Our Case Number: ABP-316272-23

An Bord Pleanála

Lorna Callanan
55 Rathfarnham Road
Terenure
D6W X314

Date: 24 April 2024

Re: Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Templeogue/Rathfarnham to City Centre

Dear Sir / Madam,

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

Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

If you have any queries in the mean time, please contact the undersigned officer of the Board at 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

HA02

Teil	**Tel**	(01) 858 8100
Glao Áitiúil	**LoCall**	1800 275 175
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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Kevin McGettigan

From: Eimear Reilly
Sent: Monday 8 April 2024 12:38
To: Kevin McGettigan
Subject: FW: case reference number ABP-316272-23
Attachments: NRB Submission 24 July 2023 (4).pdf; NRB Submission Letter to NTA 14 March 2024.pdf; RW Nowlan.pdf; Lorna Callanan- Submission 28th March 2024.pdf

From: LAPS <laps@pleanala.ie>
Sent: Thursday, March 28, 2024 3:30 PM
To: Eimear Reilly <e.reilly@pleanala.ie>
Subject: FW: case reference number ABP-316272-23

From: lorna callanan <[redacted]>
Sent: Thursday, March 28, 2024 12:55 PM
To: LAPS <laps@pleanala.ie>
Subject: case reference number ABP-316272-23

Dear Sirs,

Please find attached my submission in relation to the submission by NTA dated 20th December.

The following documents are attached:

Lorna Callanan- Submission 28th March 2024
NRB Submission 24 July 2023 (4)
NRB Submission Letter to NTA 14 March 2024
RW Nowlan

Please confirm receipt of this information.

Regards,

Lorna Callanan

Lorna Callanan
55 Rathfarnham
Road
Terenure
Dublin 6W
28th March 2024.

Case Number Reference: ABP-316272-23

Dear Sir/Madam

I am limiting my comments to the likely breach of Part M, (Building Regulations Documents M 2022 – Access and Use) along the western side of Rathfarnham Road, north of the River Dodder.

Part M states:

"An extension or a material alteration of a dwelling must not make the building, as a whole, less satisfactory in relation to Part M than it was before. This means an extension or a material alteration of a dwelling need not itself comply with Part M, but it must not result in the dwelling being less compliant than it previously was'.

During my first ever meeting with the NTA in Dun Sceine, Harcourt in March 2020, NTA engineers indicated to me that the access gradient to dwellings along the western side of Rathfarnham Road - between Pearse Bridge and Rathdown Park - was problematic for the proposed development. It was even suggested that a 30KPH zone could be a good work around as road sharing would obviate the need for road widening.

Strangely, by the time the applications for the scheme and related CPOs were made to An Bord Pleanála in 2023, the NTA had 'disappeared' the problem of gradients and claimed that no such issue existed.

During the statutory consultation process, engineering consultants NRB were engaged by residents of Rathfarnham Road to fully investigate any contravention of Part M. Detailed 3-D/ cross-sectional drawings were requested from the NTA to allow assessment of 'before' and 'after' positions and any impact on gradient of properties numbers 51-71 Rathfarnham Road. The NTA refused to provide any such information. In the absence of this, **NRB made an assessment based on all available information and current road building standards and concluded that a material breach of part M existed.**

In response to that submission, the NTA denies that Part M would be breached by the proposed development. **I ask therefore, that if the NTA contends that no breach exists, then they are obliged to demonstrate that compliance exits.**

The NTA also suggest that they will maintain the current pavement angle in the new road development. This cannot happen as the current slant toward the road already breaches all standards for safety and accessibility for pedestrians, wheelchairs, buggies etc.

I attach original and updated reports from NRB Consulting Engineers to support my comments.

I also attach a report from RW Nowlan, Chartered Planning and Property Advisors which outlines other issues not dealt with satisfactorily by the NTA responses.

Yours faithfully,

Lorna Callanan.

Lorna Callanan

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🌐 www.nrb.ie

14 March 2024
19-042/A/ER

An Bórd Pleanála,
64 Marlborough St.,
Dublin 1
D01 V902

Sent by Email to Client Only

Dear Sirs/Madam,

TEMPLEOGUE/RATHFARNHAM TO CITY CENTRE - CORE BUS CORRIDOR SCHEME REVIEW ON BEHALF OF #55, #59, #61, #63, #65, #67 & #71 RATHFARNHAM ROAD: AN BÓRD PLEANÁLA REFERENCE ABP-316272-23

We previously prepared a submission to the NTA with regard to the impact of the proposed Bus Corridor Scheme on the above-referenced properties on Rathfarnham Road. A copy of the submission prepared by NRB is attached herein (Report dated 24th July 2023) for ease of reference.

