

Kimimage to City Centre Core Bus Corridor Scheme

NTA Observations on CPO Objections

March 2024

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Table of Contents

1.	INTRODUCTION	3
1.1	Compulsory Purchase Order.....	3
1.2	Overview of Objections Received	3
2.	RESPONSE TO OBJECTIONS TO THE COMPULSORY PURCHASE ORDER (CPO).....	6
2.1	CPO No. 1 - Footpath to front of Greenmount Close, Dublin 6W - Plot No. 1018.....	6
2.2	CPO No. 2 - Road at Mount Argus Square, Dublin 6W - Plot No. 1002	11
2.3	CPO No. 3 - Footpath to front of Greenmount Close, Dublin 6W - Plot No. 1018	21
2.4	CPO No.4 - Public road and passage leading to Gordons Fuels, 32A Clanbrassil Street Upper, Dublin 8 - Plot No. 1022	26
2.5	CPO No. 5 - 33 Harolds Cross Road - Plot No. 1017	34
2.6	CPO No. 6 - Gordon's Fuel Depot & 32A Clanbrassil Street Upper, Dublin 8 / Public road and Access Lane - Plot No. 1021/1022.....	42
2.7	CPO No.7 - Public road and Access Lane to Gordons Fuels, 32A Clanbrassil Street Upper - Plot No. 1022.....	49
2.8	CPO No. 8 - 37 Harolds Cross Road - Plot No. 1015	51
2.9	CPO No. 9 - Our Lady's Hospice, Harolds Cross Road - Plot No. 1019.....	53
2.10	CPO No.10 - Road at Mount Argus Square - Plot No. 1002	63
2.11	CPO No. 11, Entrance to Our Lady's Hospice, Harolds Cross Road, Dublin 6W - Plot No. 1019.....	73
2.12	CPO No. 12 - Cark Park off Sundrive Road - Plot No. 1001.....	82
2.13	CPO No. 13 - Mount Argus Church, Harold's Cross	88
2.14	CPO No. 14 - Green area at St. Patricks Court, Clanbrassil Street Lower - Plot No. 1026.....	91

1. Introduction

1.1 Compulsory Purchase Order

This report provides a response to the objections made to An Bord Pleanála (“the Board”) in response to the Kimmage to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023 (“the CPO”), which relates to the Kimmage to City Centre Core Bus Corridor Scheme (“the Proposed Scheme”). Case No.: ABP-317682-23.

An overview of the objections is provided in Section 1.2. The issues raised in the objections to the CPO, together with the relevant responses, are provided in Section 2.

1.2 Overview of Objections Received

Fourteen objections to the CPO were provided to the NTA by the Board. Each objection was individually numbered by the Board and this numbering system has been retained for ease of reference in this report.

Four of the parties who submitted the objections also made an identical submission in response to the Section 51 Application for the Proposed Scheme.

Table 1.2.1 below sets out the locations referred by the objections and the key issues raised.

Table 1.2.1: Summary of Objections in Response to the CPO

No.	Location	Objection by	Key Issue Raised
1	Plot 1018 28 Greenmount Close, Harold's Cross	Anne O'Flaherty	Traffic Noise closer to home Air quality Move of bus stop
2	Plot 1002 1 Mount Argus Square	Caitríona Dempsey	Stone Boat Boardwalk and cycle route through residential estate: security risk and anti-social behaviour. Cycle route on narrow residential road with 3 sharp bends. Cycleway a waste of resources. Loss of cultural heritage asset Lack of Consultation Lack of consideration to the area's past Loss of Biodiversity Increased danger to cyclists and other road users Questionable necessity of the cycle path Increase in anti-social behaviour
3	Plot 1018 24 Greenmount Close	Carol Michael	Traffic Noise closer to home Air quality
4	Plot 1022 Mullen Scrap, 31 Clanbrassil Street Upper	Dawnlane / Rodney & Vanessa Cassidy	No Strategic Environmental Assessment for the overall BusConnects Programme. Deficiencies in the CPO Schedules to properly reflect the ownership interests. Access restrictions will affect the business. Inadequate drawings and details of impact for the property. Need to engage specialist advisers.

No.	Location	Objection by	Key Issue Raised
5	Plot 1017 33 Harold's Cross Road	Deirdre Pender	<p>Why widen only part of Harold's Cross Road and not the rest?</p> <p>Advance notice of works at property.</p> <p>Scheme in general.</p> <p>Traffic diversions by bus gates and impacts on alternative routes, in combination with the other 2 CBC schemes in the wider area. Clareville Road & schools.</p> <p>Different bus gates operational hours.</p> <p>Road layout at Harold's Cross Park South.</p> <p>Parking on LKR south of Sundrive and removal of cycle lanes.</p> <p>Cycle track at 79-85 Harold's Cross Road.</p> <p>Aesthetics of footbridges over the canal.</p> <p>Drainage problems on Harold's Cross Road / Mount Drummond.</p>
6	Plots 1021/1022 32A Clanbrassil Street Upper	Gordon's Fuels / Barra & Suzanne Gordon Agent: Keiron Diamond, North's Property	<p>Demolition of family home.</p> <p>Reduced redevelopment potential.</p> <p>Restriction of future vehicular access.</p> <p>Traffic capacity at the access junction.</p> <p>Alternatives?</p> <p>Demonstrate how site could be developed.</p>
7	Plot 1022 Mullen Scrap, 31 Clanbrassil Street Upper	Estate of Agnes Cassidy / c/o Rodney Cassidy	<p>Same submission as CPO No.4 for the same property.</p> <p>No Strategic Environmental Assessment for the overall BusConnects Programme.</p> <p>Deficiencies in the CPO Schedules to properly reflect the ownership interests.</p> <p>Access restrictions will affect the business.</p> <p>Inadequate drawings and details of impact for the property.</p> <p>Need to engage specialist advisers.</p>
8	Plot 1015 37 Harold's Cross Road	Lisa Harrington	<p>Apple trees in garden. / Boundary wall and gate / Hedge along side boundary / other aspects of garden layout and finishes to be reinstated or adjusted.</p>
9	Plot 1019 Harold's Cross Road	Our Lady's Hospice Agent: Hugh Kelly, Tom Phillips Associates	<p>Loss of land for potential expansion development.</p> <p>Car park inconsistent with planning policies.</p> <p>Inadequate assessment of impacts.</p> <p>Legality of CPO.</p>

No.	Location	Objection by	Key Issue Raised
10	Plots 1002 Mount Argus Square	Paul Cashman	Communal areas / bin store / security Wildlife at Stone Boat. Need for cycle route? Traffic restriction at Kenilworth Park East onto Harold's Cross Road.
11	Plot 1019 Entrance to Our Lady's Hospice, Harold's Cross Road	Religious Sisters of Charity c/o Sr Patricia Lenihan RSC	Easement rights, security, and the use and maintenance of the proposed car park. Traffic and access disruption during the proposed works. Loss of control of access to the hospice campus. Contrary to DCC and national planning policies by encouraging car use. Disproportionate use of CPO.
12	Plot 1001 Cark Park and rear access road off Sundrive Road, Dublin 12	The Estate of Joy Ordman c/o Shoshana Khan & Semone Eppel	Owner of 11-13 Sundrive Road Interaction between cyclists and pedestrians on the Poddle Cycleway with car parking and interference with access to rear of properties. Access for maintenance and repair of the property and advertising hoarding. Future redevelopment impacts. Construction compound restrictions for access. Loss of 8 public car spaces.
13	No CPO Plot. This party was not included in the CPO Schedules.	The Passionist Community, St. Paul's Retreat, Mount Argus / Virtus	Bus gate restrictions for traffic at Harold's Cross Park, with request that they operate only at peak morning and evening periods between Monday and Friday.
14	Plot 1026 Green area at St. Patricks Court, Clanbrassil Street Lower, Dublin 8	The Wine Pair c/o Canice McKee	Access to wine shop / wine bar business. Visibility and signage for the business. Deliveries. Visual disturbance by the construction compound. Security / anti-social behaviour. Loss of green space. Loss of business and risk of seeking to relocate the premises.

2. Response to Objections to the Compulsory Purchase Order (CPO)

This chapter of the report addresses the 14 written objections, applicable to 9 plots that were received by the Board against Compulsory Purchase Order for the Proposed Scheme under ABP Case Number **ABP-317682-23** within the prescribed period for making of objections.

2.1 CPO No. 1 - Footpath to front of Greenmount Close, Dublin 6W - Plot No. 1018

The CPO for the Proposed Scheme includes 2 sub-plots 1018 (1 & 2) consisting of garden area behind a railing at Greenmount Close a residential building immediately north of Our Lady's Hospice entrance at Harold's Cross Road Dublin 6W.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.4 in Figure 2-1-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-1-2.
- The existing aerial view in Figure 2-1-3.
- Existing street view in Figure 2-1-4.

Description of the Proposed Scheme at this location

The Proposed Scheme will provide cycle tracks on Harold's Cross Road for which widening will be required of typically 2m over a length of 120m from the entrance to Our Lady's Hospice on the western side to the junction of Mount Drummond Avenue on the eastern side. This will involve encroachment by up to 0.8m into a garden area at the front of a sheltered housing development operated by Focus Ireland at Greenmount Close. This varies in width from 3.3m at the northern end to 2.6m wide at the southern end. It is not feasible to widen on the eastern side of the street instead at this location as there are buildings fronting directly onto the back of the footpath.

There are two existing inbound bus stops within 200m of each other on this section of Harold's Cross Road, and one outbound bus stop on the opposite side of the street to Greenmount Close. In the Proposed Scheme as part of a general rationalisation and optimisation of bus stops to support a faster and more efficient bus service, the two inbound bus stops (No.1344 St. Clare's School and No.1345 Le Vere Terrace) will be replaced with a single bus stop between the two existing locations, which will be paired with the outbound bus stop on the other side and linked by the existing pedestrian crossing just to the south of that location. The provision of a single bus stop will contribute to the overall improvement of the bus services by reducing the need for buses to stop twice on this short section of street. The new bus stop will be located 140m further north than the existing bus stop No.1344 in front of Greenmount Close where the footpath is wider and can accommodate a narrow bus stop island to separate the proposed cycle track from the bus stop boarding and alighting area.

A new pedestrian crossing will be provided across Harold's Cross Road from in front of Greenmount Close on the western side, to in front of No.61 Harold's Cross Road on the eastern side. This pedestrian crossing will improve access to St. Clare's primary school on the eastern side of the road. The nearest other pedestrian crossings are 120m to the south at the junction with Kimmage Road Lower at the northern end of Harold's Cross Park, which is a two-stage crossing where the road is quite wide, and 125m to the north just north of the junction with Mount Drummond Avenue. The proposed new pedestrian crossing is located at the position of the existing Bus Stop No.1344 on the western side of the road, which will be relocated in the Proposed Scheme.

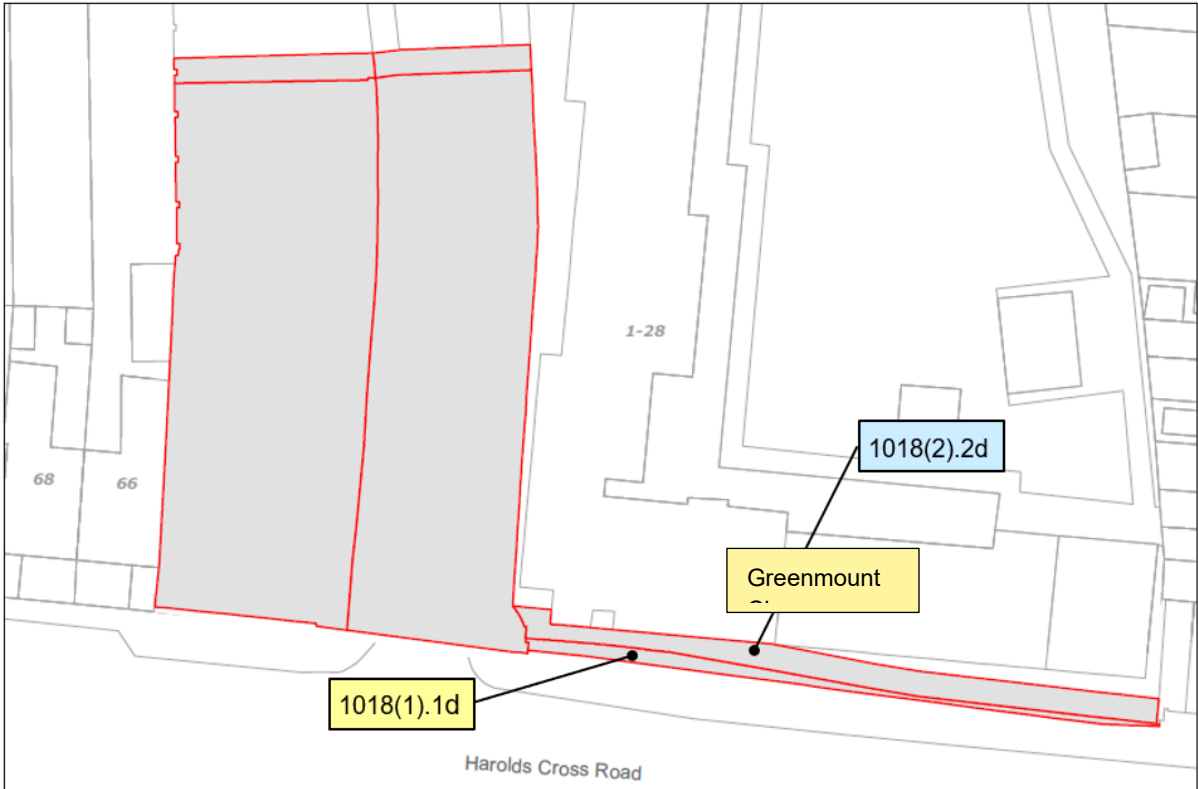


Figure 2-1-1: Extract from CPO Deposit Map Sheet 4

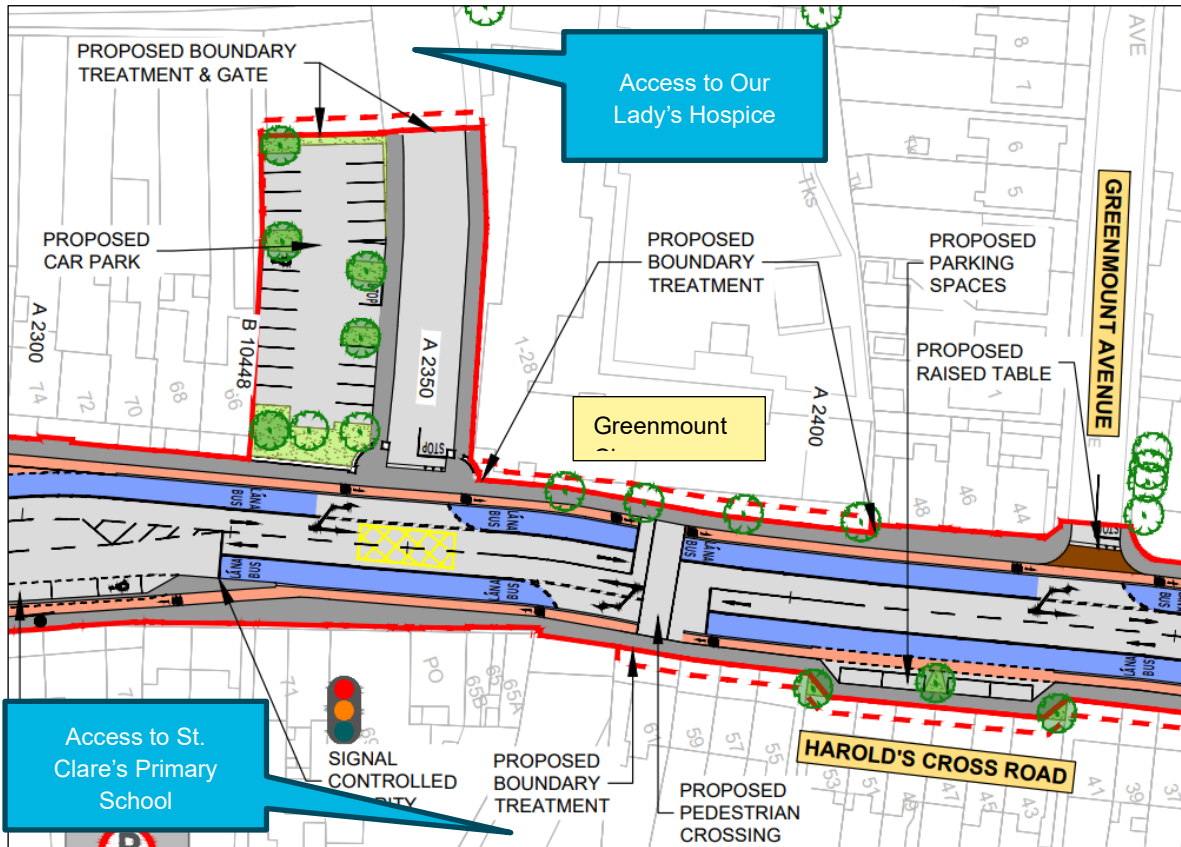


Figure 2-1-2: Extract from General Arrangement Map Sheet 7



Figure 2-1-3: Aerial View of the Location



Figure 2-1-4: Street View of the Location at Greenmount Close

Summary of Objections Raised

- a) Traffic Noise will come closer to home due to the road widening and will increase.
- b) Air quality will worsen.
- c) Move of bus stop 140m further north will inconvenience the resident who has a disability.

Responses to Objections Raised

a) Traffic Noise

The Proposed Scheme will not bring traffic closer to this home at Greenmount Close, as a cycle track will be provided in the road widening, which will realign the footpath partially into the garden area. The

sources of the noise from general traffic and from buses in the bus lane will remain approximately in the same locations, and therefore there will be no increase in noise for the residents at Greenmount Close due to greater proximity to the road.

The Proposed Scheme will divert some traffic away from Harold's Cross as a result of the proposed bus gates on Kimmage Road Lower and will no longer be a viable general traffic route to and from Dublin City Centre. In EIAR Volume 2, Chapter 6, Table 6-48 (page 91) it is indicated that traffic on Harold's Cross Road in the AM peak hour will reduce from 1,239 vehicles per hour to 895 vehicles per hour, a reduction of 28%.

Section 9.5.2.1 in Chapter 9 (Noise & Vibration) in Volume 2 of the EIAR states the following with regard to road traffic noise in the Operational Phase:

“The impact assessment has determined that there are no calculated significant direct or indirect traffic noise impacts across the study area for the Proposed Scheme. The range of noise level changes and overall noise levels calculated do not require any specific noise mitigation measures to be incorporated into the Proposed Scheme.”

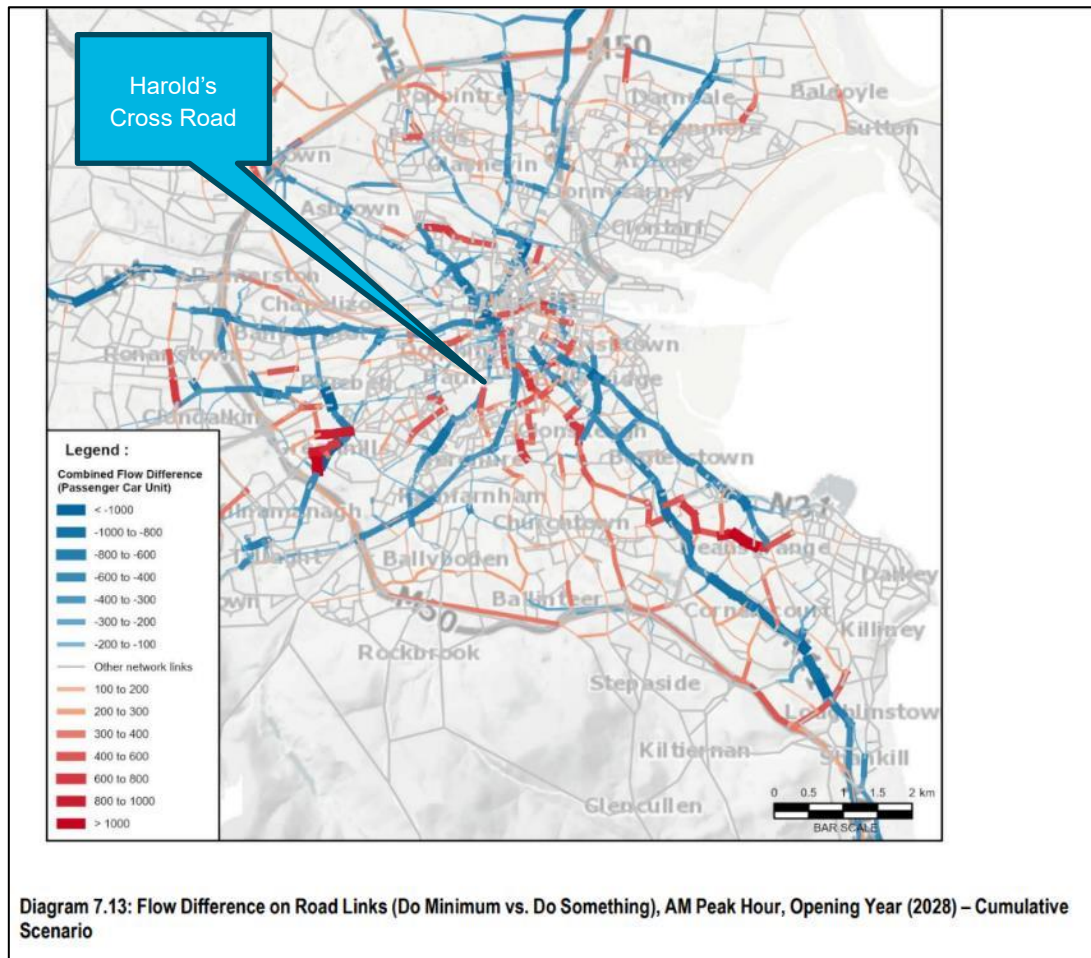
Table 9.47 in Section 9.5.2.4 of Chapter 9 provides a summary of the Operational Phase predicted traffic noise impacts for the Proposed Scheme as follows:

- Opening Year (2028) - Direct, Positive, Moderate and Short to Medium-Term to Direct, Neutral, and Short to Medium-Term;
- Design Year (2043) – Direct, Positive, Moderate and Long-Term to Direct, Neutral and Long-Term.

With regard to Operational Phase Vibration, the predicted impacted is assessed as Neutral, Imperceptible and Short to Long-Term.

The cumulative impact of the Proposed Scheme in conjunction with other Core Bus Corridor schemes in the same part of the city in terms of traffic and transport can be found in Chapter 21 (Cumulative Impacts & Environmental Interactions) of the EIAR, as well as in Appendix A6.1 (TIA Report) in Volume 4 of the EIAR. This assessment describes how there will be substantial modal shift (TIA Appendix A6.1 page 6) of transport demand from private car to more sustainable modes of public transport and cycling across Dublin as a result of the increased capacity, efficiency, and reliability of these other modes of transport Overall car travel on the radial routes towards the city will reduce by approximately 32% (Diagram 7.6, TIA Appendix A6.1 page 138), both along the core bus corridors. It should be noted that only a certain volume of traffic can pass through the major junctions on the radial routes towards the city, such as Terenure Cross to the south of Harold's Cross, which is currently operating at capacity. This will effectively cap the volume of traffic that can proceed towards Harold's Cross Road in the future, even with displacement away from both the Kimmage and Rathmines corridors.

In EIAR Appendix A6.1 Diagram 7.13 (shown in snapshot below) and Diagram 7.14 illustrate the difference in traffic flows (Do Minimum vs Do Something) on roads in the AM Peak Hour for the Opening Year (2028) and the Design Year (2043) with the Proposed Scheme and all other proposed Core Bus Corridor schemes in place. The diagrams are extracts from Figure 6.13 and 6.16 in TIA Appendix 3 (Maps). Reductions in traffic flows are indicated by the blue lines with increases in traffic flow indicated by the red lines. This map shows no net change in traffic flow along Harold's Cross Road from the Do-Minimum situation as there will be a balance between a reduction in traffic from the Kimmage direction and an increase in traffic from the Terenure direction.



b) Air Quality

Table 7.36 in Section 7.5.2 of Chapter 7 (Air Quality) in Volume 2 of the EIAR identifies that a summary of the Operational Phase predicted road traffic impacts on local human receptors as a result of the Proposed Scheme are assessed as being Neutral, Long-term.

Section 7.6.2 in Chapter 7 states the following with regard to residual air quality impacts:

“The air dispersion modelling assessment has found that the majority of all modelled receptors are predicted to experience negligible impacts due to the Proposed Scheme, and beneficial impacts are also estimated along the length of the Proposed Scheme. There are no substantial or moderate adverse effects expected as a result of the Operational Phase of the Proposed Scheme. In 2028, all receptors will have ambient air quality in compliance with the ambient air quality limit values for the DS scenario. In 2043, all receptors are expected to have ambient air quality in compliance with the ambient air quality standards for the DM and the DS scenarios. Overall, it is considered that the residual effects as a result of the Proposed Scheme’s operation will be Neutral and Long-Term.”

c) Move of bus stop

The NTA appreciates the relocation of the bus stop No.1344 140m further north will present an inconvenience for the resident of Greenmount Close who has a disability. The Supplementary Information, Preliminary Design Report, Appendix H contains the Bus Stop Review Report, which was carried out to inform the design and assessed the locations of the existing bus stops to determine whether a stop should be removed, relocated, or remain in the same location. This exercise was carried out in order to optimise the performance of the bus service along this route by reducing journey time of the bus service, to increase the walking catchment of the bus stops and to ensure key trip attractors located along the route are sufficiently covered within the catchment of bus stop. The assessment demonstrated that the relocation of this bus stop was an appropriate intervention to maximise the benefits to the bus service in this area. It will be in a more suitable location and the move will contribute

to the overall improvement of the bus services by reducing the need for buses to stop twice on this short section of street. It will require 2 minutes additional walking time to reach the new bus stop from the current location. If the existing bus stop were to be retained, it would be necessary to widen the footpath locally for a narrow bus stop island, which would increase the encroachment into the property at Greenmount Close in the Compulsory Purchase Order. The existing bus stop also clashes with the location for the proposed new pedestrian across Harold's Cross Road to provide more direct access to St. Clare's primary school.

2.2 CPO No. 2 - Road at Mount Argus Square, Dublin 6W - Plot No. 1002

The CPO for the Proposed Scheme includes 3 sub-plots 1002(1,2 & 3) consisting of estate road, river channel and open space at Mount Argus Square Dublin 6W.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.3 in Figure 2-2-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-2-2.
- Image 4.1 from EIAR Chapter 4 Scheme Description – Proposed Stone Boat Boardwalk in Figure 2-2-3.
- The existing aerial view in Figure 2-2-4.
- Existing street view in Figure 2-2-5.

Description of the Proposed Scheme at this location

In the Proposed Scheme an offline cycle route will be designated parallel to Kimmage Road Lower, along existing quiet residential streets at Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, cyclists will be able to proceed via the proposed new Stone Boat Boardwalk connection to Mount Argus Way and Mount Argus View and then join Kimmage Road Lower to continue to Harold's Cross and the city centre.

A short new pedestrian and cycle link will be provided in the Proposed Scheme from Sundrive Road to the Mount Argus housing estate to the north. This connection will significantly improve local permeability for pedestrians and cyclists by providing a direct route from the residential area of Mount Argus to the heart of Kimmage Village.

