



An  
Bord  
Pleanála

## Inspector's Report ABP-313961-22

### Nature of Application

Compulsory Purchase Order 2022 for  
Bus Connects Blanchardstown to City  
Centre Core Bus Corridor Scheme  
Compulsory Purchase Order 2022

### Location

Blanchardstown to City Centre, County  
Dublin

### Planning Authority

Dublin City Council & Fingal County  
Council.

### Applicant

National Transport Authority

### Objectors

See Appendix 1

### Date of Site Inspection

28<sup>th</sup> January 2024, 18<sup>th</sup> October 2023,  
13<sup>th</sup> December 2023, 19<sup>th</sup> December  
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 'Blanchardstown 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 various lands along the N3 from the Junction 3 (Blanchardstown / Mulhuddart) southbound off-slip from the N3 along the Navan Road, Old Cabra Road, Prussia Street, though Stoneybatter and terminating at Arran Quay 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. 32 no. submissions were received after the first consultation period and 8 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 'Blanchardstown to City Centre Core Bus Corridor Scheme', the construction of the Blanchardstown to City Centre Bus Corridor has an overall length of approximately 10.9km and will commence at Junction 3 (Blanchardstown / Mulhuddart) southbound off-slip from the N3. The Proposed Scheme proceeds along the R121 Blanchardstown Road South into the Blanchardstown Shopping Centre. From a new terminus to the north-west of Blanchardstown Shopping Centre the Proposed Scheme is routed onto the N3 Navan Road via the Snugborough Road junction and will follow the N3 and Navan Road as far as the junction with the Old Cabra Road.
- 1.2.2. From here, the Proposed Scheme will be routed along Old Cabra Road, Prussia Street, Manor Street and Stoneybatter to the junction with King Street North. The Proposed Scheme will proceed via Blackhall Place as far as the junction with Ellis Quay, where it will join the prevailing traffic management regime on the North Quays. At the Stoneybatter / Brunswick Street North junction, cyclists proceed along Brunswick Street North, George's Lane and Queen Street as far as Ellis Quay/Arran Quay all in the County of Dublin and within the Fingal County Council (FCC) and Dublin City Council (DCC) administrative areas.

- 1.2.3. The overall need for the Proposed Scheme is to respond to current deficiencies in the transport system. The population in Dublin is expected to rise by 25% by 2040 and the proposed project will cater for more sustainable travel patterns within the city. Without such interventions traffic congestion will lead to longer and less reliable bus journeys throughout the region and will affect the quality of people's lives. It is stated that the Proposed Scheme is needed because it will provide enhanced walking, cycling and bus infrastructure on this key access corridor in the Dublin region, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor.
- 1.2.4. The NTA have sent 1475 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include but are not restricted to the following: Fingal County Council, Dublin City Council, CIE, OPW, ESB, Minister for Public Expenditure & Reform, Dept. of Education, Eircom, TII, and private landowners. Some landowners are joint owners of a singular parcel of land, some are singular owners of multiple parcels of land and some are joint/multiple owners of multiple parcels. All owners and associated parcels to be acquired are detailed in the document titled 'Blanchardstown to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order'.

### **1.3. Accompanying documents**

- 1.3.1. The application was accompanied by the following:
- Compulsory Purchase Order and Schedule thereto, dated 28<sup>th</sup> June 2022.
  - Application cover letter.
  - CPO Deposit Maps.
  - Newspaper notice, published in the Dublin Gazette and the Irish Independent both dated the 30<sup>th</sup> June 2022.
  - Copy of site notices erected and details of specific locations erected 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 (A) describe public rights of way to be extinguished,
- Lands described in Part III (B) describe public rights of way to be restricted or otherwise interfered with.
- Land described in Part IV (A) provide a description of private rights to be acquired.
- Land described in Part IV (B) provides a description of private rights to be restricted or otherwise interfered with,
- Land described in Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.

1.4.2. Temporary land takes are required to facilitate construction of the proposed scheme and will be returned to the landowner on completion of the scheme.

1.4.3. The lands described in the Schedule are stated to be lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.

1.4.4. The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

## **2.0 Site Location and Development Description**

2.1. The proposed scheme submitted under this application will comprise the construction of the Blanchardstown to City Centre Bus Corridor will be approximately 10.9km and will commence at Junction 3 (Blanchardstown / Mulhuddart) southbound off-slip from

the N3. The Proposed Scheme proceeds along the R121 Blanchardstown Road South into the Blanchardstown Shopping Centre.

- 2.2. From a new terminus to the north-west of Blanchardstown Shopping Centre the Proposed Scheme is routed onto the N3 Navan Road via the Snugborough Road junction and will follow the N3 and Navan Road as far as the junction with the Old Cabra Road. From here, the Proposed Scheme will be routed along Old Cabra Road, Prussia Street, Manor Street and Stoneybatter to the junction with King Street North.
- 2.3. The Proposed Scheme will proceed via Blackhall Place as far as the junction with Ellis Quay, where it will join the prevailing traffic management regime on the North Quays. At the Stoneybatter / Brunswick Street North junction, cyclists proceed along Brunswick Street North, George's Lane and Queen Street as far as Ellis Quay/Arran Quay.

#### Key Changes

- The number of pedestrian signal crossings will increase by 62% from 77 to 125 as a result of the Proposed Scheme;
  - The proportion of segregated cycle facilities will increase from 9% on the existing corridor to 78% on the Proposed Scheme; and
  - The proportion of the route having bus priority measures will increase from 25% on the existing corridor to 97% on the Proposed Scheme.
- 2.4. The Proposed Scheme is described in the following five geographical sections as follows:
- Section 1: N3 Blanchardstown Junction to Snugborough Road;
  - Section 2: Snugborough Road to N3 / M50 Junction;
  - Section 3: N3 / M50 Junction to Navan Road / Ashtown Road Junction;
  - Section 4: Navan Road / Ashtown Road junction to Navan Road / Old Cabra Road Junction; and
  - Section 5: Navan Road / Old Cabra Road junction to Ellis Quay.
- 2.5. Section 1
- 2.6. The Proposed Scheme will commence at Junction 3 (Blanchardstown / Mulhuddart) eastbound off-slip from the N3. It is proposed to alter the existing off-slip road from the

N3, from two general traffic lanes to one general traffic lane and one bus lane. At the junction of Blanchardstown Road North / Old Navan Road, it is proposed to introduce a protected style junction to enhance safety for cyclists. Proposals for the N3 on-slip junction, immediately to the south of this junction, include for the provision of a left turn filter lane with the northbound cycle track being moved to alongside the verge.

- 2.7. In the vicinity of the N3 overbridge, cycle tracks will be relocated alongside footpaths, which cross adjacent to pedestrian crossings at slip-roads to avoid conflict with vehicular traffic. After crossing the N3 overbridge, the Proposed Scheme will provide a westbound bus lane alongside a general traffic lane along Blanchardstown Road South towards the Blanchardstown Shopping Centre via the Blakestown Way junction. Two eastbound general traffic lanes will also be provided along Blanchardstown Road South.
- 2.8. A cycle track will be provided along each side of Blanchardstown Road South. A new retaining wall will be required between the cycle track / footpath and the shopping centre, extending from the westbound bus stop to the N3 off slip junction and further south towards the Crowne Plaza hotel.
- 2.9. The existing small retaining wall and railing between Whitestown Grove and Blanchardstown Road South will be replaced due to a reduction in footpath levels. The new wall and railing will match existing.
- 2.10. A new bus layover 'layby' and driver welfare facility will be located north of the shopping centre on Blanchardstown Road South. A new access, in the form of a signalised junction, will be provided from Blanchardstown Road South into the northern car park at Blanchardstown Shopping Centre. The Blanchardstown Road South / Blakestown Way junction will be converted from a roundabout to a signal controlled junction. The proposals for the road linking the Blanchardstown Road South / Blakestown Way junction to the western junction of the Bus Interchange include a bus lane and general traffic lane in each direction, with an additional left turn filter lane into the shopping centre.
- 2.11. A single cycle track along the eastern side of this road becomes a two-way cycle track on the approach to the shopping centre. The area adjacent to the western junction of the Bus Interchange will facilitate 35 bicycle stands.
- 2.12. The existing roundabouts in the vicinity of the Blanchardstown Shopping Centre will be converted to signalised junctions. Within the Blanchardstown Shopping Centre site,

the existing bus laydown will be upgraded to a more formal Bus Interchange with improved passenger waiting facilities. The new Bus Interchange will include six bays for boarding / alighting and an additional seven alighting bays for buses.

- 2.13. The existing roundabout junction adjacent to the Liberty Insurance Building on the L3020 will be modified to a fully signalised crossroads junction, allowing for bus lanes in both directions each side of this junction. The road between the existing junction and the tie-in with the Snugborough Interchange Upgrade scheme will be widened to accommodate improved cycling, pedestrian and bus stop facilities.
- 2.14. A new bus layby (for inter-urban buses) will be provided on the westbound carriageway on the L3020, which will require a short section of retaining wall to be constructed to the rear of the proposed cycle track at this location. Following this Section, it is intended to route the bus lane through the Snugborough Road junction.

## Section 2

- 2.15. This Section of the Proposed Scheme will commence at the tie-in with the Snugborough Junction Upgrade scheme on the N3 citybound slip-road. A bus lane will be provided along the N3 Snugborough Road junction onslip and off-slip ramps. The Proposed Scheme will provide bus lanes on the N3 corridor in both directions which will require the widening of the BR01 River Tolka Bridge beneath the N3 off-slip and also BR02 Mill Road Bridge.
- 2.16. On the N3 inbound carriageway, the Proposed Scheme will relocate the overhead variable messaging sign, modify an existing overhead sign gantry, provide a new overhead sign gantry and remove an existing overhead sign gantry.
- 2.17. Additional inbound and outbound bus stops will be provided on the N3 with pedestrian access to and from Mill Road. Access from Mill Road to the new bus stops will be via pedestrian ramps and steps.
- 2.18. Existing noise barriers will be relocated along the outbound carriageway at the back of the verge. The speed limit will be 60km/h for the inbound and outbound bus lane of the N3 carriageway section. The inbound bus lane will be directed onto the Connolly Hospital off-slip road and onto the N3 Navan Road. The Proposed Scheme will provide a bus lane in both the eastbound and westbound directions on the gyratory over the M50 (Junction 6).

