stop 1220 could be retained and all stops would be in the proposed separation range.
- In the case that these bus stops cannot be retained, the new stop could be relocated to 302/300 Malahide Road whereby properties have deep front gardens.
- This could be coupled with the relocation of bus stop 1277 south.
- Improvement of access to pedestrian crossing provided by proposed new bus stop at Artane Cottages is significantly outweighed by the negative impact to the cottages.
- There are multiple bus stops proposed within the development which are in excess of 50 m.
- There is a request for direct engagement with residents during the implementation stage of the development in relation to details related to the replacement gate, detailed finishes of footpath with the inclusion of a French drain.
- Clarification in relation to proposed car parking, currently residents park on footpath, access to rear gate needs to be improved.

- No bollards should be placed between Artane Cottages and the development as this would prevent deliveries and maintenance to these properties.
2. **Alice Kenny - 1021(1).1d Lands Being Permanently Acquired & 1021(2).2d Lands Being Temporarily Acquired**
Entrance to lane between 12 Artane Cottages Lower and 1 Artane Cottages Upper, Artane, Dublin 5
 - 6 Artane Cottages – loss of garden space and will be unable to park car.
 - Concerns relating to noise etc from traffic being closer to property.
 3. **Anna Hofheinz - 1027(1).1a Lands Being Permanently Acquired, 1027(2).2a Lands Being Temporarily Acquired, (Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)**
 - In relation to 8 Artane Cottages – same submission as Aine Kelly see above, in the interest of conciseness this submission will not be summarised again hereunder.
 4. **Derek Mahony**
Same submission as Aine Kelly – see above
 5. **Gerard Whelehan 1027(1).1a Lands Being Permanently Acquired 1027(2).2 Lands Being Temporarily Acquired (Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)**
 - In relation to 11 Artane Cottages
 - In relation to Artane Cottages – Same Submission as Aine Kelly - see above
 6. **Laura Meaney 1027(1).1a Lands Being Permanently Acquired & 1027(2).2a Lands Being Temporarily Acquired (Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)**
 - In relation to 11 Artane Cottages – Same Submission as Aine Kelly - see above.
 7. **Margaret Radford - 1027(1).1a Lands Being Permanently Acquired & 1027(2).2a Lands Being Temporarily Acquired (Owners or Reputed**

Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)

- In relation to 7 Artane Cottages – Same Submission as Aine Kelly - see above.

8. Paul Cotter - 1027(1).1a Lands Being Permanently Acquired & 1027(2).2a Lands Being Temporarily Acquired (Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)

- In relation to 6 Artane Cottages – same submission as Aine Kelly see above.

9. Pawel Jaskowski - Paul Cotter 1027(1).1a Lands Being Permanently Acquired & 1027(2).2a Lands Being Temporarily Acquired (Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)

- In relation to 8 Artane Cottages – same submission as Aine Kelly, see above.

10. Sophie Mahony (Not listed as registered owner in schedule) 1024(1).1d, 1027(1).1a Lands Being Permanently Acquired & 1024(2).2d, 1027(2).2a Lands Being Temporarily Acquired Owners or Reputed Owners of the Right to be Acquired & Owners or Reputed Owners of the Right to be Temporarily Restricted or Otherwise Interfered With)

- In relation to no. 3 Artane Cottages - same submission as Aine Kelly see above.

Maypark

11. David & Lisa Clarke: 1061 (1). 1d, Lands to be Permanently Acquired 1061 (2) 2 Lands Being Temporarily Acquired

- In relation to 4 Maypark
- Loss of parking spaces.
- Concerns over potential collisions.
- Noise concerns.
- Loss of landscaping.
- Inconvenience during construction phase.

**12. Ernie Ramsey 1067(1).1(d) Lands Being Permanently Acquired
& 1067(2).2(d) Lands Being Temporarily Acquired**

- In relation to 9 Maypark
- Previous cycle lanes were unsuccessful and caused accidents with cars exiting driveways.
- Owners will have to cross a bus lane, cycle lane and footpath to get to road.
- Loss of space reduces car parking at house.
- Concerns relating to noise and construction disturbance.

13. Fintan & Eileen Murphy - 1068(1).1d Lands Being Permanently Acquired & 1068(2).2d Lands Being Temporarily Acquired

- In relation to 10 Maypark
- Need for 2 metre high gates to protect property.
- Difficulty closing gates when leaving property as car will have to idle on the cycle/bus lane – it is suggested that the NTA provide electronic gates to house owners.
- Residents of Maypark should be permitted to use Bus Lane coming down Malahide Road.
- Cameras to be used to monitor bus lane misuse.