The new link from Sundrive Road will pass through a small existing public car park that is located on top of the River Poddle culvert that carries the river underground from south of Kimmage Shopping Centre to the Mount Argus estate where it is in an open channel beside Mount Argus Square on the western bank. At the northern end of the car park the route will cut through the existing 2m high boundary wall at the end of the culvert. North of the car park a proposed steel boardwalk structure will be provided beside and above the River Poddle at the Stone Boat feature and along the eastern boundary of Mount Argus Square. The proposed Stone Boat Boardwalk will connect at the northern end of Mount Argus Square to Mount Argus Way.

The proposed Stone Boat Boardwalk will be located beside Mount Argus Court mainly overhanging the bank and channel of the River Poddle. The structure will be 4m wide and 42m long with a steel deck boardwalk for pedestrians and cyclists located over the western bank of the River Poddle and elevated above the river level. It will be supported by 13 piers that will be underpinned by a single bored pile in each case. A steel grid deck will allow rainwater to pass through to the riverbank below.

The new structure will occupy Permanent CPO Plot No.1002(1) as shown in Figure 2-2-1. At the northern end of this plot the proposed pedestrian and cycle route will cross over a portion of the private access road at Mount Argus Square and will connect the proposed boardwalk to the public road at Mount Argus Way. This part of the plot is necessary to provide a public right of way to the proposed boardwalk for the connection towards Sundrive Road to the south.

Temporary CPO Plot 1002(2) consists of the access road and part of the car park at Mount Argus Square to the west of the proposed boardwalk. It is required to provide working space during the construction for delivery vehicles, a piling rig to install piles for the foundations of the structure, and for

a crane to lift the prefabricated steel piers and deck into position. Access for residents will be provided through this works area under appropriate traffic management to ensure public safety. It will be necessary to temporarily suspend parking along the eastern edge of the access road during the works.

Temporary Plot 1002(3) consists of the channel and eastern bank of the River Poddle outside of the area included in Permanent CPO Plot No.1002(1). This area is required during the construction to provide working space around the works area, and to ensure public safety during the erection of the boardwalk structure.

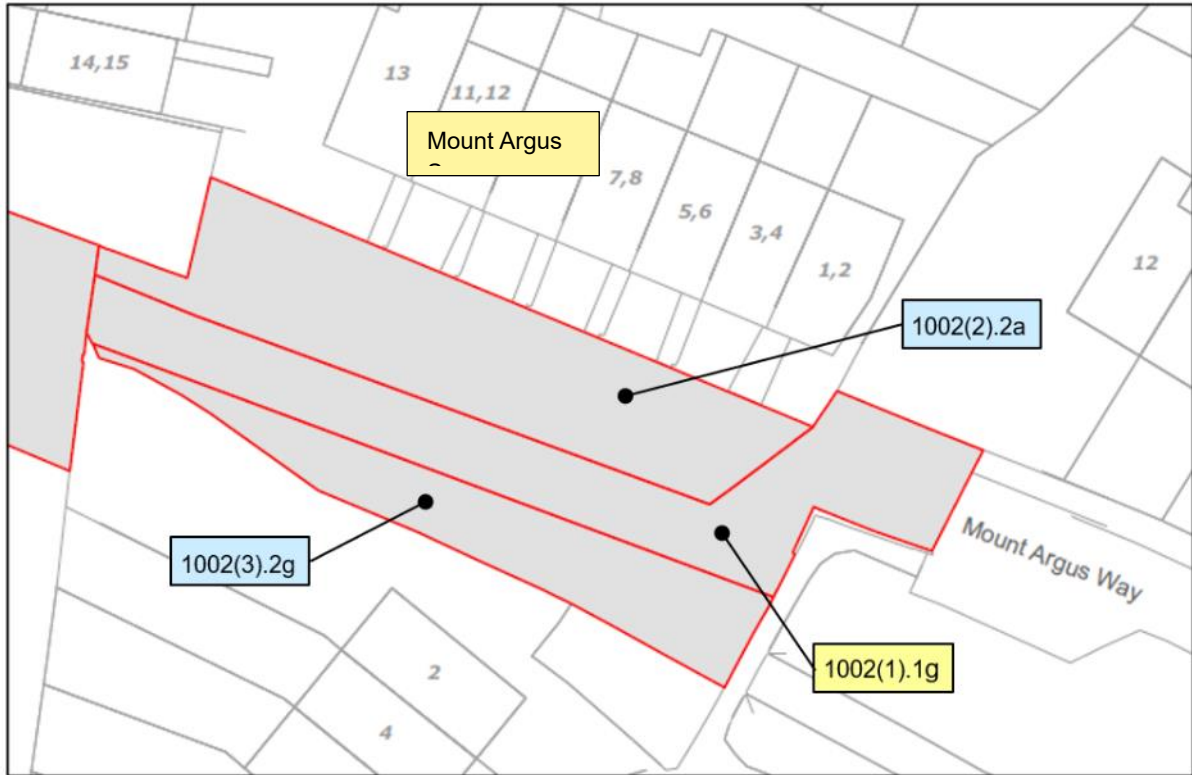


Figure 2-2-1: Extract from CPO Deposit Map Sheet 3

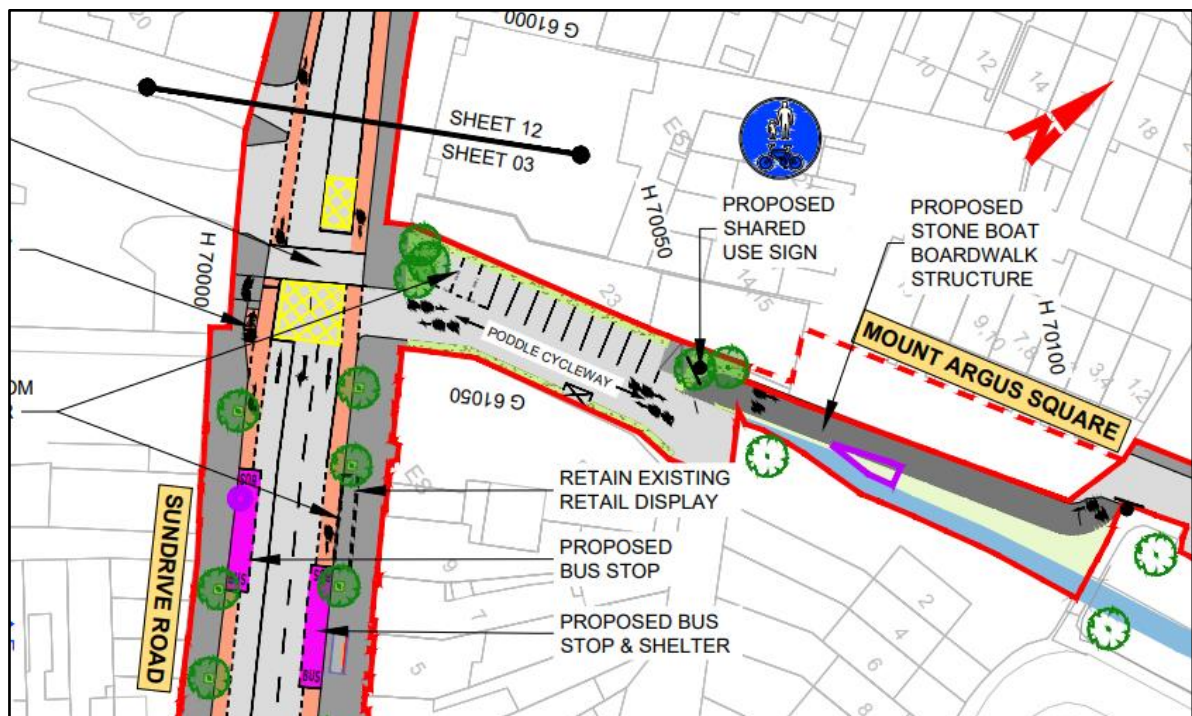


Figure 2-2-2: Extract from General Arrangement Map Sheet 3



Figure 2-2-3: Image 4.1 from EIAR Chapter 4 Scheme Description – Proposed Stone Boat Boardwalk



Figure 2-2-4: Aerial View of the Location



Figure 2-2-5: Street View of the Location at Mount Argus Square

Summary of Objections Raised

- a) The proposed Stone Boat Boardwalk and cycle route through this residential estate will create an increased risk for security and anti-social behaviour.
- b) The proposed cycle route is unsuitable on a narrow residential road with 3 sharp bends.
- c) Cycleway a waste of resources.
- d) Loss of cultural heritage
- e) Lack of consultation
- f) Lack of consideration of area's past
- g) Loss of biodiversity
- h) Increased Danger to cyclists
- i) Questionable necessity of cycle path
- j) Increase in anti-social behaviour

Responses to Objections Raised

- a) Increased risk for security and anti-social behaviour.

The proposed new pedestrian and cycle link from Mount Argus Way to Sundrive Road along the course of the River Poddle will provide a new and direct link for the community in Mount Argus to walk or cycle more quickly to the heart of Kimmage Village and the shopping centre. It will also shorten the distance from the residential community along Sundrive Road to Mount Argus Church. The existing walking distance from the junction of Mount Argus Way / Mount Argus Avenue to Kimmage Shopping Centre via Kimmage Road Lower is 400m. The more direct route along the Stone Boat Boardwalk will be 220m. For someone living in Mount Argus Square the distance will reduce from 500m to only 120m. Section 10.2.1 of the EIAR Chapter 10 Population, and Appendix A10.2 to Chapter 10, assess the Economic impact of the Core Bus Corridors, which includes consideration of the impact of transport infrastructure on criminal activity. The conclusion reached on page 25 of Appendix A10.2 is that *'the new infrastructure improvements should have a direct and immediate impact on crime along the corridors. It will provide better, safer, and more visible bus stops whilst also improving the wider public realm infrastructure through investments such as improved street lighting. This will act as a direct deterrent to criminal*

activity and result in a reduction in crime. This in turn has been shown to encourage people onto the streets into the evening which will also support the nighttime economy in community centres.”

Section 10.4.4.1.1 of EIAR Chapter 10 Population considers the Community Amenity and for Mount Argus community area this is assessed a **Positive, Not Significant and Long-term** amenity effect. Additional information in relation to the potential community impacts arising from crime and antisocial behaviour is set out in EIAR Chapter 10 Population Appendix A10.2 Economic Impact of the Core Bus Corridors, which notes the following:

- *Good infrastructure has also been shown to have a positive impact on levels of crime, particularly low-level crimes such as theft and vandalism. There is evidence from a wide range of studies that redesigned public realm, especially those which are better lit and more visible, see significant reductions in the level of crime*

The local residents in the Mount Argus estate will benefit from greatly increased permeability on this more convenient and direct access route to their local shops and services. Likewise there will be more direct connectivity for the community living further north along Mount Argus Road who already walk through the grounds of the church and the public park on their way to Kimmage Village. In the other direction, the community along Sundrive Road and the area to the south at Blarney Park, Tonguefield Road and Bangor Road, etc., will have a more direct and quiet walking route to the local park and church at Mount Argus. These benefits will ensure that the proposed new route will be busy with local residents walking back and forth, which will provide passive security for the people living alongside the proposed new link, which will have high-quality public lighting provided.

The alignment of the proposed new walking and cycling route is straight, with clear visibility along the full route as may be seen from the map in Figure 2-2-2. There is overlooking of the northern end of the route from the homes at Mount Argus Square, and the southern part through the car park to Sundrive Road is only 40m long. Opening up of the through link should actually increase security for the businesses adjoining the car park at the southern end of the route, and for the residents of Mount Argus Square, Mount Argus Close and Mount Argus Way by increasing passive surveillance due to the regular movement of people back and forth along the new route.

The proposal for this new pedestrian and cyclist link is consistent with, and supports elements of, international policy, European Union (EU) law and policy, national policy, regional policy, and local policy. At all policy levels, there are clear objectives to increase active travel and accessibility to public transport. As set out in Section 2.3 of the EIAR Volume 2 Chapter 2 Need for the Scheme, and Appendix A2.1 Planning Report, the Proposed Scheme supports several policies in relation to improved accessibility and permeability in urban areas including the Transport Strategy for the Greater Dublin Area 2022 – 2042, and in particular the Dublin City Development Plan (2022-2028) Key Transport Policy SMT18 for the Pedestrian Environment: *‘To continue to maintain and improve the pedestrian environment and strengthen permeability by promoting the development of a network of pedestrian routes including laneway connections which link residential areas with recreational, educational and employment destinations to create a pedestrian environment that is safe, accessible to all in accordance with best accessibility practice.’*

b) Unsuitable cycle route on residential roads.

The roads in the Mount Argus estate are well laid out with short straight sections and regular sharp bends and junctions to branch streets acting as traffic management measures to reduce traffic speeds through the estate. In this respect, the road network within the estate complies with the recommendations of the *Design Manual for Urban Roads and Streets (DMURS)* for providing a safe environment for the residents and people walking and cycling in the area. The estate is an ideal route for cyclists of all abilities and ages to safely share the road with slow residential traffic as is illustrated on Figure 2-2-6.

Similarly, the former National Cycle Manual (applicable at the time of submission) and the current Cycle Design Manual both advocate the use of low-trafficked neighbourhoods as an *“effective way of delivering a dense network of quiet streets in urban areas without the need for protected cycle infrastructure. These quiet streets can provide the basic level of a cycle network... to enable local cycling trips and provide connections to the surrounding cycle network. They can also form important parts of higher-level routes in the cycle network e.g. a secondary route may traverse through a low*

traffic neighbourhood to provide a connection to cycle tracks on boundary roads". This cycle route has been identified as a feeder route within the 2022 Greater Dublin Area Cycle Network Plan based on the low traffic volumes and low traffic speeds through the estate.



Figure 2-2-6: Proposed Feeder Route through Mount Argus Estate

c) Cycleway a waste of resources.

The submission refers to the existing cycleway being retained however it is not clear which cycleway is being referred to and it is assumed the advisory cycle lanes on Kimmage Road Lower are those in question. The proposed scheme will retain the advisory cycle lanes along Kimmage Road Lower north of the junction with Sundrive Road / Larkfield Avenue.

On the cycle network map the route along the Stone Boat and through Mount Argus is indicated as a feeder link from Sundrive Road to the secondary route along Kimmage Road Lower that in turn connects with the primary route at Harold's Cross Road.

Some of the traffic diverted away from Kimmage Road Lower at the bus gate introduced at Ravensdale Park will come to the Sundrive Road junction with the potential to create a somewhat hostile environment particularly for young children and vulnerable cyclists. While this feeder cycle route through Mount Argus may not be shorter than the alternative route along the main roads through Sundrive Cross, it will allow cyclists to bypass that busy junction, and will be a quieter and more attractive route for cyclists of all ages and abilities.

The proposed new pedestrian and cycle link from Mount Argus Way to Sundrive Road along the course of the River Poddle will provide a new and direct link for the community in Mount Argus to walk or cycle more quickly to the heart of Kimmage Village and the shopping centre. It will also shorten the distance from the residential community along Sundrive Road to Mount Argus Church.



Figure 2-2-7: Greater Dublin Area Cycle Network Plan in Kimmage Area

d) Loss of cultural heritage

The intention of the Proposed Scheme is to enhance public access to, and awareness of the *Stone Boat* feature in the River Poddle that will be visible underneath / beside the proposed boardwalk that will provide a new link for pedestrians and cyclists between the Mount Argus estate and Sundrive Road. It is intended in the design of the boardwalk to ensure that the *Stone Boat* will be visible through the deck of the boardwalk. This can be partially seen in the image showing an oblique view along the boardwalk in Figure 2-9-1, where the mesh deck allows the grassy riverbank to be visible underneath the structure. NTA shares the aspiration of the City Archaeologist to maximise visibility of the *Stone Boat*, and this will be achieved through the selection of materials and the detailing of the structure.



**Figure 2-2-8: Close-up view of the proposed Stone Boat Boardwalk
(EIAR Volume 3, Chapter 17, Figure 17.2.1.2)**

In arriving at the proposal to provide a new link for cyclists and pedestrians at the Stone Boat, the NTA considered four alternatives for cycling along the route corridor. These are described in EIAR Volume 2, Chapter 3 Alternatives, Section 3.4.1.1.2 Cycling Options. The City Archaeologist has suggested an alternative design for the proposed boardwalk with a truncated length that would link through the car park at Mount Argus Square before passing over the *Stone Boat*. That arrangement would not be preferable as it would intrude extensively into the common area of a private residential development with the loss of some car parking spaces, along with the taking in charge of the access to duplex apartments. The Proposed Scheme design provides a simpler and more appropriate arrangement that would have minimal impact on the Mount Argus Square residential complex.

e) Lack of consultation & Results showing where Cycle Path's in Enclosed Estates Work for the Communities

See responses to issues in Section 2.2 b) and c) above.

f) Lack of consideration of area's past

See response to issue in Section 2.2 a) above.

g) Loss of biodiversity

The *Greater Dublin Area Cycle Network Plan* includes a proposal for another separate cycle route with a greenway link through Eamonn Ceannt Park towards the primary route along Clogher Road to the west of Mount Argus as may be seen in Figure 2-2-7 above. On the cycle network map the route along the Stone Boat and through Mount Argus is indicated as a feeder link from Sundrive Road to the secondary route along Kimmage Road Lower that in turn connects with the primary route at Harold's Cross Road. These two different cycle routes provide separate access to the western and southern sectors of the city centre and serve distinct desire lines for the most direct routes towards separate destination zones. They are complementary routes, rather than alternatives. In this context, the other proposed local cycle link through Eamonn Ceannt Park would not provide a suitable alternative to the proposed feeder route through Mount Argus.

EIAR Volume 2 Chapter 12 Biodiversity assesses the potential impacts on biodiversity as a result of the construction and operation of the Proposed Scheme (which includes the area at the Stone Boat).

The EIAR presents the output of the biodiversity assessment and contains information regarding, *inter alia*, the biodiversity baseline scenario, the potential impacts on biodiversity, the mitigation measures and the predicted residual effects associated with the Proposed Scheme.

The area referred to as the Stone Boat is comprehensively addressed in the Chapter for example:

Section 12.2.3.4 Aquatic states; "The desk study identified two sites where water bodies may be subject to significant disturbance as a consequence of the Proposed Scheme. Aquatic surveys were carried out at a number of locations namely: the proposed Poddle Cycleway and Stone Boat Boardwalk at Mount Argus View..."

Section 12.2.3.5 states: *“The desk study identified two sites where waterbodies may be subject to disturbance (i.e. piling) as a consequence of the Proposed Scheme. These sites are the proposed Poddle Cycleway and Stone Boat Boardwalk at Mount Argus View and the proposed cycle / pedestrian bridges on each side of the existing Robert Emmet Bridge, over the Grand Canal. A corridor of approximately 150m upstream and downstream of the crossing points was surveyed to identify the presence of otter holts....”*

Section 12.2.3.7 states: *“The desk study identified two sites where waterbodies may be subject to significant disturbance (i.e., piling and in-stream works) as a consequence of the Proposed Scheme. These sites are located at the proposed Poddle Cycleway and Stone Boat Boardwalk at Mount Argus View and the proposed cycle / pedestrian bridges on each side of the existing Robert Emmet Bridge, over the Grand Canal....”*

Section 12.3.9.1 states: *“Kingfisher habitat suitability assessments surveys carried out in November 2020, and ad hoc otter surveys carried out in March 2022, did not record evidence of any nest holes within 500m upstream or downstream of the proposed Stone Boat Boardwalk at Mount Argus View....”*

Section 12.4.3 describes the potential biodiversity impacts that could occur as a result of the construction of the Proposed Scheme. The proposed works at the Stone Boat are specifically referenced and include:

Section 12.4.3.2.1 states with respect to habitat loss: *“The habitat type depositing / lowland rivers (FW2) may also be affected by the Proposed Scheme and is considered to be of Local Importance (Higher Value). The River Poddle occurs within the Proposed Scheme route, running through Kimmage and Harold’s Cross as it makes its way to its discharge point into the River Liffey at Wellington Quay. It is culverted in several places but appears above ground in Poddle Park and Mount Argus Park. The construction of the proposed Stone Boat Boardwalk along the River Poddle at Mount Argus View will involve bored piles into the vegetated bank set back from the River Poddle. The boardwalk will be elevated above the river level..... The Proposed Scheme will not result in any permanent loss of this habitat type. Therefore, there is no potential for significant effects at any geographic scale...”*

Section 12.4.3.2.2 states with respect to surface water quality: *“During the construction of the proposed Stone Boat Boardwalk at Mount Argus View and the proposed offline cycle / pedestrian bridges on each side of the existing Robert Emmet Bridge, suspended solids arising from the release of sub-surface sediment during works here have the potential to enter either the River Poddle (in the case of the Stone Boat Boardwalk) or Grand Canal pNHA (in the case of the offline cycle / pedestrian bridges) and travel downstream, potentially, into the Liffey Estuary Upper / Lower. Cement-based products used in the Construction Phase of the Proposed Scheme (e.g. concrete and / or bentonite which are highly corrosive and alkaline materials), if released into the River Poddle, Grand Canal pNHA or Liffey Estuary Upper / Lower may cause surface water degradation and damage to aquatic habitats.”*

Section 12.4.3.4.3.1 states with respect to otter breeding/resting sites: *No in-stream / bankside works are proposed along any watercourse intersected by the Proposed Scheme, with the exception of the construction of the offline cycle / pedestrian bridges alongside each side of the Robert Emmet Bridge on the Grand Canal and the Stone Boat Boardwalk at Mount Argus View. Considering the works along the Grand Canal are localised and short-term, the Proposed Scheme will not have a likely significant effect on the conservation status of otter, as there will be no loss of breeding / resting sites, and will not have a likely significant negative effect, at any geographic scale.*

Section 12.4.3.4.3.3 states with respect to otter habitat: *“During construction it is likely that the disturbance associated with these works will render the Grand Canal habitat in the immediate vicinity of Robert Emmet Bridge unsuitable for foraging / commuting otter.....The scale of habitat loss, through fragmentation, will be relatively small when compared to the availability of other suitable riparian habitats present in the wider environment of the surface water catchments that will be crossed by the Proposed Scheme. Otter are known to routinely use highly modified habitat within culverts and beneath bridges. Habitat fragmentation arising from the Proposed Scheme would not constitute a significant decline in the extent of available otter habitat and will not affect the local otter population’s ability to maintain itself, even in the short-term. Habitat loss associated with the construction of the Proposed Scheme will not have a likely significant effect on the conservation status of otter and will not have a likely significant negative effect, at any geographic scale.”*

Section 12.4.3.4.3.4 states with respect to otter habitat severance; *“The proposed cycle / pedestrian bridges on either side of the existing Robert Emmet Bridge over the Grand Canal, and the proposed*

Stone Boat Boardwalk over the River Poddle, could result in a barrier effect to local otter populations. No in-stream works are proposed as part of the Proposed Scheme. Given that otter are generally nocturnal and works will typically be carried out during normal daylight working hours, affected otters would be expected to habituate to the altered landscape and any resulting barrier effect would be temporary in nature (see Section 12.4.3.4.3.5 on disturbance / displacement and the habituation of otters to disturbance). The severance / barrier effect of construction works on otter is not likely to affect the local population, over even the short-term, and is not likely to affect the species conservation status and result in a significant negative effect, at any geographic scale.”

Section 12.4.3.4.4.1 states with respect to water quality: “...During construction of the proposed Stone Boat Boardwalk over the River Poddle, sediment may be released into the river and potentially be transported downstream to the Liffey Estuary Upper....Mitigation measures have been designed to protect water quality during construction (see Section 12.5.1.2.2).”

Section 12.4.3.4.5 states with respect to other mammals: “No other protected mammal species were recorded during the multidisciplinary surveys carried out along the Proposed Scheme. However, based on the results of the desk study, several mammal species protected under the Wildlife Acts, are known to occur in the wider environment, including red squirrel, hedgehog, and pygmy shrew.”

Section 12.4.3.5.1.1 states with respect to breeding bird habitat loss: “...The proposed Stone Boat Boardwalk will require the removal of amenity grassland habitat with low potential to support nesting / foraging habitat for riparian bird species, along the River Poddle, at least in part to allow for the piled supports for the boardwalk to be inserted into the existing riverbank.... None of the habitat areas to be lost are unique to the locality and, either individually or collectively, are not likely to support a significant proportion, or the only population, of any given breeding bird species locally. Although a temporary decline in overall breeding bird abundance could potentially occur at a very local level (i.e. the footprint of the Proposed Scheme), this is unlikely to affect the local range of the breeding bird species present, nor is it likely to affect the ability of these breeding bird populations to maintain their local populations in the long-term. Environmental Impact Assessment Report (EIAR) Volume 2 of 4 Main Report Kimmage to City Centre Core Bus Corridor Scheme Chapter 12 Page 74 Mitigation measures will be implemented to reduce the effects of habitat loss on breeding bird species locally (see Section 12.5.1).”

Section 12.4.4 describes the potential biodiversity impacts that could occur as a result of the operation of the Proposed Scheme. The proposed boardwalk at the Stone Boat is specifically referenced and includes:

Section 12.4.4.4.3 addresses the potential impacts on otters. It concludes under a variety of topics that the Proposed Scheme (and specifically the boardwalk) will not result in significant impacts on otters at any geographic scale.

Section 12.4.4.5 addresses the potential impacts on birds. Localised disturbance effects on breeding birds will most likely be of greater impact at the River Poddle, than the remainder of the Proposed Scheme. The provision of the Stone Boat Boardwalk along the River Poddle has the potential to result in increased human presence in this area. It is considered that there may be temporary non-significant effects on breeding riparian birds at a local scale, until such a time that they have established new nesting sites.

Section 12.5 outlines the detailed mitigation measures that will be implemented along the Proposed Scheme to minimise impacts. A Surface Water Management Plan (see Section 12.5.1.2.2) has been prepared and will be implemented by the contractor. Additional measures are proposed for the Construction of the Stone Boat boardwalk.

Section 12.6 sets out the residual impacts as a result of the construction and operation of the Proposed Scheme. Tables 12.15 and 12.16 summarise the construction and operational phase significant residual impacts respectively. No significant residual biodiversity impacts are predicted as a result of the Proposed Scheme (including for the Stone Boat).



Figure 2-2-9: River Poddle at The Stone Boat

h) Increased Danger to cyclists

See response to issues in Section 2.2 b) and c) above.

i) Questionable necessity of cycle path

See response to issues in Section 2.2 b) and c) above.

j) Increase in anti-social behaviour

See response to issue in Section 2.2 a) above.

2.3 CPO No. 3 - Footpath to front of Greenmount Close, Dublin 6W - Plot No. 1018

The CPO for the Proposed Scheme includes 2 sub-plots 1018 (1 & 2) consisting of garden area behind a railing at a residential building immediately north of Our Lady's Hospice entrance at Harold's Cross Road Dublin 6W.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.4 in Figure 2-3-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-3-2.
- The existing aerial view in Figure 2-3-3.
- Existing street view in Figure 2-3-4.

Description of the Proposed Scheme at this location

The Proposed Scheme will provide cycle tracks on Harold's Cross Road for which widening will be required of typically 2m over a length of 120m from the entrance to Our Lady's Hospice on the western side to the junction of Mount Drummond Avenue on the eastern side. This will involve encroachment by up to 0.8m into a garden area at the front of a sheltered housing development operated by Focus Ireland at Greenmount Close. This varies in width from 3.3m at the northern end to 2.6m wide at the southern

end. It is not feasible to widen on the eastern side of the street instead at this location as there are buildings fronting directly onto the back of the footpath.