## Section 3

- 2.19. It is intended to construct a new section of inbound bus lane between the eastern side of the N3/M50 gyratory and the Auburn Avenue junction. New bus stops will be provided immediately to the east of Auburn Avenue junction with the R147 Navan Road, along both the inbound and outbound carriageways. A short retaining wall will be provided to the rear of the outbound bus stop.
- 2.20. A new bus lane will operate along the existing inner lane of the inbound and outbound R147 Navan Road. The bus lane will terminate on the inbound carriageway between Morgan Place and the Navan Parkway off-slip junction which will allow left turning vehicles to enter the nearside lane to leave the main carriageway. At the Navan Road Parkway junction, buses will be routed off the mainline and along the on and off slip roads (widened to carry bus lanes) to the junction overbridge. As part of measures to improve road safety, the inbound carriageway cross-section will be reduced from four general traffic lanes and a bus lane to two general traffic lanes and a bus lane before the existing pedestrian crossing west of Morgan Place. This will reduce potential conflict in vehicle movements, between Morgan Place and the Navan Parkway off-slip junction.
- 2.21. Commensurate with the suburban nature of Navan Road between Auburn Avenue and Phoenix Park Avenue junctions, a consistent 60kph speed limit will be implemented. East of Phoenix Park Avenue junction, Navan Road enters an urbanised environment (including pedestrian crossings), a 50km/h speed limit will be implemented.
- 2.22. New bus stop lay-bys for inter-urban buses will be provided on both the inbound and outbound Navan Parkway off-slip ramps, with a new inline bus stop located on the inbound on-slip ramp.
- 2.23. The Proposed Scheme will provide Quiet Street Treatment for cyclists on Castleknock Manor to integrate with secondary route 4A of the Greater Dublin Area (GDA) Cycle Network Plan. The Auburn Avenue / Castleknock Manor roundabout will be modified to provide enhanced pedestrian and cyclist crossing facilities. Between Castleknock Manor and Ashtown Road junction, a two-way cycle track along the outer edge of the westbound (outbound) carriageway will be provided.
- 2.24. At the Ashtown Road junction, the two-way cycle track will be terminated west of the junction, and will transition to a one-way cycle track on each side of the Navan Road carriageway east of the junction.



- 2.25. The two left-in / left-out junctions on opposite sides of Navan Road at Phoenix Park Avenue will be amended to operate as a staggered signal-controlled junction, which will allow left and right turns out of the side roads, left turns into the side roads and right-turns from the west into Phoenix Park Avenue. The central median between Phoenix Park Avenue junction and Ashtown Road junction will be removed to provide additional space for footpath and cyclist facilities and landscaped verges.
- 2.26. At the Navan Road / Ashtown Road junction, the existing roundabout will be modified to a signal-controlled crossroads, with separate pedestrian and cyclist crossings. The Blackhorse Avenue / Ashtown Gate Road junction, located to the south of the Ashtown Road junction, will be signalised.

#### Section 4

- 2.27. From Ashtown Road junction to the Navan Road / Old Cabra Road junction the Proposed Scheme will generally consist of a bus lane and general traffic lane in each direction, with one-way cycle tracks alongside the proposed inbound and outbound bus lanes.
- 2.28. Junction layouts will be amended to include the removal of the right turn filter lane from Navan Road (westbound) into Kempton Avenue and Ashtown Grove.

#### Section 5

- 2.29. The Proposed Scheme will limit the use of Old Cabra Road to local access traffic, buses, taxis and cyclists as follows:
- No through traffic in the southbound direction at the northern end of Old Cabra Road (at its junction with Navan Road), except for buses, taxis and cyclists, which precludes general traffic from Navan Road travelling to Stoneybatter along Old Cabra Road;
  - No through traffic in the northbound direction except for buses, taxis and cyclists, due to proposed introduction of a Bus Gate at the railway overbridge on the Old Cabra Road, which precludes general traffic from Stoneybatter and the North Circular Road from travelling along Old Cabra Road through to Navan Road. Local traffic in the northbound direction will have access as far as the Bus Gate.
- 2.30. On Old Cabra Road, the extent of the outbound bus lane will be limited to an approximate 110m section just south of the Navan Road junction. Glenbeigh Road /

Old Cabra Road junction will become a signal-controlled junction, with the introduction of toucan crossings on the Old Cabra Road.

- 2.31. The Proposed Scheme will provide two one-way cycle tracks on each side of Old Cabra Road. The traffic lanes, bicycle infrastructure and footpaths will be accommodated within the existing road bridge width over the Heuston Station / Connolly Station railway line.
- 2.32. To provide an alternative route for general traffic to and from the City Centre (along Cabra Road, North Circular Road, Infirmary Road and Conyngham Road), the Cabra Road / North Circular Road junction will be modified to allow right turns from Cabra Road to North Circular Road and left turns from North Circular Road onto Cabra Road.
- 2.33. On Prussia Street, between North Circular Road and the entrance to the Park Shopping Centre, the Proposed Scheme will provide:
- One southbound general traffic lane;
  - One northbound 'straight-ahead only' lane for local traffic, taxis and buses travelling to Old Cabra Road; and
  - One left turn lane from Prussia Street to North Circular Road;
- 2.34. Right turn movement from Prussia Street to North Circular Road will be removed.
- 2.35. The junction of Prussia Street and North Circular Road will be upgraded to a signalised junction to provide separate crossing facilities for cyclists and pedestrians.
- 2.36. Along Prussia Street, a traffic lane will be provided in both directions, carrying buses and local traffic only. St Joseph's Road will be modified to include a one-way section at its eastern end (i.e. one-way in an eastbound direction).
- 2.37. A short section of southbound cycle track will be provided on Prussia Street from its junction with North Circular Road before cyclists merge with general traffic just north of Park Shopping Centre.
- 2.38. In the northbound direction, the cycle track will commence approximately 50m south of the junction with St Joseph's Road
- 2.39. At the junction of Manor Street / Prussia Street with Aughrim Street, the Proposed Scheme will provide the following:

- In the northbound direction, a Bus Gate will be located on Prussia Street just north of Aughrim Street junction, such that all northbound general traffic will be required to turn left onto Aughrim Street;
  - In the southbound direction, a Bus Gate will be located on Prussia Street / Manor Street just south of the Aughrim Street junction – and any general traffic travelling southbound on Prussia Street at this location will be required to turn right onto Aughrim Street;
  - The loading bay outside Kavanagh's Public house will be retained.
- 2.40. The Manor Street / Prussia Street / Aughrim Street junction will be modified to include a signal-controlled cycle crossing, along with urban realm improvements at this junction. The junction layout will include raised carriageway paving (i.e. raised table) to assist pedestrians crossing. The junction will include a southbound Bus Gate on Aughrim Street, preventing any general traffic from travelling from Aughrim Street onto Manor Street.
- 2.41. South of the Aughrim Street junction with Manor Street and Prussia Street, traffic signal controls will be included at the Manor Street / Kirwan Street / Manor Place staggered junction. The signal-controlled junction also includes a pedestrian crossing of Manor Street. Movements out of Kirwan Street will be restricted to left turn only, which will remain one-way westbound as at present. At the junction with Manor Street, Manor Place will be altered to a one-way street (i.e. one-way eastbound towards Manor Street), to limit use of Manor Place and Oxmantown Road by through traffic.
- 2.42. On Manor Street and Stoneybatter, the Proposed Scheme will provide two general traffic lanes and a cycle track in both directions to the junction with Brunswick Street North. The Proposed Scheme will provide protected parking bays on both sides of the road, and two loading bays.
- 2.43. In the northbound direction on Blackhall Place, the Proposed Scheme will provide a bus lane and a single general traffic lane, as far as the junction with King Street North. Northbound general traffic wishing to progress onto Manor Street will turn right onto King Street North (which will remain one-way eastbound), and then turn left onto George's Lane to travel westbound along Brunswick Street North.
- 2.44. The Proposed Scheme will include signal-controlled priority for northbound buses at the Stoneybatter / Brunswick Street North junction.

- 2.45. The Proposed Scheme will provide a cycle track in each direction along Brunswick Street North.
- 2.46. The Proposed Scheme will allow for general traffic exiting Arbour Hill to turn right only at the Stoneybatter junction. General traffic into Arbour Hill will be from Manor Street direction or Brunswick Street North only.
- 2.47. A southbound general traffic lane will be provided along Stoneybatter between Brunswick Street North and King Street North, with general traffic being required to turn left into King Street North as a result of a southbound Bus Gate at Blackhall Place / King Street North junction.
- 2.48. On Blackhall Place between Blackhall Street and Arran Quay, the carriageway arrangement will consist of a bus lane and general traffic lane in each direction.
- 2.49. On Blackhall Street, the road layout will be revised to include one lane for general traffic, a two-way cycle track, and angled parking. George's Lane will have one northbound general traffic lane, with proposed new signal controls at the junction of Grangegorman Street Lower and Brunswick Street North.
- 2.50. Westbound general traffic from the City Centre on the eastern section of King Street North (east of George's Lane) will be restricted to left turns only, into Queen Street. On Queen Street, the Proposed Scheme will provide two southbound general traffic lanes.
- 2.51. From King Street North, the layout will reduce to one southbound general traffic lane from Blackhall Street to Ellis Quay / Arran Quay. The Proposed Scheme will provide a two-way cycle track on the eastern side of Queen Street from King Street North to Ellis Quay / Arran Quay.
- 2.52. A short one-way northbound section will be required on Annamoe Road at its junction with Annamoe Terrace and on Charleville Road at its junction with North Circular Road.
- 2.53. No access is proposed from Phibsborough Road onto Phibsborough and Monck Place, along with the introduction of right turn bans onto Phibsborough Road.
- 2.54. A short one-way southbound section is also proposed at the northern end of Cowper Street, with Aughrim Place becoming one-way southbound. There is also a short one-way westbound section at the western end of Swilly Road.

- 2.55. 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 two to 12 months.

### **3.0 Planning History**

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

- ABP-312102 – Permission was granted for 236 no. student bedspaces and associated site works.
- ABP-309657-21 – Permission was granted for 175 no. residential units (32 no. BTR apartments and 584 no. student bedspaces) and associated site works.

### **4.0 Overview of submissions**

- 4.1. 32 no. third party submissions have been received in relation to the CPO of lands and are summarised hereunder, 4 of which have requested an Oral Hearing. In relation to the content of the submissions it is of note that many issues raised are common to all of the submissions, such as devaluing of property, impact to access, noise, loss of privacy etc. In summary, third parties are concerned that the proposed development will materially alter how their property functions and will impact businesses to a significant level.
- 4.2. All such matters have been examined in detail within the planning application report ref: ABP313892-22 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 hereunder.
- 4.3. 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. The Board should note that the NTA's response to the submissions was recirculated to third parties and an additional 8 third party responses were received in this regard, no

new issues were raised within these 8 no. submissions, respondents maintained their objections to the proposed CPO and repeated their concerns with these additional responses.