14. Jacqueline and Anthony Grant 1063(1).1d Lands Being Permanently Acquired & 1063(2).2d Lands Being Temporarily Acquired

- In relation to 6 Mayfield Park
- Conflict with cyclists on cycle lane.
- New plan will have to navigate footpath, cycle lane and bus lane prior to getting onto Malahide Road.
- Reduction in number of car parking spaces available to house.
- Noise
- Inconvenience of building works.
- Access to driveway will be restricted

15. Maria Manuela Marin Albert 1067(1).1d Lands Being Permanently Acquired & 1067(2).2d Lands Being Temporarily Acquired

- In relation to 9 Maypark
- Conflict with cyclists on cycle lane.

- New plan will have to navigate footpath, cycle lane and bus lane prior to getting onto Malahide Road.
- Reduction in number of car parking spaces available to house.
- Noise
- Inconvenience of building works.
- Access to driveway will be restricted

16. Michelle La Grue & Eamon Farrelly 1062(1).1d Lands Being Permanently Acquired & 1062(2).2d Lands Being Temporarily Acquired

In relation to 5 Maypark

- Conflict with cyclists on cycle lane.
- New plan will have to navigate footpath, cycle lane and bus lane prior to getting onto Malahide Road.
- Reduction in number of car parking spaces available to house.
- Noise
- Inconvenience of building works.
- Access to driveway will be restricted

17. Thomas Sheridan & Laura Sheridan 1064(1).1d Lands Being Permanently Acquired & 1064(2).2d Lands Being Temporarily Acquired

- In relation to 6 A Maypark
- Conflict with cyclists on cycle lane.
- New plan will have to navigate footpath, cycle lane and bus lane prior to getting onto Malahide Road.
- Loss of expensive landscaping features inside existing gate.
- Loss of mature landscaping.
- Reduction in number of car parking spaces available to house.
- Noise
- Inconvenience of building works.
- Access to driveway will be restricted.

18. Vincent Nolan – 1065(1).1d Lands Being Permanently Acquired & 1065(2).2d Lands Being Temporarily Acquired

- Maypark Dental Practice
- Conflict with cyclists on cycle lane.

- New plan will have to navigate footpath, cycle lane and bus lane prior to getting onto Malahide Road.
- Reduction in car parking spaces which will impact business.
- Noise
- Inconvenience of building works.

19. Vincent Nolan – 1066(1)1.d Lands Being Permanently Acquired & 1066 (2).2d Lands Being Temporarily Acquired

- In relation to 8 Maypark, Malahide Road.
- Conflict with cyclists on cycle lane.
- New plan will have to navigate footpath, cycle lane and bus lane prior to getting onto Malahide Road.
- Loss of expensive landscaping features inside existing gate.
- Loss of mature landscaping.
- Reduction in number of car parking spaces available to house.
- Noise
- Inconvenience of building works.
- Access to driveway will be restricted

20. Aidan & Christina McGovern: 1014(1). 1d Lands Being Permanently Acquired & 1014(2).2d Lands Being Temporarily Acquired

Mornington Park

- Loss of privacy
- Increase in noise and air pollution
- Loss of parking for vehicles in front of property.
- Creation of a traffic hazard for vehicles and entering and leaving the property.
- Location of bus stop will create an obstruction to view.

21. Bernadette Clarke and Maria Clarke - 1012(1).1d Lands Being Permanently Acquired & 1012(2).2d Lands Being Temporarily Acquired.

- In relation to St. Gerard's, Mornington Park Malahide Road.
- Property dates back to 1930's
- 50.6sqm / 4.4 metres of garden is to be acquired.

- Concerns relating to the impacts of traffic to house in terms of vibrations, noise, disturbance and loss of privacy.
- Removal of mature trees and hedges.
- Loss of trees will expose residents to additional pollution.
- Loss of space will impact disabled residents and cars will be forced to back out onto dual carriageway.
- How will access to mains sewer be accommodated.
- Use of filter light rather than widening of carriageway should be used at this point.
- The proposed project is not value for money.
- There is no economic or social justification for the CPO.
- Impacts to residents health and well being.

22. Blarney Stone Public House – 1031(1).1a & 1030(1).1e Lands Being Permanently Acquired

- Goblet Pub doors must open outwards, the removal of outside space and the installation of a footpath and cycleway in front of premises will lead to health and safety issues.
- The proposal will result in the removal of outdoor seating thus impacting business.
- Bus stop will impede sightlines from car park.