We note the response now made to An Bórd Pleanála by the NTA. We reiterate our original assertion that one of the key issues affecting these properties is the potential breach of Part M regulations if the works are allowed to proceed as proposed.

Additional information was sought from the NTA with specific dimensions, datums and cross sections, with this information requested on a 'before' and 'after' basis but this was not provided.

If there is no breech of Part M Regulations, as we believe there will be as set out in our submission of 24th July 2023, we suggest that it should be very easy for the NTA given their resources to unequivocally demonstrate same. They could easily provide **'before' and 'after' cross sections through the Residents properties from Rathfarnham Road to the boundary walls of each house clearly demonstrating Part M Compliance**. We are at a loss to understand why this was not provided by the NTA in the first instance, or formed part of the planning application, refer to the extract included below from our original submission:

> ***"We would suggest that a comprehensive consequential design for pedestrian and vehicular access from the public road to the door of each house, that meets the Part M requirements, should be provided demonstrating to An Bord Pleanála and each resident that this has been adequately addressed"***

We therefore request that ABP instruct, or request, the NTA to provide this information to these affected residents, as it is our considered opinion there may be a breach of the Part M regulations if proposals proceed as currently indicated in the current planning application.

Yours sincerely,

Eoin Reynolds
Chartered Engineer
Director

Enclosure – Copy NRB Report dated 24th July 2023

NRB Consulting Engineers Ltd
1st Floor
Apollo Building
Dundrum Road
Dundrum
Dublin 14

☎ +353 1 292 1941
✉ info@nrb.ie
🌐 www.nrb.ie

24 July 2023
19-042/ER

Core Bus Corridor Project,
National Transport Authority,
C/O Residents of,
55, 59, 61, 63, 65, 67 & 71 Rathfarnham Rd.,
Terenure,
Dublin 6W.

Sent by Email to Client Only

Dear Sirs/Madam,

TEMPLEOGUE/RATHFARNHAM TO CITY CENTRE - CORE BUS CORRIDOR SCHEME REVIEW ON BEHALF OF #55, #59, #61, #63, #65, #67 & #71 RATHFARNHAM ROAD: BASED ON AVAILABLE DESIGN DETAILS AND TOPOGRAPHICAL SURVEY

NRB Consulting Engineers Ltd are specialist in the field of Traffic/Transportation and Roads and we do not offer expertise in other areas of Consulting Engineering. Further details of our expertise are available on our website. This Report has been prepared in full by Eoin Reynolds, a Chartered Engineer with over 33 years-experience in the area or Traffic/Transportation and Roads and a Director of NRB Consulting Engineers Ltd.

We do not address herein the technical, environmental or capacity matters associated with the proposed Corridor. Nonetheless, given the likely huge cost, disruption, limited benefits and the environmental effects we are surprised that an underground alternative to a Bus Corridor does not appear as being vigorously pursued by the NTA.

We have reviewed the proposed design of the Bus Corridor, based on the relatively scant design information available from the Statutory Application documentation, supplemented by a Topographical Survey previously commissioned by NRB on behalf of the Residents.

This submission focuses on the resulting changes to the gradients on the approaches to the residential houses as a result of the Bus Connects plans, and the implications in terms of the Mandatory Part M, National Building Regulations.

As far as we can see, the only levels information provided in the documentation is a "Crown Line" level along the proposed route 'centreline'. No information appears to be available to Residents to enable them to clearly determine the effects on their properties or the medium terms implications for accessibility. No levels information is provided to residents.

In terms of the impact upon individual residences along the route, given the scant information provided within the statutory documents and the planning application we have had to assume some typical design details (gradients and details which would normally apply to schemes of this nature, with the assumed gradients as illustrated below as ***Figure 1***).

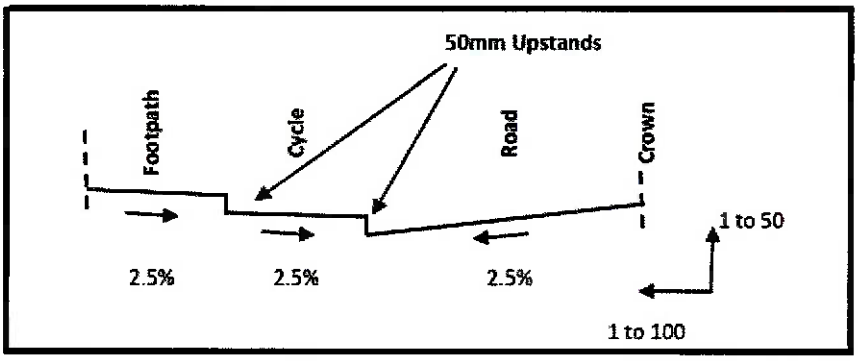


Figure 1 – Details assumed for the Purposes of this Study

We have used the Permanent CPO Land-take drawings and the property widths along the corridor to calculate the depth of land-take at each property.