## **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 2022 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.

### **Cycle Design Manual, NTA, 2023**

This new Cycle Design Manual supersedes the National Cycle Manual. The new manual draws on the experience of delivering cycling infrastructure across Ireland over the last decade, as well as learning from international best practice, and has been guided by the need to deliver safe cycle facilities for people of all ages and abilities.

## **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. Fingal County Development Plan 2023-2029**

Fingal is set to benefit from major rail and bus projects such as MetroLink, BusConnects and DART+ and LUAS Expansion under the National Development Plan 2021–2030. These projects are identified as key growth enablers for Fingal in the NPF and will significantly increase capacity and allow more services to operate across the region, facilitating Fingal’s vision for compact growth and sustainable mobility, serving key destinations and facilitating opportunities along the route for

high-density residential development, mixed-use and employment generating activities.

#### MRE – Metro and Rail Economic Corridor.

Objective Facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor.

- Policy CSP26 – Consolidation and Growth of Swords - Promote and facilitate the long-term consolidation and growth of Swords as a Key Town including the provision of key enabling public transport infrastructure, including MetroLink and BusConnects, in accordance with the relevant provisions of the NPF, RSES and the MASP
- Objective CMO23 – Enabling Public Transport Projects - Support the delivery of key sustainable transport projects including MetroLink, BusConnects, DART+ and LUAS expansion programme so as to provide an integrated public transport network with efficient interchange between transport modes to serve needs of the County and the mid-east region in collaboration with the NTA, TII and Irish Rail and other relevant stakeholders.
- Objective CMO24 – NTA Strategy Support NTA and other stakeholders in implementing the NTA Strategy including MetroLink, BusConnects, DART +, LUAS and the GDA Cycle Network.
- Section 7.3 - Infrastructure provision will be a key factor for the economic development of the County and the prospective MetroLink, BusConnects and Dart + projects will bring significant economic benefits to Fingal. Transport and infrastructure interventions are expected to facilitate the modal shift in alignment with the policy hierarchy and national, regional and local objectives such that they encourage sustainable ways of improving Fingal's integration, connectivity and the movement of workers.

#### **5.20. 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.

#### **5.21. 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.

#### **5.22. Legislative Context**

5.23. 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.

- 5.24. 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:
- 5.25. 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.
- 5.26. 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”<sup>1</sup>. Legal commentators<sup>2</sup> have stated that this phrase requires the following minimum criteria to be satisfied:

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

<sup>2</sup> 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).

- 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.
- 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 CO<sub>2</sub> 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 CO<sub>2</sub> emissions are continuing to rise. Any further increases in traffic levels will see an exacerbation of congestion, CO<sub>2</sub> 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 reduction in car use along the route and an increase in cycling and walking in addition to an 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 10% (outbound) and 40% (citybound), cumulatively equating to 25% of the length of the route. The Proposed Scheme will facilitate 97% 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 segregated cycling facilities are currently provided along approximately 9% of the route of the Proposed Scheme. The remaining extents have no segregated cycle provision with only 34% of the route providing for unsegregated cycle lane and no provision for the rest of the route. High-quality cycle facilities in the Proposed Scheme will increase to 78% consisting mainly of segregated cycle tracks in both directions 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 Blanchardstown to City Centre 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 in the area and into the city.
- 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 residential and existing roads infrastructure.
- 6.20. 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.
- 6.21. Dublin City Council Zonings along the proposed route include the following:
- Z1 – residential
  - Z2 – Residential Conservation Areas
  - Z3- Neighbourhood centres
  - Z4 – District Centres
  - Z5- City Centre
  - Z6 – Employment / Enterprise
  - Z9 – Open Space
  - Z15 - Institutional and Community
- 6.22. With regard to the Fingal County Development Plan the following zonings are present along the route:
- MC - Major Town Centre
  - HA – High Amenity
  - RS- Residential



- OS – Open Space
- HT – High Technology

- 6.23. I note that the secondary elements of the proposed scheme, such as bus shelters and RTPI poles fall within the definition of Public Service Installations as defined within appendix 21 of the Dublin City Development Plan. I am satisfied that these elements of the proposed works along with the proposed reallocation of roadspace and the provision of active travel infrastructure are compatible with the zoning objectives of the Dublin City Development Plan. Similarly, the proposed elements located within the Fingal administrative boundary are also compatible with the zoning objectives outlined above and there are no restrictions in relation to same referred to within the plan.
- 6.24. As noted in Section 2.0 above, the proposed route generally follows the alignment of the Navan Road (N3/R147) and the R805 with additional quiet street cycle route along Castleknock Manor. Due to the fast nature of the N3 a two-way cycle lane is proposed and will link in with the GDA Cycle Network Plan Secondary Route 4A at the R147. Continuing along the southern side of the Navan Road until its junction with the Ashtown Roundabout.
- 6.25. The scheme due to the restricted width of some sections of the existing carriageway encroaches minimally on a number of third-party lands to allow for the proposed improvements which include a segregated cycle lane and bus stops. Larger areas of disused open space adjacent to the public road will be utilised to accommodate construction compounds along the route at 3 locations as follows:
- Existing car park at Corduff park.
  - Open space at junction 6 Castleknock west of the M50
  - Open space along the R147, east of the M50. This Construction Compound will be divided by the Navan Road slip road, and a proposed road as part of the Proposed Scheme.
- 6.26. Construction compounds and will be relandscaped and returned to their original use once construction is complete.
- 6.27. The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with.

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

### **Accordance with the Development Plan**

- 6.29. BusConnects is identified within both the Dublin City Development Plan and the Fingal County Development Plan as being a key transport infrastructure project that will improve the viability, accessibility and economic competitiveness of Dublin City and suburbs. The project is specifically identified and supported at all levels of government policy as outlined above within the policy section of this report and is acknowledged within the Dublin City Development Plan as being a key strategic transport project for the city specifically supported by Dublin City Council under policy SMT22 and Fingal County Council under objective CMO23 and CMO24.
- 6.30. 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 the Fingal County Development Plan 2023-2029, and other national and regional policy documents as set out within the policy section of this report above.

### **Use of Alternative Methods**

- 6.31. 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-313892-22. I note that alternatives were considered at three levels, Strategic alternatives, route alternatives and design alternatives.
- 6.32. At the outset the applicant considered the delivery of a BRT (Bus Rapid Transit) service, a feasibility report was prepared in relation to such a scheme in 2012 and has been considered within the consideration of alternatives. It is stated that a BRT service is significantly similar to the proposed BusConnects, however the BRT would require significantly more lands to be compulsorily acquired and as such was not considered more favourable over the proposed scheme.

- 6.33. It is further stated within the consideration of alternatives, 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.
- 6.34. 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.
- 6.35. Heavy rail alternatives carry in excess of 10,000 people each direction each hour and was considered an unsuitable solution.
- 6.36. 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.
- 6.37. 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

- 6.38. 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 three large areas were considered in relation to this route with a total of 228 links examined throughout the process.

- 6.39. The Stage 1 assessment considered engineering constraints, high-level environmental constraints and an analysis of population catchments. Numerous links forming part of the 'spider's webs' were not brought forward to the Stage 2 assessment due to space constraints, lack of appropriate adjacent linkages to form a coherent end-to-end route, unsuitability of particular routes, the need for significant land take from residential properties and related construction GHG impacts.
- 6.40. Following completion of the Stage 1 initial appraisal, the remaining reasonable alternatives options were progressed to Stage 2 of the assessment process. These routes were then considered against the following criterion: economy, safety, integration, accessibility and social inclusion, and environment. Under each headline criterion, a set of sub-criteria were used to comparatively evaluate the options which included soils and geology, hydrology, flora and fauna, potential archaeological, architectural and cultural heritage impacts, air quality, noise, air and vibration and landscape and visual and land use and the built environment.
- 6.41. Following stage 2 sifting process 3no. viable routes were identified. Having regard to the information submitted it is clear that the applicant has considered a significant number of options for the proposed scheme and has been responsive to consultations held and concerns raised by the public.
- 6.42. It is also clear that various design options in terms of segregated, non-segregated cycle lanes, location and type of bus stops and layout of junctions, provision of bus gates, direction of traffic and the provision of dual contra flow cycle lanes or single lanes travelling with the direction of traffic at various locations were also considered in detail along the preferred route which resulted in the emergence of the route as proposed. Following the emergence of the preferred route, additional consideration of micro location and design in relation to pedestrian ramps at Mill Road were also considered.
- 6.43. 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 routes chosen are the ones which best meet these objectives. I also accept that the consideration of options within the selected route

corridor and the strategy for key infrastructure provisions was a rigorous process, which had regard to environmental considerations and to the Project Objectives. I therefore generally concur with the reasons for choosing the preferred alternatives as presented in the EIAR.

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

Circle K Ashtown Service Station (Navan Road) Plot 1020(1).1c & 1020(2).2c

- 6.44. The scheme at this location will facilitate a new bus lane on the inbound and outbound, two general traffic lanes each way, footpath on inbound direction and a footpath and two-way cycle lane on the outbound carriageway which will tie into the cycle lane along Castleknock Manor. Permanent and temporary land take is therefore required to facilitate the scheme at this property. It is proposed to acquire 40sqm which will have an overall depth of 0.7 metres along the front boundary of the site which will include alterations to the existing junction access at this property. A temporary acquisition of 61sqm will also be required in order to facilitate construction of the footpath alterations, this area will have a depth of 0.3 metres, thus giving rise to a total width inclusive of the permanent land take of 1 metre from the footpath edge into the existing site.
- 6.45. The owners of the site are concerned that the proposed CPO will impact the viability of the business with potential impacts to the fuel canopy in particular.
- 6.46. The applicant has responded to the owners concerns and states that the operation of the station will not be impacted by the proposed development. The quantum of lands to be acquired will not encroach the area of the existing petrol canopy and as such it is not envisaged that the proposed scheme would impact the business operations.
- 6.47. Contractors will be required to ensure that access to the property is not hampered, and all temporary access details will be decided in conjunction with the affected party.
- 6.48. Given the restricted widths at this location there is no other option but to acquire the proposed lands. The existing carriageway width is not sufficient to accommodate, the proposed contra flow cycle lane and as such the acquisition of additional lands is necessary. The quantum of lands to be acquired is minimal at this location and therefore, whilst I acknowledge the objectors' concerns, I am satisfied that there is no other option at this location but to acquire the lands outlined in order to achieve the objectives of the proposed scheme. The loss of these lands will allow for a sustainable

and active travel scheme which will benefit all residents in the area and the overall environment at this location and as such the impact to landowners' property rights are justified in the context of the common good.

