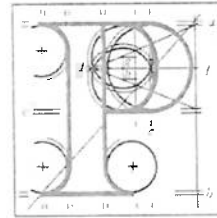


Our Case Number: ABP-316377-23



An  
Bord  
Pleanála

Ciara McElinn  
12 Rathfarnham Wood  
Dublin 14

**Date:** 24 April 2024

**Re:** Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023  
Templeogue/Rathfarnham to City Centre, Co. Dublin

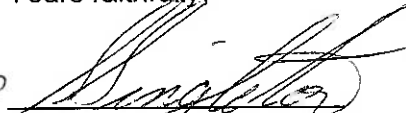
Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above-mentioned compulsory purchase order and will take it into consideration in its determination of the matter.

If you have any queries in relation to this matter please contact the undersigned officer of the Board at [laps@pleanala.ie](mailto:laps@pleanala.ie)

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

  
Eimear Reilly  
Executive Officer  
Direct Line: 01-8737184

HA03A

Tel  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Facs  
Website  
Email

(01) 858 8100  
1800 275 175  
(01) 872 2684  
[www.pleanala.ie](http://www.pleanala.ie)  
[bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

**AN BORD PLEANÁLA**  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_  
23 MAR 2024  
Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
Time: 12:35 By: Hand

12 Rathfarnham Wood  
Rathfarnham  
Dublin 14  
0861778576  
[ciara.mcelinn@gmail.com](mailto:ciara.mcelinn@gmail.com)

An Bord Pleanála (Strategic Infrastructure Division)  
64 Marlborough Street  
Dublin 1  
D01 V902

316272 / 316377

25<sup>th</sup> March 2024

**BusConnects Templeogue / Rathfarnham to City Centre CBC  
Response to NTA CPO and Planning Response Documents  
Objection to proposed Compulsory Purchase Order - 12 Rathfarnham Wood,  
Rathfarnham, Dublin 14  
Submission on Planning Application in respect of and Proposed CPO of the  
Woodland area of Rathfarnham Castle Park**

Dear Sirs,

I wish to make this further submission in response to the NTA Response Documents in relation to both matters listed above – refs ABP-316272 and ABP-316377. I am objecting to the CPO of a very substantial part of my secure, private back garden. I am also making a further submission in relation to the proposals regarding the taking of a large section of the adjoining wonderful Woodland area of Rathfarnham Castle Park, with attendant hugely damaging environmental consequences for the entirety of the Park.

#### **1. Lack of proper consideration of options**

Firstly, I am astounded by the statements on page 247 of the CPO Response Document and page 442 of the Planning Response Document that:

*“With regards to the option of acquiring land from properties on the southern side of Grange Road between Butterfield Avenue/Rathfarnham Road junction and Nutgrove/Grange Road junction **the landtake would have impacted significantly more properties and as such was not considered.**”*

Surely, given the importance of Rathfarnham Castle Park’s Woodland area to the local community, as evidenced by the numerous perspectives outlined in the extensive Rathfarnham Wood Residents’ Association (RWRA) submission and many other submissions, including my own, any reasonable alternatives such as taking land from the opposite side of the road should at least have been considered.

It cannot be just a matter of ‘counting the number of impacted properties’. The qualities and amenities provided by the properties to their occupiers and the wider community must be assessed as a basic criterion. Rathfarnham Castle Park’s Woodland area provides an important wildlife habitat to protected species in the area, among many other significant roles. It is beyond belief that this was

not taken into account. Similarly, a private, secure, south facing back garden has a far higher amenity value to a property than a front garden which is open to the road.

While we maintain that the existing road width is sufficient in any event, it is quite incredible that this very basic level of due diligence was not undertaken. **Accordingly, the NTA did not undertake a proper analysis or consideration of the area and their decision to seek to CPO both part of my garden and a large section of the Park was fundamentally flawed and should not be confirmed by An Bord Pleanála.**

## **2. Importance of the Park not appreciated**

There is a constant thread running through all of the NTA Responses of a lack of appreciation of the importance of the Woodland area and Rathfarnham Castle Park generally to the local community. This is so wrong. It is locally significant for a range of reasons – it is a diverse wildlife habitat, it is a home for numerous protected species, it contains an open watercourse which is a sensitive hydrological resource. It is also a highly valued natural play space for local autistic children, for whom it meets sensory needs which other play spaces do not. All of these issues have been extensively explained by RWRA, other local residents and groups, as well as the Autism advocacy groups AsIAm – the national autism charity and Involve Autism. Yet the NTA has apparently not taken any of this information on board.