There are two existing inbound bus stops within 200m of each other on this section of Harold's Cross Road, and one outbound bus stop on the opposite side of the street to Greenmount Close. In the Proposed Scheme as part of a general rationalisation and optimisation of bus stops to support a faster and more efficient bus service, the two inbound bus stops (No.1344 St. Clare's School and No.1345 Le Vere Terrace) will be replaced with a single bus stop between the two existing locations, which will be paired with the outbound bus stop on the other side and linked by the existing pedestrian crossing just to the south of that location. The provision of a single bus stop will contribute to the overall improvement of the bus services by reducing the need for buses to stop twice on this short section of street. The new bus stop will be located 140m further north than the existing bus stop No.1344 in front of Greenmount Close where the footpath is wider and can accommodate a narrow bus stop island to separate the proposed cycle track from the bus stop boarding and alighting area.

A new pedestrian crossing will be provided across Harold's Cross Road from in front of Greenmount Close on the western side, to in front of No.61 Harold's Cross Road on the eastern side. This pedestrian crossing will improve access to St. Clare's primary school on the eastern side of the road. The nearest other pedestrian crossings are 120m to the south at the junction with Kimmage Road Lower at the northern end of Harold's Cross Park, which is a two-stage crossing where the road is quite wide, and 125m to the north just north of the junction with Mount Drummond Avenue. The proposed new pedestrian crossing is located at the position of the existing Bus Stop No.1344 on the western side of the road, which will be relocated in the Proposed Scheme.

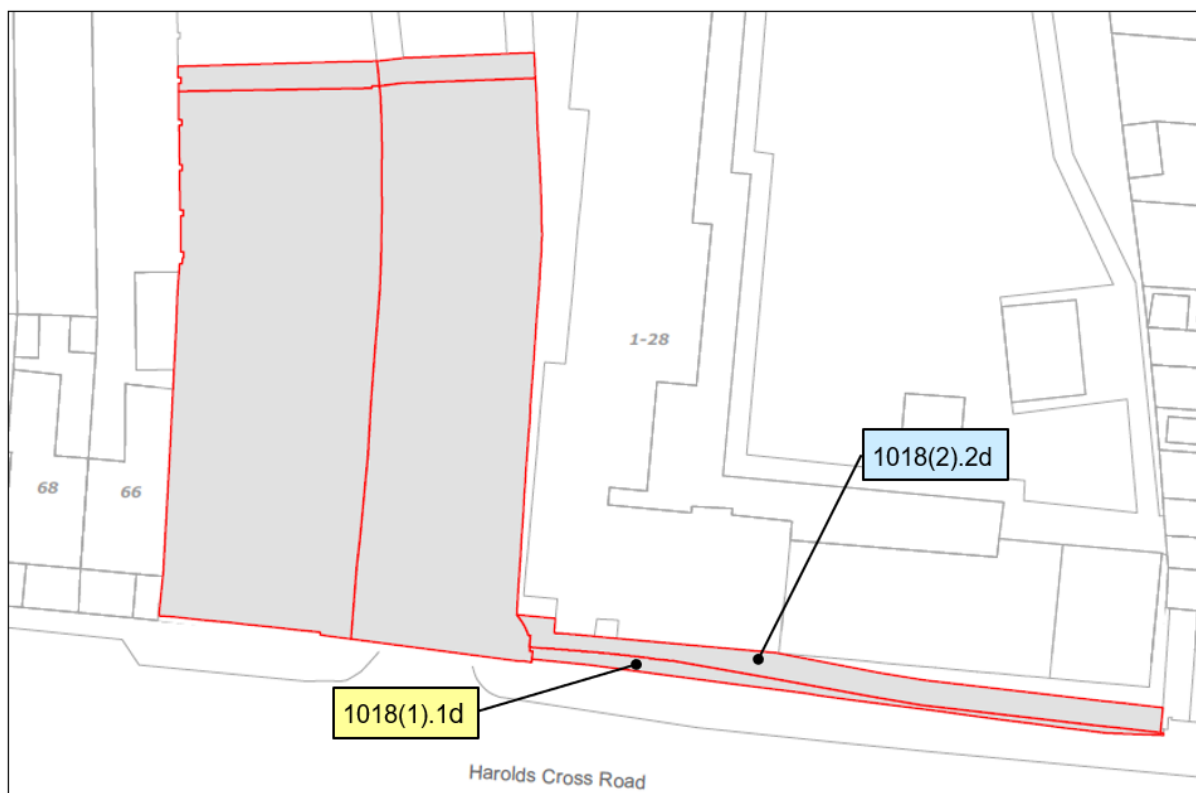


Figure 2-3-1: Extract from CPO Deposit Map Sheet 4

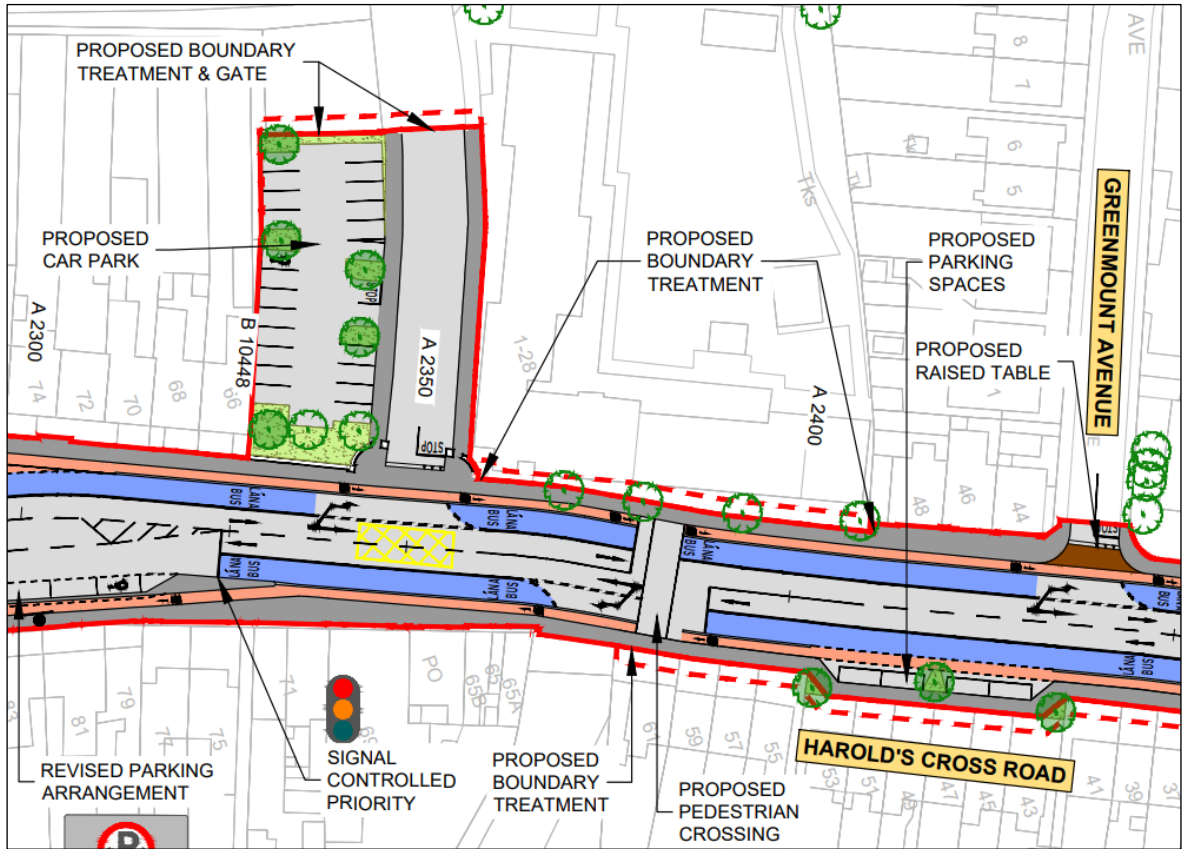


Figure 2-3-2: Extract from General Arrangement Map Sheet 7



Figure 2-3-3: Aerial View of the Location



Figure 2-3-4: Street View of the Location

Summary of Objections Raised

- a) Traffic Noise will come closer to home due to the road widening and will increase.
- b) Air quality will worsen.

Responses to Objections Raised

a) Traffic Noise

The Proposed Scheme will not bring traffic closer to this home at Greenmount Close, as a cycle track will be provided in the road widening, which will realign the footpath partially into the garden area. The sources of the noise from general traffic and from buses in the bus lane will remain approximately in the same locations, and therefore there will be no increase in noise for the residents at Greenmount Close due to greater proximity to the road.

The Proposed Scheme will divert some traffic away from Harold's Cross as a result of the proposed bus gates that will remove Kimmage Road Lower as a general traffic route to and from Dublin City Centre. In EIAR Volume 2, Chapter 6, Table 6-48 (page 91) it is indicated that traffic on Harold's Cross Road in the AM peak hour will reduce from 1,239 vehicles per hour to 895 vehicles per hour, a reduction of 28%.

Section 9.5.2.1 in Chapter 9 (Noise & Vibration) in Volume 2 of the EIAR states the following with regard to road traffic noise in the Operational Phase:

"The impact assessment has determined that there are no calculated significant direct or indirect traffic noise impacts across the study area for the Proposed Scheme. The range of noise level changes and overall noise levels calculated do not require any specific noise mitigation measures to be incorporated into the Proposed Scheme."

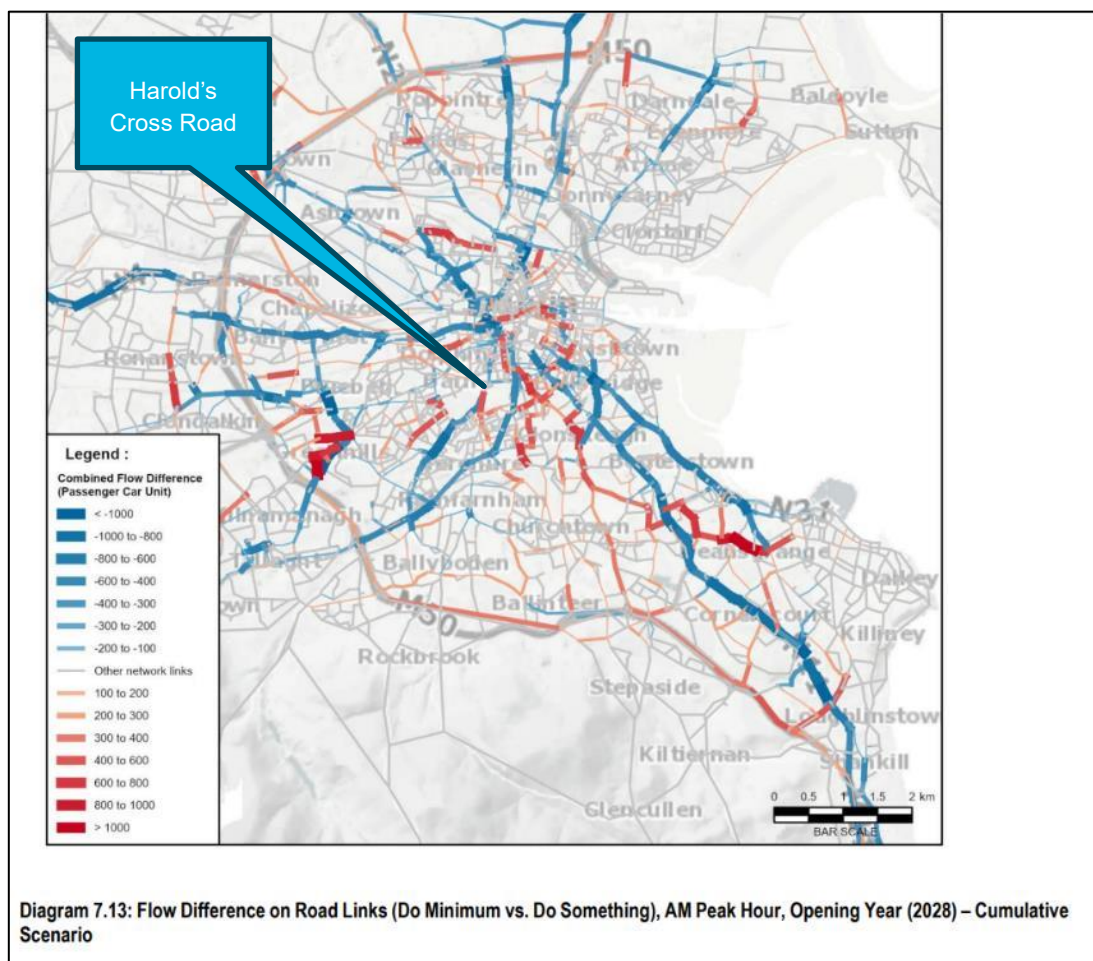
Table 9.47 in Section 9.5.2.4 of Chapter 9 provides a summary of the Operational Phase predicted traffic noise impacts for the Proposed Scheme as follows:

- Opening Year (2028) - Direct, Positive, Moderate and Short to Medium-Term to Direct, Neutral, and Short to Medium-Term;
- Design Year (2043) – Direct, Positive, Moderate and Long-Term to Direct, Neutral and Long-Term.

With regard to Operational Phase Vibration, the predicted impacted is assessed as Neutral, Imperceptible and Short to Long-Term.

The cumulative impact of the Proposed Scheme in conjunction with other Core Bus Corridor schemes in the same part of the city in terms of traffic and transport can be found in Chapter 21 (Cumulative Impacts & Environmental Interactions) of the EIAR, as well as in Appendix A6.1 (TIA Report) in Volume 4 of the EIAR. This assessment describes how there will be substantial modal shift (TIA Appendix A6.1 page 6) of transport demand from private car to more sustainable modes of public transport and cycling across Dublin as a result of the increased capacity, efficiency, and reliability of these other modes of transport Overall car travel on the radial routes towards the city will reduce by approximately 32% (Diagram 7.6, TIA Appendix A6.1 page 138), both along the core bus corridors. It should be noted that only a certain volume of traffic can pass through the major junctions on the radial routes towards the city, such as Terenure Cross to the south of Harold's Cross, which is currently operating at capacity. This will effectively cap the volume of traffic that can proceed towards Harold's Cross Road in the future, even with displacement away from both the Kimmage and Rathmines corridors.

In EIAR Appendix A6.1 Diagram 7.13 (shown in snapshot below) and Diagram 7.14 illustrate the difference in traffic flows (Do Minimum vs Do Something) on roads in the AM Peak Hour for the Opening Year (2028) and the Design Year (2043) with the Proposed Scheme and all other proposed Core Bus Corridor schemes in place. The diagrams are extracts from Figure 6.13 and 6.16 in TIA Appendix 3 (Maps). Reductions in traffic flows are indicated by the blue lines with increases in traffic flow indicated by the red lines. This map shows no net change in traffic flow along Harold's Cross Road from the Do-Minimum situation as there will be a balance between a reduction in traffic from the Kimmage direction and an increase in traffic from the Terenure direction.



b) Air Quality

Table 7.36 in Section 7.5.2 of Chapter 7 (Air Quality) in Volume 2 of the EIAR identifies that a summary of the Operational Phase predicted road traffic impacts on local human receptors as a result of the Proposed Scheme are assessed as being Neutral, Long-term.

Section 7.6.2 in Chapter 7 states the following with regard to residual air quality impacts:

“The air dispersion modelling assessment has found that the majority of all modelled receptors are predicted to experience negligible impacts due to the Proposed Scheme, and beneficial impacts are also estimated along the length of the Proposed Scheme. There are no substantial or moderate adverse effects expected as a result of the Operational Phase of the Proposed Scheme. In 2028, all receptors will have ambient air quality in compliance with the ambient air quality limit values for the DS scenario. In 2043, all receptors are expected to have ambient air quality in compliance with the ambient air quality standards for the DM and the DS scenarios. Overall, it is considered that the residual effects as a result of the Proposed Scheme’s operation will be Neutral and Long-Term.”

2.4 CPO No.4 - Public road and passage leading to Gordons Fuels, 32A Clanbrassil Street Upper, Dublin 8 - Plot No. 1022

The CPO for the Proposed Scheme includes Plot No.1022(1) on the western side of Clanbrassil Street Upper and at the front of No.29, 30, 31 and 32 Clanbrassil Street Upper. This road area is partly in public road use, and partly extends behind a number of private boundaries and gates. There is a junction with Clanbrassil Street Upper at the northeastern corner of this area, and south of there a retaining wall separates the two road areas where they diverge in levels as Clanbrassil Street Upper rises towards Robert Emmett Bridge over the Grand Canal to the south. Plot 1022 is partly subdivided by a second retaining wall where the ground levels diverge further. The southeastern part of the plot is a laneway that provides access to Gordon’s Fuels at No.32A Clanbrassil Street Upper to the south. The southwestern part of the plot consists of an enclosed yard area in front of Mullen Scrap at No.31 Clanbrassil Street Upper.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.5 in Figure 2-4-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-4-2.
- The existing aerial view in Figure 2-4-3.
- Existing street views in Figure 2-4-4, Figure 2-4-5, and Figure 2-4-6.

Description of the Proposed Scheme at this location

The existing road on Clanbrassil Street Upper over a length of 100m north of Robert Emmett Bridge over the Grand Canal is too narrow to accommodate the required road layout with bus lanes and cycle tracks in both directions. In the Proposed Scheme this section of road will be widened by approximately 4m on the western side.

Extensive structural works will be required to replace the two existing retaining walls to resolve the complex differences in ground levels. The existing walls are shown as thick purple lines on Figure 2-4-2.

Access arrangements for the businesses of Mullen Scrap and Gordon’s Fuels will be modified with a single shared road area to replace the two existing road areas. The design has been developed to accommodate loading arrangements at Mullen Scrap along with access movements past this area to Gordon’s Fuels.



Figure 2-4-1: Extract from CPO Deposit Map Sheet 5

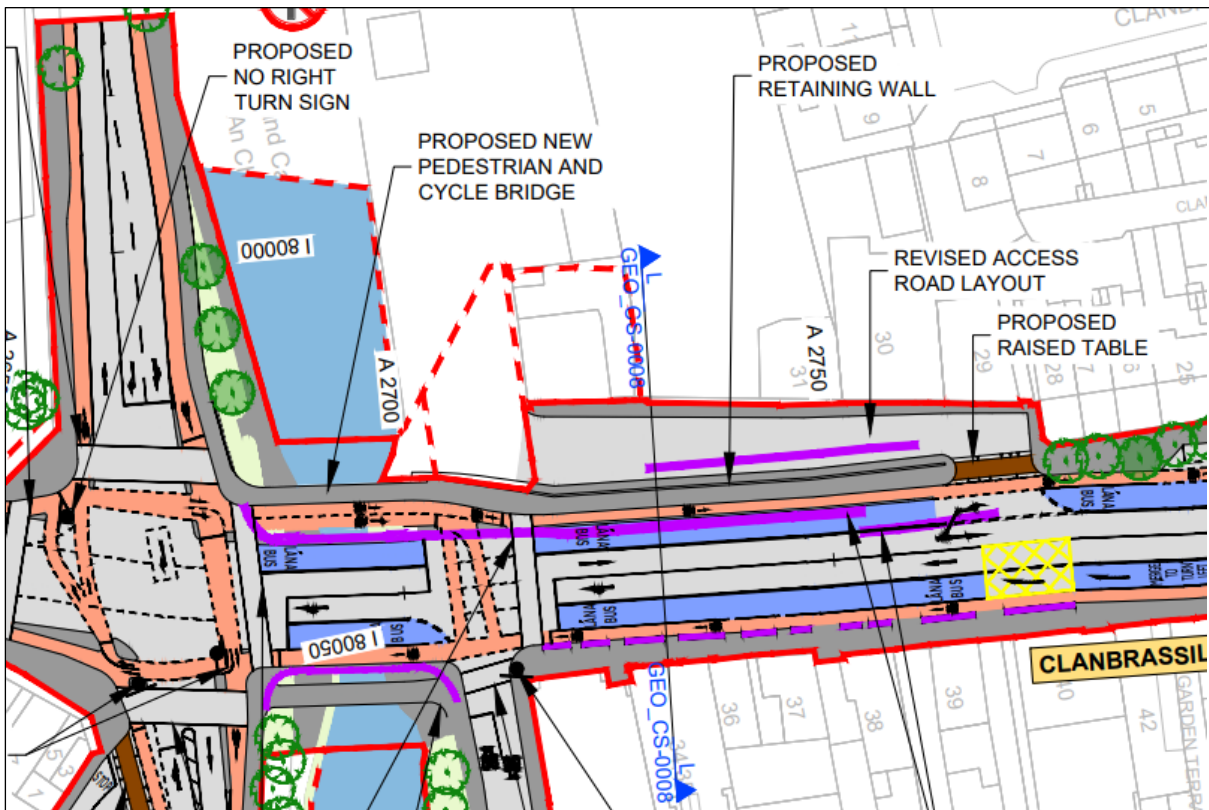


Figure 2-4-2: Extract from General Arrangement Map Sheet 8



Figure 2-4-3: Aerial View of the Location



Figure 2-4-4: Street View of the Location from Clanbrassil Street Upper

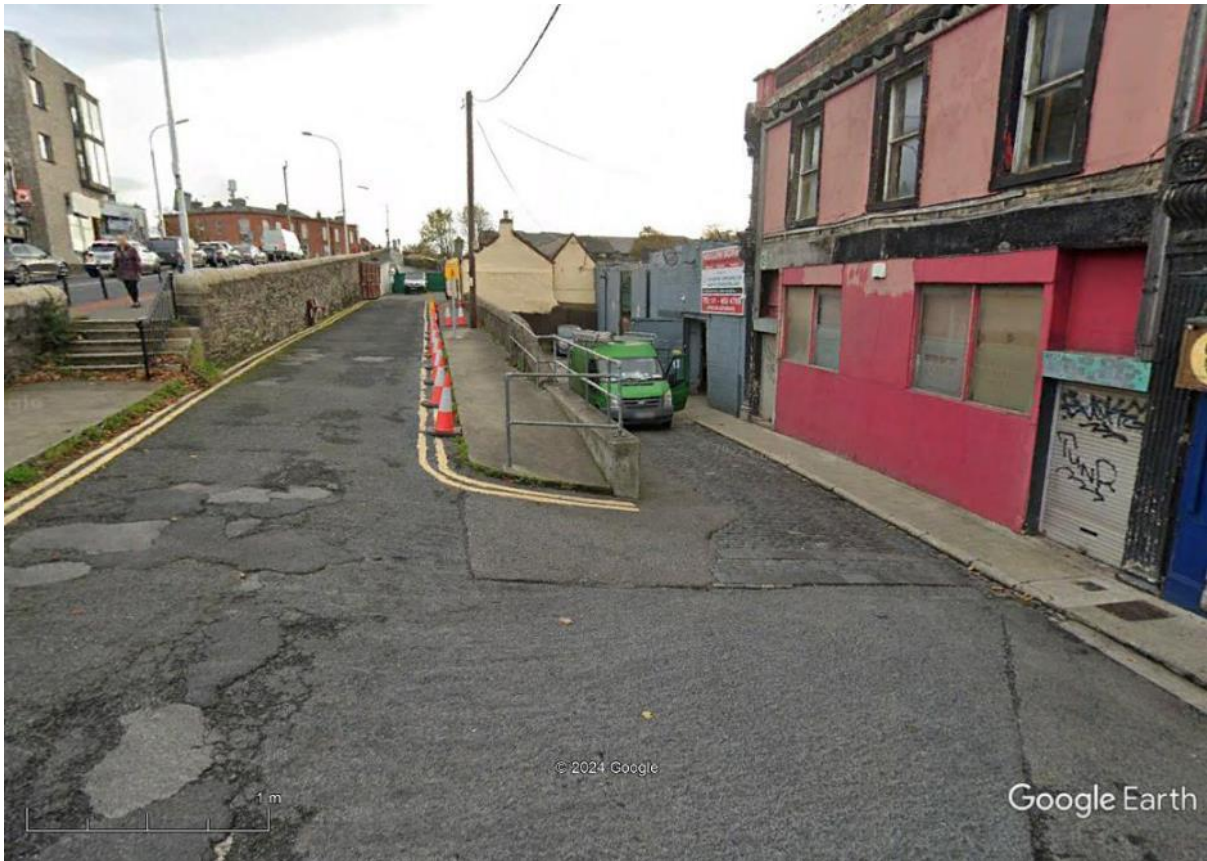


Figure 2-4-5: Street View of the Location from within Plot 1022 showing the Retaining Walls



Figure 2-4-6: Large Vehicle Loading at Mullen Scrap

Summary of Objections Raised

CPO Objection No.4 was submitted by Dawnlane Ltd. which operates the business of Mullen Scrap at No.31 Clanbrassil Street Upper. This objection raised the following issues:

- a) No Strategic Environmental Assessment for the Proposed Scheme and therefore CPO is not justified.
- b) Deficiencies in the CPO Schedules to properly reflect the ownership interests.
- c) Access restrictions will affect the business.
- d) Inadequate drawings and details of impact for the property.
- e) Need to engage specialist advisers.

Responses to Objections Raised

- a) No Strategic Environmental Assessment for the Proposed Scheme and therefore CPO is not justified.

As is described in EIAR Chapter 2 Need for The Proposed Scheme, the BusConnects Programme is part of the range of proposed improvements for the public transport system that was adopted under the Greater Dublin Area Transport Strategy (2016-2035 & 2022–2042).

As set out in Section 2.2.1.2 of Chapter 2, Strategic Environmental Assessments (SEA), were undertaken for both GDA Transport Strategies:

“A Strategic Environmental Assessment (SEA) was undertaken on the Transport Strategy for the Greater Dublin Area 2016 – 2035 (NTA 2016b). A number of alternative strategies were determined and assessed, taking into account the objectives and the geographical scope of the strategy. The provisions of the Transport Strategy for the Greater Dublin Area 2016 – 2035 (including bus-based transport modes), were evaluated for potential significant effects, and measures integrated into the Transport Strategy for the Greater Dublin Area 2016 – 2035 on foot of SEA recommendations in order to ensure that potential adverse effects were mitigated. In considering the alternative modes on a corridor basis, the environmental assessment undertaken considered that bus-based projects could contribute towards facilitating the achievement of Ireland’s greenhouse gas emission targets in terms of reducing emissions per passenger per kilometre travelled. An SEA was also undertaken for the new Greater Dublin Area Transport Strategy 2022 – 2042 (NTA 2022b)”

In the event that there is any suggestion that this Scheme, namely the Kimmage to City Centre Core Bus Corridor Scheme, itself should have been the subject of an SEA, that is not correct. A plan or programme is required to be the subject of a SEA under the provisions of the SEA Directive⁷ whereas a project is required to be the subject of EIA under the EIA Directive. Any of the individual stand-alone Core Bus Corridor Schemes is not a plan or programme within the meaning of the SEA Directive, requiring the carrying out of a SEA.

The CPO objection asserts that the NTA must first comply with the SEA Directive before it can establish the justification for the proposed compulsory acquisition, seems to be borne out of a conflation with respect to the appropriate test for compulsory acquisition and a requirement to conduct an SEA which as outlined above, is not correct.

As the Board will be aware it must be satisfied that the acquisition of the property is clearly justified by the exigencies of the common good.

