



An  
Bord  
Pleanála

## Inspector's Report ABP-317164-23

### Development

Swords to City Centre Core Bus  
Corridor Scheme, Compulsory  
Purchase Order 2023

### Location

Swords to Dublin City Centre

### Planning Authority

Fingal County Council & Dublin City  
Council

### Applicant(s)

National Transport Authority

### Observer(s)

See Appendix 1

### Date of Site Inspection

24<sup>th</sup> August 2023

### Inspector

Liam Bowe

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## Appendix 1: Third Party Objections

## **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 'Swords to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022'.
- 1.1.2. The Compulsory Purchase Order relates to the compulsory acquisition of rights over land in the townland of various lands from Pinnock Hill Roundabout on the R132 in the vicinity of Swords via Santry village and Drumcondra to Parnell Square in Dublin City Centre, 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. 28 submissions were received after the first consultation period and 6 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 'Swords to City Centre Core Bus Corridor Scheme', the construction of the Swords to City Centre Bus Corridor which has an overall length of approximately 12km and is routed along the R132 Swords Road from Pinnock Hill Roundabout to Parnell Square and also routed for cyclists via the junction with Lorcan Road – Shanrath Road and along the old Swords Road to the junction with Collins Avenue, all in County Dublin within Fingal County Council and Dublin City Council administrative areas.
- 1.2.2. The overall need for the Proposed Scheme is to respond to current deficiencies in the transport system serving Dublin City. The population in Dublin is expected to rise by 25% by 2040 and the proposed project will cater for more sustainable travel patterns within the city. Without such interventions, traffic congestion will lead to longer and less reliable bus journeys throughout the region and will affect the quality of people's lives. It is stated that the Proposed Scheme is needed because it will provide enhanced walking, cycling and bus infrastructure on this key access corridor in the Dublin region, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor.

1.2.3. The NTA have sent 901 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include Dublin City Council, Fingal County Council, ESB, Eircom, DAA, TII, HSE, Uisce Eireann, Royal College of Surgeons of Ireland (RCSI), and private landowners. Some landowners are joint owners of a singular parcel of land, some are singular owners of multiple parcels of lands, and some are joint/multiple owners of multiple parcels. All owners and associated parcels to be acquired are detailed in the document titled 'List of Owners Lessees Occupiers served Notice' which has been submitted with the CPO application.

### 1.3. **Accompanying documents**

1.3.1. The application was accompanied by the following:

- Compulsory Purchase Order and Schedule thereto, dated 16<sup>th</sup> May 2023.
- CPO Maps.
- Newspaper notice, published in the Dublin Gazette and the Irish Independent both dated the 18<sup>th</sup> of May 2023.
- Copy of site notices erected at specific locations along the route.
- Copy of notice sent to landowners.
- Copy of registered postal receipt for service of each CPO notice.

### 1.4. **Format of CPO and Schedule**

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

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

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

- 1.4.3. The lands described in the Schedule are stated to be lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.
- 1.4.4. The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

## **2.0 Site Location and Description**

2.1. The proposed scheme submitted under this application will comprise the construction of the Swords to City Centre Bus Corridor which has an overall length of approximately 12km and is routed along the R132 Swords Road from Pinnock Hill Roundabout to Parnell Square and also routed for cyclists via the junction with Lorcan Road – Shanrath Road and along the old Swords Road to the junction with Collins Avenue, within Fingal County Council and Dublin City Council administrative areas.

2.2. Key improvements include:

- The number of pedestrian signal crossings will increase by 47% from 86 to 125 as a result of the Proposed Scheme,
- The total segregated cyclist facilities (both directions) will increase from 6.8km to 18.8km and the proportion of segregated cycle facilities will increase from 48% on the existing corridor to 100% on the Proposed Scheme, and
- The proportion of the route having bus priority measures will increase from 72% on the existing corridor to 100% on the Proposed Scheme.

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

- 100% of route with bus priority measures and traffic management.
- 21.6km (total both directions) of cycling infrastructure and facilities.
- Provision of new / refurbished pedestrian facilities, and footpaths along the scheme and associated ancillary works.
- Provision of a pedestrian and cycle bridge consisting of a 50 metre 2-span steel structure to the western side of Frank Flood Bridge.

- Provision of 34 junction upgrades including conversion of two existing roundabouts to signalised junctions and associated ancillary works.
- Reconfiguration of existing bus stops resulting in 24 number new bus stop facilities.
- Public Realm works including landscaping, planting, street furniture, street lighting, retaining walls, boundary walls, and sustainable urban drainage measures,
- Roads associated earthworks including excavation of unacceptable material, importation of material, temporary storage of materials.
- Provision of road pavement, signing, lining and ancillary works.
- Provision of gates, fencing and boundary treatment works.
- Construction of accommodation works including boundary treatment and ancillary grading and landscaping works together with all ancillary and consequential works associated there with.

2.4. The Construction Phase for the Proposed Scheme is anticipated to take approximately 36 months to complete. It will be constructed based on individual sectional completions that will individually have shorter durations typically ranging between 3 to 18 months. Various amounts of third-party lands will be required to be compulsorily acquired either permanently or temporarily along the entirety of the route to facilitate the proposed development.

## 3.0 Planning History

3.1.1. There are a significant number of planning applications along the route which include large residential, domestic residential such as alterations to existing houses, commercial development and telecommunication infrastructure etc, a full list is provided by the applicant within Appendix 2 of the Planning Report document submitted with the application. Of relevance to this scheme and including a number referred to by Fingal County Council and Dublin City Council within their submissions on the application are the following:

- ABP-307011: Permission granted for a mixed-use development including 324 apartments on lands to northeast of Omni Park Shopping Centre.

