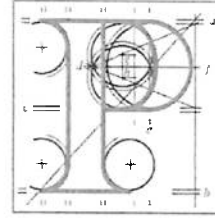


Our Case Number: ABP-316272-23

Your Reference: Residents of Numbers 51-71, Rathfarnham Road



**An
Bord
Pleanála**

RW Nowlan & Associates
c/o Kirsty McDonnell
Basement Office
54 Fitzwilliam Square North
Dublin 2

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	Teí	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Kevin McGettigan

From: Eimear Reilly
Sent: Friday 5 April 2024 13:12
To: Kevin McGettigan
Subject: FW: Submission Re: ABP-316272-23
Attachments: Submission to ABP-316272-23 obo residents of 51-71 Rathfarnham Road.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: LAPS <laps@pleanala.ie>
Sent: Wednesday, March 27, 2024 2:51 PM
To: Eimear Reilly <e.reilly@pleanala.ie>
Subject: FW: Submission Re: ABP-316272-23

From: Kirsty McDonnell <kirsty@rwnowlan.ie>
Sent: Wednesday, March 27, 2024 2:19 PM
To: LAPS <laps@pleanala.ie>
Subject: Submission Re: ABP-316272-23

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hi there,

Please find attached submission prepared by RW Nowlan & Associates on behalf of Residents of Nos. 51-71, Rathfarnham Road, Dublin 14. This submission is made in relation to file ref. ABP-316272-23 following an invitation to make further submissions, ABP letter dated 23rd February 2024.

Please let me know if you require anything further in relation to the attached.

Kind regards,
Kirsty

Kirsty McDonnell
Senior Planning & Development Consultant

Basement Office,
54 Fitzwilliam Square North
Dublin 2

Phone: 01 873 3627
Email: kirsty@rwnowlan.ie
Website: www.rwnowlan.ie

"Where Planning Meets Property"

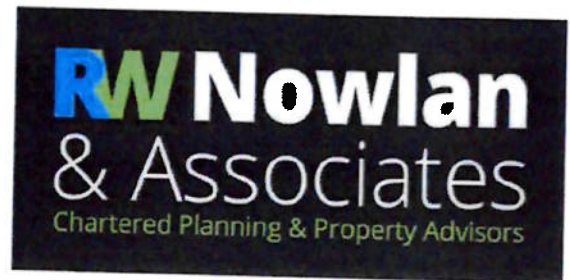


Confidentiality Notice and Disclaimer

The contents of this e-mail and any attachments thereto are the property of RW Nowlan & Associates, Basement Office, 54 Fitzwilliam Square North, Dublin 2, Ireland and are intended for the named addressee only. The content of this e-mail may be confidential and/or commercially sensitive. If you have received this e-mail in error, please do not copy it or forward it to anyone, please immediately destroy it and kindly notify the sender. RW Nowlan & Associates are not be liable for any alterations to this electronic message by any third party.

E-mail cannot be guaranteed to be secure or error free. It is your responsibility to ensure that the onward transmission, opening or use of this message and any attachments will not adversely affect your system or data. You are requested to carry out any other virus checks as you consider appropriate. We accept no liability for any direct, special, indirect or consequential damages which may be caused by any software virus. We reserve the right to record and monitor e-mail messages sent to and from this address for the purposes of investigating or detecting any unauthorised use of our system and ensuring its effective operation.

PROJECT NO. 67.06/2023



PLANNING RESPONSE

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

ON BEHALF OF:

RESIDENTS OF NOS. 51-71,

RATHFARNHAM ROAD

DATE: MARCH 2024

1.0 INTRODUCTION

1.1 A submission was made on the proposed 'Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme' on behalf of the residents of the houses nos. 51 – 71, Rathfarnham Road. The National Transport Authority (NTA) prepared a report which contains the observations on this and other submissions that were made in relation to the scheme. This submission is in response to the invitation by An Bord Pleanála to make submissions or observations on the report 'NTA Observations on the Proposed Scheme Submissions'.¹ 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 submission on behalf of the residents of nos. 51-71, Rathfarnham Road is listed in the report as submission no. 229 and a response to the submission is stated on page 707 of the report. This response refers to sections 2.1.1 and 2.3.3 of the report.

3.0 IMPACT ON TRAFFIC FLOWS AND CONGESTION

3.1 The submission on behalf of the residents stated that 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.

3.2 The response by the NTA is contained in section 2.3.3.5 of the report. However, this response does not deal with the specific issue raised in the submission and instead refers to a change in modal split and general reduction in car based traffic as a result of the proposed scheme. However, the submission related specifically to the short stretch of Rathfarnham Road between the junctions with Rathdown Park and Dodder Park Road. Along this section congestion is likely to result from the fact

¹ *NTA Observations on the Proposed Scheme Submissions, December 2023.*

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.