Thomas Curtin & Karina O'Leary Plot 1036(1).2d

- 6.49. The Proposed Scheme at this location will provide for segregated bus lanes in both directions, segregated cycle lanes in both directions and a single general traffic lane in both directions. The Board should note at the outset that there is no permanent land take at this property. A temporary land acquisition of 5 metres of the existing driveway is required to facilitate the regrading of the driveway to tie in with the proposed back of footpath.
- 6.50. The affected parties have raised concerns in relation to the accessibility of their property during the construction works and have also raised concerns in relation to the design of the scheme including the loss of the Ashtown Roundabout, loss of right turning lane into Ashtown Grove, loss of trees and noise. Such matters are examined in detail within the planning application report 313892 and will not be repeated.
- 6.51. With regard to the accessibility of the third-party driveway during works similar to other such locations whereby works will occur at the entrance to a property, the applicant will ensure that access is available at all times and will agree temporary accessibility measures with the third party prior to works being carried out at the relevant entrance.
- 6.52. Whilst I acknowledge the concerns raised, I am satisfied that there is no other option at this location but to acquire the lands outlined in order to achieve the objectives of the proposed scheme. The temporary loss of these lands will ensure that the existing property entrance is appropriately tied into the new footpath and will ensure that the entrance to the property is safe and unhampered by the development.

Philip Dempsey Plot 1055(2).2d

- 6.53. The lands to be acquired at this location are within the front boundary of the site and will extend 2.3m and 2.5m, requiring the relocation of the existing boundary wall and any adjacent vegetation.
- 6.54. The third party has raised a number of concerns which are common to many submissions such as noise, traffic, air, travel demand, need for the scheme, alternatives and consultation such matters have been examined in detail within the

planning application report accompanying this CPO and will not be repeated. In addition, the issue of alternatives has been dealt with above.

- 6.55. The NTA has responded to the submission individually and states that 'the edge of the proposed nearest bus lane will be between 1.2m and 1.5m closer to the residence than the kerb of the existing bus lane. Additionally, the provision of the segregated cycle track will result in an offset to the cycle track of 2.0m from the property boundary. As noted in the scheme description, a footpath (2.0m in width) separates the property boundary from the proposed cycle track. The boundary wall at the front of the property will be at least 11.2m from the front of the house'.
- 6.56. In addition to the foregoing, the applicant also states that a decrease in general traffic is expected and would therefore have a positive impact on the property and the safety of the road environment.
- 6.57. Thus, whilst I acknowledge the objector's concerns, I am satisfied that there is no other option at this location but to acquire the lands outlined in order to achieve the objectives of the proposed scheme. The loss of these lands will allow for a sustainable and active travel scheme which will benefit all residents in the area and the overall environment at this location and as such the impact to landowners' property rights are justified in the context of the common good.

Geoff and Fiona Doherty Plot 1094(1).2e

- 6.58. Similar to the foregoing objector, the scheme at this location will provide dedicated bus lanes in both directions, general traffic lane in both directions and segregated cycle lanes in both directions.
- 6.59. The board should note that permanent land take is not required at this property and the temporary land take will range between 4.2m and 4.5 metres in length and is required to facilitate the regrading of the driveway/access.
- 6.60. Concerns raised relate to access, final design and increases in noise and air pollution. As mentioned above, design and environmental factors have been considered in detail in the planning report which accompanies this CPO (313892) and will not be repeated. With regard to the remaining issues raised the applicant states within their response that 'a dedicated bus lane will be introduced along the core bus corridor and the edge of carriageway will be relocated further away from the property by the order of 1.1m. This will not hinder the ability to park in the driveway of the property and access to the

property will be maintained at all times into the property during construction. Details of temporary access will be agreed with the affected party prior to the commencement of construction at this location.

- 6.61. Whilst I acknowledge the concerns raised, I am satisfied that there is no other option at this location but to acquire the lands outlined in order to achieve the objectives of the proposed scheme. The temporary loss of these lands will ensure that the existing property entrance is appropriately tied into the new footpath and will ensure that the entrance to the property is safe and unhampered by the development.
- 6.62. The acquisition of these lands is reasonable and proportionate to the achievement of the scheme objectives.

Caitriona Sharkey and Ronan Doohan Plot 1078(1).2d

- 6.63. At this property, the width of land to be temporarily acquired is approximately 15.0m in order to accommodate re-grading of the driveway to tie in with the proposed back of footpath. The board should note that no permanent acquisition is required at this property.
- 6.64. The owners state within their submission that they have not been informed of the purpose of the acquisition, they are concerned that access may be restricted to their property and that works will negatively impact the appearance of their front lawn.
- 6.65. Additional concerns relate to drainage impacts as there is a drain at the gate in order prevent water ingress to the site from the public footpath and road, clarification is requested in this regard. Electric gates are necessary at the property and clarification of the times and dates of disruption is requested, clarification relating to the impact if any to existing electric gates and associated electrical cabling currently under driveway.
- 6.66. Concerns are also raised in relation to the potential impacts on existing hedging and boundary treatment.
- 6.67. The applicant has responded to the third-party concerns and similar to the foregoing submissions has confirmed that access arrangements during works will be agreed with the affected party prior to the commencement of works as will any replacement boundary treatments and accommodation works, and any alterations to the existing electric gates.



- 6.68. In relation to the timing of the proposed works, the applicant has stated that works along this section from Ashtown roundabout to Kinvara Avenue Junction are expected to be carried out over a 12-month period.
- 6.69. Drainage works at the footpath and cycle lane will ensure that there is no water ingress from these elements of the development to the driveway and will be an improvement over the current situation.
- 6.70. Overall, having reviewed the information submitted by the NTA and the objectors and having inspected the lands, I am satisfied that the width and extent of the proposed temporary land acquisitions are necessary and proportionate in the context of meeting the identified community need.

Sharon and Sean Downes Plot 1107(1).2d

- 6.71. Similar to the foregoing, there will be no permanent acquisition of lands at this property, an area of 6metres wide will be temporarily acquired to accommodate re-grading of the driveway to tie in with the proposed back of footpath.
- 6.72. Concerns have been raised in relation to the extent of the lands to be acquired and the safety of children during construction works.
- 6.73. The applicant has responded to the issues raised and in relation to the request for clarity with regard to the extent of the CPO refers the third party to particular sections within the EIAR documentation in which there is a clear description of the works to be carried out. The applicant also clearly details the works to be carried out at the and adjacent to the property at 114 Navan Road within their response. Works will comprise of regrading of driveway. All works will be carried out by a contractor and will be agreed prior to commencement and will also be carried out in accordance with site safety requirements.
- 6.74. Whilst I acknowledge the concerns raised, I am satisfied that there is no other option at this location but to acquire the lands outlined in order to achieve the objectives of the proposed scheme. The temporary loss of these lands will ensure that the existing property entrance is appropriately tied into the new footpath and will ensure that the entrance to the property is safe and unhampered by the development. I am satisfied that the temporary loss of these lands is reasonable and proportionate to the achievement of the scheme objectives.

Eamonn and Collette Doyle Plot 1048(1).1d

- 6.75. Permeant acquisition is required at this and will range between 1.3m and 1.6m with a temporary loss of 2.5 m to facilitate the tie in of the driveway to the proposed new footpath arrangement. This will require the relocation of the existing boundary wall and any adjacent vegetation. Concerns have been raised by the owners of this property in relation to a number of matters which include increase in noise and vibration, property value, impact to driveway access and manoeuvrability, removal of trees along the scheme route, bus journey times and reliability, increases in congestion due to closure of Cabra Road and the overall need for the scheme.
- 6.76. As mentioned above issues such as noise and vibration, tree removal and the overall service provisions and changes to road infrastructure and traffic flows have been examined in detail and will not be repeated. The consideration of the need for the scheme has been outlined above and I am satisfied that the applicant has clearly demonstrated the need for the scheme.
- 6.77. In response to the functionality of the existing driveway, I note the applicant states that there will be not alteration to the current situation. The proposed access/egress scenario is similar to the existing with the requirement for a vehicle to be driven across a cycle lane/cycle track and footpath. The proposed bus lane will be 0.6 metres closer to the house within this site.
- 6.78. Given the functionality of the property remains unaltered and having regard to the works proposed I am satisfied that the width and extent of the proposed temporary and permanent land acquisitions are necessary and proportionate in the context of meeting the identified community need.

Colm and Jacqueline Duffy Plot 1011(1).1h

- 6.79. Permanent land acquisition of between 2.6m and 5.6m is required at this location. This will require the relocation of the existing noise barrier and replacement landscaping within the rear garden area of this property at no. 3 Herbert Road.
- 6.80. The third parties have raised concerns about noise, safety and disturbance and mapping accuracy.
- 6.81. The applicant has responded to the concerns raised and states that the land acquisition will not impact the existing garden space to the rear of the property and will relate solely to the embankment area. This land is required to facilitate the regrading

of the bank and relocation of the sound barrier. The applicant further states that it is not intended to remove existing trees and vegetation will be replanted like for like.

- 6.82. Noise barriers will also be replaced like for like. Whilst noise impacts have been robustly assessed within the EIAR submitted with the planning application, the Board should note that no significant impacts are expected at this location.
- 6.83. In relation to mapping data it is clarified by the applicant that the topographical survey and land folio boundary information has been used to define the extents of CPO along the scheme.
- 6.84. I have considered the concerns raised and the potential for impacts to arise in the context of the existing property and the proposed scheme and whilst I acknowledge the concerns of the third party and that there will undoubtedly be disruption to their property it is clear that the proposed development will not impact the functionality of the property and will in fact provide a greater distance between the property and the traffic lanes to that currently provided for at this location.
- 6.85. Thus, having regard to the objectives of the proposed scheme and the limited lands to be acquired, I am satisfied that the proposed permanent acquisition is necessary and proportionate in the context of meeting the identified community need.