23. Caroline O’Hara Plot 1039(1).1d, Lands Being Permanently Acquired 1039(2).2d. Lands Being Temporarily Acquired.

- In relation to 210 Malahide Road.
- Restricts right of way to house.
- Potential damage to structure of house.
- Loss of parking space
- Safety
- Devaluation of property.

24. Cunningham Funeral Directors – 1005(1).1c Lands to be Permanently Acquired & 1005(2).2c Lands Being Temporarily Acquired

- In relation to the Mornington Centre 44a Malahide Road
- Planning permission was granted for the development of a site as a funeral home in 2020.

- The development will include a parking area and area for a hearse to pull in for removals etc.
- Loss of part of this area will impact the functioning of the business.

25. Gavin & Clara Guinane – 1048(1).1d Lands Being Permanently Acquired & 1048(2).2d Lands Being Temporarily Acquired

- In relation to 62 Malahide Road.
- Object to land acquisition as it appears to be surplus for scheme,
- Inadequate mitigation in relation to noise.
- Inadequate details have been provided in relation to speed bumps/traffic calming measures.
- Object to road closures.
- Lack of detail provided for access to property.
- Road will be too close to house.
- Inadequate drainage details.
- Health and safety in relation to dwelling access.
- Inadequate screening proposed.
- Inadequate detail in relation to boundary treatment.
- Lack of detail in relation to road level changes.
- Lack of clarity regarding set back distances.
- Irreparable damage will occur to local environment.
- Lack of communication with residents, no offer of relocation.
- Impact to work environment.
- Impact to enjoyment of home.
- Lack of alternatives explored.
- Oral hearing requested.
- Information provided by acquiring authority is incomplete.

26. Gerard and David Murnaghan 1046(1).1d Lands Being Permanently Acquired & 1047(2).2d Lands Being Temporarily Acquired

- In relation to 64 Malahide Road
- Object to land acquisition as it appears to be surplus for scheme,
- Inadequate mitigation in relation to noise.
- Inadequate details have been provided in relation to speed bumps/traffic calming measures.
- New gate will be required, no details have been provided.

- Object to road closures.
- Lack of detail provided for access to property.
- Road will be too close to house.
- Inadequate drainage details.
- Health and safety in relation to dwelling access.
- Inadequate screening proposed.
- Inadequate detail in relation to boundary treatment.
- Lack of detail in relation to road level changes.
- Lack of detail in relation to lighting.
- Lack of clarity regarding set back distances.
- Irreparable damage will occur to local environment.
- Lack of communication with residents, no offer of relocation.
- Impact to work environment.
- Impact to enjoyment of home.
- Lack of alternatives explored.
- Oral hearing requested.

27. Kieran Tumulty & Danielle O’Riordan – (not listed as owners on schedule, no submission from owner) 1076(1).1d, 1076(2).2d- Lands Being Temporarily Acquired

28 Malahide Road

- Loss of parking spaces
- Direct impact on life circumstances as a result of loss of parking.
- Lack of consultation.
- Impact of traffic on structural integrity of house.
- Noise disturbance arising from construction and operation.
- Potential loss of front wall and original period features.
- Lack of information regarding temporary restricted access to front of property.
- Impact to value of property.
-

28. Noel Regazzoli - 1009(1).1d Lands Being Permanently Acquired & 1009(2).2d Lands Being Temporarily Acquired

- In relation to Sunview Mornington Park
- Concerns regarding Mornington Park

- 3.5 metres to be taken from front garden
- Disabled person in property, daily travel requires a bus to stop at side of road outside house, proposal would render this not possible.
- Disturbance to birds via removal of hedge
- Removal of trees of sentimental value

29. Sherry Abraham & Bijo George - 1011(1).1d Lands Being Permanently Acquired & 1011(2).2d Lands Being Temporarily Acquired

Mornington Park

- NTA ignoring proposal put to them.
- NTA did not engage properly.
- Request for a bus priority lane north and south would reduce land take and has been implemented in other bus connects routes.
- Occupant of house has restricted mobility and proposal will impact parking.
- Impact to mature trees
- 5 cars associated with house
- Persistent correspondence yielded no response until Ministers and TDs became involved.
- Neighbouring property requires access for disabled person also.

30. Stephen Flangan and Family

- In relation to lands at Helensville, Malahide Road.
- Scheme is proposed due to historic and poor planning decisions allowing new homes accessed by one road.
- Scheme does not benefit the residents of the property in question.
- Scheme will result in insufficient room to manoeuvre into and out of drive in first gear.
- Concerns regarding safety for children with road being nearer to home.
- Concerns relating to air, noise pollution.
- Loss of value to property.
- Unable to sell property.