- ABP-307422-20: Permission granted for a student accommodation development with 122 bed spaces at Drumcondra Road Upper (DCC planning reference 4533/19).
- ABP-312221: Permission granted for alterations to previously permitted development ABP-303615-19 resulting in a total of 276 no. student bedspaces at 124-126 Parnell Street.
- ABP-313289-22: Permission granted for 443 apartments at Hartfield Place, Swords Road.
- DCC 2838/15: Permission granted for 108 no. student accommodation units at Dorset Street Upper.
- DCC 2713/17: Permission granted for 137 residential units at Santry Avenue.
- DCC 2951/17: Permission granted for the construction of a retail and student accommodation (161 no. bed spaces) development comprising of a part-three to part-four storey building onto Dorset Street Lower, and a part-four to part six no. storey building, with the fifth floor set back, over a single level basement, onto North Circular Road.
- ABP-245738 - Permission granted for an Aviation Fuel Pipeline from Dublin Port to Dublin Airport (2016).
- F22A/0687 Permission granted by Fingal County Council for the development of 1. Demolition of existing residential dwelling Hollytree House (c. 449.2 sqm). 2. Construction of 85 no. residential apartments (35 no. 1-bed, 37 no. 2-bed units and 13 no. 3 bed units) within a 5 - 8 no. storey building, with all apartments served by private terrace or balcony (currently under appeal: PL06F.318046 refers).
- F20A/0331: Permission granted for the temporary continuance of use of the existing 2,700 long-term car parking spaces at the Express Red Long-Term Car Park, Cloghran.
- F16A/0587: Permission granted for a new standalone five storey over basement level hotel comprising 100 bedrooms, meeting rooms and ancillary services including snack bar, breakfast area, fitness room, toilets, plant rooms etc. with associated elevational signage at lands adjacent to the Carlton

Dublin Airport Hotel, Turnapin Great, Old Airport Road/Swords Road, Cloghran. (Note: minor alterations to the above permitted under F20A/0166).

- ABP-314253: Permission granted for 219 no. apartments at Fosterstown North.

3.1.2. Decisions are pending on the following applications:

- LRD6019/22-S3 (ABP-316108-23): Permission granted by DCC for 853 residential units at Oscar Traynor Road Site, Coolock Lane – 3<sup>rd</sup> party appeal.
- ABP-313331-22: Permission for 645 no. apartments at Fosterstown North.
- ABP-314019-22: Permission for mixed use development including 350 apartments at Chadwick's Builder's Merchants site on the corner of Swords Road and Santry Avenue.
- ABP-314458: Permission for mixed use development including 457 apartments on lands to northwest of Omni Park Shopping Centre.

## **4.0 Overview of Submissions**

- 4.1. 28 submissions have been received in relation to the proposed CPO, 16 no. relate to the lands to be acquired in proximity to Dublin Airport, 7 no. relate to individual land acquisitions in Santry village, and the remaining 5 relate to individual properties along the Swords Road. The details of the submissions are set out in detail in Appendix 1 of this report
- 4.2. The issues raised relate to the proportionality of the scheme, third parties consider that the land take is excessive in certain areas and are concerned about the functionality of their properties in terms of egressing, ingressing and loss of parking.
- 4.3. Concerns are also raised in relation to increases in noise, deterioration of air quality, impacts to residential amenity, consideration of alternatives with particular regard to bus stops, cycle lane widths, widths of footpaths, damage to properties arising from vibrations, property devaluation, loss of landscaping and clarity regarding specific design details of accommodation works, design details of traffic calming measures and lack of consultation.
- 4.4. All such matters have been examined in detail within the planning application report ref: ABP-317121-23 and I refer the Board to this report. I will examine the relevant



concerns raised in relation to the assessment of the CPO in terms of community need, compliance with the development plan, proportionality and necessity of level of acquisition proposed, alternatives and suitability of lands.

- 4.5. I note that the NTA has responded to the issues raised and such responses will be examined in the context of submissions within the assessment section of this report hereunder. However, it is important to note that this response was then recirculated to third parties and an additional 6 responses were received in this regard. Additional responses do not raise any new issues to those outlined in the submission summarised within Appendix 1, however some still seek details in terms of access and pavement treatments.

## 5.0 Policy Context

### 5.1. European

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

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

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

#### 5.1.2. European Green Deal (EDG) 2019

The European Commission has adopted a set of proposals such as making transport sustainable for all, to make the EU's climate, energy, transport and taxation **policies fit for reducing net greenhouse gas emissions by at least 55% by 2030**, compared to 1990 levels.

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

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

## **5.2. National**

### **5.2.1. 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.

### **5.2.2. National Sustainable Mobility Policy Action Plan 2022-2025**

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

### **5.2.3. 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.

### **5.2.4. 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.

#### **5.2.5. 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.

#### **5.2.6. 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.

#### **5.2.7. 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.

#### **5.2.8. 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.

#### **5.2.9. 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, place 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 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.

#### **5.2.10. 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 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.

### 5.3. Regional

#### 5.3.1. Regional Spatial Economic Strategy for the Eastern and Midlands Region

- Chapter 5 Dublin Metropolitan Area Strategic Plan (MASP)
  - The MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area that sets out a vision for the future growth of the metropolitan area and key growth enablers.

- Section 5.3 Guiding Principles for the growth of the Dublin Metropolitan Area - Integrated Transport and Land use which seeks to focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of '**BusConnects**', DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.
- MASP Sustainable Transport RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- Section 5.6 Integrated Land use and Transportation-
  - Key transport infrastructure investments in the metropolitan area as set out in national policy include:
    - Within the Dublin Metropolitan Area, investment in bus based public transport will be delivered through BusConnects, which aims to overhaul the current bus system in the Dublin metropolitan area, including the introduction of Bus Rapid Transit.
- Chapter 8 Connectivity
  - Section 8.4 Transport Investment Priorities:
    - Within the Dublin Metropolitan Area, investment in bus infrastructure and services will be delivered through BusConnects.
  - Section 8.5 International Connectivity:



- RPO 8.18: Improved access to Dublin Airport is supported, including Metrolink and improved bus services as part of BusConnects, connections from the road network from the west and north. Improve cycle access to Dublin Airport and surrounding employment locations. Support appropriate levels of car parking and car hire parking.

## 5.4. Local

### 5.4.1. Fingal Development Plan 2023-2029

- Chapter 5 Climate Action
  - Fingal County Council seeks to promote healthy placemaking and provide well serviced neighbourhoods which will ensure permeability and promote walking and cycling as the primary, default choice by making these options easier and safer. This will be achieved through the principles of compact growth and integration of land-use and transport planning that underpin this Plan and that inform the policies and objectives of the Plan. This approach has a dual benefit, reducing reliance on the private car, which will ‘help’ climate change and our transition to a low carbon society, but also improving the day to day lives of residents of Fingal.
- Chapter 6 Connectivity and Movement
  - Fingal County Council recognises the opportunity to strengthen the alignment between land-use and transport infrastructure and continue to work closely with national agencies to advance the delivery of key public transport projects. This can be achieved through prioritising the increased provision of high-quality, walkable and accessible public realm environments and safe and attractive cycling facilities and to optimise connectivity between sustainable modes through increased walking and cycling provision. Through these measures, there is an opportunity to assist modal shift and to make walking and cycling the natural choice for everyday shorter trips, many of which are currently made by car. Fingal County Council will facilitate active travel across the County and will engage widely with the public through open consultation in relation to a sustainable transport system and active travel.
  - Policy CMP1 – Decarbonisation of Motorised Transport

Support the decarbonisation of motorised transport and facilitate modal shift to walking, cycling and public transport and taking account of National and Regional policy and guidance, while supporting an efficient and effective transport system.