Further, the NTA did (in making the CPO) ensure that: -

- (i) There is a need that advances the common good which is to be met by the acquisition of the lands in question;
- (ii) That the particular property is suitable to meet that need;
- (iii) Any alternative methods of meeting the need have been considered; and
- (iv) That the landowner is entitled to be compensated.

Having regard to the above, Chapter 2 in Volume 2 of the EIAR sets out how there is significant evidence to satisfy the requirement that there is a need that advances the common good. The Proposed Scheme will support integrated sustainable transport use through infrastructure improvements for active travel

(both walking and cycling), and the provision of enhanced bus priority measures for existing (both public and private) and all future services who will use the corridor.

It is axiomatic that the acquisition of land and rights over land will result in interference with the use of those lands by owners/leases/occupiers. However, such interference is proportionate to the legitimate aim being pursued in the interests of the common good.

As detailed in Chapter 3 in Volume 2 of the EIAR, the NTA considered the reasonable alternatives to meet the need, in accordance with the requirements of the EIA Directive which requires “a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of environmental effects”.

Further in this regard, in the event that the CPO is confirmed by the Board, and the NTA exercises its powers of acquisition pursuant to the confirmed CPO, the owners, lessees, and occupiers of those acquired lands and interests in lands will be entitled to submit a claim for compensation which, in default of agreement, will be determined by a Property Arbitrator, pursuant to a separate statutory scheme.

Therefore the Board in applying the appropriate test for compulsory acquisition (as outlined above) can be satisfied that it can confirm the CPO.

b) Deficiencies in the CPO Schedules to properly reflect the ownership interests.

The Compulsory Order Schedule for Plot No.1022 describes the plot as “Public road and passage leading to Gordons Fuels, 32A Clanbrassil Street Upper, Dublin 8”, and lists the following information based on extensive research of property ownership title records:

Owners or Reputed Owners

1. Dublin City Council
2. Waterways Ireland
3. The Walsh Estate

Lessees or Reputed Lessees

- None

Occupiers

1. Adelphi Taverns Ltd.
2. Bodytonic Music Limited
3. **Dawnlane Ltd. (trading as Mullen Scrap)**
4. Eircom Ltd.
5. Electricity Supply Board.
6. Gordon's Fuels
7. Man of Achill
8. Mr. Barra Gordon
9. Mr. Fintan Meagher
10. Ms. Lynn Kelly
11. MVP
12. The Estate of Agnes Cassidy
13. The Estate of Major Hume Grogan
14. The Occupier, 30 Clanbrassil Street
15. Under the Cosh Ltd.

It can be seen that Dawnlane Ltd. is listed as an “Occupier”, but not as “Owners or Reputed Owners”, or “Lessee or Reputed Lessee”. In consultation with Agnes Cassidy (now deceased) in June 2021 a property referencing questionnaire was completed and signed by Ms. Cassidy and returned to the National Transport Authority in which she confirmed that Dawnlane Ltd. held a lease on the business premises from Mr. “Vincent Meagher” (corrected to “Fintan Meagher” from the title search). It was understood by NTA that this leasehold did not extend to include the road area at the front of the premises shown as Plot No.1022 on the CPO Map and Schedule. No records have been found in title searches or were ever proffered by the representatives of Dawnlane Ltd. to assert title over the road area in Plot

No.1022. The CPO Schedule lists 15 separate parties as “Occupiers” of this plot to reflect all of the adjoining properties, occupiers, and easement holders. It is notable that in the CPO Objection, Dawnlane Ltd. does not offer any evidence to demonstrate an interest in this plot of land beyond that of “Occupier”.

NTA is satisfied that the CPO Schedule properly reflects all interests Plot No.1022 in so far as could be established from diligent research of the property title records.

In relation to the issue of which column they should have been included in the Schedules to the CPO, no evidence has been put forward by Rodney Cassidy to support his assertion that Dawnlane Limited and the legal representatives of the estate of Agnes Cassidy should be included as an owner in the Schedules to the CPO. Further, Dawnlane Limited and the Estate of Agnes Cassidy were notified of the CPO on 27 July 2023 and thus were informed of their opportunity to object to the CPO and make submissions in relation to the EIAR and indeed, they clearly availed themselves of that opportunity and made both objections and submission.

Ultimately, in the event that the CPO is confirmed by the Board, and the NTA exercise its powers of acquisition pursuant to such a confirmed CPO, Notices to Treat will be served on every owner, lessee and occupier of the land and it will then be for persons to make a claim for compensation and establish that they have a compensable interest in the land in question.

c) Access restrictions will affect the business.

The design of the Proposed Scheme considered a range of possible access arrangements for Gordon’s Fuels in particular to replace the existing laneway that will be buried under the proposed widening of Clanbrassil Street Upper. During the early public consultations for the route options it was initially proposed to provide a new access ramp into the property from just north of Robert Emmett Bridge, which would have involved loss of a large part of the property with very severe impacts. EIAR Volume 2, Chapter 3 Consideration of Reasonable Alternatives, Section 3.4.3 describes the conclusion reached from feedback about this initial proposal as follows:

“An alternative access route arrangement was adopted for Gordon’s Fuels (adjacent to Robert Emmet Bridge on Clanbrassil Street Upper), which reduced the need for encroachment into the property with a new access ramp, albeit with the demolition of the dwelling house. This revised arrangement was preferred by the property owner.”

EIAR Volume 2, Chapter 3 Consideration of Reasonable Alternatives, Section 3.4.4 summarised the design adopted in the Proposed Scheme:

“Access for Gordon’s Fuels at the Grand Canal on Clanbrassil Street Upper was modified to provide a shared laneway from the north beside the Mullen Scrap premises, instead of a new ramp beside the canal, which would have encroached into the premises to a much greater degree and reduce the operational yard area for the business, and potential for future development;”

During the development of the Proposed Scheme design the NTA visited the Mullen Scrap premises so that the design could be developed to ensure that suitable access for the business would be provided in the Proposed Scheme.

In the Proposed Scheme a single shared access has been provided to serve both adjoining businesses of Gordon’s Fuels and Mullen Scrap. This shared laneway will retain the existing lower road levels along the frontage of No.31 Clanbrassil Street Upper, the premises of Mullen Scrap. Then a short ramp will climb up into the Gordon’s Fuels yard at the upper level. This ramp requires the demolition of the dwelling house in the Gordon’s Fuels property. From the general arrangement plan drawing in Figure 2-4-3 earlier, it can be seen that the lower laneway in front of Mullen Scrap will be widened from a minimum width of 5m (including footpath) to 8m when combined with the residual part of the upper laneway that is left once Clanbrassil Street is widened. This space widens slightly to the south where loading usually takes place. This single combined and wider access lane will accommodate both loading at Mullen Scrap and access to Gordon’s Fuels on a like-for-like basis to the current arrangements. It has been confirmed in the design process using vehicle tracking software to demonstrate how the arrangement will function satisfactorily.

In conclusion, the design has been developed to retain satisfactory access and loading at the Mullen Scrap premises, while replacing the access to Gordon's Fuels next door. The operation of the Mullen Scrap business should therefore not be adversely affected by the Proposed Scheme.

The proposed works in this area are complex and it will be necessary for the loading activity at Mullen Scrap to move a short distance north temporarily to where there is more road space available for a large lorry to park away from the works during the demolition of the existing lower retaining wall nearest the business premises. Sufficient space can be provided beside the works for a small forklift to pass back and forth from the business to a collection lorry. It will therefore be possible to maintain satisfactory access to the Mullen Scrap business during the works as is described in EIAR Volume 2, Chapter 5 Construction, Section 5.5.4.1.4.

d) Inadequate drawings and details of impact for the property.

As is described in the response to item c) above, the drawings published with the application for consent for the Proposed Scheme illustrate how the existing laneway at Mullen Scrap will be widened to also provide a new access to the neighbouring property of No.32A Clanbrassil Street Upper, and this is described in Chapter 5 of the EIAR, Section 5.5.4.1.4. The same type of drawing and level of information has been provided for all aspects of the Proposed Scheme and complies fully with the normal requirements for Strategic Infrastructure Development schemes submitted for planning approval by An Bord Pleanála. Sufficient and clear information has been provided to demonstrate how the proposed scheme will affect the property occupied by Dawnlane Ltd. at No.31 Clanbrassil Street Upper.

Section 10.4.4.2.2.1 in Chapter 10 (Population) in Volume 2 of the EIAR provides an assessment of the impact of permanent land take as it pertains to the Mullens Scrap property:

"...To the immediate north-west of Robert Emmet Bridge, permanent land take is required for the rearrangement of the access road to Mullens Scrap and the yard area of Gordon's Fuels (to preserve the private right of way that currently exists) as well as the widening of the carriageway along Clanbrassil Street Upper to the immediate north of the bridge in the community area of Harrington Street. This land take will not prevent the businesses from operating however, and therefore the land take effect is assessed to be Negative, Slight and Long-term...."

e) Need to engage specialist advisers.

There is provision in the Compulsory Purchase Order process for any party affected by the proposed property acquisition to engage suitable professional advisers for which the reasonable costs will be reimbursed by the acquiring authority. If the CPO is confirmed by An Bord Pleanála, a Notice to Treat will be served on the landowner whose land is being acquired. Following service of the Notice to Treat, the landowner will be required to submit a claim for compensation and as part of this process, the NTA will pay the reasonable costs (as part of the claim) for the landowner to engage its agent/valuer in preparing, negotiating, and advising on compensation.

2.5 CPO No. 5 - 33 Harolds Cross Road - Plot No. 1017

The CPO for the Proposed Scheme includes an area of front garden at No.33 Harold's Cross Road on the corner with Mount Drummond Avenue.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.4 in Figure 2-5-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-5-2.
- The existing aerial view in Figure 2-5-3.
- Existing street view in Figure 2-5-4.

Description of the Proposed Scheme at this location

The Proposed Scheme will provide cycle tracks on Harold's Cross Road for which widening will be required of typically 2m over a length of 120m from the entrance to Our Lady's Hospice on the western side to the junction of Mount Drummond Avenue on the eastern side. This will involve encroachment by up to 2m into the garden area at the front of No.33 at the northern end of the section of road to be widened.



Figure 2-5-1: Extract from CPO Deposit Map Sheet 4

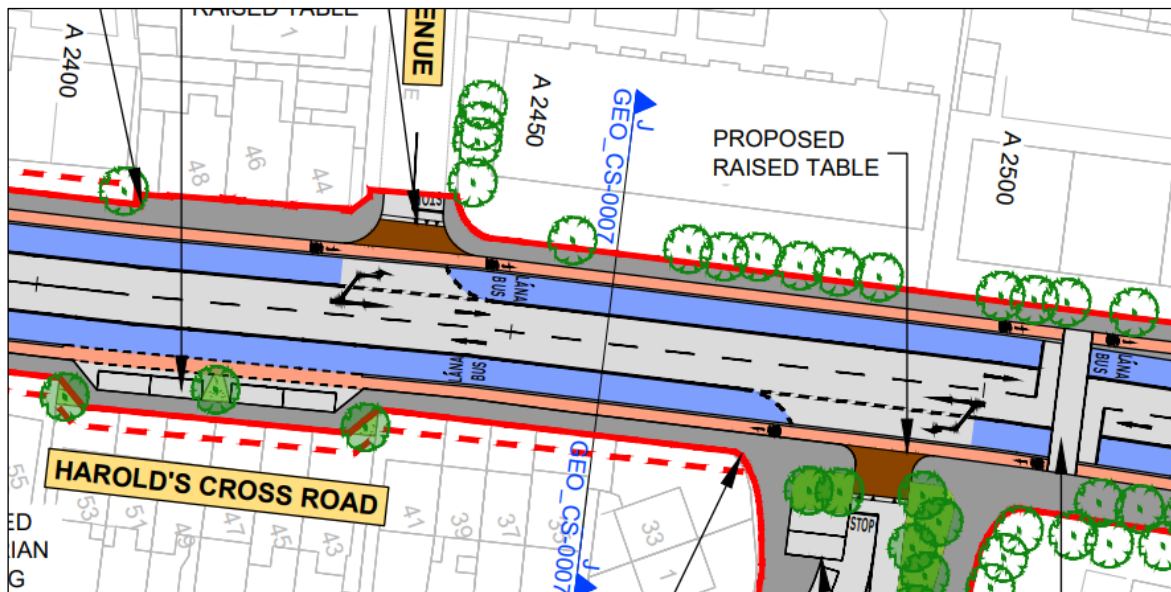


Figure 2-5-2: Extract from General Arrangement Map Sheet 7



Figure 2-5-3: Aerial View of the Location



Figure 2-5-4: Street View of the Location

Summary of Objections Raised

- a) Why widen only part of Harold's Cross Road and not the rest?
- b) Advance notice of works at property.
- c) Traffic diversions by bus gates and impacts on alternative routes, in combination with the other 2 CBC schemes in the wider area. Clareville Road & schools.
- d) Different bus gates operational hours.
- e) Road layout at Harold's Cross Park South.
- f) Parking on LKR south of Sundrive and removal of cycle lanes.
- g) Cycle track at 79-85 Harold's Cross Road.
- h) Aesthetics of footbridges over the canal.
- i) Drainage problems on Harold's Cross Road / Mount Drummond.

Responses to Objections Raised

- a) Why widen only part of Harold's Cross Road and not the rest?

The existing road width between boundaries along Harold's Cross Road from Our Lady's Hospice at the southern end to Parnell Road at the northern end varies from a minimum of 17m at each end to a maximum of 22m in the central zone.

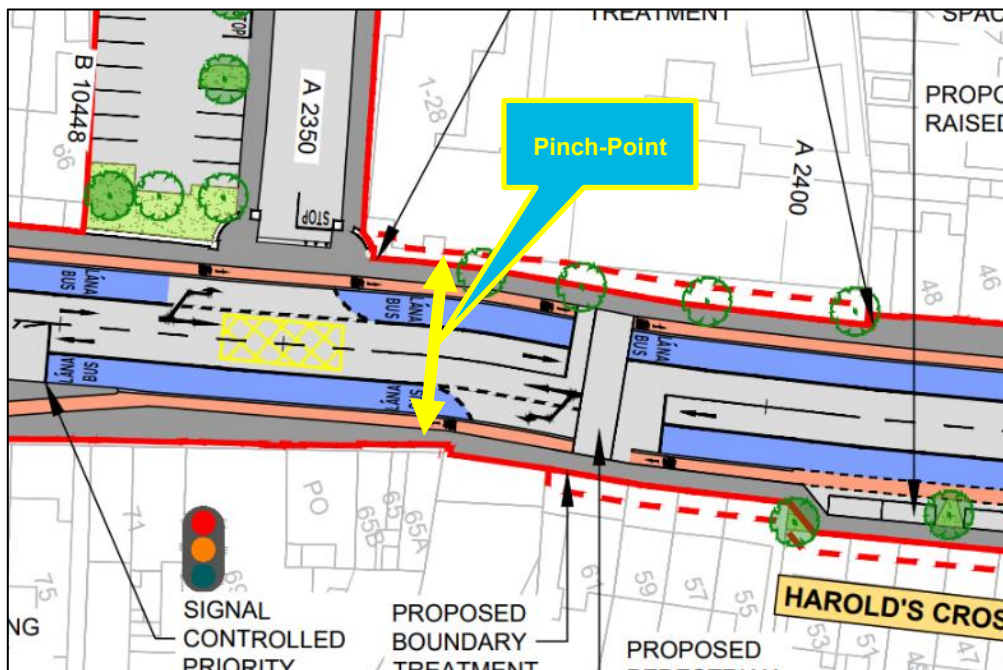


Figure 2-5-5: Extract from General Arrangement Map Sheet 7 at Pinch-Point

The standard cross-section for the core bus corridor with a 2m footpath, 2m cycle track, 3m bus lane and 3m traffic lane on each side requires a width of 20m. Road widening is therefore required where the existing width of Harold's Cross Road is less than 20m. However, at both ends of this section it is only feasible to widen the road to 19m because of the buildings at, or close to the road edge. This part of the Proposed Scheme therefore requires a relaxation of the width of the cycle tracks to 1.5m rather than 2m desirable. For consistency, the Proposed Scheme will provide 1.5m wide cycle tracks along the 400m length of Section 2 from Harold's Cross Park to the Grand Canal. This will require road widening over the 120m length from Our Lady's Hospice to Mount Drummond Avenue, and locally over a length of 25m at the corner with Parnell Road. The rest of this section of Harold's Cross Road is wide enough to fit the proposed road layout without widening into properties. The houses on the eastern side of the road have front gardens that can be encroached into for the necessary road widening, whereas on the western side of the road there is a row of shops with very small private landing areas in front, and north of Greenmount Avenue the frontage has a high boundary wall that separates the public road from very small gardens for the ground floor apartments in a duplex complex. It is more practicable to widen on the eastern side of Harold's Cross Road where the impacts for the properties will be considerably less than for the alternative of widening on the western side.

b) Advance notice of works at property.

All property owners included in the CPO will be notified well in advance of the commencement of the proposed works. Notice to Treat will be served within 18 months of the confirmation of the CPO so as to commence the property acquisition process with agreement of compensation and necessary accommodation works. The construction works will be publicly tendered and the NTA will notify all property owners of when the works are expected to commence, and access will be required to the acquired property plot.

In addition, the appointed contractor will be required to put in place a Communications Plan in accordance with the NTA's requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature. Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR states:

“... The appointed contractor will put in place a Communications Plan in accordance with the Employer’s Requirements. The Communications Plan will provide a mechanism for members of the public to communicate with the NTA and the appointed contractor, and for the NTA and the appointed contractor to communicate important information on various aspects of the Proposed Scheme to the public. The Communications Plan will include procedures to inform members of the community directly affected by the Construction Phase on schedules for any activity of a particularly disruptive nature which is likely to impinge on their property such as boundary works, road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”

c) Traffic diversions by bus gates and impacts on alternative routes, in combination with the other 2 CBC schemes in the wider area. Clareville Road & schools.

It is acknowledged that the Proposed Scheme will give rise to increased journey distances by car for some local trips, but this is necessary to achieve the necessary bus priority and for safe cycling conditions along Kimmage Road Lower. Some traffic will divert westward into the Kimmage/Crumlin residential area along Lorcan O’Toole Park and Stannaway Road and adjoining streets. This is confirmed in the EIAR Volume 2, Chapter 6 Traffic & Transport which provides details of the expected changes in traffic flows on the surrounding road network.

EIAR Volume 2, Chapter 6 Traffic & Transport indicates in Table 6-50 that two-way traffic on Clareville Road will increase by 218 PCUs per hour in the morning peak with a **negative, slight, and long-term impact**, however it has been acknowledged that the redistributed traffic will not lead to a significant deterioration of the operational capacity on the surrounding road network. The Proposed Scheme includes appropriate traffic management measures along the core bus corridor to best balance the requirements to improve road conditions along Kimmage Road Lower for public transport and cyclists, while limiting the local traffic impacts.

c) Different bus gates operational hours.

The proposed bus gates operational times are shown in the table below (Table 4-9 in the Preliminary Design Report, Supplementary Information):

Bus Gate No.	Location	Direction	Operational Times
1	Kimmage Road Lower Just north of the Ravensdale Park junction	Northbound	6am to 10am & 4pm to 8pm / 7 Days
		Southbound	6am to 10am & 4pm to 8pm / 7 Days
2	Kimmage Road Lower Just south of Harold’s Cross Park	Northbound	24 Hours / 7 Days
		Southbound	24 Hours / 7 Days
3	Kimmage Road Lower Junction with Harold’s Cross Road	Northbound	6am to 10am / 7 days
		Southbound	24 Hours / 7 Days
4	Kenilworth Park westbound at junction with Harold’s Cross Road	Westbound	24 Hours / 7 Days

The Proposed Scheme is somewhat unusual in that there will be 3 bus gates along Kimmage Road Lower that will operate in combination with each other. The principal Bus Gate No.2 just south of Harold’s Cross Park will provide the main control of general traffic to provide bus priority and low-flow traffic conditions for cyclists to share the road with a small amount of local traffic over a 2km length of the route. This bus gate will operate on a full-time basis, along with Bus Gate No.3 in the southbound direction. In this context, and to enable appropriate access for local traffic it is proposed that Bus Gate No.1 will operate during peak hours only. This will provide a balance between the desirable bus priority and the degree of traffic displacement onto other local roads. Similarly, Bus Gate No.3 will operate during peak hours only in the northbound direction so as to accommodate funeral traffic leaving from

Mount Jerome Cemetery and to spread that traffic more evenly on the streets surrounding Harold's Cross Park.

In relation to the hours of operation for the southern bus gate in the evenings and the suggestion to open it to traffic at 7pm instead of 8pm, experience with the operation of part-time bus lanes in Dublin has shown that some drivers will delay their homeward trip in the evening to coincide with the end of restrictions at 7pm. Thus the evening peak traffic can extend beyond 7pm along such routes. Such an arrangement on Kimmage Road Lower could lead to an increase in traffic flows later into the evening, which would have a detrimental effect on cyclists using the route without the benefit of segregated cycle tracks.

d) Road layout at Harold's Cross Park South.

This submission says that there is an incorrect label on General Arrangement Drawing Sheet No.6 which points to "Existing parking to be removed" on the northern side of the short link street at the southern end of Harold's Cross Park. That label should say "Existing footpath to be removed". This error is corrected in this response.

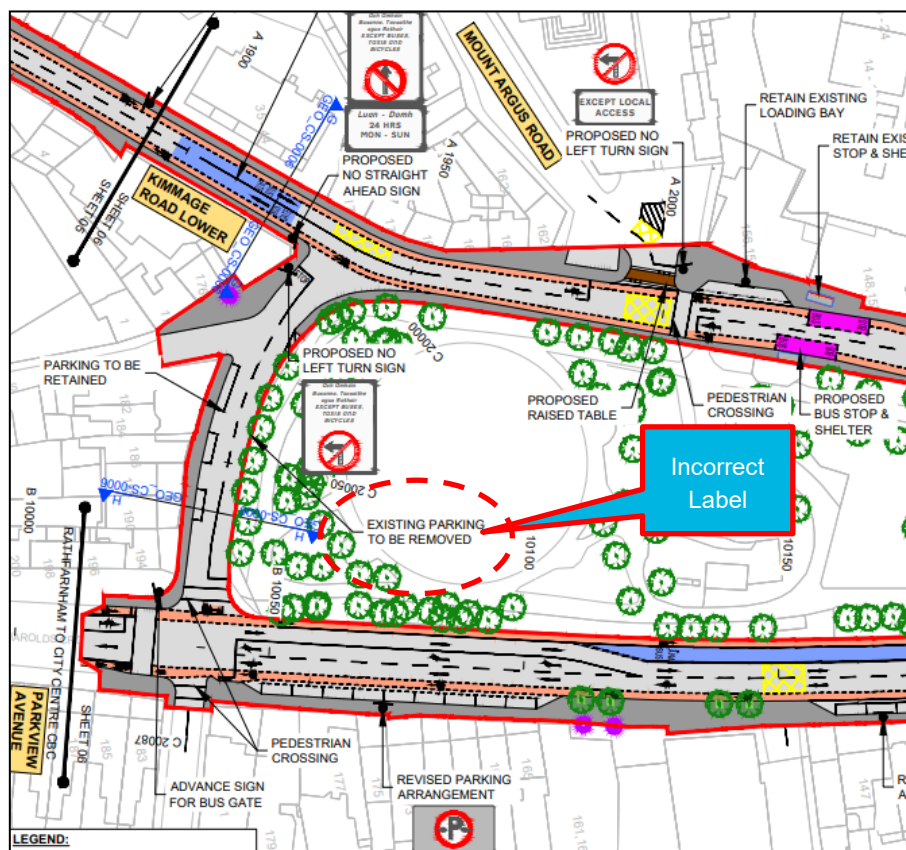


Figure 2-5-6: General Arrangements Drawing Sheet No.6 at Harold's Cross Park South

e) Parking on LKR south of Sundrive and removal of cycle lanes.

On Kimmage Road Lower south of the Sundrive Cross there is a row of 22 houses on the eastern side of the road that do not have driveways. In the non-statutory consultations NTA was made aware of the difficulties for the residents on this part of Kimmage Road Lower who need to move their vehicles from place to place at various times of day to adhere to on-street parking restrictions. The existing parking behind the public footpath on the opposite western side of the street was described as "permit Parking" in EIAR Volume 2, Chapter 6 Traffic & Transportation, which was not correct, as that parking is on private landing areas and is not available to the general public. In the Proposed Scheme it is proposed to provide 16 new public full-time parking spaces on the eastern side of the road to accommodate the local residents in the centre of the village where public parking is in short supply. This proposal will replace the existing part-time on-street parking. The advisory cycle lanes will be removed over this

150m long section of road. Cyclists will share the 6m wide road with a much-reduced volume of traffic in a low-speed 30km/h environment, which is appropriate in accordance with the *Cycle Design Manual*.

d) Cycle track at 79-85 Harold's Cross Road.

The proposed road layout in front of 79-85 Harold's Cross Road includes a 2.3m wide parallel parking bay alongside a 1.5m wide cycle track. The issue raised is the risk of car doors opening into the path of cyclists. Between the parallel parking space and cycle track there is a 0.4m physical kerb separation and another 0.4m up to the cycle line markings on the cycle track. This equals to a 0.8m space between the parking space and cycle track.

In accordance with the Cycle Design Manual (September 2023) "a buffer (0.75m recommended width) should be provided between the cycle lane and parking bays to allow for passenger access/egress, loading and to prevent 'dooring' of cyclists".

In addition, this type of layout is a cost-effective means of separating cyclists from traffic as the parallel parking space acts as a physical separator between cyclists and traffic. If the cycle track were located on the outer side of the parking bay, then vehicles accessing the parking would have to cross the cycle track including when reversing into a space. Such an arrangement would give rise to increased risks for cyclists who might be tempted to overtake a vehicle doing a parking manoeuvre by ducking into the bus lane unexpectedly. The arrangement in the Proposed Scheme is in accordance with both the *Cycle Design Manual* and the *Design Manual for Urban Roads and Streets*.

f) Aesthetics of footbridges over the canal.

NTA acknowledges the high-quality visual appearance of Robert Emmet Bridge with the distinctive balustraded parapets. In designing the proposed new footbridges the structure was arranged to align carefully with the key features of the existing bridge with a slim deck and glass parapets such that the old bridge will remain highly visible behind the new bridge. This is illustrated in Figures 2-7-2 showing the existing situation, and in Figure 2-7-3 showing the proposed situation. In addition, pedestrians (and cyclists on the western footbridge) will have a close-up view of the façade of the old bridge from the new footbridges so that they can better appreciate the aesthetics of the old bridge.



Figure 2-5-7: Existing View of Robert Emmet Bridge from the East

(EIAR Volume 3, Chapter 17, Figure 17.2.1.5)



Figure 2-5-8: Proposed View of Robert Emmet Bridge from the East

(EIAR Volume 3, Chapter 17, Figure 17.2.1.6)

Section 17.5.2.2.4 in Chapter 17 in Volume 2 of the EIAR reviews the existing and proposed photomontage views shown above. With respect to the proposed view (View 4b: as proposed), it states: *“...The new bridge deck obscures the top of the arch of Robert Emmett Bridge from this vantage, however, views of the ornamented balustrade and piers are retained by the use of the glass parapet. The proposals will result in a change in the character and a reduction of the visual amenity through the partial screening of the existing historic bridge and through the introduction of a new modern bridge structure. However, the new bridge has a visually lightweight design and most features of significant value in the view will be retained and will remain visible e.g. tree planting, key features of the bridge (balustrade, piers, relief bust and ornamental lighting columns).”*

The predicted operational phase architectural heritage impacts, these are summarised in Table 16.20 in Chapter 16 in Volume 2 of the EIAR. With regard to the impact of the proposed new bridges on Robert Emmet Bridge, the predicted residual impact is categorised as **Indirect, Negative, Slight, Long-Term**.

g) Drainage problems on Harold’s Cross Road / Mount Drummond.