Patrick and Elizabeth Farrell Plot 1057(1).1d

- 6.86. The width of land to be permanently acquired ranges between 1.9m and 2.2m. This will require the relocation of the existing boundary wall and adjacent vegetation. The property owners are concerned about a number of issues in relation to the CPO. Concerns relate to the accessibility of the property for the mobility impaired, the removal of hedging and planting will increase noise and light from road and the widening of the road will not address pinch points at other locations which cause traffic congestion. The owners also state that the proposed development will increase traffic in the area and query the consideration of alternatives.
- 6.87. The applicant has responded to the concerns raised as states that the vegetation to be removed will be replaced and any change in the impact from road operations in terms of light and noise will be negligible.
- 6.88. The Board should note that noise emissions arising from the development have been examined in detail within the planning report ref 313892 and are imperceptible.

- 6.89. In response to concerns raised in relation to the achievement of the scheme's objectives, the applicant states that the 'scheme objective is to enhance the capacity and potential of the public transport system by improving bus speeds, reliability and punctuality through the provision of bus lanes and other measures to provide priority to bus movement over general traffic movements. The Proposed Scheme will generally consist of a bus lane and general traffic lane in each direction, with one-way cycle tracks alongside the proposed inbound and outbound bus lanes.
- 6.90. I note in this regard that changes to the direction and flow of traffic on additional roads will facilitate bus priority and ensure the achievement of the scheme's objectives. I am satisfied that the applicant has adequately demonstrated the need for the lands to be acquired in order to achieve the objectives of the overall scheme.
- 6.91. In relation to the alternatives considered, I refer the Board to the section above which examines the alternatives considered by the applicant and reiterate that I am satisfied that the applicant has considered the alternatives in a detailed and robust manner and that the preferred route and associated works are the most appropriate to achieve the scheme objectives.
- 6.92. Overall, whilst I acknowledge the third-party concerns, I am satisfied that the acquisition of the lands at this location are both necessary and suitable to facilitate the delivery of a sustainable public transport service which will benefit the wider community and is in the interest of the common good.

Paddy Faughnan Plot 1081(1).1d & 1081(2).2d

- 6.93. It is proposed to remove between 0.2m and 0.6m in width at the front garden and entrance of this property. The area of permanent acquisition is 4.3 sqm and the temporary acquisition is 21sqm. The proposed works will require the relocation of the existing boundary wall and any adjacent vegetation.
- 6.94. Concerns raised in relation to the Compulsory Purchase relate to the lack of consultation, impact on property value, loss of trees, safety of school children accessing the bus stop, insufficient space to be left in property to continue hobby restoring old cars. It is suggested that the road is widened on the other side to save trees.
- 6.95. The Board should note that I have examined the impact to property values and the consultation process below and will not repeat hereunder. In relation to the other

concerns the applicant has responded as follows: 'the horizontal and vertical design has been optimised to minimise impact to the existing road network and adjoining properties where feasible. In order to reduce impact on 200 Navan Road as suggested in the submission, this would require the proposed horizontal alignment to shift north. The proposed minimum footpath width north of 200 Navan Road is 1.8m, which is below the desirable minimum. Consequently, the footpath width cannot be reduced.'

- 6.96. In relation to school children accessing bus stops, the suitability of bus stops is examined within the planning report 313892 and will not be repeated, however the Board should note that a road safety audit has been carried out for the scheme.
- 6.97. In summary I have reviewed the proposed acquisition in the context of the proposed works and am satisfied that the quantum of lands to be acquired are not in excess of the schemes needs and I am therefore satisfied that the acquisition is appropriate at this location.

Philomena Fortune Plot 1070(1).1d & 1070(2).2d & Robert Higgins Plot 1070(1).1d & 1070(2).2d

- 6.98. The lands in question form part of an existing green area and boundary wall at Bellville estate which bounds the R147 where lands are required. In order to facilitate the proposed scheme, it is proposed to permanently acquire 69.9sqm and temporarily acquire 164.4sqm the boundary wall at this location will be set back into the site and any vegetation / landscaping will be replaced within the site.
- 6.99. Concerns are raised within these submissions in relation to the loss of trees, the loss of the Ashtown roundabout and the consultation process, the loss of the existing boundary wall, traffic impacts, noise and vibration and the need for the scheme. As mentioned above the consultation and the removal of the roundabout have been examined below and the findings are applicable to the concerns raised within this submission. In the interest of conciseness, the response to these issues will not be repeated I refer the Board to the section below in this regard. Similarly, the need for the scheme has been examined above and issues relating to noise, vibration, traffic air and the Castleknock/Blackhorse junction have been examined within the planning report Ref:313892 which accompanies this application and will not be repeated.
- 6.100. With regard to the loss of lands to the third party at this location I have reviewed the plans for this location and the applicant's justification for the acquisition of these lands and am satisfied that the proposed acquisition is necessary to achieve the objectives

of the proposed scheme and that no excessive area of lands are to be acquired. In addition, I considered the temporary acquisition of lands to be necessary to carry out works to replace the boundary wall and replant removed vegetation.

Thomas Good Plot 1076(1).2d

6.101. It is proposed to temporarily acquire 122.4 sqm at this property in order to accommodate re-grading of the driveway to tie in with the proposed back of footpath. The third party has raised concerns in relation a number of issues which include the removal of Ashtown Roundabout, removal of trees which is contrary to Development Plan, quality of cycle lanes and the development of Blackhorse Ave as a cycle way, access to property due to traffic changes, and lack of consultation.

6.102. The board should note as in other submissions the response to the removal of the Ashtown roundabout, trees and consultation process have been addressed hereunder and will not be repeated., in addition the design, accessibility and safety of the scheme have been examined in detail within the planning report 313892 and the board should refer to this report in this regard.

6.103. I have reviewed the lands to be temporarily acquired and am satisfied that due to the falls in topography the extent of lands to be acquired is not excessive and are essential to enable the regrading of the existing driveway to tie in with the footpath. The temporary acquisition is therefore necessary in order to fully achieve the objectives of the scheme and to provide a seamless connection to existing properties.

Dermot Grogan Plot 1024(1).1a & 1024(2).2a

6.104. The proposed scheme will require the permanent acquisition of 92.7 sqm and the temporary acquisition of 100.7sqm. The lands are required to accommodate a new footpath and tie in with the existing access to the industrial estate.

6.105. The submission raises concerns in relation to the accessibility of the entrance to the industrial estate during construction.

6.106. I note the applicant's response in this regard in which it stated that accessibility to entrances along the route will be maintained as much as is practicable. Road and street upgrades will be carried out in a staged manner in order to maintain traffic flows. Local arrangements will be made on a case by case basis to maintain access to businesses and will be agreed with the operator/owner prior to works being carried out.

6.107. I have reviewed the proposed lands to be acquired and am satisfied that the quantum is not excessive and is necessary to meet the objectives of the proposed scheme, which will provide an upgraded footpath, dedicated bus lane and separate traffic lane at this location.

Gabrielle Kavanagh & Rosemary Kavanagh Plot 1046(1).1d & 1046(2).2d

6.108. It is proposed to permanently acquire 11.3 sqm at the front of this property which will require the relocation of the existing front boundary and vegetation and temporarily acquire 21.8sqm of land to facilitate the works and tie into the footpath.

6.109. The owners are concerned with road safety, air quality and driveway access. As mentioned above issues relating to air quality have been examined in detail in the EIAR of the planning application and will not be repeated here.

6.110. I note the NTA's response to the issues raised and note that the proposed works will be 10.1 metres from the front of the house, the proposed works once operational are not considered to pose any additional risk to the owners of the property and will not impact the availability of parking in the driveway. Additionally, it is stated by the applicant that 'the principle of how residents can access/egress their property is unchanged by the scheme proposals. The proposed access/egress scenario is similar to the existing with the requirement for a vehicle to be driven across a cycle lane/cycle track and footpath'.

6.111. I have reviewed the quantum of lands to be acquired in the context of the proposed scheme and am satisfied that the lands are necessary to achieve the objectives of the proposed scheme. The temporary lands will facilitate the tying in of the scheme in a seamless manner to the existing property and are also necessary to the overall delivery of the scheme which will be of benefit to the surrounding community. I am therefore satisfied that the lands identified for acquisition are not excessive and are clearly justified by the applicant.

Niall and Antoinette Kavanagh plot 1067(1).1d & 1067(2).2d

6.112. It is proposed to permanently acquire 24.9 sqm of the front garden area of this property and temporarily acquire 26.1sqm of the front garden area. The front boundary wall and vegetation will be relocated as a result of the works and the temporary acquisition will facilitate works to tie in the driveway to the new footpath.

6.113. The owners of the property have raised concerns within their submission which relate to the loss of their driveway during the works period, the inability to park 2 cars after the works are carried out and the inability to turn their car in the driveway. The third party also queried the alternatives considered.

6.114. I note the applicant's response to the issues raised and note that similar to other third-party responses it is stated that there will be some disruption during construction, however local arrangements will be made on a case-by-case basis to maintain access to properties. It is further stated that the proposed works will not hinder the parking of two cars within the front area of the property. All design elements have been the subject of a Road Safety Audit

6.115. Similar to the foregoing considerations, I have reviewed the quantum of lands to be acquired in the context of the proposed scheme and am satisfied that the lands are necessary to achieve the objectives of the proposed scheme. The temporary lands will facilitate the tying in of the scheme in a seamless manner to the existing property and are also necessary to the overall delivery of the scheme which will be of benefit to the surrounding community. I am therefore satisfied that the lands identified for acquisition are not excessive and are clearly justified by the applicant.

Déirdre Kirwan Plot 1111(1).1d & 1111(2).2d

6.116. It is proposed to permanently acquire 31.7 sqm of the front garden area of this property and temporarily acquire 43.8sqm. The acquisition is required to facilitate the development of the proposed scheme and will require the relocation of the existing front boundary and vegetation.

6.117. The third party has raised a number of concerns within their submission which include that there have been changes to travel patterns since covid, objection to the removal of trees, loss of privacy due to loss of mature vegetation in front garden.

6.118. The applicant has responded to the concerns raised and states that boundary treatment and vegetation will be replaced and relocated as part of the accommodation works which will be agreed with landowners prior to works.

6.119. I have reviewed the proposed acquisition and relevant deposit maps and note that the lands to be acquired are not excessive and do not materially alter the functionality of the owners front garden albeit that it will be slightly smaller than existing. I am satisfied that, similar to the foregoing submissions that the applicant has clearly demonstrated



that the acquisition of these lands is necessary to achieve the objectives of the scheme.

Patricia Lawler Plot 1033(1).1d & 1033(2).2d

6.120. It is proposed to permanently acquire 12.2 sqm and to temporarily acquire 50.2 sqm of the front garden of this property, the works will include the relocation of the front boundary and the regrading of the driveway to tie in with the new footpath. The third-party submission raises a number of issues which include, a lack of detail in relation to the access to the property, detail of CPO, timelines and objects to the removal of trees.