We include below a 'Before' and 'After' Cross Sectional Profile for each Property.

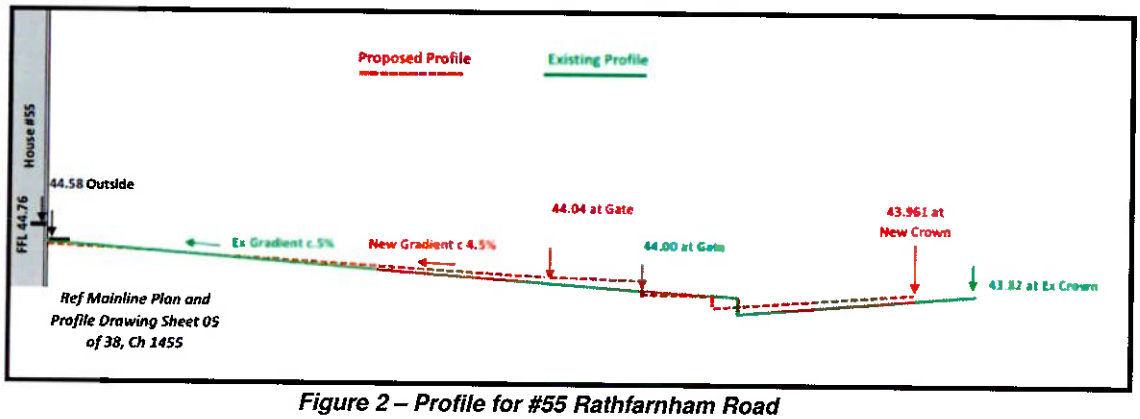


Figure 2 – Profile for #55 Rathfarnham Road

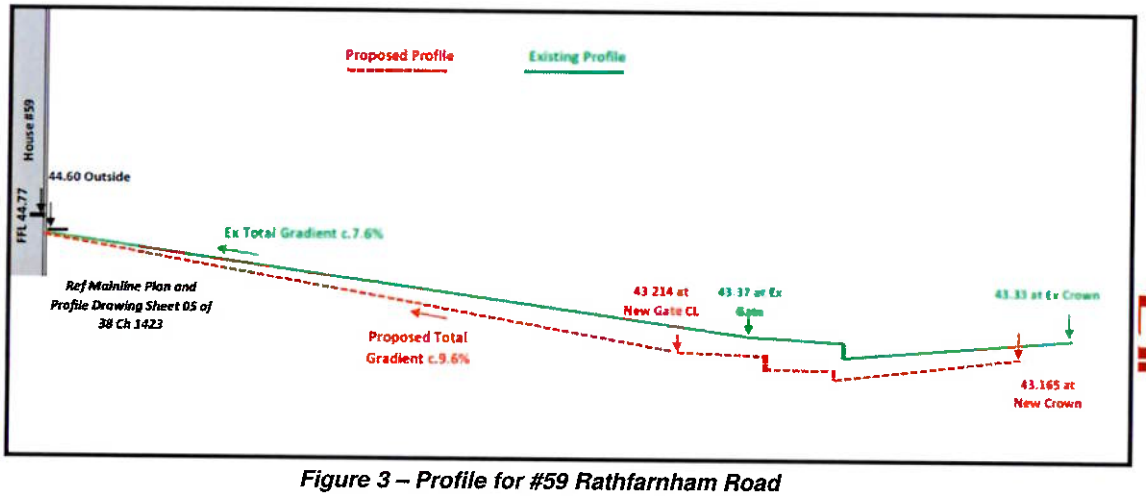


Figure 3 – Profile for #59 Rathfarnham Road