3.3 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. **This suggestion is not commented in the NTA response report.**

4.0 GRADIENT OF PRIVATE DWELLING DRIVEWAYS

4.1 The submission stated that by removing part of the front gardens as proposed, there would be a risk that gradients of the driveways to the individual houses may become too steep.

4.2 The response by the NTA is contained in section 3.109.2 of the report and it is stated that: *...“the Proposed Scheme has been carried out so as to minimise impacts on adjacent properties and at this location is such that it will not result in any increase to the maximum driveway gradients at this property.”*²

4.3 Please note the attached letter by NRB Consulting Engineers. The additional information that was sought from the NTA has not been provided in the response document. This additional information would show specific dimensions, datums and cross sections on a ‘before’ and ‘after’ basis. If their assertion that no increase to the maximum driveway gradients will occur is correct, it should not be difficult to provide this information. **The additional information should be sought.**

5.0 REASON FOR SETBACK OF THE BOUNDARIES

5.1 The submission stated that 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. The proposed set back of front boundary walls of gardens of houses

² NTA Observations on the Proposed Scheme Submissions, December 2023, p. 527.

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.

5.2 The submission point is summarised as follows: ...*"unnecessary change providing no real gains to bus travel times."*³ However, an adequate response by the NTA is lacking. It would appear that the response is considered to be the reference to the overall gains in travel times achieved with the proposed measures. However, the submission relates to a specific section of Rathfarnham Road where a bus lane already exists. A comparison was made in the submission between the cycle lane between Rathfarnham Village and a short distance south of the junction with Dodder Park Road where the proposed corridor scheme makes no provision for a dedicated cycle lane along Rathfarnham Road⁴, whereas such a dedicated cycle lane is considered necessary along the section of Rathfarnham Road between the junctions with Dodder Park Road and Rathdown Park. This inconsistency in approach is not explained in the documentation. By accepting the shared cycle lane with the bus lane along this section, the removal of a section of the front gardens of the houses would not be necessary. **The NTA report fails to make clear why a dedicated cycle lane is necessary here and not a short distance to the south along the same road.**

6.0 CONFLICT WITH DEVELOPMENT PLAN ZONING OBJECTIVE

6.1 The submission stated that 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).⁵ 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 purposes.⁶ 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.

6.2 This issue of alleged material contravention of the zoning objective of the development plan has not been referred to in the summary of the submission no. 229. **The issue of material contravention of the zoning objective appears to have been overlooked by the NTA.**

³ NTA Observations on the Proposed Scheme Submissions, December 2023, p. 707.

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

⁵ Dublin City Development Plan 2022-2028, Map H.

⁶ Dublin City Development Plan 2022-2028, p. 531.

7.0 LACK OF INTEGRATED ASSESSMENT OF ENTIRE BUS CONNECTS SCHEME

7.1 The submission stated that no integrated EIA analysis of the proposed corridors together has been presented in the application. As a result of the phased introduction of proposed measures under the Bus Connects improvement scheme, unintended effects particularly with respect to traffic impacts, may not be fully appreciated or understood as the Environmental Impact Assessment is carried out on sections of the scheme rather than the scheme in full.

7.2 The response by the NTA is contained in section 2.1.1.9 and states in essence that the impacts of all corridors in operation were assessed under the cumulative impacts section of the EIAR. Notwithstanding this claim, the question remains whether changes to the Kimmage to City Centre Core Bus Corridor that were proposed during the consideration of that scheme in the planning process, have been sufficiently considered in terms of their traffic impacts on the subject scheme. It is considered that an integrated EIA analysis of the proposed corridors together would be a more appropriate process to consider the environmental impacts, particularly traffic impacts, of each of the corridor schemes as part of an integrated project.

8.0 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. The NTA report fails to respond to this question why a widening of the road is necessary along this section of Rathfarnham Road given the fact that a shared cycle lane/bus lane is considered acceptable a short distance to the south. This inconsistency in approach requires clarification. The NTA report does not provide such clarification.**
- **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 NTA report fails to address this issue.**
- **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. The NTA report fails to refer to**

the specific point about the bus priority measures which can result in significant traffic congestion during traffic light cycles.