- Objective CMO1 – Transition to Sustainable Modes

Work with the NTA, TII and other transport agencies in facilitating the integrated set of transport objectives for the County as set out in this Plan, in line with National and Regional policy including the NTA's GDA Transport Strategy and any subsequent plan to encourage modal shift towards more sustainable modes of transport and patterns of commuting to reduce reliance on the private car.

- Objective CMO2 – Modal Shift

Work with the NTA to develop mode share targets for the County to achieve and monitor a transition to more sustainable modes including walking, cycling and public transport, during the lifetime of this Plan. This includes providing targeted infrastructure in the most appropriate locations and prioritising development at the most accessible locations in order to achieve the appropriate levels of integration and sustainable transport provision.

- Policy CMP3 – Integrated Land-Use and Transport Approach

Provide for an integrated approach to land-use and transportation aimed at minimising the demand for travel and prioritising sustainable modes of transport including walking, cycling and public transport.

- Policy CMP6 – Integrated Transport Network

Support and facilitate sustainable mobility objectives set out in the NPF, RSES, Smarter Travel and the NTA's GDA Transport Strategy and any subsequent plan to ensure the creation of a high-quality and integrated transport network to serves the needs of the County and the wider region.

- Policy CMP12 – Public Realm

Support and facilitate the provision of high-quality and attractive public realm that is accessible for all with a focus on improving connectivity and permeability in accordance with best practice public realm and guidance documents.

- Objective CMO16 – Public Realm and Development

Encourage and facilitate the delivery of high-quality public realm in tandem with new developments throughout the County through the Development Management process and the retrospective provision in existing developments, including the provision of a pedestrianised core in town centres where appropriate.

- Policy CMP18 – Public Transport

Support the provision of a high-quality public transportation system that is accessible to all to serve the needs of the County and to enable a significant shift from car-based travel to public transport.

- 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.

- Objective CMO29 – Integration of Public Transport Services and Development

Work with the NTA, TII and other relevant national transport agencies to optimise accessibility to public transport, increase catchment and maximise permeability through the creation of high-quality walking and cycling routes linking to public transport stops.

#### 5.4.2. **Dublin Airport Local Area Plan 2020**

- Climate Action Objective CA05

Facilitate improved public transport links to and from the Airport and require that all traffic generating applications at the Airport demonstrate measures to maximise non-motorised and public transport use while minimising the use of the private car.

- Objective EA06

Facilitate the delivery of the R132 Swords Road Core Bus Corridor and to seek its prioritisation as a scheme of strategic national importance in enabling sustainable growth of Dublin Airport in the short-term.

- Objective EA07

To ensure proposals for road network improvements in the vicinity of Dublin Airport have regard to the effective operation of future bus services generally and on the Swords Road Core Bus Corridor in particular.

- Cycling Objective CY01

Provide for cycle paths separated from traffic along the R132 between Pinnock Hill Roundabout and the boundary with Dublin City Council as part of the Swords Core Bus Corridor.

- Objective PT04

Facilitate the delivery of the R132 Swords Road Core Bus Corridor and to seek its prioritisation as a scheme of strategic national importance in enabling sustainable growth of Dublin Airport in the short-term.

#### 5.4.3. **Dardistown Local Area Plan 2013 (as extended to November 2022)**

- CPO11

Provide for full integration of the LAP lands with existing and planned QBCs, the proposed internal high-capacity bus corridor, and future Dardistown Metro Stop at an integrated public transport interchange at Dardistown, thereby reducing car dependency and supporting sustainable modes of transport/ smarter travel.

#### 5.4.4. **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
- It is acknowledged that new street/ road infrastructure and improvements to existing streets/ roads will be required over the period of the plan.

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.

#### **5.4.5. 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. It acknowledges that 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 the 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 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 BusConnects will cause disruption and it will seek to minimise such impacts through up-to-date travel information.

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

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

- Measure BUS2 – Additional Radial Core Bus Corridors

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

- Measure BUS3 – Orbital and Local Bus Routes

It is the intention of the NTA to provide significant improvements to orbital and local bus services in the following ways:

1. Increased frequencies on the BusConnects orbital and local services; and
2. Providing bus priority measures at locations on the routes where delays to services are identified.

- Section 12.2.4 Zero Emissions Buses

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

- Measure BUS6 – Higher Capacity Bus Fleet

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

- 12.2.8 New Bus Stops and Shelters

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

- 13.8 Road space Reallocation

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

- Measure Road 13 – Roadspace Reallocation



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

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

#### **5.4.6. 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.

### **5.5. Legislative Context**

- 5.5.1. Under Section 44(1)(c) of the Dublin Transport Authority Act, 2000 (as amended), the National Transport Authority (NTA) may acquire and facilitate the development of land adjacent to any public transport infrastructure where such acquisition and development contribute to the economic viability of the said infrastructure whether by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000.
- 5.5.2. The process of acquisition of is set out within the Planning and Development Act 2000, as amended, whereby the functions of such acquisitions are a matter for the Board.
- 5.5.3. Under Section 213(2)(a) of Part XIV of the Planning and Development Act, 2000 (as amended), a local authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or facilitating the implementation of its development plan, acquire land, permanently or temporarily, by agreement or compulsorily.
- 5.5.4. Compulsory Purchase Orders are made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act, 1960, (as substituted by section 86 of the Housing Act 1966), as amended by section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000 (as amended). Orders are served on owners, lessees and occupiers in accordance with Article 4(b) of the Third Schedule to the Housing Act, 1966.

## **6.0 Assessment**

### **6.1 Overview**

- 6.1.1. 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". This requires the following minimum criteria to be satisfied:
- There is a community need that is to be met by the acquisition of the site in question,

- The particular site is suitable to meet that community need,
- Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable, and
- The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan.
- The extent of land-take should have due regard to the issue of proportionality.