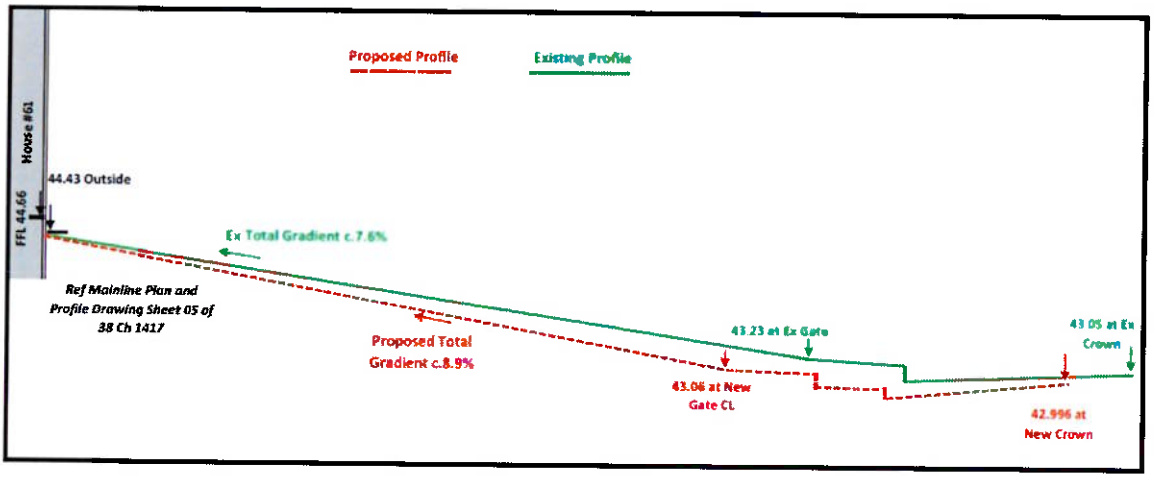


Figure 4 – Profile for #61 Rathfarnham Road

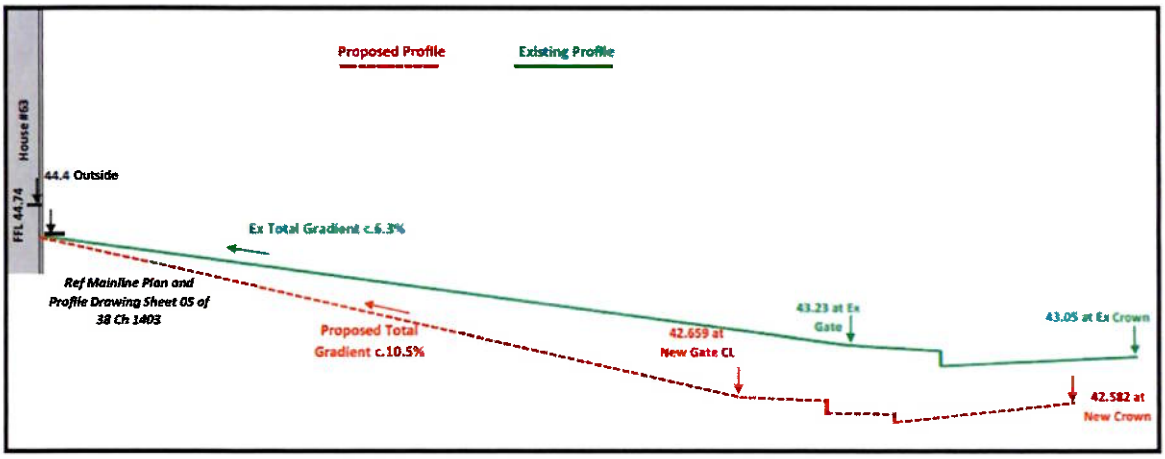


Figure 4 – Profile for #63 Rathfarnham Road

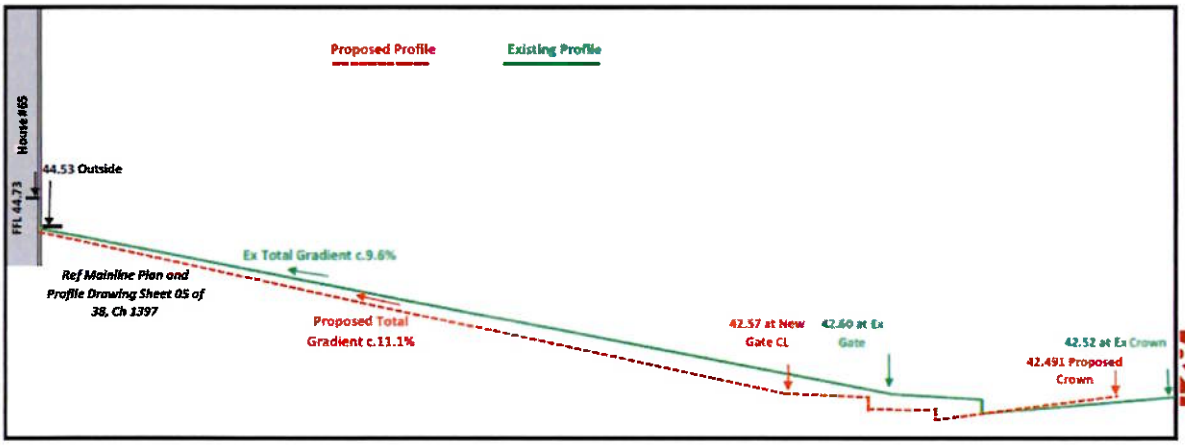


Figure 5 – Profile for #65 Rathfarnham Road

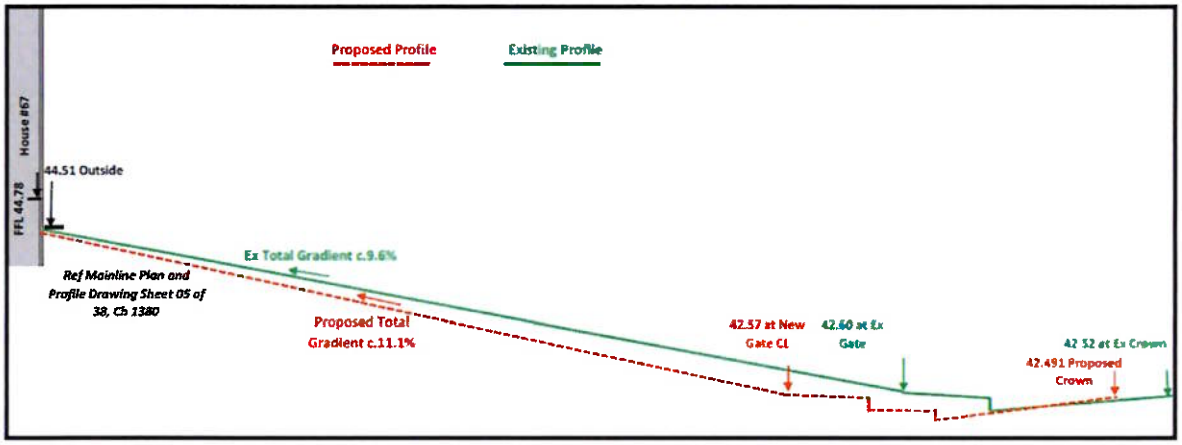