6.121. The applicant has responded to the concerns raised and states that the maximum depth of acquisition at this location will be 0.8 metres and the front of the house will be at least 8.5 metres from the relocated wall and pillars and would not impact parking at this property. Similar to the foregoing submissions, access will be maintained, accommodation works will be agreed prior to construction and the works will be carried out on the Navan Road over a period of 12 months.

6.122. Therefore, having reviewed the proposed acquisition lands and relevant deposit maps I am satisfied that the lands to be acquired are not excessive and do not materially alter the functionality of the owners front garden albeit that it will be slightly smaller than existing. I am also satisfied that the applicant has clearly demonstrated that the acquisition of these lands is necessary to achieve the objectives of the scheme.

John Leatham Plot 1091(1).1d & 1091(2).2d

6.123. It is proposed to acquire 29.7sqm on a permanent basis and 21.6sqm on a temporary basis within the front garden of this property. The works will require the relocation of the front boundary and vegetation.

6.124. The third party has raised a number of issues which relate to the consultation process, the installation of bus gates on the Old Cabra Road, the consideration of alternative measures, lack of reference to Phoenix Park plans, removal and provision of trees, design justification, objection to a 2.5m wide footpath and cycle track being proposed outside the property and noted that there is no study or report to support provision of a 2.5m path to replace the current 2m path at this property, details of Boundary Treatments, dissatisfied with Compulsory Purchase Order (CPO) process, concerned

about impact on property value, Traffic Impact, Noise and vibration impacts, air quality impacts, bus journey time and reliability and change in travel patterns as a result of Covid-19 pandemic.

6.125. The Board should note that a detailed examination of traffic, noise, vibration, air quality, loss of trees and design of scheme has been carried out within the planning report ref 313892 and I refer the board to same. In addition, a detailed assessment of property value impacts, consultation and the consideration of alternatives has been carried out below and in foregoing sections of this report and will not be repeated.

6.126. I note the applicant's response to the phoenix park plan and that it has not formed part of the assessment for this scheme as at the time of application it was a pilot scheme for 9 months. Widths of each lane and footpath to be provided at this location under the scheme are outlined and similar to foregoing submissions, accommodation works will be agreed with the owner prior to construction.

6.127. I have reviewed the proposed acquisition and relevant deposit maps and note that the lands to be acquired are not excessive and do not materially alter the functionality of the owners front garden albeit that it will be slightly smaller than existing. I am satisfied that, similar to the foregoing submissions that the applicant has clearly demonstrated that the acquisition of these lands is necessary to achieve the objectives of the scheme.

#### Willie P Munnelly Plot 1025(1).1a

6.128. This relates to the acquisition of part of the entrance to the Phoenix Park residential development, which amounts to 210sqm, the third-party, who is listed as an occupier, objects to the CPO.

6.129. The applicant has responded and confirmed that the buildings themselves will not be directly affected by the CPO.

6.130. I am satisfied that the proposed acquisition at this location is necessary to achieve the objectives of the proposed scheme.

#### Shane and Yvonne Nolan 1104(1).2d

- 6.131. There is no permanent acquisition at this location a temporary acquisition of 52.9 sqm to accommodate the regrading and tying in of the footpath is proposed. The owners have raised concerns in relation to the potential for damage to occur to their geothermal heating system which is laid in the front area of their property and damage to their electric gates.
- 6.132. The applicant has responded to the concerns raised and states that 'in order to facilitate the proposed cross-section at 116 Navan Road, it will be necessary to raise the footpath level by approximately 150 mm where it ties in with the driveway. As a result, it is envisaged that local regrading works to the driveway/access and garden area will be required to facilitate tie-in of the existing driveway area with the Proposed Scheme'.
- 6.133. It is further stated that all possible precautions will be taken by the appointed contractor to avoid unplanned interruptions to any services during the Construction Phase of the Proposed Scheme, this will include appropriate investigation by the appointed contractor to identify the precise location of all utility infrastructure within the working areas prior to the commencement of excavation works. Where works are required in and around known utility infrastructure, precautions will be implemented by the appointed contractor to protect the infrastructure from damage, in accordance with best practice methodologies and the requirements of the utility companies, where practicable.
- 6.134. I am satisfied that the applicant will take all precautions to protect the owners heating system and that the quantum of temporary acquisition is necessary and justified to achieve the scheme objectives.

Michael O'Neill Plot 1099(1).1d & 1099(2).2d & Mabel E Tremble Plot 1101(1).1d & 1101(2).2d

- 6.135. It is proposed to permanently acquire 8.9sqm and temporarily acquire 16.6sqm within the front garden of this property 139 Navan Road and also permanently acquire 9.8sqm and temporarily acquire 27.9sqm at 137 Navan Road also within the front garden area. The permanent land take will require the relocation of the existing boundary wall and any adjacent vegetation. These properties share a boundary wall which divides both properties.

6.136. The issues raised relate to the quantum of lands to be temporarily acquired, details of boundary treatment, impact to parking of cars, impact to service connections, lack of detail on plans.

6.137. I note the applicant's response to the issues raised at both properties and it is stated that the acquisitions are required to accommodate the proposed scheme and changes to the footpath and tie in to the driveways of both properties and to also facilitate the construction of the replacement boundary and re-grading of the driveway/access. The applicant has confirmed within the response to submissions that the proposed works will not impact the availability of parking in the driveway. Similar to all other properties, all works within the driveway area will be agreed prior to construction with the landowner.

6.138. The applicant further states that there will be a construction management plan and construction traffic management plan prepared which will include mitigation measures to minimise disruption to traffic flows during the works period. Disruption to utilities will be avoided and in the event that services need to be ceased for a period, all affected parties will be notified in advance. Details of all works are outlined within the plans submitted and the applicant has specifically referred to volume 3 of the EIAR.

6.139. I have reviewed the proposed acquisition and relevant deposit maps and note that the lands to be acquired are not excessive and do not materially alter the functionality of the owners front gardens albeit that they will be slightly smaller than existing. I am satisfied that, similar to the foregoing submissions that the applicant has clearly demonstrated that the acquisition of these lands is necessary to achieve the objectives of the scheme.

PPRD Management Company Plot 1025(1).1a

6.140. It is proposed to permanently acquire 209.9sqm and temporarily acquire 100.7sqm at the access road to the Phoenix Park Industrial Estate. Lands at this location are required to be permanently acquired to facilitate construction of the upgraded Phoenix Park Avenue junction and facilitate tie-in of the existing access to the residential development.

6.141. I note from the information submitted that a signalised junction is to be provided along the R147 Navan Road at the location of Phoenix Park Avenue and Phoenix Industrial Estate, with an associated right-turn pocket to be provided for inbound vehicles turning right into Phoenix Park Avenue.

6.142. Toucan crossings are also proposed to safely accommodate vulnerable road users through the junction. This replaces the existing left in / left out junction arrangement and ensures all movements are facilitated safely. A series of bus stops will be provided in the vicinity of the signalised junction also.

6.143. The owners of the site have raised a number of issues for the applicant to consider as follows:

- Compensation
- Protection of existing services
- Noise and vibration impacts
- Air quality impacts
- Working hours up to 11pm are considered to be excessive.
- Impact to parking as a result of construction workers also seeking parking.
- The submission welcomed the proposed signalised junction and requested that vehicles avail of a flashing amber light which would facilitate left-turning traffic to proceed with caution at any time, subject to oncoming traffic.
- Provision of signage for cyclists.
- Suitable landscaping to be provided.
- Concerns about the removal of the Ashtown roundabout.

6.144. It should be noted that compensation is a matter for the arbitration process and not a matter that the Board can adjudicate on. With regard to the issues raised in relation to the design, landscaping, layout, noise, vibration, air quality, working hours and protection of services are all examined in detail within the planning report Ref 313892 and I refer the Board to same in this regard.

6.145. I note that the applicant has stated that construction workers will be encouraged to use public transport and will endeavour to protect existing utility services.

6.146. I have reviewed the information submitted, the proposed layout of the scheme and the facilities to be accommodated at this location and consider that the lands to be acquired are proportionate to the achievement of the scheme's objectives. Residents of the development will experience disruption during the construction period; however this will be for a limited period of time and the quantum of lands to be acquired have

been adequately and robustly justified by the applicant and I am satisfied that they are not excessive.

Primary Healthcare Properties Numerous Plots 1096(1).1c, 1096(2).2c, 1132(1).2e,

- 6.147. At the location of Aras Slainte, a right turn pocket is proposed similar to the existing provision and outbound and inbound in-line shared bus stop landing zones will be provided at this location. At this property the width of land to be temporarily acquired ranges between 2.5m and 3.0m. This will facilitate construction of the Proposed Scheme and allow for regrading of the existing access to ensure appropriate tie-in.
- 6.148. The owner of the lands has submitted a number of queries on behalf of the tenants which include details of proposed timeline, maintenance of access and egress for vehicles and pedestrians and clarity in relation to reinstatement provisions.
- 6.149. The applicant has responded to the concerns raised and states that commencement dates are dependent on the approval of relevant permissions, the duration of the project is 24 months, access will be maintained during construction and any alterations to parking arrangements will be discussed with tenants prior to construction. Temporary construction related disruption is to be expected.
- 6.150. I have reviewed the information submitted, the proposed layout of the scheme and the facilities to be accommodated at this location and consider that the lands to be acquired are proportionate to the achievement of the scheme's objectives and note that the applicant proposes to accommodate tenants as far as is practicable during the construction of the scheme which is reasonable.

Clare Rudden and Richard Kinsella Plot 1066(1).1d & 1066(2).2d

- 6.151. It is proposed to permanently acquire 26.4sqm and temporarily acquire 25.3 of the front garden area of this dwelling. The proposed works will require the relocation of the front boundary and vegetation and the re-grading of the driveway to tie in with the proposed new footpath to the front of the boundary.
- 6.152. The owners have objected to the proposed CPO and raised concerns in relation to the proposed corridor along the Navan Road. The third parties are concerned about the proximity of the bus lane to their house, the impact on the value of the property, impacts arising from noise, visual impact, loss of trees, safety of bus stops due to cycle lane layout and the increase in traffic congestion as a result of the proposed scheme, noise and vibration, increase in traffic due to old cabra road bus gate.

6.153. As mentioned within other submissions above, all such matters have been examined within the planning report 313892 for this scheme and I refer the Board to same in this regard.