6.1.2. I will therefore address each of the five criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the submissions.

## 6.2. **Community Need**

6.2.1. 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.

6.2.2. 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.

6.2.3. 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.

6.2.4. 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.

- 6.2.5. 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.
- 6.2.6. 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.
- 6.2.7. 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 25% reduction in car use along the route and an increase in cycling and walking of 55%, in addition to a 45% increase in bus use.
- 6.2.8. 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.

- 6.2.9. In terms of local transport need it is outlined by the applicant that bus priority infrastructure is currently provided along approximately 66% (outbound) and 77% (inbound), cumulatively equating to 72% of the length of the route. The Proposed Scheme will facilitate 100% bus priority and complement the rollout of the Dublin Area Bus Network Redesign to deliver improved bus services on the route. This will improve journey times for bus, enhance its reliability and provide resilience to congestion.
- 6.2.10. 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<sup>1</sup>,
  - 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.
- 6.2.11. With regard to cycling, it is stated that segregated cycling facilities are currently provided along approximately 34% (outbound) and 23% (inbound) of the route of the Proposed Scheme. The remaining extents have no dedicated cycle provision or cyclists must cycle on the bus lanes where provided. Cycle facilities in the Proposed Scheme will increase to 100% in both directions with the majority, approximately 82%, being segregated and the remainder using quiet streets. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.
- 6.2.12. It is important to note that the Swords Corridor serves some of the busiest bus routes in Dublin. Demand for travel by bus is anticipated to continue to grow in this corridor into the future, in line with population growth. I draw the Board's attention to the list of permissions within the planning history section of this report above and also to the

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<sup>1</sup> The Board should note that the Swords to City Centre BusConnects scheme does not have an interchange with a DART station.

current SHD applications at Fosterstown North, Santry and Coolock Lane, which will accommodate significant population growth along the route.

6.2.13. 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.

6.2.14. In 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 sustainable transport planning integration.

### **6.3. Suitability of Lands**

6.3.1. At the outset, the Board will note that the NTA are seeking to both permanently and temporarily acquire lands.

6.3.2. The lands that are the subject of this CPO are currently used for a number of uses including house garden, public open space associated with a residential development (recreational), commercial i.e., space associated with a commercial premises also referred private landings, footpath and private access roads. The Board should note that the scheme for the most part will comprise lands within the existing public road and pedestrian area where there is no specific zoning objective.

6.3.3. The Proposed Scheme terminates within Parnell Square. O'Connell Street and part of Parnell Square are designated as an ACA, whilst Parnell Square is a Conservation Area. The ACA encompasses the south end of Parnell Square, Granby Row including the Gate Theatre and Rotunda Hospital. However, I consider that the proposed works are compatible with the objectives of this designation and will not prevent or negatively impact the achievement of same.

6.3.4. Zonings pertaining to the lands include the following:

- HT – High Technology
- RA – Residential Area
- RS – Residential
- RW – Retail Warehousing

- GE – General Employment
- GB – Green Belt
- DA – Dublin Airport
- OS – Open Space
- LC – Local Centre
- Z1 – Residential
- Z2 – Residential Neighbourhoods
- Z3 – Neighbourhood Centres
- Z4 – District Centres
- Z8 – Georgian Conservation Area
- Z9 – Open Space
- Z12 – Institutional Land with Development Potential
- Z15 – Institutional and Community

6.3.5. I note that the secondary elements of the Proposed Scheme, such as bus shelters and poles fall within the definition of Public Service Installations as defined within appendix 15 of the Dublin City Development Plan. Similarly, bus shelters are included within the definition of street furniture under section 14.4.7 of the Fingal Development Plan. I am satisfied that these elements of the proposed works along with the proposed reallocation of road space and the provision of active travel infrastructure are compatible with the zoning objectives of both development plans.

6.3.6. As noted in Section 2.0 above, the proposed route generally follows the alignment of the R132 for 12km with the exception of an additional 800 metres for cyclists along the quiet road sections from the junction with Lorcan Road to the junction with Shanrath Road and onwards for an additional 600 metres via the old Swords Road to the junction with Collins Avenue.

6.3.7. The scheme, due to the width of the existing carriageway, encroaches minimally on either side of the route onto third party lands to allow for the proposed improvements which include a segregated cycle lane. Large areas of land at the open space associated with the National Show Centre at Cloghran, a general employment area

at Collinstown, a car park at Coolock Lane, a car park at Collins Avenue, and a public park at Botanic Avenue will be temporarily acquired to accommodate construction compounds and will be relandscaped and returned to their original uses once construction is complete.

6.3.8. The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with. Submissions received in relation to rights of way generally relate to concerned business owners along the route where such rights are to be interfered with on small parcel of lands at existing access points.

6.3.9. 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.

#### **6.4. Compliance with Development Plans**

6.4.1. BusConnects is identified as being a key transport infrastructure project that will improve the viability, accessibility and economic competitiveness of Dublin City and suburbs. The project is specifically identified and supported at all levels of government policy as outlined above within the policy section of this report and is acknowledged within the Dublin City Development Plan as being a key strategic transport project for the city specifically supported by the Council under policy SMT22. Similarly, under policy Objective CMO23 Fingal County Council 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. Policy CMP3 in the Fingal Development Plan also seeks to provide for an integrated approach to land-use and transportation aimed at minimising the demand for travel and prioritising sustainable modes of transport including walking, cycling and public transport.

6.4.2. 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 within the Dublin City Development Plan 2022-2028, the Fingal Development Plan 2023-2029 and other national and regional policy documents as set out within the policy section of this report above.

## **6.5. Use of Alternative Methods**

- 6.5.1. 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-317121-23. I note that alternatives were considered at three levels, strategic alternatives, route alternatives and design alternatives.
- 6.5.2. It is stated that the appropriate type of public transport provision in any particular case is predominately determined by the likely quantum of passenger demand along the particular public transport route. With this in mind the applicant considered the option of constructing a light rail service which would cater for a passenger demand of between 3,500 and 7,000 per hour per direction (inbound and outbound journeys). Based on the number of passengers predicted to use the new service, it was considered that there would be insufficient demand to justify a light rail option. The light rail option would also require significantly more land take, necessitating the demolition of properties.
- 6.5.3. 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.
- 6.5.4. Heavy rail alternatives carry in excess of 10,000 people each direction each hour and was considered an unsuitable solution.
- 6.5.5. 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.