Every effort should be made to minimise any impact on the Park and its Woodland, where an alternative approach is reasonably available. This approach is being taken in relation to other areas. For example, in relation to the suggestion of cyclists potentially sharing bus lanes, the NTA dismissively states that “there are specific reasons” (pg 247 of CPO Response) for this approach being taken in other locations. The NTA does not appear to understand that very substantial “specific reasons” are also present here. So many submissions have highlighted the central significance of the Woodland area of Rathfarnham Castle Park in the local area.

Here, the construction works will cause catastrophic environmental consequences throughout the entire Park, including the loss of a successful breeding habitat for many protected species. Also, a highly valued sensory space will be taken from the local autistic community. Accordingly, this is precisely the type of situation which should be regarded as giving rise to “specific reasons” whereby it would be appropriate for cyclists to share bus lanes, to give one example.

## **3. Status of the Park as a breeding habitat for protected species finally acknowledged; construction works will have a catastrophic impact on this**

The NTA Planning Response [pg 93] finally acknowledges that **“Rathfarnham Castle Park has not previously been identified as an ex-situ site for Special Conservation Interest wintering birds, but does nonetheless support wintering birds such as ducks, moorhens and some SCI gulls.”** This is a response to the extensive evidence provided by RWRA and others regarding the large variety of protected species inhabiting the Park. It confirms once more that the Park was not originally properly assessed in the EIAR.

There is acceptance on page 248 of the CPO Response that Rathfarnham Castle and Park are “community noise sensitive locations” close to the road edge. Yet despite this, it is proposed that

There will be road widening, road reconstruction and utility diversion works and boundary wall (3m high) knocking and reconstruction. All of this will have a devastating impact on wildlife in the Park.

The EIAR notes that the noise, vibration, increased human presence and visual deterrent of construction traffic associated with site clearance and construction is “likely to **displace breeding birds from habitat areas adjacent to the footprint of the Proposed Scheme**”.... “All areas within **250m** of the Proposed Scheme will be subject to construction activities which generate noise levels greater than 50dB (e.g. piling, rock-breaking, etc.) These activities will result in a greater magnitude of effect on the baseline environment. As a result, noise and vibration from these activities, will have the potential to result in the **reduced breeding success of breeding bird species** in the vicinity of the works...” (Planning Report pg 445, extracted from Ch 12 EIAR.)

Similarly, the NTA CPO Response [pg 65] acknowledges that “In relation to breeding birds there is a **likely significant residual effect at the local geographic scale (habitat loss, disturbance / displacement).**” Similarly, the CPO Response [pg 66] indicates that there will be a **significant negative effect on the conservation status of breeding birds** at the local geographic scale.

Again, there is a dismissive approach given in relation to wintering birds in the Park:

*“None of the construction activities proposed would be expected to result in any more than a moderate level of disturbance effect on wintering birds at distances beyond 250m”.*

**However the entire Park is located within a distance of 250m of the boundary wall!** Therefore the **entire Park** will be subject to very significant disturbance due to these works. Again, there is no appreciation of the impact of the works on this particularly sensitive wildlife habitat.



***Red lines indicate 250m; entire Park is located within 250m of the boundary / construction works location***

There are similar dismissive comments on page 251, that:

*“these impacts will not affect the conservation status of breeding bird species and will not result in a negative effect, **above the local geographic scale.**”*

**This comment encapsulates the entire problem with the NTA’s approach. Rathfarnham Castle Park is very important at the local geographic scale.** Naturally, as a small local park, it is insignificant at a national level. However to the local residents and many others, it is a very much used and valued public amenity. The Park was not even properly assessed from an environmental perspective, to the extent that the existence of the River Glin was not even suspected (please see original RWRA submission). That demonstrates the appalling level of disregard and disinterest shown towards it.