Figure 6 – Profile for #67 Rathfarnham Road

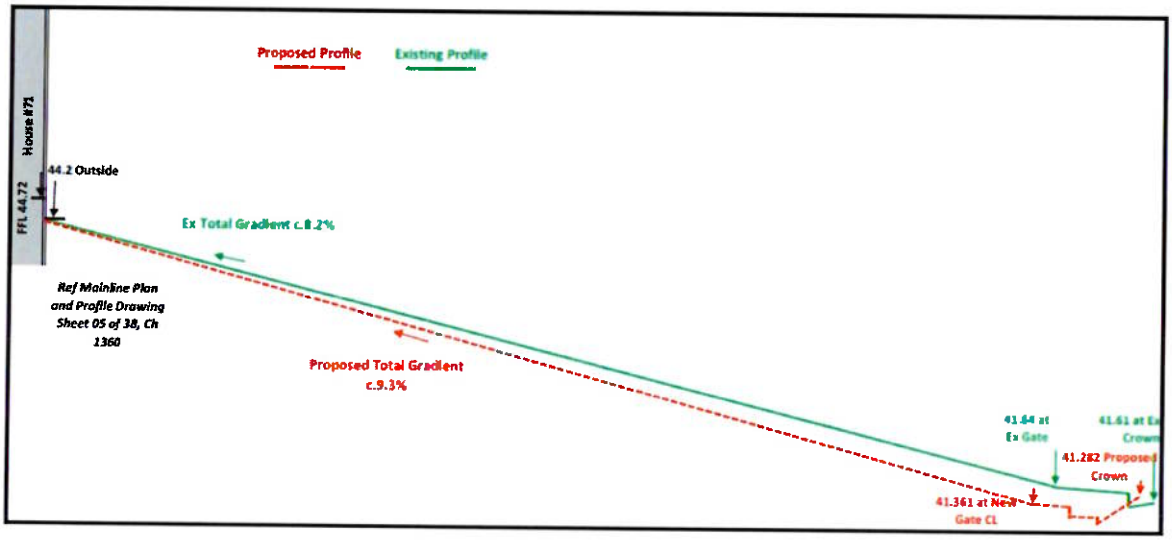


Figure 7 – Profile for #71 Rathfarnham Road

We include below the Summary Table of the comparison of the gradients currently versus post Bus Corridor for each Residence.