In the Proposed Scheme at this junction the drainage issues described can be rectified. Harold’s Cross Road will be reconstructed as part of the proposed road widening, and this will include a new surface water drainage system as is shown in EIAR Volume 3 Figures, Part 11 Proposed Surface Water Drainage Works, Sheet 7, from which a snapshot is included in Figure 2-5-6.

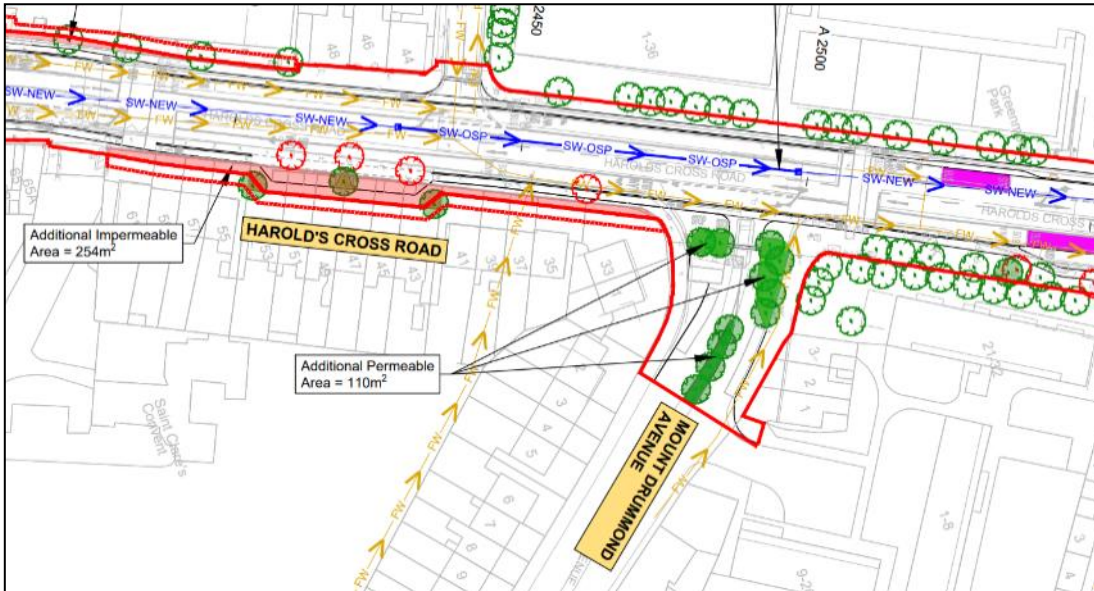


Figure 2-5-9: Proposed Scheme Drainage on Harold's Cross Road at Junction with Mount Drummond Avenue

2.6 CPO No. 6 - Gordon's Fuel Depot & 32A Clanbrassil Street Upper, Dublin 8 / Public Road and Access Lane - Plot No. 1021/1022

The CPO for the Proposed Scheme includes Plot No.1021 & 1022 on the western side of Clanbrassil Street Upper and at the front of No.29, 30, 31 and 32 Clanbrassil Street Upper. This road area is partly in public road use, and partly extends behind a number of private boundaries and gates. There is a junction with Clanbrassil Street Upper at the northeastern corner of this area, and south of there a retaining wall separates the two road areas where they diverge in levels as Clanbrassil Street Upper rises towards Robert Emmett Bridge over the Grand Canal to the south. Plot 1022 is partly subdivided by a second retaining wall where the ground levels diverge further. The southeastern part of the plot is a laneway that provides access to Gordon's Fuels at No.32A Clanbrassil Street Upper to the south. The southwestern part of the plot consists of an enclosed yard area in front of Mullen Scrap at No.31 Clanbrassil Street Upper.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.5 in Figure 2-6-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-6-2.
- The existing aerial view in Figure 2-6-3.
- Ground level views in Figures 2-6-4, 2-6-5 and 2-6-6.

Description of the Proposed Scheme at this location

The existing road on Clanbrassil Street Upper over a length of 130m on Robert Emmett Bridge over the Grand Canal and for 100m north of the bridge is too narrow to accommodate the required road layout with bus lanes and cycle tracks in both directions. In the Proposed Scheme a proposed new 6m wide pedestrian and cycle bridge will be provided beside the western façade of Robert Emmett Bridge, and the 100m long section of road to the north will be widened by approximately 4m on the western side.

Extensive structural works will be required for the new pedestrian and cycle bridge and to replace the two existing retaining walls to resolve the complex differences in ground levels. The existing walls are shown as thick purple lines on Figure 2-6-2.

Permanent Plots No.1021(1), 1021(3) and Plot No.1022(1) in the CPO are required for the bridge and road widening works with retaining wall, and ancillary roadworks for access in the Proposed Scheme. Permanent Plot No.1021(2) is occupied by a dwelling house which will be required for a new access road into the remainder of the property. Access arrangements for the businesses of Gordon's Fuels and Mullen Scrap next door to the north will be modified with a single shared road area to replace the two existing road areas. The design has been developed to accommodate loading arrangements at Mullen Scrap along with access movements past this area to Gordon's Fuels.

Temporary CPO Plots No.1021(4) and 1021(5) are required for the construction works. Plot No.1021(4) is a yard area that will provide working space for a crane and other equipment during the bridge works such as boring of foundation piles, construction of the pier, abutment and retaining wall, and erection of the steel footbridge structure. Temporary Plot No.1021(5) is occupied by part of the dwelling house that also occupies Permanent Plot No.1021(2) that is to be demolished. The single storey flat-roofed rear portion of the house in Temporary Plot No.1021(5) will also be demolished to complete the removal of the full building, as it cannot remain in a partially demolished state. This plot will be returned to the property owner after it has been fully cleared.

The proposed works in this area are complex and will be carefully coordinated to maintain access to the Gordon's Fuels business for regular deliveries of bulk fuels by tanker and large lorries, and distribution by small lorry of both liquid and solid fuels to customers, and for some customers who drive into the site to collect solid fuels in their vehicles. The proposed works arrangements are described in EIAR Volume 2, Chapter 5 Construction, Section 5.5.4.1.4. as follows:

"On the western side of the street there are two existing masonry retaining walls located to the north of Robert Emmet Bridge on Clanbrassil Street Upper, where there are two laneways for access to Gordon's Fuels at an upper level, and to Mullen Scrap at a lower level. These access

lanes will be combined to facilitate the widening of Clanbrassil Street Upper. The lower wall will be demolished, and the upper wall buried behind new fill material to accommodate the widening of the road. A new combined retaining wall will be provided that is approximately 60m in length with a maximum retained height of approximately 3.5m, plus parapet above.”

“Following the demolition of the existing property, described in Section 5.5.2.9.1, the existing lower retaining wall will be partially demolished down to the level of the lower access road serving Mullen Scrap. The ground in the vicinity of the demolished property will then be regraded to provide vehicular access between the lower access road and the Gordon’s Fuels site. Once access arrangements have been amended to both the Gordon’s Fuels and Mullen Scrap sites, construction of the north abutment for the cycle / pedestrian bridge to the west of the Robert Emmet Bridge, will commence.”

These considerations will require careful staging of the construction process, and this accounts for the extended duration of the proposed works of 18 months as described in EIAR Chapter 5, Section 5.3.3.1.

EIAR Chapter 10 Population assesses the temporary impact in Section 10.4.4.2.2.1 as follows:

“To the immediate north-west of Robert Emmet Bridge, permanent land take is required for the rearrangement of the access road to Mullens Scrap and the yard area of Gordon’s Fuels (to preserve the private right of way that currently exists) as well as the widening of the carriageway along Clanbrassil Street Upper to the immediate north of the bridge in the community area of Harrington Street. This land take will not prevent the businesses from operating however, and therefore the land take effect is assessed to be Negative, Slight and Long-term.”



Figure 2-6-1: Extract from CPO Deposit Map Sheet 5

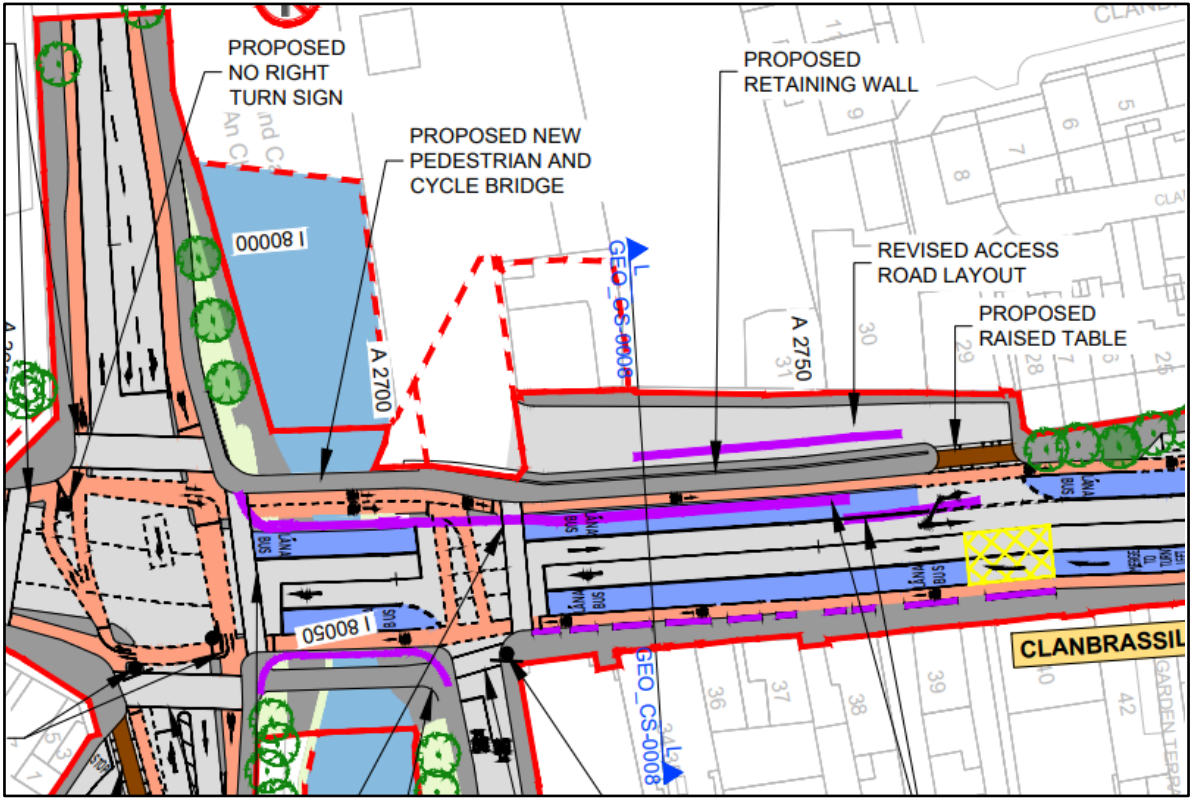


Figure 2-6-2: Extract from General Arrangement Map Sheet 8



Figure 2-6-3: Aerial View of the Location



Figure 2-6-4: the Access Lane to Gordon's Fuels and Dwelling House



Figure 2-6-5: Eastern yard area at Gordon's Fuels



Figure 2-6-6: View westwards across the eastern yard area at Gordon’s Fuels with the foreground included in the CPO plots

Summary of Objections Raised

- a) Demolition of family home.
- b) Reduced redevelopment potential.
- c) Restriction of future vehicular access.
- d) Traffic capacity at the access junction.
- e) Alternatives considered for access.
- f) Demonstrate how site could be developed.

Responses to Objections Raised

- a) Demolition of family home.

It will be necessary to acquire and demolish the Gordon family home to facilitate the required road widening to achieve full bus priority and segregated cycle facilities along this key radial route into Dublin City Centre, and to achieve the project objectives, but it is unavoidable to enable the reinstatement of a suitable vehicular access to the overall property. Alternatives considered at this property are described later on under Item e) of this response.

EIAR Chapter 10 (Volume 2) acknowledges the significance of the residual impact of this aspect of the Proposed Scheme in Section 10.4.4.1.2.1 as follows:

“To accommodate the widening of the carriageway to the north of Robert Emmet Bridge, demolition of the residential property at 32A Clanbrassil Street Upper (at Gordon’s Fuel) is required. The land take effect on this residential property is Negative, Profound and Long-term.”

- b) Reduced redevelopment potential.

This property is zoned Z3 in the Dublin City Development Plan and would be suitable for a mixed-use re-development. Such a development would require a suitable road access to whatever element of on-

site parking, and for servicing such as refuse collection and deliveries, as may be permitted in a planning permission. The Proposed Scheme will replace the existing access to the site from the northeast with a similar arrangement. In this respect, the development potential of the property will remain, but it will have a slightly smaller area as a result of the Proposed Scheme.. The existing site area is approximately 2,300 square metres, of which 117 square metres will be acquired in CPO Plot No.1021(2), equating to a reduction in the site area of 5%.

c) Restriction of future vehicular access.

As for the response to Item b) above, the Proposed Scheme will replace the existing access to the site from the northeast with a similar arrangement and it will not therefore cause any additional restriction of future vehicular access than what already exists at this property.

d) Traffic capacity at the access junction.

The existing access junction for this property will remain unchanged in the Proposed Scheme, and traffic capacity will therefore also remain the same.

e) Alternatives considered for access.

The design of the Proposed Scheme considered a range of possible access arrangements for Gordon's Fuels to replace the existing laneway that will be buried under the proposed widening of Clanbrassil Street Upper. During the early public consultations for the route options it was initially proposed to provide a new access ramp into the property from just north of Robert Emmett Bridge, which would have involved loss of a large part of the property with very severe impacts. EIAR Volume 2, Chapter 3 Consideration of Reasonable Alternatives, Section 3.4.3 describes the conclusion reached from feedback about this initial proposal as follows:

"An alternative access route arrangement was adopted for Gordon's Fuels (adjacent to Robert Emmet Bridge on Clanbrassil Street Upper), which reduced the need for encroachment into the property with a new access ramp, albeit with the demolition of the dwelling house. This revised arrangement was preferred by the property owner."

EIAR Volume 2, Chapter 3 Consideration of Reasonable Alternatives, Section 3.4.4 summarised the design adopted in the Proposed Scheme:

"Access for Gordon's Fuels at the Grand Canal on Clanbrassil Street Upper was modified to provide a shared laneway from the north beside the Mullen Scrap premises, instead of a new ramp beside the canal, which would have encroached into the premises to a much greater degree and reduce the operational yard area for the business, and potential for future development;"

In the Proposed Scheme a single shared access has been provided to serve both adjoining businesses of Gordon's Fuels and Mullen Scrap. This shared laneway will retain the existing lower road levels along the frontage of No.31 Clanbrassil Street Upper, the premises of Mullen Scrap. Then a short ramp will climb up into the Gordon's Fuels yard at the upper level. This ramp requires the demolition of the dwelling house in the Gordon's Fuels property. From the general arrangement plan drawing in Figure 2-6-2 earlier, it can be seen that the lower laneway in front of Mullen Scrap will be widened from a minimum width of 5m (including footpath) to 8m when combined with the residual part of the upper laneway that is left once Clanbrassil Street is widened. This space widens slightly to the south where loading usually takes place. This single combined and wider access lane will accommodate both loading at Mullen Scrap and access to Gordon's Fuels on a like-for-like basis to the current arrangements as is shown on Figure 2-6-2. It has been confirmed in the design process using vehicle tracking software to demonstrate how the arrangement will function satisfactorily. In conclusion, the design has been developed to retain satisfactory access and loading at the Mullen Scrap premises, while replacing the access to Gordon's Fuels next door with a like-for-like arrangement to the existing narrow laneway that can only be used in one direction at a time.

f) Demonstrate how site could be developed.

The Proposed Scheme has made appropriate provision for the replacement of the existing access with a similar arrangement such that the accessibility of the property will remain essentially the same. The subject property will be slightly reduced in area by 5% which will slightly reduce the future development potential as a result of the Proposed Scheme.

2.7 CPO No.7 - Public road and Access Lane to Gordons Fuels, 32A Clanbrassil Street Upper - Plot No. 1022

The CPO for the Proposed Scheme includes Plot No.1022(1) on the western side of Clanbrassil Street Upper and at the front of No.29, 30, 31 and 32 Clanbrassil Street Upper. This road area is partly in public road use, and partly extends behind a number of private boundaries and gates. There is a junction with Clanbrassil Street Upper at the northeastern corner of this area, and south of there a retaining wall separates the two road areas where they diverge in levels as Clanbrassil Street Upper rises towards Robert Emmett Bridge over the Grand Canal to the south. Plot 1022 is partly subdivided by a second retaining wall where the ground levels diverge further. The southeastern part of the plot is a laneway that provides access to Gordon's Fuels at No.32A Clanbrassil Street Upper to the south. The southwestern part of the plot consists of an enclosed yard area in front of Mullen Scrap at No.31 Clanbrassil Street Upper.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.5 in Figure 2-7-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-7-2.
- The existing aerial view in Figure 2-7-3.
- Existing street view in Figure 2-7-4.

Description of the Proposed Scheme at this location

The existing road on Clanbrassil Street Upper over a length of 100m north of Robert Emmett Bridge over the Grand Canal is too narrow to accommodate the required road layout with bus lanes and cycle tracks in both directions. In the Proposed Scheme this section of road will be widened by approximately 4m on the western side.

Extensive structural works will be required to replace the two existing retaining walls to resolve the complex differences in ground levels. The existing walls are shown as thick purple lines on Figure 2-4-2.

Access arrangements for the businesses of Mullen Scrap and Gordon's Fuels will be modified with a single shared road area to replace the two existing road areas. The design has been developed to accommodate loading arrangements at Mullen Scrap along with access movements past this area to Gordon's Fuels.

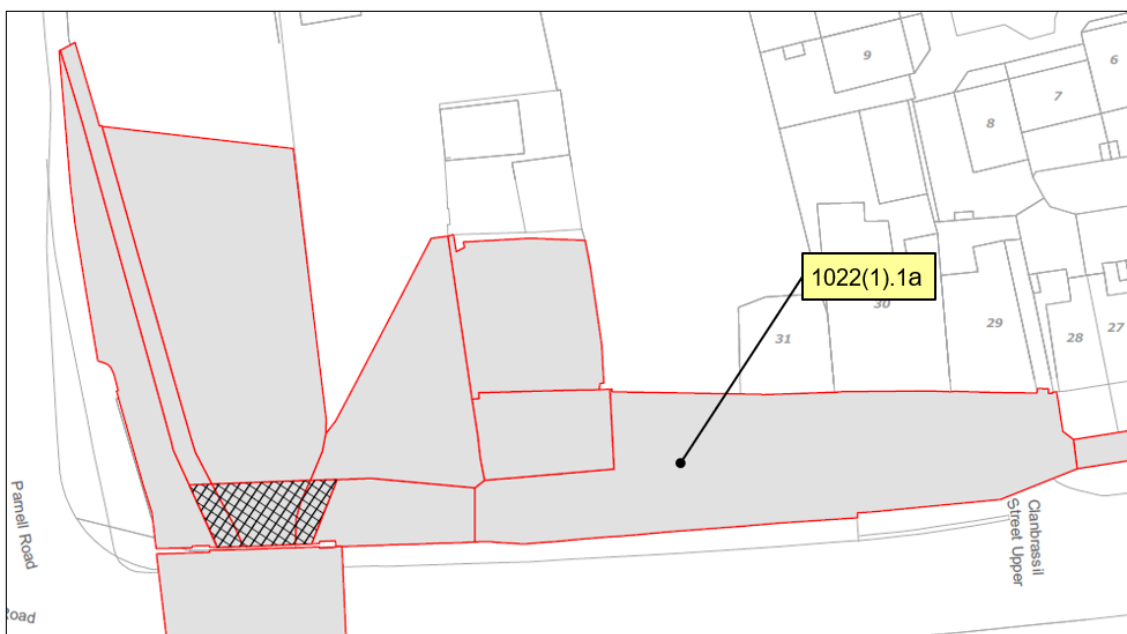


Figure 2-7-1: Extract from CPO Deposit Map Sheet 5

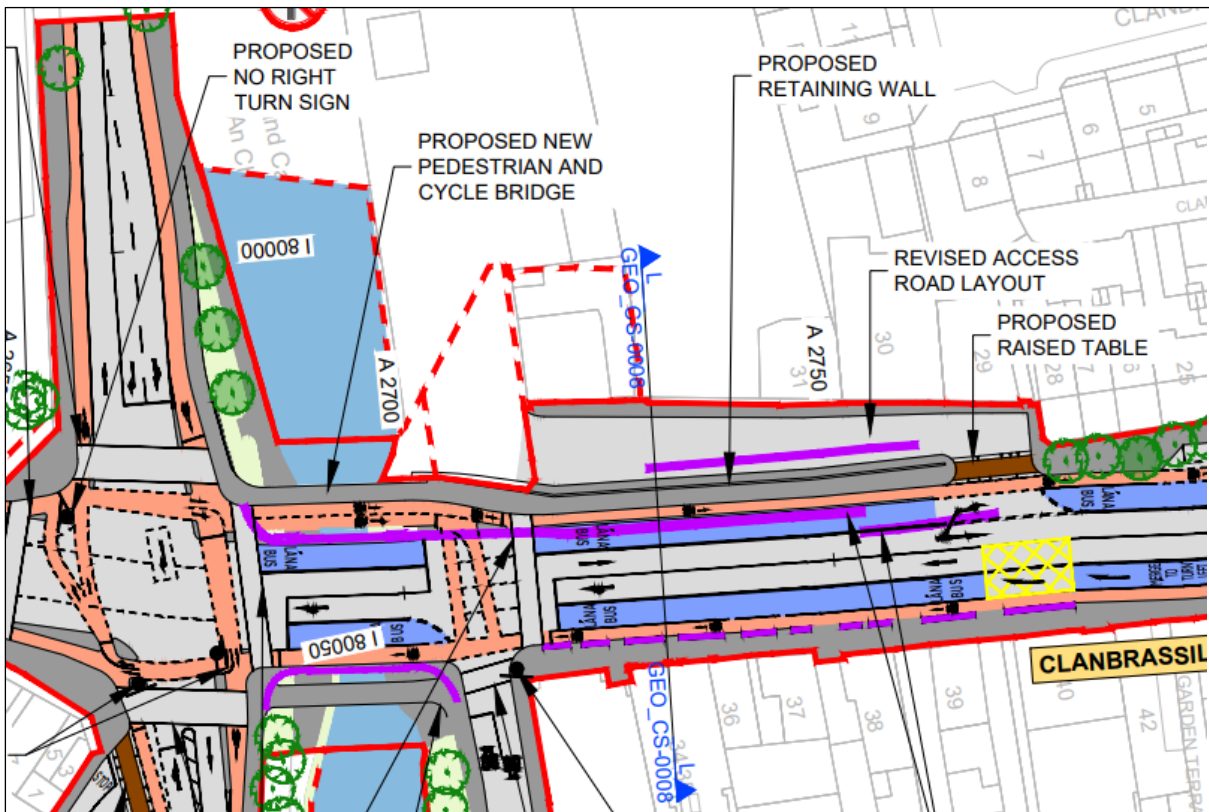


Figure 2-7-2: Extract from General Arrangement Map Sheet 8



Figure 2-7-3: Aerial View of the Location

Summary of Objections Raised

This Objection No.7 was received from the Estate of Agnes Cassidy / c/o Rodney Cassidy and is the same as CPO Objection No.4 that was submitted by Dawnlane Ltd. also prepared by Rodney Cassidy.

Responses to Objections Raised

Refer to the Responses to CPO Objection No.4.

2.8 CPO No. 8 - 37 Harolds Cross Road - Plot No. 1015

The CPO for the Proposed Scheme includes an area of front garden at No.37 Harold's Cross Road.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.4 in Figure 2-8-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-8-2.
- The existing aerial view in Figure 2-8-3.
- Existing street view in Figure 2-8-4.

Description of the Proposed Scheme at this location

The Proposed Scheme will provide cycle tracks on Harold's Cross Road for which widening will be required of typically 2m over a length of 120m from the entrance to Our Lady's Hospice on the western side to the junction of Mount Drummond Avenue on the eastern side. This will involve encroachment by up to 2m into the garden area at the front of No.37 for the road to be widened.

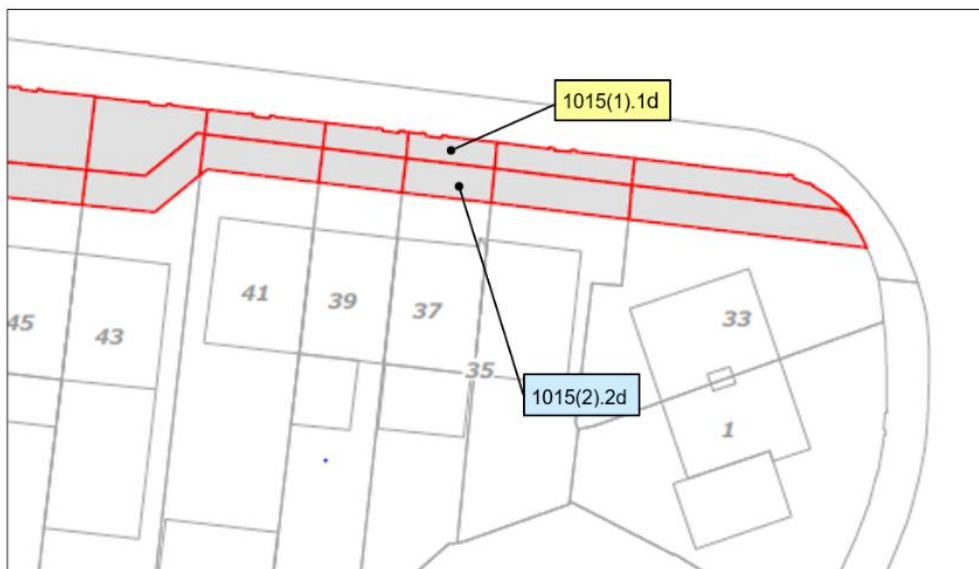


Figure 2-8-1: Extract from CPO Deposit Map Sheet 4

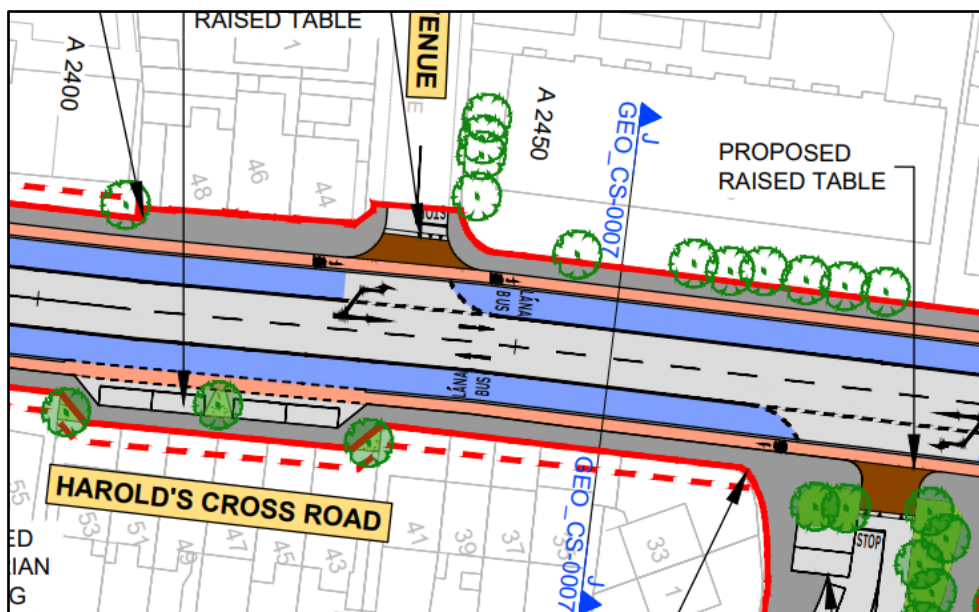


Figure 2-8-2: Extract from General Arrangement Map Sheet 7



Figure 2-8-3: Aerial View of the Location



Figure 2-8-4: Street View of the Location

Summary of Objections Raised

Apple trees in garden. / Boundary wall and gate / Hedge alongside boundary / other aspects of garden layout and finishes to be reinstated or adjusted.