- 6.5.6. 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

- 6.5.7. 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 a 'spider's web' of route options were considered, and a sifting process ensued resulting in the development of 4 routes. These routes were then considered against environmental considerations such as soils and geology, flora and fauna, potential archaeological, architectural and cultural heritage impacts and impacts to roadside amenity such as existing trees. Other constraints relating to these routes such as land availability and the extent of third-party lands to be acquired were also considered and the route selections reduced and modified accordingly.
- 6.5.8. Having regard to the information submitted it is clear that the applicant has considered a significant number of reasonable options for the Proposed Scheme and has been responsive to consultations held and concerns raised by the public. Each emerging route was considered in relation to a number of criteria such as economy, safety, integration, accessibility and social inclusion and environment.
- 6.5.9. Thus, having regard to the information provided by the NTA in relation to the alternatives considered I am satisfied that a significant number of options have been considered in detail and that the process undertaken by the applicant has been a robust assessment of alternative options having regard to environmental considerations and the stated Project Objectives, which are considered to be reasonable. I agree that the route chosen is the one which best meets these objectives. I also accept that the consideration of options within the selected route corridor and the strategy for key infrastructure provisions was a rigorous process, which had regard to environmental considerations and to the Project Objectives. I

therefore generally concur with the reasons for choosing the preferred alternatives as presented in the EIAR.

## **6.6. Proportionality**

- 6.6.1. I am satisfied that the process and procedures undertaken by the NTA have been fair and reasonable, that 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 Swords to City Centre Core Bus Corridor Scheme.
- 6.6.2. Having regard to the constitutional and Convention protection afforded to property rights, I consider that the permanent acquisition of lands, the temporary acquisition of lands, the acquisition of private rights, the restriction of/ interference with private rights, and the temporary restriction of/ interference with private rights as set out in the compulsory purchase order and on the deposited maps pursues, and is rationally connected to, a legitimate objective in the public interest, namely the Swords to City Centre Core Bus Corridor Scheme.
- 6.6.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible; in this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 6.6.4. 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 permanent acquisition of lands, the temporary acquisition of lands, the acquisition of private rights, the restriction of/ interference with private rights, and the temporary restriction of/ interference with private rights as set out in the compulsory purchase order and on the deposited maps would be consistent with the policies and objectives of the Fingal Development Plan 2023-2029 and Dublin City Development Plan 2022-2028. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

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

- 6.7.1. Concerns were raised in relation to a number of common issues which I will group together and examine hereunder. It is important for the Board to note, as mentioned above, concerns relating to planning matters such as noise, air and visual and residential amenity impacts are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-317121-23, and as such this report should be read in conjunction with the aforementioned planning application report for the Proposed Scheme.

### Property Values

- 6.7.2. Residents and businesses are concerned that the proposed scheme will devalue their properties. In general, I note the NTA's response to these contentions within the EIAR submitted with the planning application in which it is concluded that in overall terms the public realm improvements planned by the NTA may lead to an increase in value of both residential and retail property prices regardless of the size of the investment or the neighbourhood along the corridors, with evidence showing that investing in public realm and better/ higher frequency and reliable public transport infrastructure creates nicer places that are more desirable for people and businesses to locate in, thereby increasing the value of properties in the area.

### Impact on Parking and Access

- 6.7.3. Concerns are raised by third parties that they will not be left with enough space to park their cars. In this regard, I have reviewed the deposit maps and the NTA's response to such concerns in relation to each of the individual properties and I note that permanent acquisitions will not prevent the parking of cars within the front garden area of properties along the route. The NTA have also confirmed that access to properties will be maintained during the construction phase of the Proposed Scheme and the manner in which residents and businesses access their properties at present will remain unchanged once the scheme is operational. I am satisfied therefore that there will be no significant or material impact on parking and access.

### Engagement in the Process

- 6.7.4. Third Parties raised concerns and expressed dissatisfaction in relation to the level of engagement by the NTA in relation to the process.

- 6.7.5. Whilst I acknowledge third parties' submissions in this regard, I have reviewed the file in relation to the statutory obligations in relation to engagement of landowners and note that the NTA has complied with its statutory obligations in relation to the notification of landowners in relation to the process and also advertised the process accordingly. I can therefore find no failure in relation to the NTA's compliance with the relevant legislation in this regard.
- 6.7.6. I note that a Communications Plan in conjunction with the appointed contractor will be put in place to ensure dialogue in relation to any accommodation works to be carried out between property owners and the NTA.

#### Accommodation Works

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

#### Santry Village Residents

- 6.7.8. Specific concerns are raised by residents living within Santry village on the Swords Road in relation to the above matters. In order to achieve the required cross section of the Proposed Scheme land acquisition is necessary from private properties along this section of Swords Road. I note the NTA's response in this regard in which it is stated that off-street parking is proposed at residential properties between the shopping centre and Shanowen Road to offset the loss of on-street parking. In order to facilitate this, the NTA will prepare detailed accommodation works plans in consultation with landowners. The principle of how residents can access/ egress their properties is unchanged by the scheme proposals.
- 6.7.9. In addition to the foregoing, I note that concerns are raised by the Maxol service station and the Holistic Therapy Centre in Santry village in relation to the impact of the Proposed Scheme on access and parking spaces to the front of their properties. Local arrangements will be made on a case-by-case basis to maintain continued access to homes and businesses affected by the works, at all times, where practicable. The NTA confirm that as a result of widening of the existing corridor to

facilitate a traffic lane, bus lane and footpath in both directions, the Proposed Scheme will encroach towards the Holistic Therapy Centre by approximately 1.5m, however the number of permanent parking spaces will not be impacted by the Proposed Scheme.

- 6.7.10. Acquisitions at this section of the Proposed Scheme will accommodate a dedicated bus lane and single general traffic lane within the carriageway. Given the restricted width of the carriageway, it is proposed to direct cyclists to a 'quiet street' in order to circumnavigate Santry village via Lorcan Road, Lorcan Drive and Shanrath Road. This, effectively, removes the requirement for further land-take for the provision of two cycle lanes in Santry village and, consequently, I am satisfied that the quantum of lands to be acquired is proportionate and not excessive and will not impact the functionality of these properties in any significant manner.