- The houses along Rathfarnham Road comprising nos. 51-71 are at a significantly higher level than the road. Information should be sought from the NTA on a 'before and after' basis to demonstrate that no increase in the driveway gradients to the houses will occur.
- As a result of the phased introduction of proposed measures under the Bus Connects improvement scheme, unintended traffic impacts may not be fully appreciated or understood as the Environmental Impact Assessment is carried out on sections of the scheme rather than the scheme in full.

Yours sincerely,



Robert Nowlan
Managing Director
RW Nowlan & Associates

14 March 2024
19-042/A/ER

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

+353 1 292 1941
info@nrb.ie
www.nrb.ie

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 BORD 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.

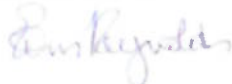
Additional information was sought from the NTA with specific dimensions, datums and cross sections, with this information requested on a 'before' and 'after' basis but this was not provided.

If there is no breach 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



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 of 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*).

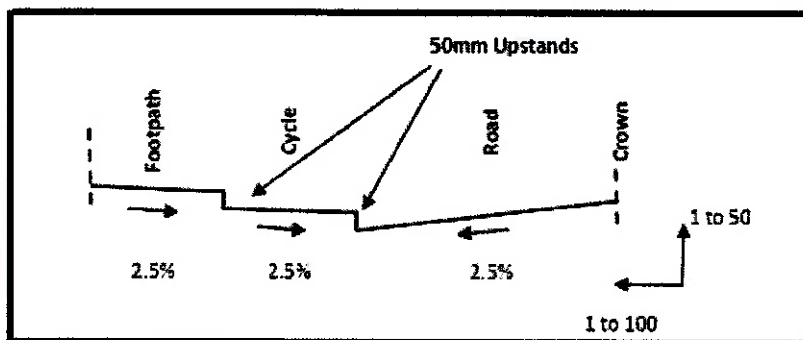


Figure 1 – Details assumed for the Purposes of this Study

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.