6.154. In relation to any loss of parking I note the applicant's response which states that the proposed CPO will not impact the availability of parking at this property in the long term. Short term issues during the proposed works will require a local arrangement for parking and will be agreed prior to construction. Impacts to the use of the driveway for van/storage can not be adequately commented on by the applicant due to the lack of detail in this regard.

6.155. I note the issues raised and also note that whilst the availability of parking for cars will not be impacted, the applicant could not state the same for the work vehicles referred to within the submission. However, no details in terms of vehicle dimensions have been given by the owner. Any disputes relating to impacts in this regard are a matter for the arbitration process. With regard to the quantum of lands to be acquired I have reviewed the details of the proposed scheme at this location and note that the proposed bus lane will be circa 1 metre closer to the dwelling. The proposed lands to be acquired will facilitate the new footpath and cycle lane to be constructed and I am satisfied that they are necessary to achieve the objectives of the scheme and are not excessive.

Brian Ruddy and Aoife Rush Plot 1065(1).1d & 1065(2).2d

6.156. It is proposed to permanently acquire 29.1 sqm of the front garden area and temporarily acquire 24.5sqm also within the front garden of this property. The proposed acquisition will facilitate the development of the proposed scheme and will enable the relocation of the existing front boundary and vegetation and the re-grading of the front of the property to tie in with the new footpath to be provided.

6.157. Concerns have been raised in relation to a number of issues including, safety as a result of a reduced front garden area and busier transport route, lack of detail in relation to the boundary treatment, lack of clarity in relation to the CPO detail, loss of trees, consideration of alternatives and the impact on the Navan Road community.

6.158. I note from the applicant's response that the works will result in the edge of the proposed bus lane being 1.3m closer to the residence than the kerb of the existing general traffic lane. The 10.6m long front boundary wall, including gate and entrance pillars will be at least 8.9m from the front of the house. Additionally, the provision of

the segregated cycle track will result in an offset from the property boundary to the cycle track of 2.0m. As stated above, there will be no repetition of issues examined within the EIAR and planning report under ref 313892 which include an assessment on population.

6.159. It is stated by the applicant that the proposed acquisition will not hinder the availability of parking within the property and access to the property will continue as it currently does. The replacement boundary details will be a like for like replacement. I have reviewed the proposed acquisition and relevant deposit maps and note that the lands to be acquired are not excessive and do not material alter the functionality of the owners front garden albeit that it will be slightly smaller than existing. I am satisfied that, similar to the foregoing submissions that the applicant has clearly demonstrated that the acquisition of these lands is necessary to achieve the objectives of the scheme.

Tesco Ireland Limited Plot 1124(1).1a

6.160. The existing road cross section in this location consists of a one general traffic lane in each direction and a footpath on each side of the carriageway. An on-road cycle lane is provided in the northbound direction. Permanent and temporary land take is required from the Park Shopping Centre. The maximum width of land to be permanently acquired is 2.2m. This will require modification of the existing access with the relocation of the existing boundary wall. Land will be temporarily acquired to facilitate construction of the Proposed Scheme and tie-in of the existing car park area.

6.161. Concerns are raised in relation to the servicing of the store in terms of deliveries and the impact to business and delivery strategy as a result of the proposed bus gates to the north and south of Prussia Street. The third party has raised concerns that the proposed development will result in a longer more circuitous route to the Park Shopping Centre and will therefore have an effect on road safety and require additional HGV trips.

6.162. The applicant has responded to the concerns raised and states, in relation to customer behaviour, 'that people movement would significantly increase along the Proposed Scheme. It is therefore anticipated that all businesses along the Proposed Scheme will, to some extent, benefit from the increase in passing trade'.

6.163. Although a bus gate will prevent general traffic movement between Prussia Street and Manor Street, this does not preclude access by car and other traffic, the applicant has



outlined a number of alternative routes in this regard which have been examined in detail within the planning application report referred to throughout this report and I refer the Board to same. Whilst I acknowledge the concerns raised by the third party in relation to the servicing of the development, the alterations proposed within the third-party submission would require significant alterations to the scheme which would extend beyond the Compulsory Acquisition at this location. Such matters have been considered within the planning report already referred to above.

6.164. With regard to the acquisitions at this location the extent is minor and will not impact the functionality of the business. Having regard to the overall benefits of the scheme in terms of providing an active travel and significantly improved public transport services which will benefit the wider community I am satisfied that the proposed acquisition is justified in the interest of the common good and is necessary to achieve the objectives of the scheme.

Catherine Tobin (Phoenix Park Residential Development) Plot 1025(1).1a & 1025(2).2a

6.165. The acquisition relates to the entrance to the Phoenix Park residential development. The area of land to be permanently acquired is approximately 210m<sup>2</sup> (6.5m of the access area). Additional temporary land take, 456m<sup>2</sup> in area, is also required to facilitate construction and regrade works. The works will facilitate the provision of a segregated contra flow cycle lane, a new right turn into the development from the central reservation line and improved pedestrian facilities around the entrance area and will facilitate the tie in of the existing access to the residential development.

6.166. A number of issues were raised in the submission which are addressed elsewhere in this report and will not be repeated hereunder. The permanent nature of the acquisition was queried in the submission. Queries in relation to the wider traffic flow changes proposed within the scheme were also raised within the submission, the Board should note that such matters are examined within the planning report and will not be repeated. An additional query in relation to the reason for the removal of the median and Vehicle Restraint on the R147 was also raised.

6.167. I note the applicant's response and note that no properties will be acquired at this location. The lands to be acquired will facilitate the construction of the development and will be integral to the provision of a continuous cycle and pedestrian facility along

the R147 past the development. The acquisition of the lands is therefore necessary to achieve the scheme's objectives.

6.168. In addition to the foregoing, the applicant also refers to the removal of the VRS and states that the central median between Phoenix Park Avenue junction and Ashtown Road junction will be removed to provide additional space for footpath and cyclist facilities and landscaped verges. This does not form part of the compulsory acquisition at the subject location and the Board should note that consideration of the merits of such alterations along the carriageway are considered in detail in the planning application report referred to above.

6.169. Having regard to the nature and quantum of lands to be acquired at this location I am satisfied that the lands are not excessive and are necessary for the achievement of the scheme objectives. I am also satisfied that the acquisition will not impact the functionality of the entrance and that access will be maintained during construction this preventing any impact to the property rights of the dwelling owners within the development. Overall, I am satisfied that the acquisition of the lands in question is acceptable and as mentioned above are proportionate to the proposed scheme.

Jackie and Bernard Smyth Plot 1090(1).1d, 1090(2).2d

6.170. The width of land to be permanently acquired ranges between 2.5m and 2.7m. This will require the relocation of the existing boundary wall and any adjacent vegetation within the front garden of this residential dwelling.

6.171. Issues raised within this submission are common to many other submissions and relate to air impacts, noise, impact on property value, access and parking and safety of bringing road closer to property. Many of the issues have been addressed above or hereunder and will not be repeated. I note the applicant's response in relation to the proximity of the new proposed bus lane which is stated to be 0.9 metres closer to the residence than the kerb of the existing general traffic lane. The new boundary will be 10.8 metres from the front of the house.

6.172. It is further stated that a sketch was presented to the owner which showed the capacity of the driveway to accommodate 5 cars and a maximum access width of 5 metres will be provided to facilitate better egress and ingress to the property. It is clear that the functionality of the property will not change as a result of the acquisition. Detailed accommodation works will be prepared in consultation with landowners and the reinstatement of the boundary will provide a physical barrier between the property and

the roadside. In addition, it is stated that a reduction in traffic is expected as a result of the development.

6.173. Having reviewed the plans submitted and the current arrangements at this site in terms of access and parking I am satisfied that the permanent and temporary acquisitions at this location are not excessive and are necessary to achieve the objectives of the scheme.

#### **6.174. CPO Issues common to multiple Objectors**

6.175. A number of submissions raised concerns in relation to the devaluation of properties which I will address hereunder. It is important for the Board to note, as mentioned above, concerns relating to planning matters such as noise, and traffic impacts etc are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-313892-22, and as such this report should be read in conjunction with the aforementioned planning application report for the proposed scheme.

##### Property Values

6.176. Third parties 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.

##### Consultation

6.177. A number of submissions have raised concerns in relation to the adequacy of the consultation process. Third parties were concerned that the format of consultation excluded certain groups such as the elderly. Additional concerns raised related to the lack of meetings and lack of engagement with local representatives and community groups. The timing of the project in terms of the submission date which was over a holiday period was not appropriate and disenfranchised many people from contributing and making submissions.

- 6.178. The applicant has responded to these concerns and states that ‘non statutory pre-application public consultation was carried out in three phases (one in relation to Emerging Preferred Route consultation and two in relation to the Preferred Route Option consultation), to inform the public and stakeholders of the development of the Proposed Scheme from an early stage and to seek feedback and participation throughout its development’. The first phase of consultation took place from the “14 November 2018 to 29 March 2019.
- 6.179. The applicant further states that ‘the public were invited to make written submissions in relation to the published proposals to the BusConnects Infrastructure team either through an online form, by email or by post. There were two consultation events held in which the public were able to view the proposals and discuss them directly with members of the BusConnects Infrastructure team. These were held at The Crowne Plaza, Blanchardstown on Tuesday 15 January 2019 and at the Gresham Hotel, Upper O’Connell Street on 17 January 2019. In addition to the open public consultation, a Community Forum was established with the aim of facilitating two-way communication between local communities and the BusConnects Infrastructure team.
- 6.180. Community Forum meetings took place on 12 December 2018 at the Crowne Plaza Hotel and 5 February 2019 at the Ashling Hotel. The meeting involved the presentation of an overview of the design for the Proposed Scheme and, with the use of an independent chairperson, the representatives were given the opportunity to ask questions of the BusConnects Infrastructure team and provide feedback. In addition, there have been meetings held with residents’ groups to provide updates on aspects of the Proposed Scheme. The BusConnects Infrastructure team has made the presentations given at the Community Forum and Residents Group meetings available to the public on the BusConnects website ([www.busconnects.ie](http://www.busconnects.ie)).’
- 6.181. Letters were dropped to each individual property with the details of the preferred route and the option to have a one-to-one meeting with the NTA.
- 6.182. A second round of consultation ran from 4 March 2020 to 17 April 2020 however due to Covid restrictions one to one meetings one to one meeting could not proceed. The public could continue to make submissions via the web portal, email or post during this time.
- 6.183. It is stated that following consultations, the design of the scheme was altered, and the affected parties were consulted and requested to make further submission should they

wish to. The applicant states that only 49 submissions were received to the amended scheme.