Responses to Objections Raised

In so far as practicable the Proposed Scheme will include protection of the existing landscaping in the garden outside of the works area included in Temporary CPO Plot No.1015(2). Once the works are completed with a new replacement boundary wall provided on a like-for-like basis, the garden area in the temporary plot will be appropriately reinstated. The details of the reinstatement works will be discussed with the property owner for inclusion in the accommodation works agreement. As set out in Section 5.5.2.1 in Chapter 5 of Volume 2 of the EIAR with respect to boundary treatment: “... Any lands acquired temporarily to facilitate construction work will be returned to landowners on completion of the works. Existing boundary walls or fencing being relocated will be constructed to match the existing conditions, unless otherwise agreed....”

2.9 CPO No. 9 - Our Lady's Hospice, Harolds Cross Road - Plot No. 1019

The CPO for the Proposed Scheme includes Permanent Plot No.1019(1) part of the existing access road into Our Lady's Hospice which will become a public road, Permanent Plot No.1019(2) a lawn area where it is proposed to construct a small public car park, Temporary Plot No.1019(3) for the construction of a new gate for Our Lady's Hospice, and Temporary Plot No.1019(4) for the construction of a boundary for Our Lady's Hospice.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.4 in Figure 2-9-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-9-2.
- The existing aerial view in Figure 2-9-3.
- Existing street view in Figure 2-9-4.

Description of the Proposed Scheme at this location

Between Harold's Cross Park and the entrance to Our Lady's Hospice (a distance of 85m) there is on-street parking in an indented bay with 10 spaces on the western side in front of No. 66 to 84 Harold's Cross Road. The existing 10 parking spaces on the western side of the street will be removed to accommodate the proposed northbound cycle track. To compensate for the loss of the 10 on-street parking spaces, it is proposed to provide a new public car park with 22 spaces on the grounds of Our Lady's Hospice where there is a lawn area just inside the entrance. There will be a net additional 12 parking spaces available in this car park for the other residents along R137 Harold's Cross Road where there is a general shortage of parking in the local area.

This public car park will be controlled and maintained by the local authority and will operate under the general public parking control regime in the surrounding area, with pay and display for casual users and permit parking for local residents. Because the car park will be public, the adjoining section of private access road will also be acquired and will become a public road. The private entrance to Our Lady's Hospice will therefore be relocated 45m further west from the existing gate, where a new gate will be provided.



Figure 2-9-1: Extract from CPO Deposit Map Sheet 4

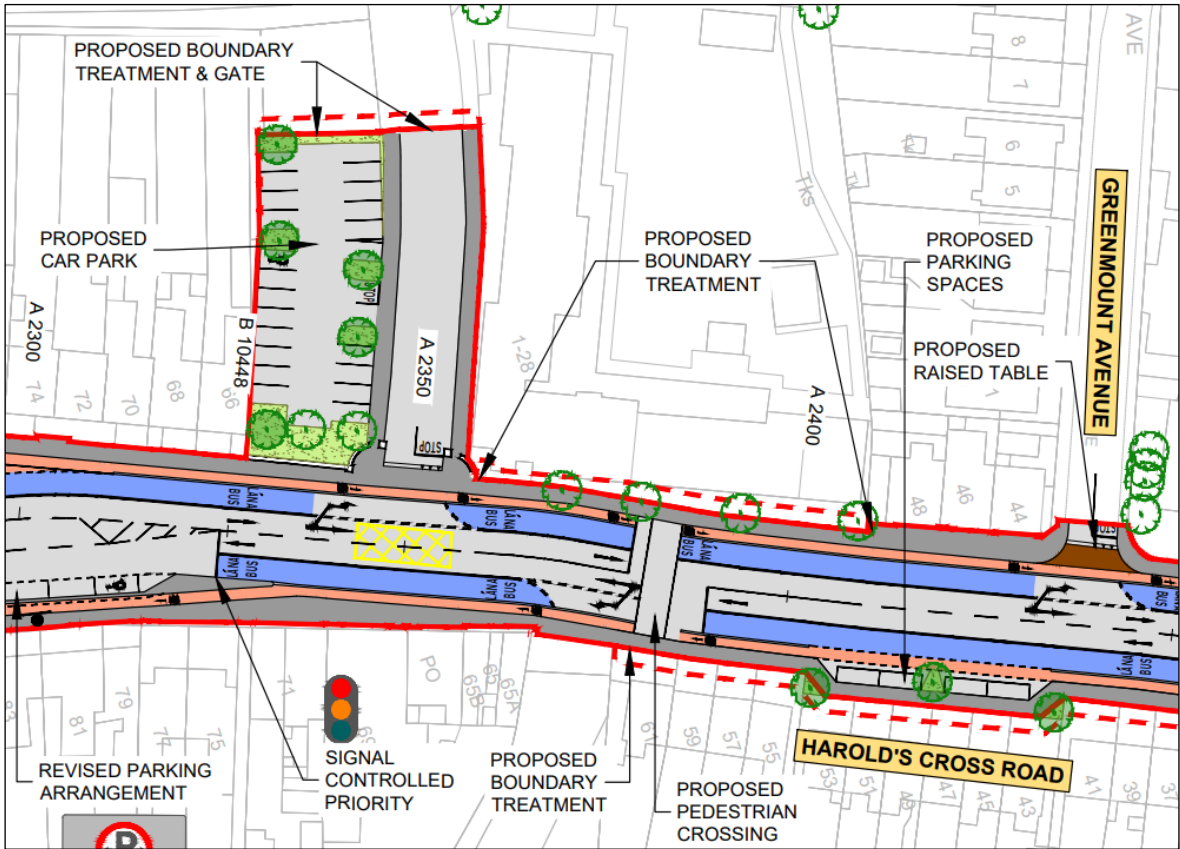


Figure 2-9-2: Extract from General Arrangement Map Sheet 7



Figure 2-9-3: Aerial View of the Location



Figure 2-9-4: Street View of the Location looking east from within the Hospice

Summary of Objections Raised

- a) Loss of land for potential expansion development (3/4 storeys & 1,800 sq.m)
- b) Lands to the rear of the hospice are in separate ownership and not available as an alternative site for expansion.
- c) Car park inconsistent with planning policies. Not suitable location for Park & Ride.
- d) Inadequate assessment of impacts: access restriction beside construction compound, noise, and dust. Human Health & Population – risk of traffic delays for access to hospice.
- e) Proportionality of CPO.

Responses to Objections Raised

- a) Loss of land for potential expansion development (3/4 storeys & 1,800 sq.m.)

The area of Plot No.1019(2) to be permanently acquired is 0.068 Hectares (0.17 acres). It is acknowledged that this land is zoned and could be developed. However this loss of opportunity will be considered in the compensation package for in the acquisition..

Section 4.3.1.4 in the Planning Report (Appendix A2.1 in Volume 4 of the EIAR) discusses the zoning of the lands on which the proposed car parking would be provided:

“... It is noted that a small area of land under zoning objective Z15 (Community and Social Infrastructure), within the confines of Our Lady’s Hospice along Harold’s Cross Road, is required to facilitate Construction Compound K2 during the Construction Phase and a proposed new public car park during the Operational Phase.

Permissible uses for the Z15 (Community and Social Infrastructure) zoning objective relevant to the subject lands include (inter alia):

- *Community Facility.*

Open for consideration Uses include (inter alia):

- *Car park ancillary to main use....”*

- b) Lands to the rear of the hospice are in separate ownership and not available as an alternative site for expansion.

In a separate Objection to the CPO by the Religious Sisters of Charity (CPO No.11) it is stated that the lands for the hospice were transferred from the religious order to Our Lady's Hospice Ltd. in 2002, while certain plots within the site and at the rear on the western side of the overall site were retained by the religious order. A map of the overall lands controlled by either the Hospice or the Religious Sisters of Charity is shown in Figure 2-9-5, which is extracted from CPO Objection No.11. It can be seen that there is a large area of undeveloped land at the rear of the site which is many times larger than the small Plot No.1019(2) in the CPO for the Proposed Scheme

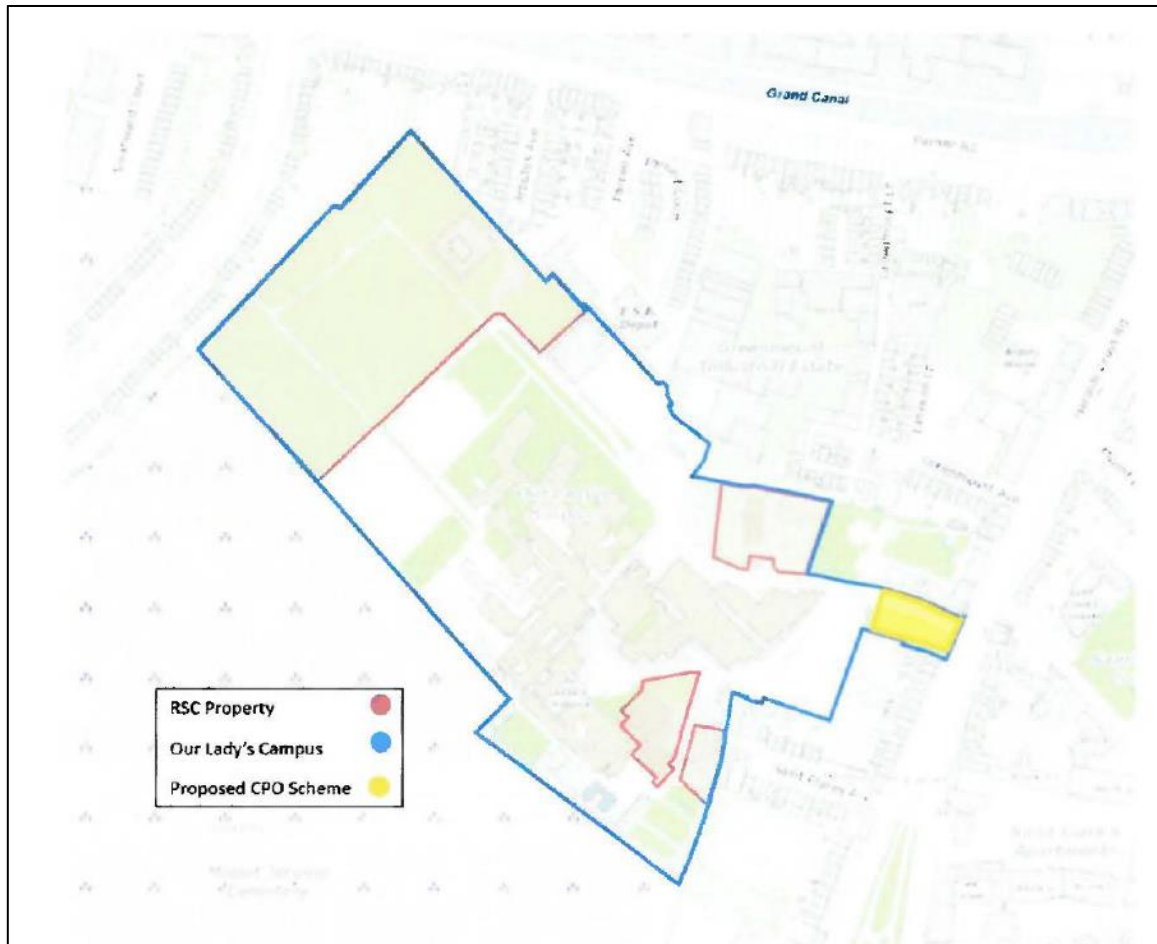


Figure 2-9-5: Ownership of the Lands within Our Lady's Hospice

- c) Car park inconsistent with planning policies. Not suitable location for Park & Ride.

The proposed small public car park is included in the Proposed Scheme to mitigate the loss of existing on-street parking immediately nearby that will be removed for the provision of a cycle track. It will provide an additional 12 spaces, in recognition of the severely restricted availability of public parking in an area where very few houses have driveways, and to reduce the risk of illegal parking on the proposed cycle tracks along Harold's Cross Road. The shortage of public parking in the area results in irregular and illegal parking on footpaths and at street corners in the surrounding streets. In this context the parking situation in the Harold's Cross area is more restricted than much of the city and is very much consistent with planning policies which encourage a limited supply of parking, but not a complete absence of it.

The CPO Objection describes the car park as a "Park and Ride" facility. The Proposed Scheme statutory application has not described this facility as a Park and Ride facility. Park and Ride facilities are aimed at commuters in outer suburban areas where the catchment area for public transport services becomes very dispersed. They encourage all-day parking at a low cost so as to reduce car trips into the denser urban area. The proposed car park at the hospice will operate like all other public parking in the area for short stays with fairly high tariffs, and for local residents with permits at a modest annual charge of €50. The location is just within the High Demand Red Zone with a tariff of €3.50 per hour as indicated

on the Dublin City Council Parking Control Map in Figure 2-9-6. The proposed car park could not be reasonably described as a Park and Ride facility

Section 4.3.1.4 in the Planning Report (Appendix A2.1 in Volume 4 of the EIAR discusses the zoning of the lands on which the proposed car parking would be provided:

“.....It is noted that a small area of land under zoning objective Z15 (Community and Social Infrastructure), within the confines of Our Lady’s Hospice along Harold’s Cross Road, is required to facilitate Construction Compound K2 during the Construction Phase and a proposed new public car park during the Operational Phase. Permissible uses for the Z15 (Community and Social Infrastructure) zoning objective relevant to the subject lands include (inter alia):

- Community Facility.

Open for consideration Uses include (inter alia):

- Car park ancillary to main use.

Following consideration of several possible locations, proposals for a small public car park at Our Lady’s Hospice were selected, with the location to the front of the site nearest Harold’s Cross Road. The proposed car park will be controlled by Dublin City Council and visitors to Our Lady’s Hospice can use it. As part of the Proposed Scheme, Our Lady’s Hospice entrance gate will move westwards to beyond the car park which can be controlled by the Hospice. The historic gates on Harold’s Cross Road will remain in their existing position, however, they will no longer close as the driveway to the proposed car park will become part of the public road. The location of the proposed car park will not impact upon the integrity of the hospice use and has the least impact for the future development and operation of same, while compensating for the loss of some existing public parking on the street nearby.

At present, the subject lands comprise a private grassed area that form part of the wider Hospice lands. It is a fenced-off area and is not used for any active recreation. The proposed parking area can be used by visitors to the Hospice.

The area in question is of a very modest scale comprising of approximately 680m². In regard to the wider Z15 zoning objective of the site which is approximately 9.1hectares, it comprises approximately 0.7% of the site. The subject lands are peripheral and are a non-integral part of the overall land use.

The Proposed Scheme will provide a grassed area where the aforementioned lands adjoin Harold’s Cross Road, as well as on its western perimeter. Furthermore, it will retain all but one of the existing trees resulting in a net increase from four trees to eight around the car park area.”

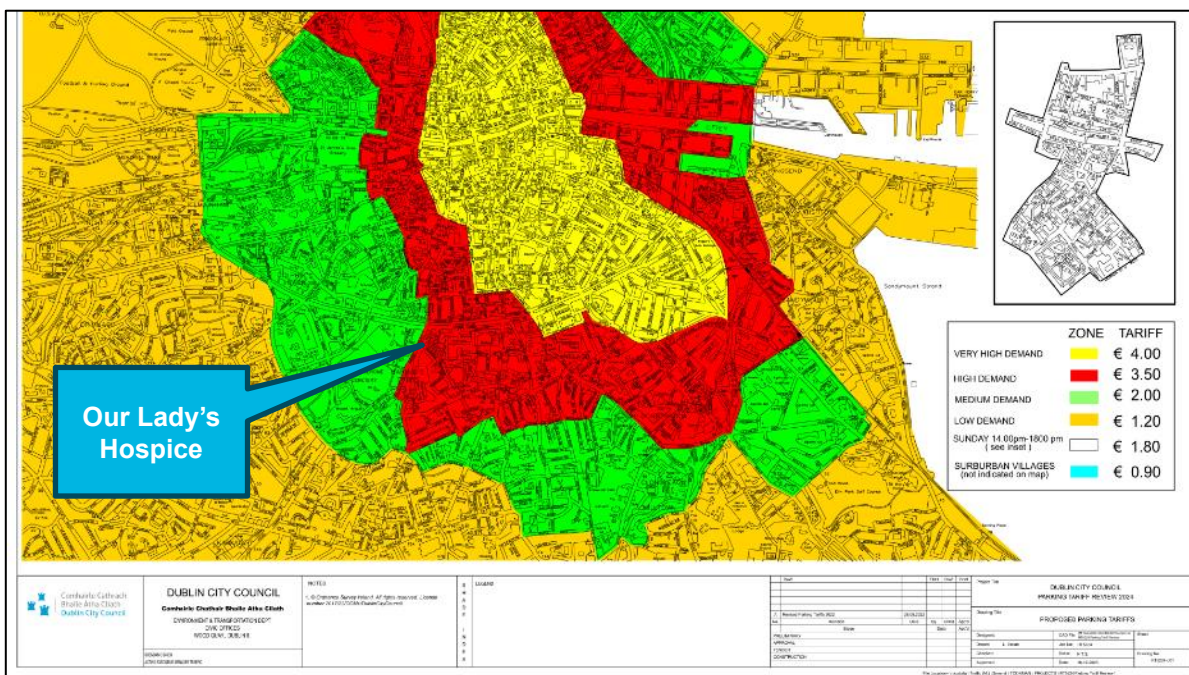


Figure 2-9-6: Dublin City Council Parking Control Map

d) Access restriction beside construction compound / risk of traffic delays for access to hospice.
Inadequate assessment of impacts: noise and dust.

The proposed construction compound K2 will be located on the un-used grass lawn area along the southern side of the access road into the hospice as described in EIAR Volume 2, Chapter 5, Section 5.7. An indicative layout of the compound is shown in Image 5.4 in EIAR Chapter 5, and this is reproduced in Figure 2-9-7 below. The compound will not impede access to the hospice which will continue along the existing access road beside the proposed compound.

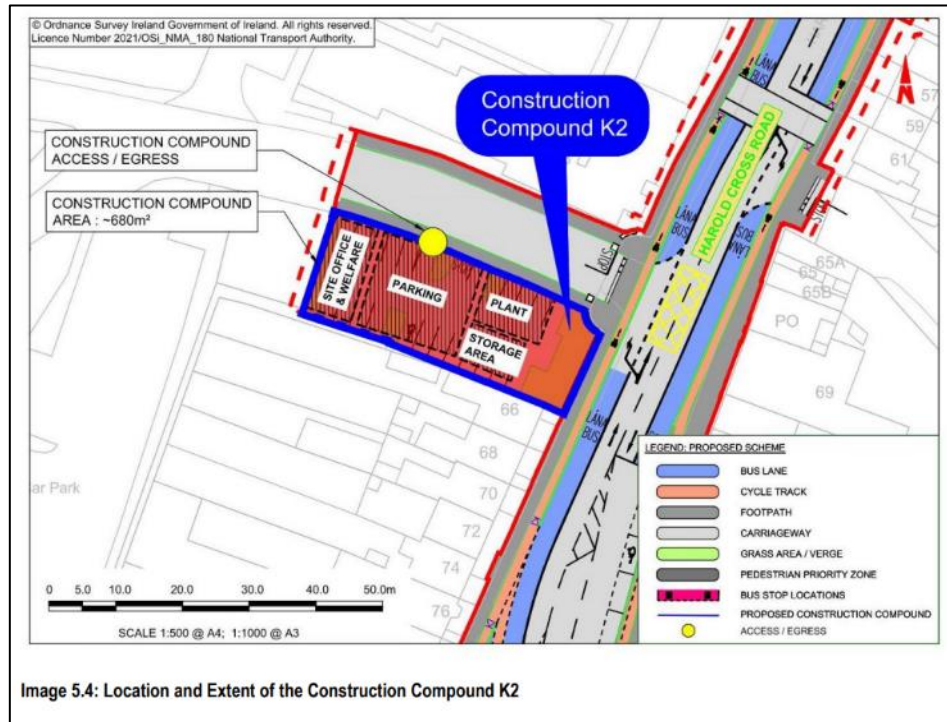


Figure 2-9-7: Construction Compound K2 at Our Lady’s Hospice

EIAR Chapter 5, Section 5.7.2 sets out what will be contained in the Construction Compound:

“As shown in Image 5.3 to Image 5.5, the Construction Compounds will contain a site office and welfare facilities for NTA personnel and contractor personnel. Limited car parking will be allowed at the Construction Compounds, in line with the principles of the Construction Stage Mobility Management Plan (CSMMP), as described in Appendix A5.1 CEMP in Volume 4 of this EIAR, which will be prepared by the appointed contractor. Excavated materials such as topsoil, subsoil, concrete, rock etc., will not be stored at the Construction Compounds for reuse, as the compounds are too small. All excavated materials will be immediately loaded into lorries for removal from the site of the excavation. Items of plant and equipment, described in Section 5.6, will be stored within the Construction Compounds when not in use.”

Assessment of air quality and noise and vibration impacts as a result of activities associated with the proposed construction compound are described in EIAR Volume 2 Chapter 7 (Air Quality) and Chapter 9 (Noise & Vibration) respectively.

- In EIAR Chapter 7, Section 7.5.1.1 notes the mitigation measures to be implemented to mitigate potential air quality impacts (including construction dust): *“...During movement of dust-generating materials both on and off-site, trucks will be covered with tarpaulin and before entrance onto public roads, trucks will be checked to ensure the tarpaulins are properly in place; and The appointed Contractor will provide a site hoarding of 2.4m height along noise sensitive boundaries, at a minimum, at the Construction Compounds which will assist in minimising the potential for dust impacts off-site.....”* Section 7.5.1.1 goes on to say: *“The appointed Contractor will keep the effectiveness of the mitigation measures under review and revise them as necessary. In the event of dust nuisance occurring outside the works boundary associated with the Proposed Scheme, movements of materials likely to raise dust will be curtailed and satisfactory procedures implemented to rectify the problem.”*

Section 7.6.1 addresses residual air quality impacts and states:

“When the dust minimisation measures detailed in the mitigation section of this Chapter are implemented, fugitive emissions of dust from the site will be insignificant and pose no nuisance at nearby receptors. Thus, there will be no residual Construction Phase dust impacts....”

- In EIAR Chapter 9 *Table 9.46: Summary of Predicted Construction Phase Impacts Following the Implementation of Mitigation and Monitoring Measures* assessed the noise impacts at the proposed construction compounds as follows: “*Negative, Slight to Moderate and Temporary at NSLs (Noise Sensitive Locations) within 10m of the Construction Compound boundaries; and Negative, Not Significant and Temporary at all other distances*”.

It is also important to note that the appointed contractor will be required to implement a Construction Environmental Management Plan (CEMP). Section 5.10.1 of Chapter 5 states:

“As stated in Section 5.1, a CEMP has been prepared for the Proposed Scheme and is included as Appendix A5.1 in Volume 4 of this EIAR. The CEMP will be updated by the NTA prior to finalising the Construction Contract documents for tender, so as to include any additional measures required pursuant to conditions attached to An Bord Pleanála’s decision. It will be a condition of the Employer’s Requirements that the successful appointed contractor, immediately following appointment, must detail in the CEMP the manner in which it is intended to effectively implement all the applicable mitigation measures identified in this EIAR. The CEMP has regard to the guidance contained in the Guidelines for the Creation, Implementation and Maintenance of an Environmental Operating Plan (TII 2007), and the handbook published by CIRIA in the UK, Environmental Good Practice on Site Guide, 4th Edition (CIRIA 2015)”

e) Proportionality of CPO

As part of their submission/objection on behalf of our Lady’s Hospice in Harold’s Cross (the “**Hospice Submission**”) in respect of the Kimmage to City Centre Bus Corridor Scheme (the “**Kimmage Scheme**”), Tom Philips & Associates have included an opinion of Oisín Collins SC, in which he notes that “the Board must respect the rights of private property owners and only approve a CPO if it is satisfied that it is in the public good to do so”. The opinion goes on to contend that “in order to do so in this instance, the Board would need to be satisfied that the provision of 22 parking spaces is more in the public interest than 1,800 sqm of hospice accommodation”, and further contends that “it is hard to see how the public interest could decisively demand the provision of 22 parking spaces over 1,800 sqm of hospice capacity”.

The NTA and its legal advisors are entirely satisfied that the CPO is for the exigencies of the common good and is proportionate in this regard. Both Tom Philips & Associates, and Oisín Collins SC have neglected to consider the significant benefits arising from the Kimmage Scheme, for which the lands the subject matter of the CPO complained of are required, including to mitigate the environmental impacts of that Kimmage Scheme.

In particular, the NTA has the power to compulsorily acquire lands in accordance with Section 44 of the Dublin Transport Authority Act 2008 (as amended) which provides as follows: -

“(6) *Where—*

- (a) *a decision is made by the Authority under subsection (2)(b) or (5)(a) for the performance of a particular function otherwise than through a public transport authority or statutory body, or*
- (b) *the Authority is performing its function of securing the provision of public transport infrastructure in accordance with subsection (2)(e),*

the following provisions have effect—

(...)

- (ii) *for the purpose of paragraph (a) or (b), land may be acquired by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000,*

(...)

(6A) *Without prejudice to the generality of subsection (6)(ii), land may be acquired by the Authority by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000 for the purpose of taking any measure whatsoever that may be reasonably required to mitigate, directly or indirectly, the impact of any public transport infrastructure provided on the environment generally or on—*

(a) any particular site, building or structure,

(b) the availability of parking, or

(c) trees, landscaping, and planting.”

On the basis of the above provision, it is clear that the NTA have the power to compulsorily acquire lands to mitigate the impact of the proposed public transport infrastructure on the availability of parking as is proposed here.

In his judgment in *Reid v Industrial Development Agency*¹, McKechnie J laid down a number of principles in relation to how statutory powers for the compulsory acquisition of land should be interpreted and applied: -

(i) “The conferring and exercise of statutory powers in this regard, must accord with the Constitution and must respect and implement the principles of both natural and constitutional justice. There has never been any doubt but that such applies to any state interference with property rights (Foley v Irish Land Commission [1952] IR 118, Nolan v Irish Land Commission [1981] 1 IR 23).