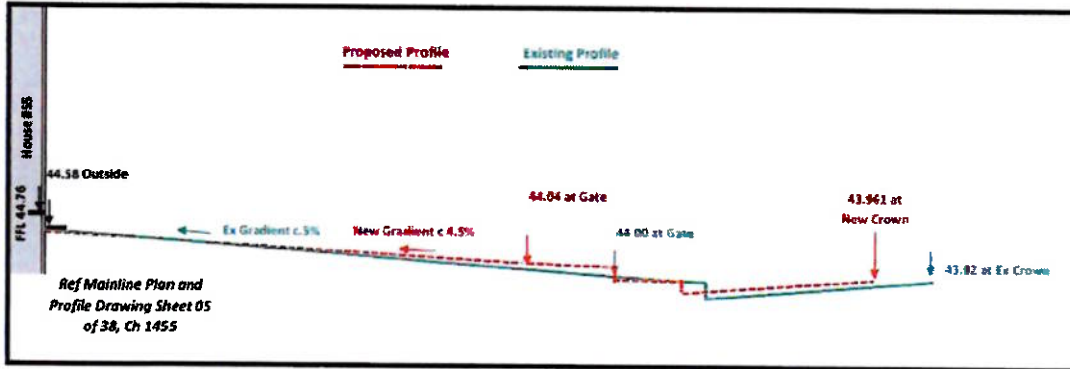


Figure 2 – Profile for #55 Rathfarnham Road

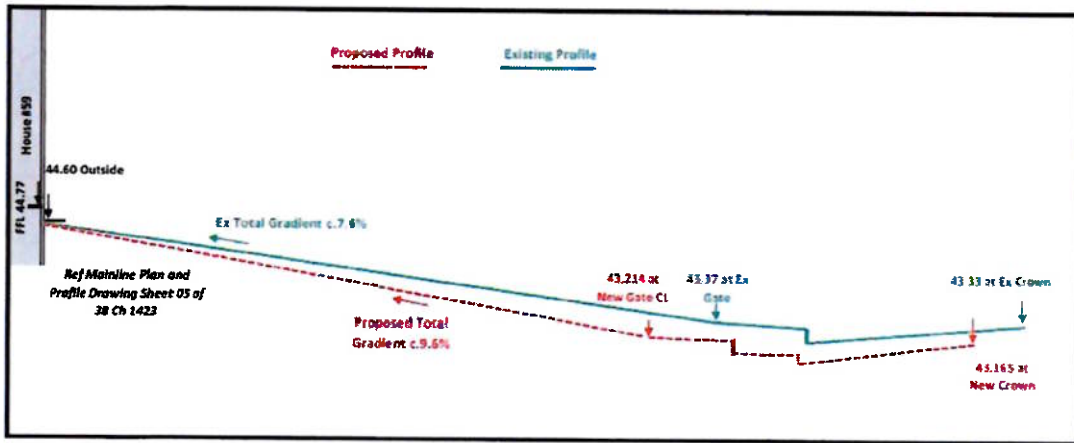


Figure 3 – Profile for #59 Rathfarnham Road

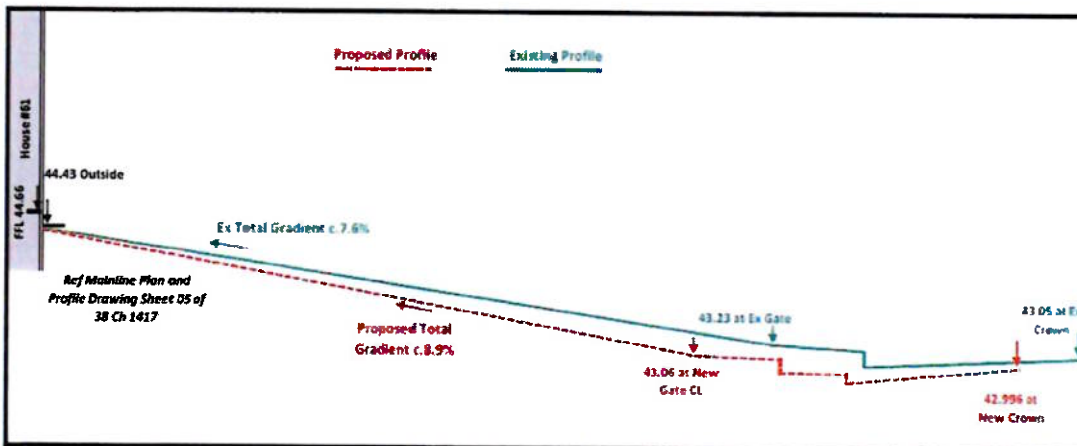


Figure 4 – Profile for #61 Rathfarnham Road



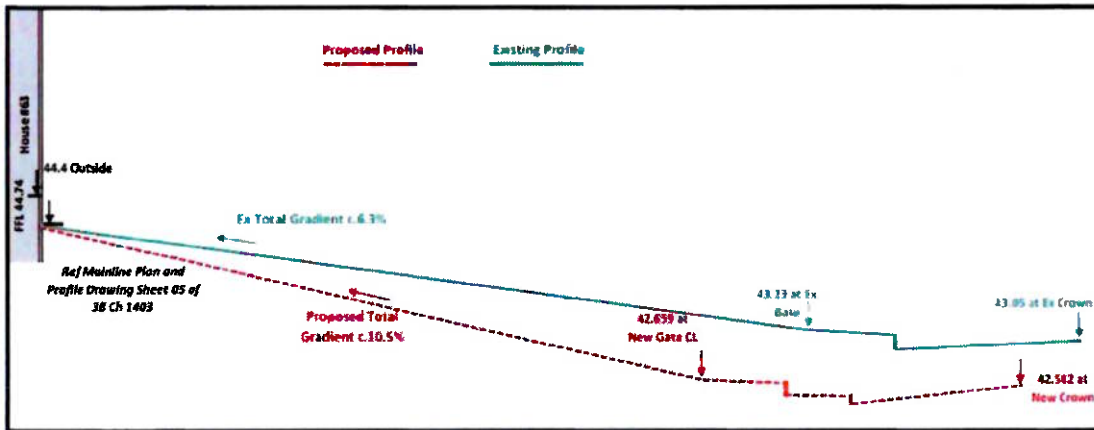


Figure 4 – Profile for #63 Rathfarnham Road

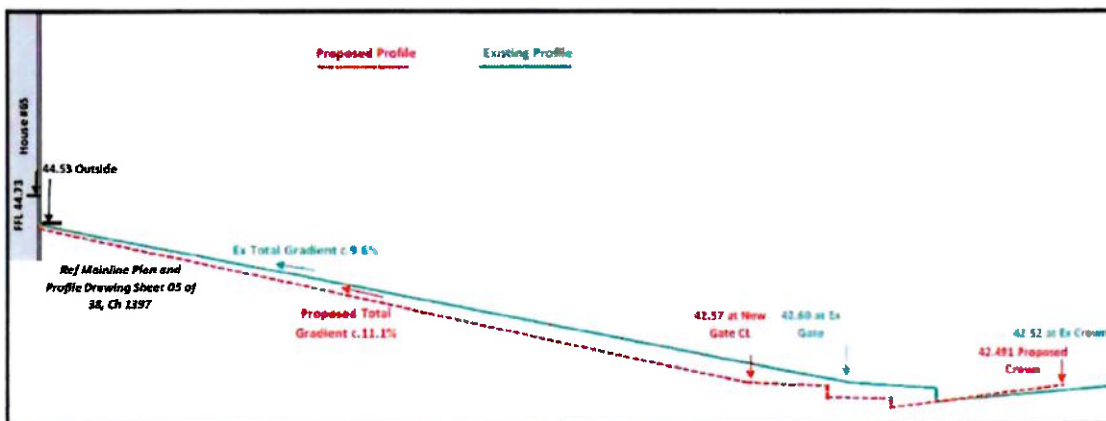


Figure 5 – Profile for #65 Rathfarnham Road

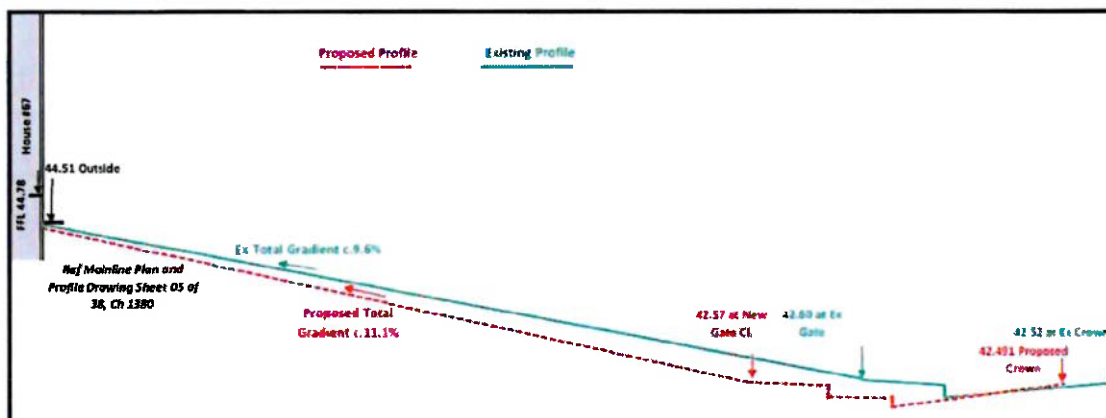


Figure 6 – Profile for #67 Rathfarnham Road