6.184. A third round of consultation was carried out over a 7-week period and meetings were held with affected parties. A number of additional changes to the scheme were designed as a result of these consultations and are outlined within the applicant's response to submissions. The statutory consultation period commenced on the 5<sup>th</sup> of July 2022.

6.185. The Board should note that the applicant has submitted proof of postage to all affected parties within the documentation submitted with this Compulsory Purchase Order and has clearly outlined details of all parties within the submitted schedule.

6.186. It is clear from the documentation submitted that the applicant has complied with their statutory obligations in relation to the notification of affected parties. I am satisfied that all reasonable attempts have been made by the applicant to notify affected parties of the proposed scheme and such parties have also been given an appropriate opportunity to engage in the process and the design development of the scheme.

#### Removal of Ashtown Roundabout

6.187. A number of submissions have raised concerns about the removal of the Ashtown roundabout. The majority of concerns relate to safety and the use of the roundabout to slow traffic on approach to the densely populated area along the Navan Road. In addition, the removal will result in the loss of mature trees which currently grow in the centre of the roundabout.

6.188. The Board should note that these issues are examined in detail within the planning report which accompanies this CPO application, I therefore refer the Board to the planning report should it require additional detail in relation to the roundabout and alternatives considered. In response to this particular issue, I note section 2.2.3.3 of the NTA's response to submissions document in which it is stated that the removal of the roundabout will result in the provision of improved pedestrian and cycle facilities at this location. The additional space available to the scheme is stated to accommodate the development of high quality 'hard and soft landscaping that establishes a contemporary landscape character at the junction that will become a new gateway landmark while also facilitating local pedestrian and cyclist movements'.

6.189. Restricted lane widths on the approach to the junction will slow traffic into and out of the city and improved visibility across the four arms of the junction will provide for a safer pedestrian and cyclist environment.

6.190. Having regard to the alternatives considered and the objectives of the scheme at this location, I am satisfied based on the information that the removal of the roundabout and associated land acquisitions are justified and necessary to meet the objectives of the proposed scheme which will deliver a high-quality active travel and public transport service for the wider community in the area.

### **Conclusion**

6.191. 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.

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

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

6.193. 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.

6.194. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way would be consistent with the policies and objectives of the Dublin County Development Plan 2022-2028 and Fingal County Development Plan 2023-2029 in which supporting the delivery of the proposed BusConnects scheme is an objective within both plans. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

#### **6.195. Recommendation**

6.196. I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 1<sup>st</sup> July 2022, based on the reasons and considerations set out below.

#### **6.197. Reasons and Considerations**

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

- (i) The constitutional and Convention protection afforded to property rights,
- (ii) The substandard infrastructure provided for along the existing route.
- (iii) The strategic nature of the scheme in the context of reducing carbon emission and climate change.
- (iv) The community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands, and
- (v) The proportionate design response to the identified need,

- (vi) The suitability of the lands and the necessity of their acquisition to facilitate the provision of the BusConnects Sustainable Public Transport and Active travel Scheme.
- (vii) The policies and objectives of the Dublin City Development Plan 2022-2028 and Fingal County Development Plan 2023-2029.
- (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.

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Sarah Lynch  
Senior Planning Inspector  
21<sup>st</sup> February 2024



## **Appendix 1 Third Party Objections**

### **1. Blanche Retail Nominee Limited**

- Supports Scheme.

### **2. Circle K**

- Objects to CPO of lands as it will have a detrimental impact to the business.

### **3. Thomas Curtin & Karina O’Leary**

- Concerns relate to the removal of the Ashtown Roundabout.
- Works will create additional traffic on Navan Road, traffic calming measures are therefore required.
- Absence of measures to discourage use of cars.
- Works will affect accessibility of the third party’s property.
- Objection to removal of trees.
- Condition low noise road surfacing.
- Concerns relating to removal of right turn lane onto Ashtown Grove.

### **4. Philip Dempsey**

- Objects to CPO
- Does not want road brought closer to his home.

- Need for scheme is questioned.
- Scheme will not solve congestion.
- Concerns about increases in noise and air pollution.
- Lack of engagement.

#### **5. Geoff & Fiona Doherty**

- Relates to Pastoral centre – 1094
- Requests an Oral Hearing.
- Concerns relating to lack of clarity regarding access, final design and increases in noise and pollution.

#### **6. Ronan Doohan & Caitriona Sharkey**

- In relation to 383 Navan Rd.
- Objects to CPO
- Issues relate to lack of details in relation to final design and impact of works on appearance and accessibility of property.
- Impact on electric gates.
- Request to speak to design team.

#### **7. Sharon & Sean Downes**

- In relation to 114 Navan Road plot 1107
- Objects to CPO, reason for acquisition not clear.
- Concerns in relation to safety of children during construction.

#### **8. Eamon Doyle**

- Lack of consultation
- Concerns relating to noise and vibration.
- Loss of property value due to loss of garden area.
- Objects to removal of trees.
- Closure of old Cabra Road will lead to congestion.
- Need for project is unclear.

**9. Colm Duffy 1011.1.1h (3 herbert road.)**

- Objects to CPO
- Concerns relate to noise, safety and disturbance.

**10. Patrick & Elizabeth Farrell – 1057.1.1d & 1057.2.2d**

- Object to CPO
- Concerns relate to impact of works on people with disabilities
- Works will not improve access to public transport for the disabled.
- Works do not address traffic pinch points and will lead to increase in congestion.
- Concerns about removal of treeline at garden boundary.
- CPO is disproportionate as alternatives would not require the same level of acquisition.

**11. Paddy Faughan**

- Oral Hearing requested.
- Objects to CPO
- Concerns relate to loss of trees
- Safety of school children accessing bus stop
- Loss of garden which is used for classic car restoration
- Lack of consultation.
- Request to widen road on opposite side and save trees.

**12. Philomena Fortune - 1070(1) 1d**

- Objection to tree removal. Removal of Ashtown Roundabout, lack of consultation.

**13. Thomas Good**

- Concerns in relation to removal of Ashtown Roundabout, removal of trees which is contrary to Development Plan, quality of cycle lanes and the development of Blackhorse Ave as a cycle way.
- Access to property due to traffic changes.
- Lack of consultation.

**14. Dermot Grogan – 1024.1.1a & 1024.2.2a**

- Objection based on access concerns; it is not clear that access would be permitted to industrial site during construction.

**15. Robert Higgins 1070.1.1d & 1070.2.2d**

- Objection to removal of Ashtown roundabout, works to Blackhorse Ave and the proposed scheme will bring traffic closer to home and increase congestion.
- Increasing rail service would be a better option.

**16. Gabrielle Kavanagh – 1046 1.1d & 1046.2.2d**

- Objects to CPO, traffic will be closer to home, increases in congestion, Impact to safely accessing driveway as a result of works.

**17. Niall & Antoinette Kavanagh**

- Object to CPO of garden at 267 Navan Road.
- Loss of parking
- Cyclist should be separated from bus route

**18. Rosemary Kavanagh - 1046 1.1d & 1046.2.2d**

- Objects to CPO, traffic will be closer to home, increases in congestion, Impact to safely accessing driveway as a result of works.

**19. Deirdre Kirwan – 265 Navan Rd.**

- Objection to removal of trees and garden area.

**20. Patricia Lawler – 1033**

- Objects to CPO on basis of lack of detail, lack of timelines, removal of trees,.
- Requests an Oral Hearing.

**21. John Leatham – 1091.1.1d & 1091.2.2d**

- Objects to CPO for following reasons:
- Lack of consultation.
- Scheme will increase car usage.
- Congestion charge should be implemented.
- Objects to tree removal.
- Plans have changed over time, increasing land take.
- Cycle lanes should be decreased.
- Lack of details relating to accommodation works.
- Reduction in property value.

**22. Willie Munnelly – 9 Fairview Park**

- Objects to CPO

**23. Shane & Yvonne Nolan – 1104.1.2d**

- Objects due to impact on geothermal heating system.
- Reason for temporary CPO unclear.

**24. Michael O'Neill – 1099 various – 139 Navan Rd.**

- Objects to CPO.
- Lack of detail provided on plans.
- Impact to enjoyment of property.
- 1099 2.2d is excessive and not required.
- Insufficient detail in relation to mitigation measures to protect property.
- Impacts to accessibility of property, details are unclear.

**25. PPRD Management Company – land beside phoenix park race course**

- Adequate compensation to be paid to owners.
- No impacts to existing infrastructure should occur.
- Hours of construction extending to 11 o'clock is excessive.
- It is assumed that access will be maintained during works.
- Due consideration of noise and air pollution is required.
- Objection to removal of ashtown roundabout.

## **26. Primary Health Care**

- Clarification is sought in relation to the timing of works.
- Guarantee for maintenance of access.
- Clarity in relation to reinstatement specification.

## **27. Clare Rudden and Richard Kinsella. 1066.1.1d, 1066.2.2d**

- Oral hearing requested.
- Concerns relate to extent of impact two property from CPO.

## **28. Brian Ruddy and Aoife Rush - 1065**

- Objects to CPO – lack of details in terms of extent and duration of works.
- Similar issues are raised to those above relation to road safety, access, parking, lack of detail on plans, loss of trees, alternatives considered and impacts on congestion from diverted traffic

## **29. Tesco**

- Proposed interventions and the synergy of Prussia street will have significant impact on accessibility and operational requirements of the park Shopping Centre, busquets will impact delivery and service vehicles travelling to the Shopping Centre
- Bus Gate on old Cabra Rd. removes Tesco's access and egress route from the Prussia Street store alternative routes are too narrow.

- The approval of the current scheme will result in the Tesco Maple center and Tesco Prussia St. Being unable to be serviced.
- Bus gates will also impact customer behavior jeopardizing the viability of both Tesco stores.

**30. Catherine Tobin – 1025.1.1a, 1025.2.2a**

- Concerns relating to increase in journey times, congestion and access to consultations.
- Concerns relating to removal of trees.

**31. Mabel Tremble – 1101 various.**

- Lack detail in relation to accessibility to property and all reinstatement works and finishes.
- Impact enjoyment of property.
- Land parcel 1101.2.2d is excessive.

**32. Jackie & Bernard Smyth – 151 Navan rd**

- Significant concerns relating to curtailment of parking in front of property due to residents of property with additional needs and disabilities concerns also relate to additional noise and air pollution and the associated health implications.