(ii) The impact on the right to private property, which can vary from the minimal to the absolute, as in this case where the entire holding including the family dwelling house is sought to be expropriated, must be justified, or necessitated by the exigencies of the common good, which will of course have regard to the principles of social justice.

(iii) Even where so justified, compensation will virtually always be an important aspect of constitutional protection.

(iv) The conferring and exercise of such power must be granted and carried out in such a way that the impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued. In other words, the interference must be the least possible consistent with the advancement of the authorised aim which underlines the power.

(v) Such power must be expressly conferred by statute on the body which seeks to implement it. Further, where constitutional rights are abrogated by statutory intervention, such provisions must be construed in a way which gives full effect to above principles.

(vi) As the 1986 Act is a post-constitutional statute, there is a presumption, inter alia, that all steps taken within and as part of the compulsory process will be duly compliant with the aforesaid principles. (East Donegal Co-operative Livestock Mart Ltd v. The Attorney General [1970] I.R. 317).”

On this basis, in circumstances where the CPO has been made in order to facilitate the implementation of the Kimmage Scheme, the NTA did (in making the CPO) ensure that: -

(a) There is a need that advances the common good which is to be met by the acquisition of the lands in question;

(b) The particular property is suitable to meet that need;

(c) Any alternative methods of meeting the need have been considered; and

(d) The landowner is entitled to be compensated.

The Hospice Submission simply seeks to compare the use proposed for the lands to be compulsorily acquired versus the use which the Hospice might at some future date put to these lands. That does not consider the common good resulting from the acquisition of the lands in the CPO including the Hospice lands. These are lands that are critical for the construction of the Scheme and to mitigate the impacts of the operation of the Scheme.

Having regard to Chapter 2 of Volume 2 of the EIAR which sets out the Need for the Proposed Scheme, there is significant evidence to satisfy the requirement that there is a community need for the Kimmage Scheme that advances the common good, and the acquisition of the Hospice lands is of central importance to the implementation of the Kimmage Scheme. The Kimmage Scheme will support integrated sustainable transport use through infrastructure improvements for active travel (both walking and cycling), and the provision of enhanced bus priority measures for existing (both public and private) and all future services who will use the corridor.

Section 2.1 in Chapter 2 in Volume 2 of the EIAR provides information on the need for BusConnects (including the Proposed Scheme):

“... The key radial traffic routes into and out of Dublin City Centre are characterised by poor bus and cycle infrastructure in places. Effective and reliable bus priority depends on a combination of continuous bus lanes and signal control priority at pinch-points and junctions. Currently, bus lanes are available for approximately 18% of the Proposed Scheme route, with no signal control priority for buses. Cyclists must typically share space in bus lanes or general traffic lanes as there are only very limited lengths of segregated cycle tracks (which have temporary plastic kerbs and bollards). Furthermore, there are key sections of the current bus lanes that are not operational on a 24-hour basis in addition to being shared with both formal and informal parking facilities and cyclists which compromises the reliability and effectiveness of the bus services in these areas...”

As detailed in Chapter 3 in Volume 2 of the EIAR (Section 3.4.4) *“Following consideration of several possible locations, proposals for a small public car park at Our Lady’s Hospice were confirmed, with the location selected at the front of the site nearest Harold’s Cross Road. This location has the least impact for the future development and operation of the hospice, while compensating for the loss of some existing public parking on the street nearby”*. The NTA considered the reasonable alternatives to meet the community need for replacement parking facilities, in accordance with the requirements of the EIA Directive, which requires “a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of environmental effects”.

The proposed scheme includes the creation of 22 paid and permit parking spaces to the west of Harold’s Cross Road on land within the boundary of Our Lady’s Hospice, this is to offset the loss of permit parking spaces along the corridor. Section 6.4.6.1.3.4 of Chapter 6 (Traffic and Transport) in Volume 2 of the EIAR assesses the impact of this specific change in parking as **Positive, Moderate and Long-Term**. By not providing these additional spaces as part of the Proposed Scheme, this would change the localised impact of the scheme as ten permit spaces along the corridor would be lost without replacement. The localised **Positive, Moderate and Long-Term impact** as currently reported in the EIAR would become a **Negative, Slight and Long-Term impact**.

Considering Section 2 between R137 Harold’s Cross Road from Harold’s Cross Park and Grand Canal as a whole, Table 6-27 of Section 6.4.6.1.3.4 of Chapter 6 (Traffic and Transport) in Volume 2 of the EIAR would be amended as below

Street	Parking Type	Number of Parking Spaces		
		Do Minimum	Do Something	Change
R137 Harold's Cross Road	Pay & Display / Permit	18	8	-10
R137 Harold's Cross Road	Disabled	1	1	0
Side street	Adjacent	59	59	0
Total		78	68	-10

In this context the loss of ten spaces along Section 2 of the Proposed Scheme will not change the overall parking conclusions for this section which would remain **Negative, Slight and Long-Term**. This Slight effect remains acceptable in the context of the benefits of the Proposed Scheme, which will improve accessibility to this local area (on foot, by bicycle and bus) for residents and visitors to local shops and businesses.

The CPO is necessary for the implementation of the Kimmage Scheme. The use of a construction compound in this location is required to facilitate the construction of the scheme. In the heavily built-up area of Harold's Cross there are no other suitable sites available for the proposed compound. There is a need for 3 construction compounds along the 3.7km length of the proposed scheme to enable the facilities to be sufficiently proximate to the works areas. The Proposed Scheme works are most intense and complex in Harold's Cross, with road widening and reconstruction along Harold's Cross Road, and Clanbrassil Street Upper, including the construction of two footbridges and a significant retaining wall at the Grand Canal. These works could not be adequately supported by the other proposed construction compounds K1, 1.4km to the south, or compound K3, 0.8km to the north of the proposed compound K2 at the hospice. Thereafter, car parking will be made available on the site to mitigate against the potential impact of the proposed removal of on street car parking in the vicinity. Harold's Cross Road is composed of residential units, together with shops, restaurants and businesses, and this car parking is necessary to mitigate against the loss of on street parking so as to facilitate access to these homes/shops/restaurants/businesses to be maintained following completion of the Kimmage Scheme.

Further in this regard, in the event that the CPO is confirmed by the Board, and the NTA exercises its powers of acquisition pursuant to the confirmed CPO, the owners, lessees, and occupiers of those acquired lands and interests in lands will be entitled to submit a claim for compensation which, in default of agreement, will be determined by a Property Arbitrator, pursuant to a separate statutory scheme.

As explained by the Supreme Court in Reid, a CPO must be "carried out in such a way that the impairment of the individual's rights does not exceed that which is necessary to attain the legitimate object sought to be pursued". Indeed, it is axiomatic that the acquisition of land and rights over land will result in interference with the use of those lands by owners/lessees/occupiers. However, in this instance, such interference is entirely proportionate to the legitimate aim being pursued by the Kimmage Scheme, in the interests of the common good. The earlier response for Item (e) of the submission on behalf of the hospice has demonstrated that there is a community need for the replacement of existing parking that will be removed to accommodate a cycle track, and that there is a general shortage of parking in the surrounding area that gives rise to risk of unauthorised and illegal parking on footpaths and cycle tracks. In that regard it is reasonable and proportionate for the Proposed Scheme to seek to acquire the area of land at the hospice for the provision of a small public car park.

Therefore, in applying the appropriate test for CPO, the Board can be satisfied that it can confirm the CPO of the Hospice lands, as its acquisition is for the exigencies of the common good and is proportionate."

2.10 CPO No.10 - Road at Mount Argus Square - Plot No. 1002

The CPO for the Proposed Scheme includes 3 sub-plots 1002(1,2 & 3) consisting of estate road, river channel and open space at Mount Argus Square Dublin 6W.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.3 in Figure 2-10-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-10-2.
- Image 4.1 from EIAR Chapter 4 Scheme Description – Proposed Stone Boat Boardwalk is shown in Figure 2-10-3.
- The existing aerial view in Figure 2-10-4.
- Existing street view in Figure 2-10-5.

Description of the Proposed Scheme at this location

In the Proposed Scheme an offline cycle route will be designated parallel to Kimmage Road Lower, along existing quiet residential streets at Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, cyclists will be able to proceed via the proposed new Stone Boat Boardwalk connection to Mount Argus Way and Mount Argus View and then join Kimmage Road Lower to continue to Harold's Cross and the city centre.

A short new pedestrian and cycle link will be provided in the Proposed Scheme from Sundrive Road to the Mount Argus housing estate to the north. This connection will significantly improve local permeability for pedestrians and cyclists by providing a direct route from the residential area of Mount Argus to the heart of Kimmage Village.

The new link from Sundrive Road will pass through a small existing public car park that is located on top of the River Poddle culvert that carries the river underground from south of Kimmage Shopping Centre to the Mount Argus estate where it is in an open channel beside Mount Argus Square on the western bank. At the northern end of the car park the route will cut through the existing 2m high boundary wall at the end of the culvert. North of the car park a proposed steel boardwalk structure will be provided beside and above the River Poddle at the Stone Boat feature and along the eastern boundary of Mount Argus Square. The proposed Stone Boat Boardwalk will connect at the northern end of Mount Argus Square to Mount Argus Way.

In the Proposed Scheme a local feeder cycle route will be designated parallel to Kimmage Road Lower, along existing quiet residential streets at Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, cyclists will be able to proceed via the proposed new Stone Boat Boardwalk connection to Mount Argus Way and Mount Argus View.

The proposed Stone Boat Boardwalk will be located beside Mount Argus Court mainly overhanging the bank and channel of the River Poddle. The structure will be 4m wide and 42m long with a steel deck boardwalk for pedestrians and cyclists located over the western bank of the River Poddle and elevated above the river level. It will be supported by 13 piers that will be underpinned by a single bored pile in each case. A steel grid deck will allow rainwater to pass through to the riverbank below.

The new structure will occupy Permanent CPO Plot No.1002(1) as shown in Figure 2-2-1. At the northern end of this plot the proposed pedestrian and cycle route will cross over a portion of the private access road at Mount Argus Square and will connect the proposed boardwalk to the public road at Mount Argus Way. This part of the plot is necessary to provide a public right of way to the proposed boardwalk for the connection towards Sundrive Road to the south.

Temporary CPO Plot 1002(2) consists of the access road and part of the car park at Mount Argus Square to the west of the proposed boardwalk. It is required to provide working space during the construction for delivery vehicles, a piling rig to install piles for the foundations of the structure, and for a crane to lift the prefabricated steel piers and deck into position. Access for residents will be provided through this works area under appropriate traffic management to ensure public safety. It will be necessary to temporarily suspend parking along the eastern edge of the access road during the works.

Temporary Plot 1002(3) consists of the channel and eastern bank of the River Poddle outside of the area included in Permanent CPO Plot No.1002(1). This area is required during the construction to provide working space around the works area, and to ensure public safety during the erection of the boardwalk structure.

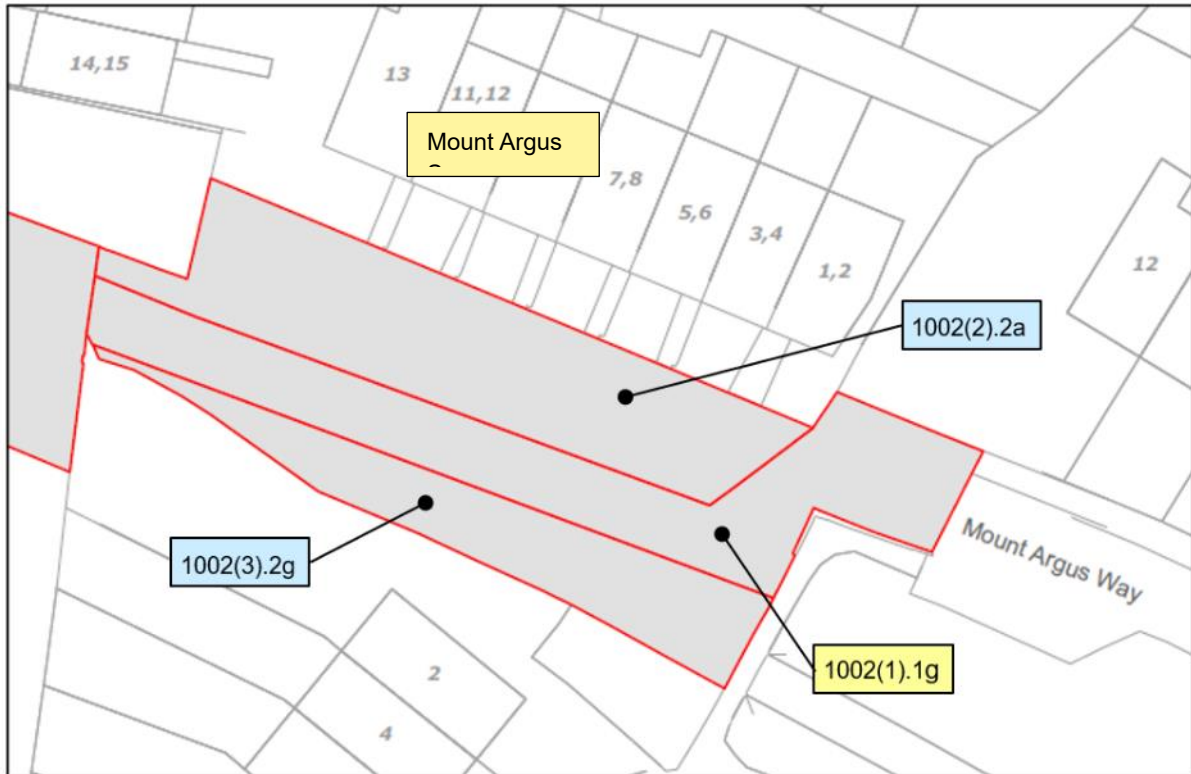


Figure 2-10-1: Extract from CPO Deposit Map Sheet 3

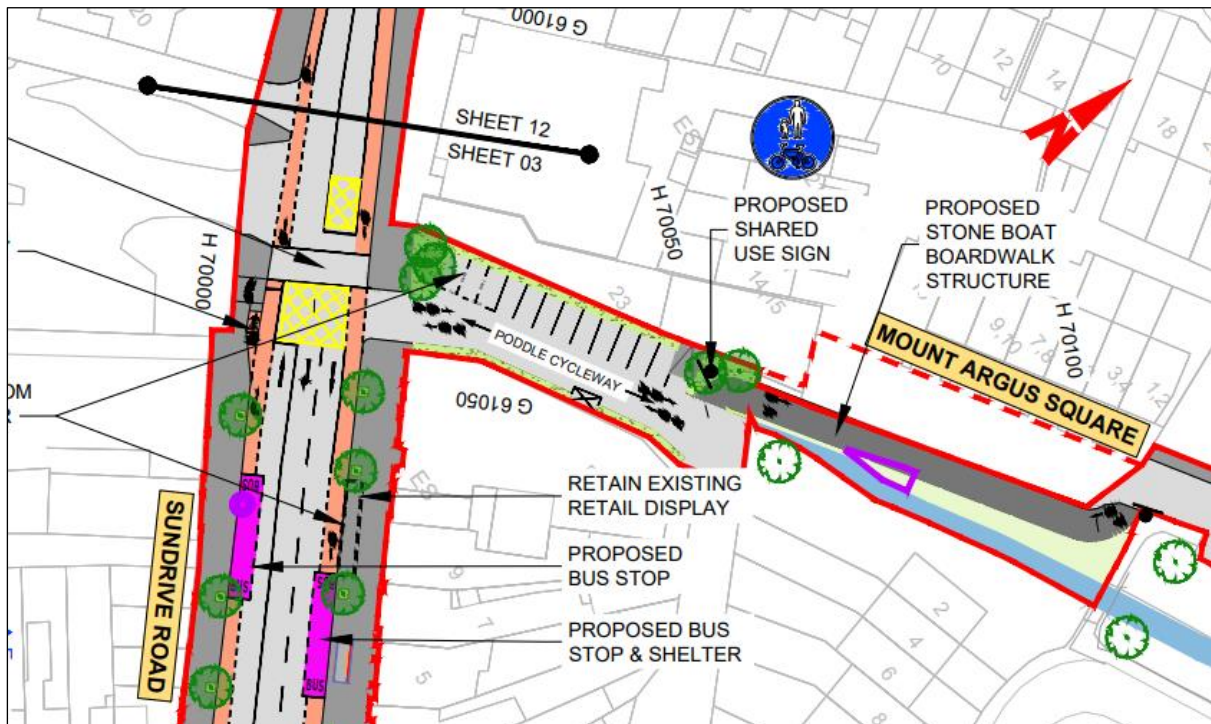


Figure 2-10-2: Extract from General Arrangement Map Sheet 3



Figure 2-10-3: Image 4.1 from EIAR Chapter 4 Scheme Description – Proposed Stone Boat Boardwalk



Figure 2-10-4: Aerial View of the Location



Figure 2-10-5: Street View of the Location at Mount Argus Square

Summary of Objections Raised

- a) Communal areas / bin store / security
- b) Wildlife at Stone Boat.
- c) Need for cycle route?
- d) Traffic restriction at Kenilworth Park East onto Harold's Cross Road.

Responses to Objections Raised

- a) Communal areas / bin store / security

Communal Areas

Figure 2-10-6 is an enlarged aerial photograph of the location that shows the communal parking area along the eastern edge of the property beside the River Poddle. The communal area in Temporary CPO Plot No.1002(2) will be temporarily occupied during the works to construct the proposed boardwalk structure. Access for the residents and visitors through this area will be carefully maintained and managed by the works contractor for health and safety reasons while large construction equipment is in operation, including a mobile crane and delivery lorries for construction equipment, components, and materials.

Bin Store

In the southeastern corner of the common area is where the communal bins are currently stored within a narrow space between the surrounding boundaries, as is indicated on Figure 2-10-6. This area is small and will be of limited use for the contractor during the construction works. It is likely that the bins can remain in the same location for most of the construction period, with suitable pedestrian access provided under the control of the contractor to ensure the health and safety of the residents. It is likely that the bins will need to be relocated at some stage according to the requirements of the contractor for access to the adjacent works area in agreement with affected residents. The bins will be accommodated at another suitable location within the Temporary CPO Plot No.1002(2) with safe pedestrian access provided.

The appointed contractor will be required to liaise in advance with affected residents to inform them of any temporary arrangements that may need to be implemented to facilitate construction works, including for bin collections.

Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR sets out that the appointed contractor will put in place a Communications Plan in accordance with the NTA's requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature.

“.... The appointed contractor will put in place a Communications Plan in accordance with the Employer's Requirements. The Communications Plan will provide a mechanism for members of the public to communicate with the NTA and the appointed contractor, and for the NTA and the appointed contractor to communicate important information on various aspects of the Proposed Scheme to the public. The Communications Plan will include procedures to inform members of the community directly affected by the Construction Phase on schedules for any activity of a particularly disruptive nature which is likely to impinge on their property such as boundary works, road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”



Figure 2-10-6: Aerial View of Mount Argus Square

Security

The proposed new pedestrian and cycle link from Mount Argus Way to Sundrive Road along the course of the River Poddle will provide a new and direct link for the community in Mount Argus to walk or cycle more quickly to the heart of Kimmage Village and the shopping centre. It will also shorten the distance

from the residential community along Sundrive Road to Mount Argus Church. The existing walking distance from the junction of Mount Argus Way / Mount Argus Avenue to Kimmage Shopping Centre via Kimmage Road Lower is 400m. The more direct route along the Stone Boat Boardwalk will be 220m. For someone living in Mount Argus Square the distance will reduce from 500m to only 120m. The local residents in the Mount Argus estate will benefit from greatly increased permeability on this more convenient and direct access route to their local shops and services. Likewise there will be more direct connectivity for the community living further north along Mount Argus Road who already walk through the grounds of the church and the public park on their way to Kimmage Village. In the other direction, the community along Sundrive Road and the area to the south at Blarney Park, Tonguefield Road and Bangor Road, etc., will have a more direct and quiet walking route to the local park and church at Mount Argus. These benefits will ensure that the proposed new route will be busy with local residents walking back and forth, which will provide passive security for the people living alongside the proposed new link, which will have high-quality public lighting.

The alignment of the proposed new walking and cycling route is straight, with clear visibility along the full route. There is overlooking of the northern end of the route from the homes at Mount Argus Square, and the southern part through the car park to Sundrive Road is only 40m long. Opening up of the through link should actually increase security for the businesses adjoining the car park at the southern end of the route, and for the residents of Mount Argus Square, Mount Argus Close and Mount Argus Way by increasing passive surveillance due to the regular movement of people back and forth along the new route.

The proposal for this new pedestrian and cyclist link is consistent with, and supports elements of, international policy, European Union (EU) law and policy, national policy, regional policy, and local policy. At all policy levels, there are clear objectives to increase active travel and accessibility to public transport. As set out in Section 2.3 of the EIAR Volume 2 Chapter 2 Need for the Scheme, and Appendix A2.1 Planning Report, the Proposed Scheme supports several policies in relation to improved accessibility and permeability in urban areas including the Transport Strategy for the Greater Dublin Area 2022 – 2042, and in particular the Dublin City Development Plan (2022-2028) Key Transport Policy SMT18 for the Pedestrian Environment: *‘To continue to maintain and improve the pedestrian environment and strengthen permeability by promoting the development of a network of pedestrian routes including laneway connections which link residential areas with recreational, educational and employment destinations to create a pedestrian environment that is safe, accessible to all in accordance with best accessibility practice.’*

b) Wildlife at Stone Boat

EIAR Volume 2 Chapter 12 Biodiversity assesses the potential impacts on biodiversity as a result of the construction and operation of the Proposed Scheme (which includes the area at the Stone Boat).

The presents the output of the biodiversity assessment and contains information regarding, *inter alia*, the biodiversity baseline scenario, the potential impacts on biodiversity, the mitigation measures and the predicted residual effects associated with the Proposed Scheme.

The area referred to as the Stone Boat is comprehensively addressed in the Chapter for example:

Section 12.2.3.4 Aquatic states: *“The desk study identified two sites where water bodies may be subject to significant disturbance as a consequence of the Proposed Scheme. Aquatic surveys were carried out at a number of locations namely: the proposed Poddle Cycleway and Stone Boat Boardwalk at Mount Argus View...”*

Section 12.2.3.5 states: *“The desk study identified two sites where waterbodies may be subject to disturbance (i.e. piling) as a consequence of the Proposed Scheme. These sites are the proposed Poddle Cycleway and Stone Boat Boardwalk at Mount Argus View and the proposed cycle / pedestrian bridges on each side of the existing Robert Emmet Bridge, over the Grand Canal. A corridor of approximately 150m upstream and downstream of the crossing points was surveyed to identify the presence of otter holts....”*

Section 12.2.3.7 states: *“The desk study identified two sites where waterbodies may be subject to significant disturbance (i.e., piling and in-stream works) as a consequence of the Proposed Scheme. These sites are located at the proposed Poddle Cycleway and Stone Boat Boardwalk at Mount Argus*

View and the proposed cycle / pedestrian bridges on each side of the existing Robert Emmet Bridge, over the Grand Canal....

Section 12.3.9.1 states: “Kingfisher habitat suitability assessments surveys carried out in November 2020, and ad hoc otter surveys carried out in March 2022, did not record evidence of any nest holes within 500m upstream or downstream of the proposed Stone Boat Boardwalk at Mount Argus View....”

Section 12.4.3 describes the potential biodiversity impacts that could occur as a result of the construction of the Proposed Scheme. The proposed works at the Stone Boat are specifically referenced and include:

Section 12.4.3.2.1 states with respect to habitat loss: *“The habitat type depositing / lowland rivers (FW2) may also be affected by the Proposed Scheme and is considered to be of Local Importance (Higher Value). The River Poddle occurs within the Proposed Scheme route, running through Kimmage and Harold’s Cross as it makes its way to its discharge point into the River Liffey at Wellington Quay. It is culverted in several places but appears above ground in Poddle Park and Mount Argus Park. The construction of the proposed Stone Boat Boardwalk along the River Poddle at Mount Argus View will involve bored piles into the vegetated bank set back from the River Poddle. The boardwalk will be elevated above the river level..... The Proposed Scheme will not result in any permanent loss of this habitat type. Therefore, there is no potential for significant effects at any geographic scale...”*

Section 12.4.3.2.2 states with respect to surface water quality: *“During the construction of the proposed Stone Boat Boardwalk at Mount Argus View and the proposed offline cycle / pedestrian bridges on each side of the existing Robert Emmet Bridge, suspended solids arising from the release of sub-surface sediment during works here have the potential to enter either the River Poddle (in the case of the Stone Boat Boardwalk) or Grand Canal pNHA (in the case of the offline cycle / pedestrian bridges) and travel downstream, potentially, into the Liffey Estuary Upper / Lower. Cement-based products used in the Construction Phase of the Proposed Scheme (e.g. concrete and / or bentonite which are highly corrosive and alkaline materials), if released into the River Poddle, Grand Canal pNHA or Liffey Estuary Upper / Lower may cause surface water degradation and damage to aquatic habitats.”*

Section 12.4.3.4.3.1 states with respect to otter breeding/resting sites: No in-stream / bankside works are proposed along any watercourse intersected by the Proposed Scheme, with the exception of the construction of the offline cycle / pedestrian bridges alongside each side of the Robert Emmet Bridge on the Grand Canal and the Stone Boat Boardwalk at Mount Argus View. Considering the works along the Grand Canal are localised and short-term, the Proposed Scheme will not have a likely significant effect on the conservation status of otter, as there will be no loss of breeding / resting sites, and will not have a likely significant negative effect, at any geographic scale.

Section 12.4.3.4.3.3 states with respect to otter habitat: *“During construction it is likely that the disturbance associated with these works will render the Grand Canal habitat in the immediate vicinity of Robert Emmet Bridge unsuitable for foraging / commuting otter.....The scale of habitat loss, through fragmentation, will be relatively small when compared to the availability of other suitable riparian habitats present in the wider environment of the surface water catchments that will be crossed by the Proposed Scheme. Otter are known to routinely use highly modified habitat within culverts and beneath bridges. Habitat fragmentation arising from the Proposed Scheme would not constitute a significant decline in the extent of available otter habitat and will not affect the local otter population’s ability to maintain itself, even in the short-term. Habitat loss associated with the construction of the Proposed Scheme will not have a likely significant effect on the conservation status of otter and will not have a likely significant negative effect, at any geographic scale.”*

Section 12.4.3.4.3.4 states with respect to otter habitat severance; *“The proposed cycle / pedestrian bridges on either side of the existing Robert Emmet Bridge over the Grand Canal, and the proposed Stone Boat Boardwalk over the River Poddle, could result in a barrier effect to local otter populations. No in-stream works are proposed as part of the Proposed Scheme. Given that otter are generally nocturnal and works will typically be carried out during normal daylight working hours, affected otters would be expected to habituate to the altered landscape and any resulting barrier effect would be temporary in nature (see Section 12.4.3.4.3.5 on disturbance / displacement and the habituation of otters to disturbance). The severance / barrier effect of construction works on otter is not likely to affect the local population, over even the short-term, and is not likely to affect the species conservation status and result in a significant negative effect, at any geographic scale.”*

Section 12.4.3.4.4.1 states with respect to water quality: “...*During construction of the proposed Stone Boat Boardwalk over the River Poddle, sediment may be released into the river and potentially be transported downstream to the Liffey Estuary Upper...Mitigation measures have been designed to protect water quality during construction (see Section 12.5.1.2.2).*”

Section 12.4.3.4.5 states with respect to other mammals: “*No other protected mammal species were recorded during the multidisciplinary surveys carried out along the Proposed Scheme. However, based on the results of the desk study, several mammal species protected under the Wildlife Acts, are known to occur in the wider environment, including red squirrel, hedgehog, and pygmy shrew.*”

Section 12.4.3.5.1.1 states with respect to breeding bird habitat loss: “...*The proposed Stone Boat Boardwalk will require the removal of amenity grassland habitat with low potential to support nesting / foraging habitat for riparian bird species, along the River Poddle, at least in part to allow for the piled supports for the boardwalk to be inserted into the existing riverbank.... None of the habitat areas to be lost are unique to the locality and, either individually or collectively, are not likely to support a significant proportion, or the only population, of any given breeding bird species locally. Although a temporary decline in overall breeding bird abundance could potentially occur at a very local level (i.e. the footprint of the Proposed Scheme), this is unlikely to affect the local range of the breeding bird species present, nor is it likely to affect the ability of these breeding bird populations to maintain their local populations in the long-term. Environmental Impact Assessment Report (EIAR) Volume 2 of 4 Main Report Kimmage to City Centre Core Bus Corridor Scheme Chapter 12 Page 74 Mitigation measures will be implemented to reduce the effects of habitat loss on breeding bird species locally (see Section 12.5.1).*”

Section 12.4.4 describes the potential biodiversity impacts that could occur as a result of the operation of the Proposed Scheme. The proposed boardwalk at the Stone Boat is specifically referenced and includes:

Section 12.4.4.4.3 addresses the potential impacts on otters. It concludes under a variety of topics that the Proposed Scheme (and specifically the boardwalk) will not result in significant impacts on otters at any geographic scale.