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

#### O'Scanaill Veterinary Practice

- 6.7.11. The owners of this veterinary practice at Pinnock Hill Roundabout highlight the significant extent land of land acquisition for temporary use, for delivery of a new slip road, and for the construction of a new bus lane, cycle lane and bus stop. They are concerned that the proposal will reduce the number of access points to the property/ business from two to one, which will impact operational capacity. They predict that the change will result in a loss of five parking spaces for the business and that the Proposed Scheme may impact the current on-site arrangement that allows for the transfer of larger animals to the adjacent paddock.
- 6.7.12. The NTA confirm that the existing access/ egress to the Veterinary Hospital at the Pinnock Hill roundabout is to be extinguished under the Proposed Scheme and that an alternative access and egress will be provided by means of upgrading the existing R132 access, which will serve both the business and residential properties, and the creation of a new exit onto the R125. The NTA state that HGVs can continue to enter the practice via the existing R132 access under the Proposed Scheme, but instead of exiting via the proposed mini roundabout as described in the submission, they will leave through the proposed R125 exit. Consequently, I am satisfied there will be no

significant impact on the accessing/ egressing the property or on existing vehicular parking for the practice.

Dubres Strategies Limited

- 6.7.13. They highlight that the plot associated with 50 Dorset Street Upper contains essential plant and equipment in the basement for the entire building and they must retain ownership and control over the property.
- 6.7.14. I note the NTA's response in which it is stated that every reasonable effort was made to identify and make contact with the owner/ occupier of this property prior to publishing the CPO. The NTA confirm that the existing concrete slab at footpath level needs to be removed and replaced with a new footpath with surface finishes to match the surrounding footpath. This will be dependent on surveys prior to the construction works and any works will be agreed between the directly impacted landowners and the NTA during the accommodation works negotiations.

Collinstown Business Park

- 6.7.15. The objection explains in some detail how this entrance is required for extensive HGV and bus/ coach movements and alleges that this was not properly assessed in the EIAR. The owner also appends a report prepared by Stephen Reid Consulting Traffic and Transportation Limited which alleges that there will be a devastating impact on the business park which could render it inoperable. The owner is also concerned that the permanent works proposed will result in a revised access layout with substantially reduced access width and that the proposed revised access layout is considered to be unsuitable for the business park and individuals/ businesses who rely on this access route every day.
- 6.7.16. I note in response to the request from the landowner for consideration of a signalised junction at this location, the NTA are applying for approval of a minor modification to the Proposed Scheme in terms of a minor modification to the design of the junction at the entrance to the Collinstown Business Park to introduce a signalised junction. The NTA confirm that no additional lands are required to facilitate this proposed minor modification beyond those lands already included in the Swords to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023 as submitted to the Board for confirmation. I am therefore satisfied that the concerns of the landowner can be appropriately addressed by the incorporation of a signalised junction at this

location within the Proposed Scheme and that there will be no significant impact on the operation of the business park.

## **7.0 Conclusion**

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

7.2. I am satisfied that:

- the process and procedures undertaken by the NTA have been fair and reasonable,
- the NTA has demonstrated the need for the lands, and
- all the lands being acquired are both necessary and suitable to facilitate the provision of the BusConnects Scheme.

7.3. 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,
- Land described in Part IV (A) provide a description of private rights to be acquired.
- Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.



- 7.4. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 7.5. 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 City Development Plan 20220-2028 and Fingal Development Plan 2023-2029 in which the delivery of the proposed BusConnects is an objective. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

## **8.0 Recommendation**

I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 19<sup>th</sup> day of May 2023, based on the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

- 9.1. Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, and having regard to the following:
- (a) the constitutional and Convention protection afforded to property rights,
  - (b) the substandard infrastructure provided for along the existing route,
  - (c) 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,

- (d) the design response, which has been appropriately tailored to the identified need,
- (e) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the Swords to City Centre Core Bus Corridor,
- (f) The policies and objectives of the Dublin City Development Plan 2022-2028,
- (g) The policies and objectives of the Fingal Development Plan 2023-2029,
- (h) The submissions made at to the Board,

it is considered that, the acquisition by National Transport Authority of the lands in question, and the restriction of public rights of way, and acquisition of private rights of way, on a temporary and permanent basis 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 Inspector's report.

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

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Liam Bowe  
Senior Planning Inspector

19<sup>th</sup> March 2024

## **Appendix 1: Third Party Objections**

### **1. Advanced Roofing & Cladding Ltd.: 1062(1).1c & 1062(2).2c**

- Need to retain 24-access to the business park.
- Highlight the requirement to provide an alternative access and request that a condition be attached to the CPO that this be provided during the works and after completion.
- Request the Board to ensure that no permission is given to carry out works to the ESB sub-station.
- Concerned about the length and duration of the works and reserve their entitlement to claim compensation.

### **2. Advanced Roofing & Cladding Ltd.: 1062(1).1c & 1062(2).2c**

- All eight businesses in the Advanced Business Park require 24-hour access.
- Require that there is a constant safe access during the works and after completion.
- No information on the duration of the works or what disruption will be involved.
- Require that all their perimeter structures are reinstated.
- Do not agree to a sub-station being moved into their property and need more information on this.

### **3. Ankan & Samarpita Dutta: 1113(1).1d & 1113(2).2d**

- Loss of their green amenity space.
- No information about disruption to services.

**4. Anne Doyle: 1146(1).1a, 1146(2).2a. 1147(1).1c & 1147(2).2c**

- Will impact the business currently operating in the premises and the market value of the property.
- Envisages having to close the business for the entire period of the works.
- Possibility of loss of rental income.
- Moving her counselling service will likely result in loss of clients.
- Concerned about loss of parking.
- Outlines works that will be required for her and tenants to relating to returning to the therapy centre.
- The lands permanently acquired will reduce the value of the property for resale.

**5. Brendan Collins: 1096(1).2a**

- States that the lands comprise the entire access to a large business park, his family home and other properties at which members of his family reside.
- Reserves the right to make a more detailed submission at an oral hearing.
- He is advised that the NTA have failed to properly set out the effect of the CPO in the notice.
- The notice does not set out what works are intended to be carried out on his land during the period of the temporary acquisition.
- The notice was not served on every occupier of Collinstown Business Park or other members of the Collins family who reside on the site of the business park.
- States that the significant permanent works proposed to be carried out during the course of the temporary acquisition of the lands would have devastating impact on the business park and his family home.
- He is advised that a disproportionate interference with an existing property can invalidate a scheme.

- The notice is in breach of the requirements of the Act as it was served on him at his business premises and not at the address at which he ordinarily resides.