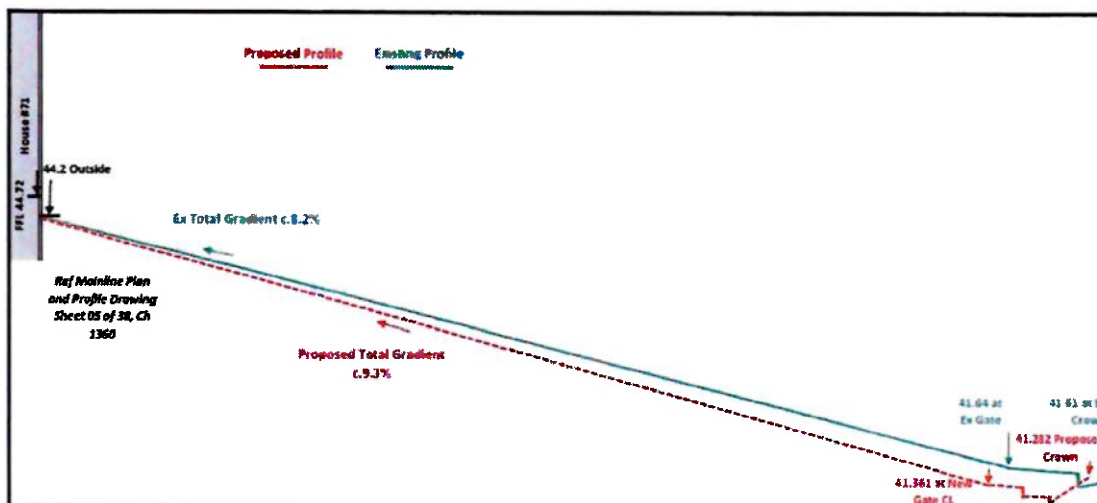


Figure 7 – Profile for #71 Rathfarnham Road

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



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

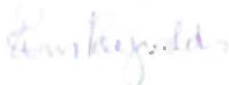
We conclude that the Bus Connect plans (as per the Planning Application, based on the design data provided) appear to result in a significantly steeper approach to the majority of the subject dwellings, clearly contravening National Building Control Regulations.

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