Table 1 – Summary of Design Review of Access Gradients

House Details	Current Total Gradient [1]	Future Total Gradient [2]	Comment
55 Rathfarnham Rd	5%	4.5%	Improvement
59 Rathfarnham Rd	7.6%	9.6%	Significantly Steeper
61 Rathfarnham Rd	7.6%	8.9%	Significantly Steeper
63 Rathfarnham Rd	6.3%	10.5%	Significantly Steeper
65 Rathfarnham Rd	9.6%	11.1%	Significantly Steeper
67 Rathfarnham Rd	10.6%	13.6%	Significantly Steeper
71 Rathfarnham Rd	8.2%	9.3%	Steeper
1 – Measured from the existing vehicular gate threshold level to the house doorway ex ground level			
2 – Using Provided Crown level to interpolate the Future gate threshold level			

NRB consulting engineers

Part M, the **Statutory National Building Regulations** specifically states; -

> ***"An extension or a material alteration of a dwelling must not make the building, as a whole, less satisfactory in relation to Part M than it was before. This means an extension or a material alteration of a dwelling need not itself comply with Part M, but it must not result in the dwelling being less compliant than it previously was"***

This extract is taken from Page 12 of the **National Statutory Document**, reproduced exactly below as ***Figure 8***....

The Requirements of Part M do not apply to works in connection with extensions to and the material alterations of existing dwellings, provided that such works do not create a new dwelling. However, an extension or a material alteration of a dwelling must not make the building, as a whole, less satisfactory in relation to Part M than it was before. This means an extension or a material alteration of a dwelling need not itself comply with Part M, but it must not result in the dwelling being less compliant than it previously was;

Extract P12 Part M

Figure 8 - Part M Extract Referring to Residential Dwellings

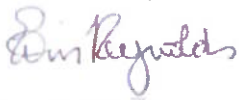
We conclude that the Bus Connect plans (as per the Planning Application, based on the design data provided) appear to result in a significantly steeper approach to the majority of the subject dwellings, clearly contravening National Building Control Regulations.

Based on our Design Review, it would therefore appear clear to us that an adequate detailed 3-D design that fully explores the implications for accessibility to the subject houses has **NOT** been undertaken by Bus Connects and/or their agents.

We would suggest that a comprehensive consequential design for pedestrian and vehicular access from the public road to the door of each house, that meets the Part M requirements, should be provided demonstrating to An Bord Pleanála and each resident that this has been adequately addressed.

Such failure to properly assess, detail and design, and subsequently accurately cost Public Infrastructure Projects from the outset has proven to be problematic in the recent past in terms of the medium to longer term cost implications for the Taxpayer.

Yours sincerely,



Eoin Reynolds
Chartered Engineer
Director

NRB consulting engineers

PROJECT NO. 67.06/2023

RW Nowlan & Associates
Chartered Planning & Property Advisors

PLANNING SUBMISSION

Submission on the proposed construction of the Templeogue/ Rathfarnham to City Centre Core Bus Corridor

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ON BEHALF OF:

RESIDENTS OF NOS. 51-71,

RATHFARNHAM ROAD, TERENURE, DUBLIN 6W.

DATE: JULY 2023

RW Nowlan & Associates | Basement Office, 54 Fitzwilliam Square North, Dublin 2 | Company Reg. No. 565476 Director- Robert Nowlan | Tel: +353 01-8733627 | robert@rwnowlan.ie

1.0 INTRODUCTION

1.1 This submission has been prepared in response to the invitation by the National Transport Authority to make submissions or observations on the proposed 'Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme'. The Scheme forms part of the Bus Connects project for the city. This submission is specifically related to the section of the Scheme that is located between the junctions of Rathfarnham Road with the Dodder Park Road to the south and the junction of Rathfarnham Road with Rathdown Park to the north. The submission is made on behalf of the residents of the houses nos. 51–71 which are located along the western side of this section of Rathfarnham Road.

2.0 GENERAL

2.1 The details of the scheme for the section of roadway along the frontages of house nos. 51-71, are shown on drawing sheets 4 and 5.[1] Compared to the current situation along the stretch of Rathfarnham Road in front of the sites of house nos. 51-71, the proposals will result in the following changes:

1. Removal of left hand turning lane into Rathdown Park outside house nos. 51-53
2. Dedicated cycle lane to replace shared cycle/bus lane outside house nos. 51-71
3. Compulsory acquisition and loss of land to enable set back of boundary wall outside house nos. 51 -71 to facilitate a cycle lane
3. New boundary treatment to match existing outside house nos. 51-71
4. Signal controlled priority for buses outside no. 51.