#### **6. Collinstown Caravans Limited: 1090(1).1d & 1090(2).2d**

- He is advised that the NTA have failed to properly set out the effect of the CPO in the notice.
- The notice does not set out what works are intended to be carried out on his land during the period of the temporary acquisition.
- States that the significant permanent works proposed to be carried out during the course of the temporary acquisition of the lands would have devastating impact on access to this dwelling.
- He is advised that a disproportionate interference with an existing property can invalidate a scheme.

#### **7. Daniela Sorahan: 1140(1).1d & 1140(2).2d**

- Interference with any part of the historic site of St. Canice's of Finglas would be detrimental to Dublin's archaeological and built heritage.
- Reducing the width of garden plots will undermine the amenity value of houses (268 Swords Road).
- Concerned that the nature of construction works may have an adverse impact on the structural integrity of houses that are 100 years old.
- Believes that there is a reasonable, suitable, and viable alternative available.
- Concerned about a possible infestation of vermin as a result of construction works.
- Existing gardens have sentimental value to their owners.
- Expects noise nuisance to cause distress.
- Value of house will be greatly reduced and reduced ability to to acquire rental income.

#### **8. Dubres Strategies Limited: 1209(1).1e**

- Objects to the CPO concerning 50 Dorset Street Upper.
- The plot contains essential plant and equipment in the basement for the entire building and they must retain ownership and control over the property.

**9. Gas Networks Ireland: 1042(1).1c & 1042(2).2c**

- State that GNI has strategic gas infrastructure at this location.
- Seeks clarification if it is NTA's intention to restrict or interfere with GNI's wayleave rights.
- Seeks confirmation that temporary acquisition of lands will not interfere with gas pipeline.

**10. Huntwave Company: 1094(1).1c & 1094(2).2c**

- Any temporary or permanent loss of land will have a major detrimental effect on their potential to trade.
- The provision of a bus corridor will have a severe long term negative impact on their business as it will exacerbate major traffic and safety issues.

**11. Jennifer Boyle (Dublin Airport): 1023(1).1i, 1023(2).2i, 1024(1).1i, 1024(2).2i, 1025(1).1c, 1025(2).2c, 1025(3).2c, 1027(1).1b, 1027(2).2b, 1028(04).2b, 1028(05).1i, 1028(06).1i & 1028(07).2i.**

- daa quote Section 17(3) of the Air Navigation and Transport Act, 1998 (amended) which removes the entitlement to compulsorily purchase lands at Dublin Airport that is owned by the daa.
- daa are engaging with the NTA outside of the CPO process.

**12. J.J. Breen (Magners Pharmacy): 1159(1).1c, 1160(1).1c & 1161(1).1c**

- The proposed works will cause major disruption to businesses at Schoolhouse Mews.
- The proposed works are excessive in nature and too long in duration.
- The removal of car parking spaces to the front of Magner's Pharmacy and Eurohouse will threaten the survival of these businesses.
- The car parking spaces are needed for the loading and unloading of goods and to allow access to the pharmacy for people with limited mobility.
- Concerned about the structural integrity of the 'Old Swiss Cottage Building' during the works.

**13. J.J. Gillan & Co. Ltd.: 1047(1).1c & 1047(2).2c**

- Continued 24-hour access is required for customers, delivery trucks and vans.
- Blocking the entrance on a temporary or permanent basis would adversely affect their and their tenant's businesses.
- Signage for the business and an advertisement billboard would be removed.

**14. J.J. Gillan & Co. Ltd.: 1047(1).1c & 1047(2).2c**

- Their ability to rent premises would be hampered by the loss of 169.3m of both road frontage and total area of the site.
- The lands associated with the temporary acquisition runs under an existing canopy, which would make operating the business unsafe.
- Blocking the entrance on a temporary or permanent basis would adversely affect their business.

**15. Juliana Boland & Others: 1011(1).1c, 1011(2).2c, 1007(1).2d & 1008(1).2d**

- Contend that there is a good bus service in operation at present and not sure of the necessity for the proposed works.
- Queries whether existing access to and parking arrangements at their property will be possible on a permanent basis during and after works.
- Queries type of boundary treatment and installation of a gate.
- Want no signage in the vicinity of their access.
- Do not want a bus stop direct opposite their properties.
- Queries times of construction activity.
- Want information about the treatment of surface water and utility services.
- Concerned about the costs involved in the arbitration process.

**16. Kathleen McKee: 1133(1).1d & 1133(2).2d**

- Objects to the CPO and seeks information in relation to each and every purpose for which the CPO is made under the Housing Act, whether these purposes are wholly for purposes under the Housing Act, and whether the CPO is for the purposes of the NTA carrying out its functions under the Planning & Development Act, 2000 (as amended).

- Seeks each and every purpose that the land is required under the Planning & Development Act, 2000 (as amended), the Local Government Act, 2001 and the Dublin Transport Act, 2008.
- Seeks an indication of the basis upon which the extinguishment/restriction of the public rights of way is to be carried out.
- Seeks information on the precise details of the construction, ancillary and consequential works.
- Seeks information on the precise development of the Lands.
- Requests an extension of time for furnishing the grounds of objection pending the receipt of replies to the above.
- Contend that the Notice is invalid.
- Contend that the NTA has acted ultra vires.
- Contend that the NTA has acted in abuse of its powers.
- Contend that the NTA's decision to issue the CPO is unreasonable and/or irrational.
- Contend that the NTA has acted in breach of the constitutional rights of the landowners.
- Contend that the NTA has failed to consider the reasonable interests of the landowners.
- Contend that the NTA has failed to act in accordance with the principles of basic fairness of procedures and natural/constitutional justice.
- Contend that the NTA has failed to consider the possibility of achieving the proposed development by other means.
- Contend that the use of CPO powers by NTA for the proposed development is not an objective of the NTA.
- The potential of a private bargaining process has not been fully explored.
- Contend that the acquisition of land by the NTA is unfair and premature.
- The proposal will lead to increased traffic volumes and noise.
- The health effects of the proposed development have not been properly assessed.
- The proposed development will have a significant impact on the community in terms of health, security, general amenity and property value.
- Concerned about disruption during construction.



- The potential long-term impact on climate change has not been adequately assessed.
- The proposed development will result in a negative visual impact for residential property owners and road users.
- The proposed development will result in increased traffic congestion and operational problems on the road networks.