#### 4. Disproportionate interference with property rights

It is proposed that a substantial section of my own secure, private, south facing back garden will be taken for the road widening works. My house and my neighbours' are unusual in that they back onto the Grange Road and a large section of exceptionally high value amenity area – a very secure, private, south-facing back garden – is proposed to be taken. My garden directly adjoins the Woodland area of Rathfarnham Castle Park, and the Glin River / Whitechurch Stream which feeds the duck pond in the Park is right beside the boundary wall on the Park side. There is a gap between the side wall and the boundary wall, so my garden is also a frog habitat.

Under the proposed design, my property would be very substantially impacted - to the extent of a 4.8m in depth permanent land acquisition totalling 57.7 m<sup>2</sup> as well as a 3m in depth temporary land acquisition totalling 35 m<sup>2</sup>. This is a very large proportion of the overall back garden which is very important to my own family and our enjoyment of the property. It is a south facing, private and secure rear garden, so has an exceptionally high amenity value. The particular area in question contains many trees and bushes and is used as a 'secret den' by my children when playing in the garden.



**Relevant section of my back garden – full of trees and bushes; frog habitat**

10.2.4.1.2.1 states that: *“The magnitude of impact of land take has been determined by the degree of loss of the resource including acquisition of gardens and private landings / driveways, as set out in DMRB Guidance, and supported by professional judgement. In general, direct acquisition of a property has been categorised with a high or very high magnitude.”*

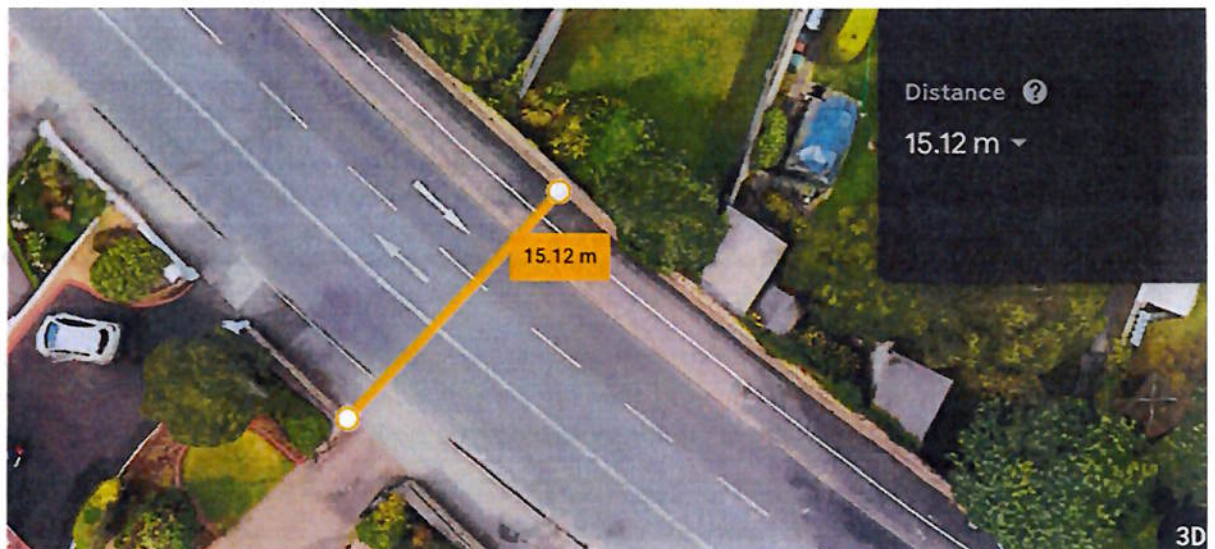
It is beyond belief that the proposed taking of 5 metres in depth of a secure, private, south facing back garden permanently (and a further 3 metres temporarily), which area contains beautiful trees and bushes, absorbs road noise, pollution and carbon, provides visual screening, is a play area for children and a habitat for animals, is not regarded as being of a high magnitude of loss. However this is the approach taken:

*“Two properties at Rathfarnham Wood (10 and 11 – demolition of garden sheds and acquisition of a proportion of rear gardens) ..... are expected to experience significant impacts.”* How is Number 12, which will lose even more of the rear garden permanently – 5 metres permanent loss, additional 3 metre temporary loss – not regarded as experiencing a significant impact? In fact, from Table 10.11,

It is clear that this is only categorised as a “slight” impact, and that Numbers 10 and 11 are there described as experiencing a “moderate” impact.