2.2 This submission questions the necessity and benefit of the setting back of the boundary wall along the front gardens of the house nos. 51-71 on the basis that this setback does not facilitate an additional bus lane but rather a cycle lane where such a cycle lane is already available as a shared bus/cycle bus.

2.3 In addition, it is considered that the introduction of the signal controlled priority measures that are proposed for junctions to the south and north of this section of road, may lead to significant traffic congestion while the need for both priority measures is not made clear. The consequences of

the proposed measures on increased traffic congestion cannot be properly understood in the absence of an integral consideration of the total of the Bus Connects scheme proposals in the broader locality rather than just those in the proposed corridor in isolation.

3.0 LACK OF INTEGRATED ASSESSMENT OF ENTIRE BUS CONNECTS SCHEME

3.1 The proposed bus corridor scheme forms part of the Bus Connects project to create an improved bus transport network for the City of Dublin. The National Transport Authority (NTA) has decided to introduce the new network on a phased basis.[2] While the reasons for such a phased basis are understood (...*"to ensure smooth and efficient delivery of the full benefits for all bus users, while at the same time ensuring the network is responsive and flexible as the city grows and people's needs evolve"*)[3] it is a consequence of this approach that unintended effects may not be fully appreciated or understood as the Environmental Impact Assessment is carried out on individual Bus Connect route sections of the scheme rather than the scheme in full.

3.2 For example, one can be concerned that there is no traffic modelling included in the documentation that shows the combined effects of the intended alterations to road traffic flows/diversions etc for the south, southwest and west of the city. There appears to be no integrated analysis for the subject Templeogue/Rathfarnham Scheme together with the Kimmage Scheme. Other corridor schemes as they are introduced on a phased basis are likely to have consequences for traffic volumes on the subject section of road space which would further add to the traffic congestion on this section.

3.3 The EIAR (traffic and transportation) fails to take into account the interaction of the Kimmage to City Centre corridor with the Templeogue/Rathfarnham Scheme. These corridors/schemes cannot and should not be considered independently as impacts of Bus Gates, traffic restrictions and rerouting significantly affect the broad areas of these corridors - cannot and should not be assessed in isolation. No integrated EIA analysis of these proposed corridors together has been presented in this application.

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[1] *Environmental Impact Assessment Report*, Vol. 1, General Arrangement Drawings, April 2023, sheets 4 and 5.

[2] *New Dublin Area Bus Network, Summary Document*, NTA, September 2020, p. 9.

[3] *New Dublin Area Bus Network, Summary Document*, NTA, September 2020, p. 9.

4.0 IMPACT ON TRAFFIC FLOWS AND CONGESTION

4.1 By introducing signal controlled priority for inbound and outbound direction buses at the junction to the south with Dodder Park Road and also at the junction outside no. 51 with Rathdown Park, it is likely that significant traffic congestion will result in the short stretch of Rathfarnham Road between these two junctions. This stretch is estimated to be ca. 260 m in length. As a result of the signal controlled priority for buses at the two locations, there is a risk that traffic will be held back in both directions at the junction with Dodder Park Road but also at the junction with Rathdown Park. If these traffic lights are not coordinated (which is impossible given the fact that there is a bus stop located on this stretch of road), there is a significant risk that cars would be let through at the junction to the south, only to be held back at the junction with Rathdown Park. This would result in traffic congestion south of the junction with Rathdown Park.

4.2 A better solution would be if traffic was held back at the junction with Dodder Park Road (to allow buses to continue along Rathfarnham Road unhindered) but not at the junction with Rathdown Park. Rathdown Park is a local residential access road whereas Rathfarnham Road is a regional road and a key radial route into the city. It would therefore make sense to have longer green traffic light cycles for the inbound traffic along Rathfarnham Road which would also benefit buses. A signal-controlled priority treatment is therefore not necessary at this junction. For outbound traffic there is less of a problem given the distance of the nearest house (no. 71) to the signal priority-controlled junction with Dodder Park Road.

5.0 GRADIENT OF PRIVATE DWELLING DRIVEWAYS

5.1 The houses along Rathfarnham Road are at a significantly higher level than the road. Removing part of the front gardens as proposed, creates a risk that gradients of the driveways to the individual houses may become too steep. The documentation fails to provide detailed information of the impact on the gradients of the driveways.

5.2 A report assessing the impact of the proposed land take from the front gardens on the gradients of the access driveways to house nos. 55-71 reveals that for 5 of the 7 houses, the access gradient would be significantly steeper than is currently the case.[4] Such a deterioration would contravene national Building Control Regulations which require that a material alteration to a dwelling must not

[4] Report NRB Consulting Engineers, 24/07/23

make the dwelling less satisfactory in relation to Part M of the Regulations (which regulate disabled access to dwelling houses) than it was before.