**17. Kealy's of Cloghran: 1035(1).1c & 1035(2).2c**

- Concerned that the proposal will result in the creation of a long-term traffic hazard.
- Concerned that the proposal will render the existing staff/ coach parking to the front of their property unusable.
- Concerned about the lack of detail on the drawings in relation to the accessibility of the car park to the rear of their property and whether traffic accessing their property will have to queue on the Swords Road for cyclist priority at the junction.
- Concerned about the impact of the construction process on their business in the short-term and possible increase in noise levels in the long-term.
- Requests that the aesthetic quality of their property is in no way diminished as a result of the proposed scheme.
- Contend that the accessibility and noise impacts will lead to a loss of value to their and other properties.
- Request the NTA to engage directly to identify appropriate mitigation measures to prevent undue noise and access issues.

**18. L&X Orchid Limited (254 Old Swords Road): 1148(1).1c & 1148(2).2c**

- Strenuously objects to the proposed acquisition of these lands.
- Parking in the area is limited and the provision of parking spaces for their customers and staff is vital to the Beauty Salon business.
- The rental and market value of the property will deteriorate if the car parking spaces are acquired for the bus corridor.
- Any acquisition would require the consent of their lender.

**19. Lesley Henderson: 1133(1).1d & 1133(2).2d**

- Same submission as Kathleen McKee – see above.

**20. Menapia Car Hire: 1056(1).1c, 1056(2).1c, 1056(3).2c, 1059(1).1c, 1059(2).2c & 1059(3).2c**

- It is necessary that access and security are maintained throughout and after BusConnects works.
- Broadly welcomes the proposed scheme and acknowledges the improvements that the project will have for public transport in the area.
- Wishes to ensure that their business can operate during the construction phase and that the reinstated site boundary is of the standard of the existing fence and wall.
- Request that a condition is attached to any grant of permission to require the developer to secure the site during construction.
- Request that a condition is attached to any grant of permission to ensure access to their lands at all times.

**21. Neil Sorahan: 1139(1).1d & 1139(2).2d**

- Same submission as Daniela Sorahan – see above.

**22. Nesta Ltd.: 1064(1).1c & 1064(2).2c**

- Directly accessed from the lands that the NTA proposes to acquire and is concerned that this may significantly and adversely affect vehicular access to their business.
- Considers that the Order would disproportionately impact on its property rights and will diminish the value of its property and business.
- Concerned that confirmation from NTA's representative stated that continued access will be maintained to businesses affected by the works, where practicable.
- Given the nature of their self-storage business, vehicular access needs to be maintained at all times.
- Considers that the interference with vehicular access for an unknown period would be contrary to the land use zoning and the proper planning and sustainable development of the area.

- Requests that the Board refuse to confirm the CPO or amend the Order such that it will not require the acquisition of Nesta's lands.

**23. O'Scanaill Veterinary Hospital: 1029(5).2c, 1029(6).2i, 1029(1).1c, 1029(2).1c, 1029(3).1i, 1029(4).2c, 1029(5).2c, 1029(6).2i, 1030(1).1i, 1030(2).2i & 1030(3).2i**

- There is a significant extent of land acquisition for temporary use, for delivery of a new slip road, and for the construction of a new bus lane, cycle lane and bus stop.
- The proposal will reduce the number of access points to the property/ business from two to one, which will impact operational capacity.
- The change is predicted to result in a loss of five parking spaces for the business.
- The current on-site arrangement allows for the transfer of larger animals to the adjacent paddock.
- The removal of hedgerows will have implications for noise and the hospital's ability to treat horses.

**24. Patrick Fitzsimons & Parfit: 1025(2).2c & 1025(3).2c**

- Considers that land being acquired is excessive.
- Drainage arrangements may negatively impact the retained property and parking areas.
- Inadequate information has been provided on noise mitigation measures from the intensive bus corridor.
- Insufficient detail regarding the post-construction access arrangements.
- Lack of detail regarding traffic management during construction.
- Lack of clarity about both the temporary and permanent boundary treatments.
- Concerned about the carbon footprint during construction and both the design of the scheme and route selection.
- Lack of clarity about the impact of the scheme of footpaths and cycle paths.

- Reserve the right to raise other matters in an oral hearing.

#### **25. Seán Smith: 1040(1).1d**

- A previous CPO on the property resulted in the loss of a substantial amount of land for airport development.
- Needs the land to be acquired for parking.
- The proposal will create a traffic hazard exiting onto the footpath/ cycle lane.
- Concerned about the loss of a green area.
- Concerned about loss of privacy as footpath will be closer to his house.
- Alterations to existing cycle lanes may be more cost effective.
- Concerned about works to the footpath impacting the structural integrity of his house.
- He uses the existing green area as a parking space.
- The existing bus, cycle and pedestrian infrastructure in the area is of a high standard.
- Concerned about temporary loss of right of way and the legal issues driving onto a footpath and a cycle lane.
- Concerned about the increased risks of accidents.
- Requests that a high wall be constructed at the front of his property as a buffer to noise and increased cycling activity.
- Not in favour of CPO given the low levels of use of the cycle lane.

#### **26. Sorallon Limited: 1001(1).1d & 1001(2).2d**

- Contend that the boundaries of their property and extent of land acquisition are incorrect on the NTA drawings.
- Concerned about loss of private off-street parking and potential outdoor seating.
- Concerned about the loss of customer parking at the proposed End-of-Line terminus on Coolock Lane.
- Concerned about the possible adverse impact the Proposed Scheme will have on the development potential of the property.
- Request that NTA engage with them to find an equitable solution.

**27. Tesco Ireland: 1197(1).1e & 1197(2).2e**

- Request that any proposed alterations in the area of the service yard entrance to the Omni Shopping Centre are carefully considered and that the junction can continue to facilitate HGV access in a safe manner.
- Had requested at the Preferred Option stage that a portion of the parking outside of its Metro store on the Drumcondra Road be dedicated as a loading bay. Reiterates this request.
- Request that detailed design of the footpath and cycle track at the Drumcondra Metro store facilitates the movement of stock and goods to the premises.
- Request the inclusion of a designated loading bay on Dorset Street Lower and also that detailed design of the footpath and cycle track facilitates the movement of stock and goods to the premises.

**28. The Coach Ltd.: 1026(1).1c, 1026(2)2c, 1053(1).1a, 1053(2).2a & 1053(3).2c**

- Same submission as Patrick Fitzsimons & Parfit – see above.