This is absolutely not correct, given that this is an extremely large section of a secure private back garden, southerly facing, with many mature trees and shrubs, which is of great importance to the enjoyment of the house. It has an extremely high amenity value, far greater than a front garden, for example. It also has an exceptionally good quality, 3 metre high, very well constructed, granite faced wall.

Furthermore, the roadway on the other side of the 3m high granite faced wall is over 15m wide. Given the contention made in my previous submission that sufficient outbound bus priority could be achieved by use of a signal controlled priority light at Butterfield Avenue, that means that just the current 2 GT and 1 inbound bus lane should need to be accommodated within that space, along with pedestrian and cycling facilities, which is possible without any CPO of private property. This is therefore an unreasonable and unjustifiable attack on my property rights.



*Road width directly behind my property exceeds 15m*

##### 5. Extending the bus corridor past the Park does not make sense

Please see the detailed discussion in my original submission and in the submission by RWRA. In short, **there is absolutely no scope for the Grange Road or Nutgrove Avenue to be widened.** The general outbound traffic naturally diverges both at the Butterfield Avenue and Willbrook Road junctions. There is currently no material delay to the S6 or 16 from the small 450m stretch of road passing the Park. Even if there was a slight delay however, that **delay will just transfer** to the immediately following narrow sections of Grange Road (in respect of the proposed A2) and Nutgrove Avenue (in respect of the S6 and proposed A4). **There is no real benefit to widening the road at this particular location, particularly when viewed against the extensive environmental impact involved.** A bus priority light for outbound buses would achieve the same result, with none of the downside. A precedent for omitting a section of bus corridor is provided by the Clongriffin bus corridor (ABP Ref 313182 – Tesco Clarehall to Clongriffin section omitted from final corridor).

Buses cannot have separate bus lanes after the Rathfarnham Wood junction in any event, as there is simply no space to widen the road. Therefore the bus priority provided by this short stretch will be very short-lived in any event – the buses will simply merge with general traffic a little further on. Very few passengers either alight or board between Butterfield Avenue and Nutgrove Avenue. **It would be inexcusable to destroy so much woodland habitat for so minimal and transient a “benefit”, when alternative bus priority measures such as a bus priority light for outbound buses at Butterfield Avenue would give a similar result.**

Also, the outbound general traffic naturally diverges both at the Butterfield Avenue and Willbrook Road junctions, so that substantially less outbound general traffic actually passes the Park than travels along the Rathfarnham Village by-pass. This means that, although the outbound S6, A2 and A4 will continue to pass the Park, the amount of general traffic with which they will share the road will be far less than the outbound traffic up to the Butterfield Avenue junction.

The NTA have contended that the bus corridor should continue until the S6, A2 and A4 part ways at Nutgrove Avenue junction [pg 88 of Planning Response]; however in practice, the amount of traffic here is substantially less than at other outbound stretches along this corridor. This gives An Bord Pleanála the opportunity to save the Woodland area. (I am only referring to outbound buses here as there is already an inbound bus lane passing the Park.)

Again, buses will not have separate bus lanes after the Nutgrove Avenue / Rathfarnham Wood junction in any event, as there is simply no space to widen the road. Therefore the bus priority provided by this short stretch of bus corridor will be minimal and very short-lived in any event – the buses will simply merge with general traffic a short distance further on.

Please note that there is precedent in shortening a proposed bus corridor – this approach was taken in relation to the Clongriffin route.

**Again, it would be unconscionable to destroy so much woodland habitat for so minimal and transient a “benefit”, when alternative bus priority measures such as a bus priority light for outbound buses at Butterfield Avenue would give a similar result.**

Ceasing the bus corridor at the end of the dual carriageway by Rathfarnham Village and installing a bus priority light at the junction with Butterfield Avenue would be a far more appropriate and effective solution. This be in keeping with the reality on the ground and would remove the necessity to sacrifice so much of the beautiful natural Woodland area in the Park as well as my garden and those of my neighbours’.

Yours faithfully,



Ciara McElinn.