6.0 REASON FOR SETBACK OF THE BOUNDARIES

6.1 In examining the proposals for the subject stretch of Rathfarnham Road, it is not clear why a setback of the boundary wall with resultant loss of part of the front gardens is necessary. This is a disproportionate proposal relative to the benefits and outcomes that would result. It is also not clear what is meant by 'temporary land acquisition'. Along this stretch of roadway there is currently a bus lane plus a single lane carriage way in both directions. This division of road space remains unchanged in the proposals. The only differences between the proposed design and the current situation are the removal of a left hand turning lane into Rathdown Park and the addition of a cycle lane instead of the current combined cycle lane/bus lane. As it is proposed to improve travel times for buses under the bus connects scheme, the proposals for this section of roadway do not change the relative position between cars and buses other than the introduction of the bus priority signalling. The division of available road space between private (cars) and public (buses) road space remains the same as it is at present. In that context, it seems excessive to remove front boundary walls and parts of front gardens just to achieve a cycle lane where such a cycle lane already exists in the form of the share cycle/bus lane.

6.2 The houses for which boundary setbacks are proposed, all have beautiful mature gardens which took years to achieve. It seems reckless to destroy them. Proposals on the restoration of lost trees are not clear.

7.0 LACK OF RATIONALE FOR THE DEDICATED CYCLE LANE

7.1 It is noted that the proposed corridor scheme makes no provision for a dedicated cycle lane along Rathfarnham Road between Rathfarnham Village and a short distance south of the junction with Dodder Park Road.[5] Along this section of road there are 22 houses fronting onto Rathfarnham Road. The cycle lane is provided here as a shared facility with the bus lane. Unlike this section of Rathfarnham Road, a dedicated cycle lane is proposed for the section between the junctions with Dodder Park Road and Rathdown Park. This inconsistency in approach is not explained in the documentation.

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[5] *Environmental Impact Assessment Report*, Vol. 1, General Arrangement Drawings, April 2023, sheets 3 and 4.

8.0 CONFLICT WITH DEVELOPMENT PLAN ZONING OBJECTIVE

The proposed set back of the front boundary wall and use of part of the existing front gardens of the houses on Rathfarnham Road for the widening of the road space, appears to be in material contravention of the development plan zoning objective. The houses plus gardens are zoned Z2 - Residential Neighbourhoods (Conservation Areas).[6] The zoning objective is: ..."*To protect and/or improve the amenities of residential conservation areas.*" The permissible uses nor open for consideration uses do not include the use of the land for transport related purposed.[7] The proposed widening of the road space along the fronts of the houses nos. 51-71 would therefore be a material contravention of the Dublin City Development Plan.

9.0 CONCLUSION

- **The proposed set back of front boundary walls of gardens of houses nos. 51-71, Rathfarnham Road is not justified given the loss of mature gardens and the relatively limited benefit of a one way cycle lane where such a cycle lane is already in existence. Moreover, it would specifically be a breach of the Part M Building regulations.**

- **The proposed set back of front boundary walls of gardens of houses nos. 51-71, Rathfarnham Road for the purpose of widening the road space of the road, would materially contravene the zoning objective under the Dublin City Development Plan 2022-2028.**

- **The proposed scheme does not state why a dedicated cycle lane is required along this stretch of Rathfarnham Road whereas a shared bus lane/cycle way is proposed for the section of Rathfarnham Road to the south of the junction with Dodder Park Road. This inconsistency in approach requires clarification.**

- **The introduction of the signal-controlled priority measures that are proposed for junctions with Dodder Park Road and Rathdown Park are likely to lead to significant traffic congestion while the need for both priority measures is not made clear.**

- **As a result of the phased introduction of proposed measures under the Bus Connects improvement scheme, unintended effects may not be fully appreciated or understood as the**

[6] *Dublin City Development Plan 2022-2028*, Map H.
[7] *Dublin City Development Plan 2022-2028*, p. 531.

Environmental Impact Assessment is carried out on sections of the scheme rather than the scheme in full. This approach is inconsistent with the holistic approach under the EIA Directive which is to ensure that all environmental impacts are considered that are consequential of a development scheme or project.

- The houses along Rathfarnham Road comprising nos. 51-71 are at a significantly higher level than the road. Removing part of the front gardens as proposed, will result in gradients of the driveways to the individual houses that become significantly steeper which contravenes the requirements under Part M of the Building Control Regulations.