Section 12.4.4.5 addresses the potential impacts on birds. Localised disturbance effects on breeding birds will most likely be of greater impact at the River Poddle, than the remainder of the Proposed Scheme. The provision of the Stone Boat Boardwalk along the River Poddle has the potential to result in increased human presence in this area. It is considered that there may be temporary non-significant effects on breeding riparian birds at a local scale, until such a time that they have established new nesting sites.

Section 12.5 outlines the detailed mitigation measures that will be implemented along the Proposed Scheme to minimise impacts. A Surface Water Management Plan (see Section 12.5.1.2.2) has been prepared and will be implemented by the contractor. Additional measures are proposed for the Construction of the Stone Boat boardwalk.

Section 12.6 sets out the residual impacts as a result of the construction and operation of the Proposed Scheme. Tables 12.15 and 12.16 summarise the construction and operational phase significant residual impacts respectively. No significant residual biodiversity impacts are predicted as a result of the Proposed Scheme (including for the Stone Boat).



Figure 2-10-7: River Poddle at Mount Argus Square

c) Need for the Cycle Route through Mount Argus

The *Greater Dublin Area Cycle Network Plan* includes several separate cycle routes in the Kimmage area as may be seen in Figure 2-2-7. On the cycle network map the route along the Stone Boat and through Mount Argus is indicated as a feeder link from Sundrive Road to the secondary cycle route along Kimmage Road Lower that in turn connects with the primary route at Harold's Cross Road. These converging cycle routes provide access to the southern sector of the city centre with links via the Grand Canal corridor towards the southeast city and the docklands employment zones.

While the feeder cycle route through Mount Argus may not be shorter than the alternative route along the main roads through Sundrive Cross, it will allow cyclists to bypass that busy junction, and will be a quieter and more attractive route for cyclists. It will also provide a shortcut for the local residents to cycle north-westwards along the Sundrive Road route, and south-westwards through the Crumlin area towards the major employment zone in Dublin 12.



Figure 2-2-7: Greater Dublin Area Cycle Network Plan in Kimmage Area

d) Traffic restriction at Kenilworth Park East onto Harold's Cross Road

The 5-arm junction on Harold's Cross Road with Kenilworth Square, Rathgar Avenue, Terenure Road North, and Kenilworth Park has a fairly complex signal sequence to manage the various crossing traffic movements. The proposal is a 7-stage signal operation enabling segregated inbound and outbound cycle movements on all arms through the junction ensuring unimpeded movements by straight ahead cyclists along with right turn pocket for cyclists. This will result in the operation of the junction to be simplified and more efficient through the removal of one of the 5 separate traffic streams. This will allow more signal time to be allocated to the other 4 traffic streams, such that the net effect will be a slight improvement in the junction operation and to enable the provision of two right-turn movements from Harold's Cross Road southbound and Rathgar Avenue northbound that are currently restricted.

The modest westbound volume of general traffic on Kenilworth Park will be diverted a distance of 370m via Rathgar Avenue, which will only slightly lengthen the journey time, with insignificant impact.

2.11 CPO No. 11, Entrance to Our Lady's Hospice, Harolds Cross Road, Dublin 6W - Plot No. 1019

The CPO for the Proposed Scheme includes Permanent Plot No.1019(1) part of the existing access road into Our Lady's Hospice which will become a public road, Permanent Plot No.1019(2) a lawn area where it is proposed to construct a small public car park, Temporary Plot No.1019(3) for the construction of a new gate for Our Lady's Hospice, and Temporary Plot No.1019(4) for the construction of a boundary for Our Lady's Hospice.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.4 in Figure 2-11-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-11-2.
- The existing aerial view in Figure 2-11-3.
- Existing street view in Figure 2-11-4.

Description of the Proposed Scheme at this location

Between Harold's Cross Park and the entrance to Our Lady's Hospice (a distance of 85m) there is on-street parking in an indented bay with 10 spaces on the western side in front of No. 66 to 84 Harold's Cross Road. The existing 10 parking spaces on the western side of the street will be removed to accommodate the proposed northbound cycle track. To compensate for the loss of the 10 on-street parking spaces, it is proposed to provide a new public car park with 22 spaces on the grounds of Our Lady's Hospice where there is a lawn area just inside the entrance. There will be a net additional 12 parking spaces available in this car park for the other residents along R137 Harold's Cross Road where there is a general shortage of parking in the local area.

This public car park will be controlled and maintained by the local authority and will operate under the general public parking control regime in the surrounding area, with pay and display for casual users and permit parking for local residents. Because the car park will be public, the adjoining section of private access road will also be acquired and will become a public road. The private entrance to Our Lady's Hospice will therefore be relocated 45m further west from the existing gate, where a new gate will be provided.

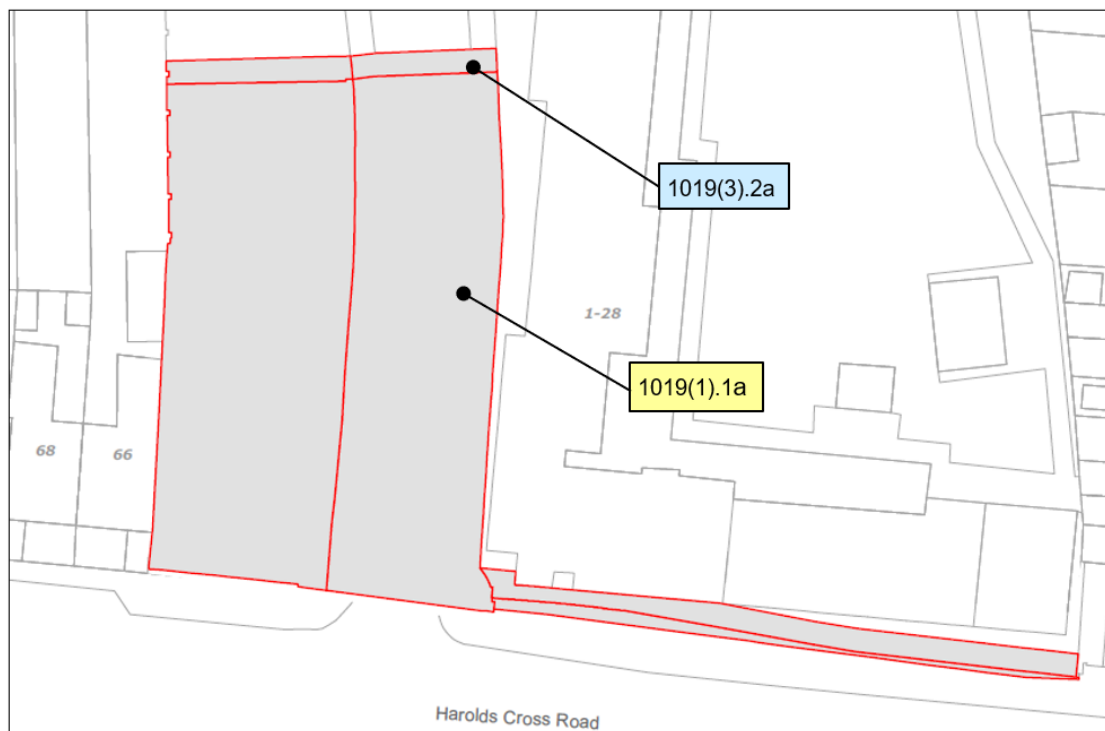


Figure 2-11-1: Extract from CPO Deposit Map Sheet 4

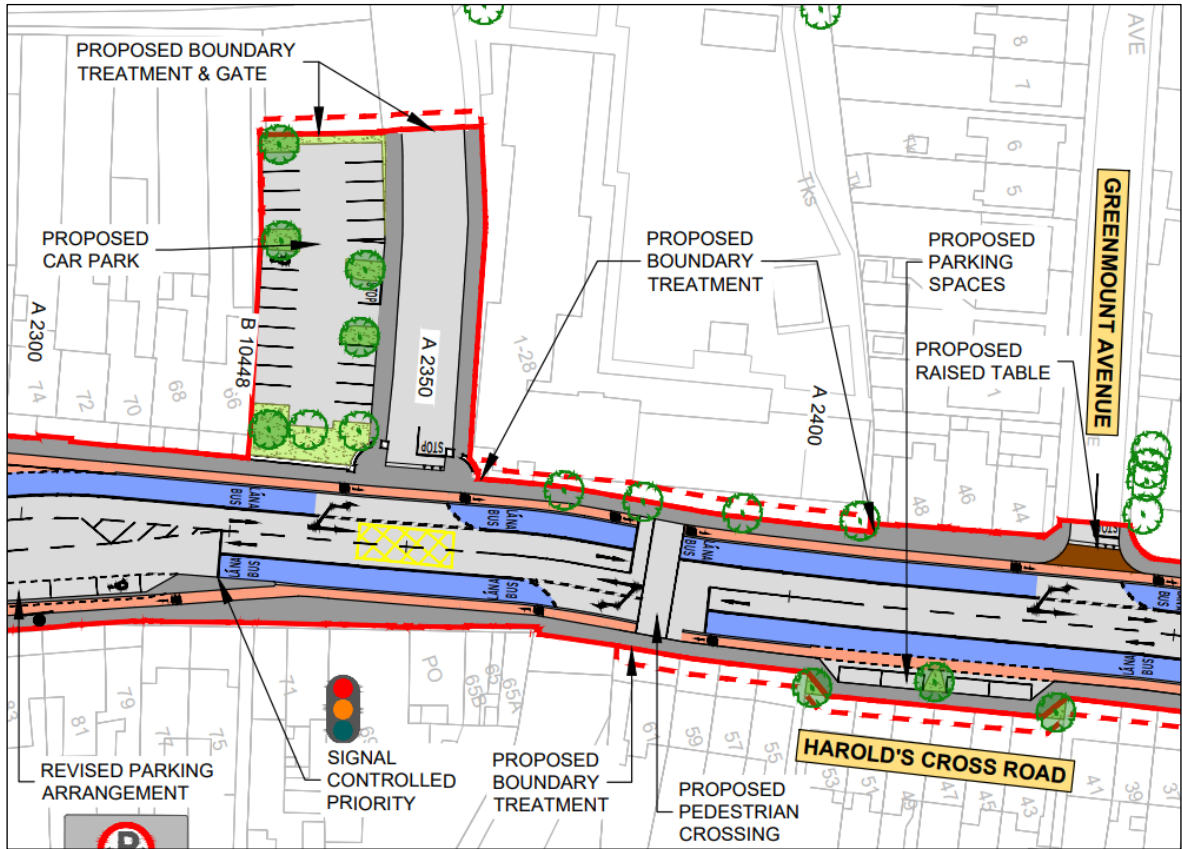


Figure 2-11-2: Extract from General Arrangement Map Sheet 7



Figure 2-11-3: Aerial View of the Location



Figure 2-11-4: Street View of the Location looking east from within the Hospice

Summary of Objections Raised

This Objection is by the Religious Sisters of Charity who own and occupy parts of the campus of Our Lady's Hospice, with shared use of the access road.

Most of the campus property was transferred to Our Lady's Hospice Ltd. in 2002, with easement retained for access and utilities to the properties of the Religious Sisters of Charity on 3 sub-plots within the overall hospice campus.

The following issues were raised in the Objection:

- a) Ownership details in CPO Schedule
- b) Clarification sought about the retention of the easement rights, security, and the use and maintenance of the proposed car park.
- c) Traffic and access disruption during the proposed works.
- d) Loss of control of access to the hospice campus.
- e) Contrary to DCC and national planning policies by encouraging car use.
- f) Disproportionate use of CPO.

Responses to Objections Raised

a) Ownership details in CPO Schedule

Given the contents of the submission/objection by the Religious Sisters of Charity which indicates that the Religious Sisters of Charity only have rights over the relevant lands but are not owners of the lands, the NTA have no difficulty with the Religious Sisters of Charity being moved from the "owners or reputed owners" column to the "occupiers" column in relation to plots number 1019(1) and 1019(3). As the Board is aware, section 217C(1) of the Planning and Development Act 2000 (as amended) provides as follows:

"217C. (1) Notwithstanding any provision of any of the enactments referred to in section 214 [which includes the Housing Act 1966 under which this CPO was made], 215A, 215B or 215C

concerning the confirming or otherwise of any compulsory acquisition, the Board shall, in relation to any of the functions transferred under this Part respecting those matters, have the power to confirm a compulsory acquisition or any part thereof, with or without conditions or modifications, or to annul an acquisition or any part thereof.”

Therefore, the Board can confirm the CPO with the minor modification of moving Religious Sisters of Charity from the “owners or reputed owners” column to the “occupiers” column in relation to plots numberr1019(1) and 1019(3) in Part I and Part II of the schedule to the CPO.”

b) Easement rights, security, and the use and maintenance of the proposed car park.

The existing access road into the hospice is included in Permanent CPO Plot No.1019(1) and this will become a public road. In that respect the existing easement rights for the Sisters of Charity will be curtailed across this plot as they will be replaced by a public right of way extending into the campus from Harold’s Cross Road to the proposed new gate at the western end of this CPO Plot where the remaining easement rights will commence and continue into the private campus.

The proposed car park on Permanent CPO Plot No.1019(2) will be a public road area which will be subject to the same controls and maintenance responsibilities of the public authorities as all other public roads.

c) Traffic and access disruption during the proposed works.

The proposed construction compound K2 will be located on the un-used grass lawn area along the southern side of the access road into the hospice as described in EIAR Volume 2, Chapter 5, Section 5.7. An indicative layout of the compound is shown in Image 5.4 in EIAR Chapter 5, and this is reproduced in Figure 2-11-5 below. The compound will not impede access to the hospice which will continue along the existing access road beside the proposed compound.

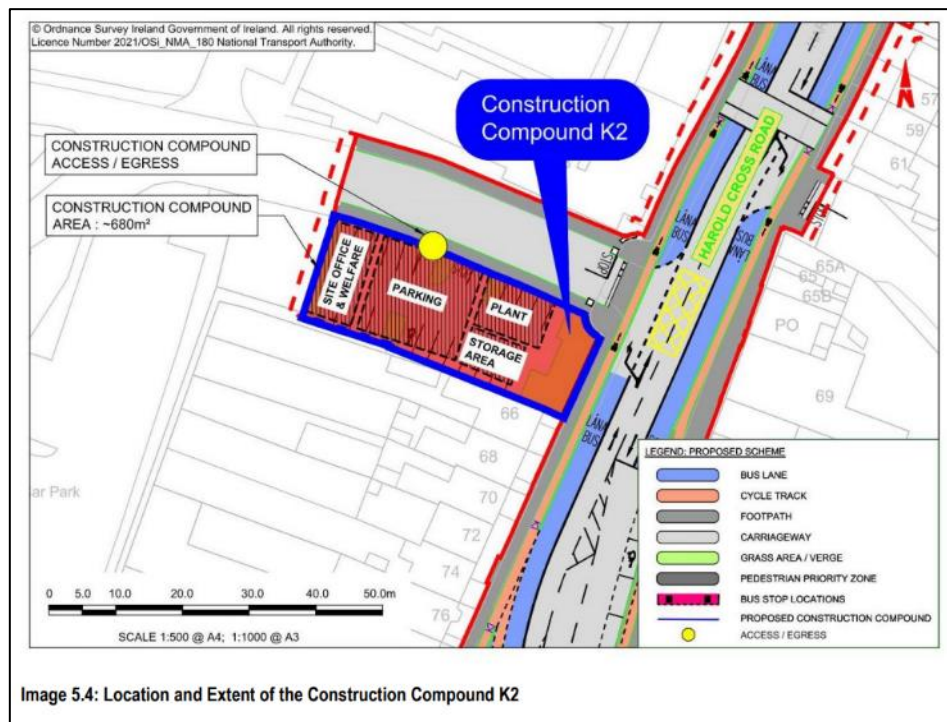


Figure 2-11-5: Construction Compound K2 at Our Lady’s Hospice

EIAR Chapter 5, Section 5.7.2 sets out what will be contained in the Construction Compound:

“As shown in Image 5.3 to Image 5.5, the Construction Compounds will contain a site office and welfare facilities for NTA personnel and contractor personnel. Limited car parking will be allowed at the Construction Compounds, in line with the principles of the Construction Stage Mobility Management Plan (CSMMP), as described in Appendix A5.1 CEMP in Volume 4 of this EIAR, which will be prepared by the appointed contractor. Excavated materials such as topsoil, subsoil,

concrete, rock etc., will not be stored at the Construction Compounds for reuse, as the compounds are too small. All excavated materials will be immediately loaded into lorries for removal from the site of the excavation. Items of plant and equipment, described in Section 5.6, will be stored within the Construction Compounds when not in use.”

d) Loss of control of access to the hospice campus.

The existing access road into the hospice is included in Permanent CPO Plot No.1019(1) and this will become a public road. There will be a public right of way extending into the campus from Harold's Cross Road to a proposed new gate at the western end of this CPO Plot. Access control to the hospice campus will be relocated to the new gate at the end of the new public road section. Our Lady's Hospice will at all times retain control of access to the campus from the western extents of the proposed CPO plot.

e) Car park inconsistent with planning policies.

The proposed small public car park is included in the Proposed Scheme as a replacement for existing on-street parking immediately nearby that will be removed for the provision of a cycle track. It will provide an additional 12 spaces, in recognition of the severely restricted availability of public parking in an area where very few houses have driveways, and to reduce the risk of illegal parking on the proposed cycle tracks along Harold's Cross Road. The shortage of public parking in the area results in irregular and illegal parking on footpaths and at street corners in the surrounding streets. In this context the parking situation in the Harold's Cross area is more restricted than much of the city and is very much consistent with planning policies which encourage a limited supply of parking, but not a complete absence of it. Section 4.3.1.4 in the Planning Report (Appendix A2.1 in Volume 4 of the EIAR discusses the zoning of the lands on which the proposed car parking would be provided:

“.....It is noted that a small area of land under zoning objective Z15 (Community and Social Infrastructure), within the confines of Our Lady's Hospice along Harold's Cross Road, is required to facilitate Construction Compound K2 during the Construction Phase and a proposed new public car park during the Operational Phase. Permissible uses for the Z15 (Community and Social Infrastructure) zoning objective relevant to the subject lands include (inter alia):

- *Community Facility.*

Open for consideration Uses include (inter alia):

- *Car park ancillary to main use.*

Following consideration of several possible locations, proposals for a small public car park at Our Lady's Hospice were selected, with the location to the front of the site nearest Harold's Cross Road. The proposed car park will be controlled by Dublin City Council and visitors to Our Lady's Hospice can use it. As part of the Proposed Scheme, Our Lady's Hospice entrance gate will move westwards to beyond the car park which can be controlled by the Hospice. The historic gates on Harold's Cross Road will remain in their existing position, however, they will no longer close as the driveway to the proposed car park will become part of the public road. The location of the proposed car park will not impact upon the integrity of the hospice use and has the least impact for the future development and operation of same, while compensating for the loss of some existing public parking on the street nearby.

At present, the subject lands comprise a private grassed area that form part of the wider Hospice lands. It is a fenced-off area and is not used for any active recreation. The proposed parking area can be used by visitors to the Hospice.

The area in question is of a very modest scale comprising of approximately 680m². In regard to the wider Z15 zoning objective of the site which is approximately 9.1hectares, it comprises approximately 0.7% of the site. The subject lands are peripheral and are a non-integral part of the overall land use.

The Proposed Scheme will provide a grassed area where the aforementioned lands adjoin Harold's Cross Road, as well as on its western perimeter. Furthermore, it will retain all but one of the existing trees resulting in a net increase from four trees to eight around the car park area.”

f) Unlawful Acquisition

The objection by the Religious Sisters of Charity in respect of the Kimmage to City Centre Bus Corridor Scheme asserts that the proposed compulsory acquisition of land over which the Congregation has the benefit of free and full liberty of access, rights of way, easements etc. is a disproportionate interference with property rights and is therefore unlawful.

The NTA and its legal advisors are entirely satisfied that the CPO is for the exigencies of the common good and is proportionate in this regard. The objection neglected to consider the significant benefits arising from the Kimmage Scheme, for which the lands the subject matter of the CPO complained of are required, including to mitigate the environmental impacts of that Kimmage Scheme.

In particular, the NTA has the power to compulsorily acquire lands in accordance with Section 44 of the Dublin Transport Authority Act 2008 (as amended) which provides as follows: -

“(6) Where—

(a) a decision is made by the Authority under subsection (2)(b) or (5)(a) for the performance of a particular function otherwise than through a public transport authority or statutory body, or

(b) the Authority is performing its function of securing the provision of public transport infrastructure in accordance with subsection (2)(e),

the following provisions have effect—

(...)

(ii) for the purpose of paragraph (a) or (b), land may be acquired by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000,

(...)

(6A) Without prejudice to the generality of subsection (6)(ii), land may be acquired by the Authority by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000 for the purpose of taking any measure whatsoever that may be reasonably required to mitigate, directly or indirectly, the impact of any public transport infrastructure provided on the environment generally or on—

(a) any particular site, building or structure,

(b) the availability of parking, or

(c) trees, landscaping, and planting.”

On the basis of the above provision, it is clear that the NTA have the power to compulsorily acquire lands to mitigate the impact of the proposed public transport infrastructure on the availability of parking as is proposed here.

In his judgment in *Reid v Industrial Development Agency*¹, McKechnie J laid down a number of principles in relation to how statutory powers for the compulsory acquisition of land should be interpreted and applied: -

(i) “The conferring and exercise of statutory powers in this regard, must accord with the Constitution and must respect and implement the principles of both natural and constitutional justice. There has never been any doubt but that such applies to any state interference with property rights (Foley v Irish Land Commission [1952] IR 118, Nolan v Irish Land Commission [1981] 1 IR 23).

(ii) The impact on the right to private property, which can vary from the minimal to the absolute, as in this case where the entire holding including the family dwelling house is sought to be expropriated, must be justified, or necessitated by the exigencies of the common good, which will of course have regard to the principles of social justice.

(iii) Even where so justified, compensation will virtually always be an important aspect of constitutional protection.

- (iv) *The conferring and exercise of such power must be granted and carried out in such a way that the impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued. In other words, the interference must be the least possible consistent with the advancement of the authorised aim which underlines the power.*
- (v) *Such power must be expressly conferred by statute on the body which seeks to implement it. Further, where constitutional rights are abrogated by statutory intervention, such provisions must be construed in a way which gives full effect to above principles.*
- (vi) *As the 1986 Act is a post-constitutional statute, there is a presumption, inter alia, that all steps taken within and as part of the compulsory process will be duly compliant with the aforesaid principles. (East Donegal Co-operative Livestock Mart Ltd v. The Attorney General [1970] I.R. 317)."*

On this basis, in circumstances where the CPO has been made in order to facilitate the implementation of the Kimmage Scheme, the NTA did (in making the CPO) ensure that: -

- (a) There is a need that advances the common good which is to be met by the acquisition of the lands in question;
- (b) The particular property is suitable to meet that need;
- (c) Any alternative methods of meeting the need have been considered; and
- (d) The landowner is entitled to be compensated.

The acquisition of the lands in the CPO including the Hospice lands are critical for the construction of the Scheme and to mitigate the impacts of the operation of the Scheme for the common good.

Having regard to Chapter 2 in Volume 2 of the EIAR which sets out the Need for the Proposed Scheme there is significant evidence to satisfy the requirement that there is a community need for the Kimmage Scheme that advances the common good, and the acquisition of the Hospice lands is of central importance to the implementation of the Kimmage Scheme. The Kimmage Scheme will support integrated sustainable transport use through infrastructure improvements for active travel (both walking and cycling), and the provision of enhanced bus priority measures for existing (both public and private) and all future services who will use the corridor.

Section 2.1 in Chapter 2 in Volume 2 of the EIAR provides information on the need for BusConnects (including the Proposed Scheme):

"... The key radial traffic routes into and out of Dublin City Centre are characterised by poor bus and cycle infrastructure in places. Effective and reliable bus priority depends on a combination of continuous bus lanes and signal control priority at pinch-points and junctions. Currently, bus lanes are available for approximately 18% of the Proposed Scheme route, with no signal control priority for buses. Cyclists must typically share space in bus lanes or general traffic lanes as there are only very limited lengths of segregated cycle tracks (which have temporary plastic kerbs and bollards). Furthermore, there are key sections of the current bus lanes that are not operational on a 24-hour basis in addition to being shared with both formal and informal parking facilities and cyclists which compromises the reliability and effectiveness of the bus services in these areas...."

As detailed in Chapter 3 in Volume 2 of the EIAR (Section 3.4.4) *"Following consideration of several possible locations, proposals for a small public car park at Our Lady's Hospice were confirmed, with the location selected at the front of the site nearest Harold's Cross Road. This location has the least impact for the future development and operation of the hospice, while compensating for the loss of some existing public parking on the street nearby"*. The NTA considered the reasonable alternatives to meet the community need for replacement parking facilities, in accordance with the requirements of the EIA Directive, which requires "a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of environmental effects".

The proposed scheme includes the creation of 22 paid and permit parking spaces to the west of Harold's Cross Road on land within the boundary of Our Lady's Hospice, this is to offset the loss of permit parking spaces along the corridor. Section 6.4.6.1.3.4 of Chapter 6 (Traffic and Transport) in Volume 2 of the EIAR assesses the impact of this specific change in parking as **Positive, Moderate and Long-Term**.

By not providing these additional spaces as part of the Proposed Scheme, this would change the localised impact of the scheme as ten permit spaces along the corridor would be lost without replacement. The localised **Positive, Moderate and Long-Term impact** as currently reported in the EIAR would become a **Negative, Slight and Long-Term impact**.

Considering Section 2 between R137 Harold's Cross Road from Harold's Cross Park and Grand Canal as a whole, Table 6-27 of Section 6.4.6.1.3.4 of Chapter 6 (Traffic and Transport) in Volume 2 of the EIAR would be amended as below.

Street	Parking Type	Number of Parking Spaces		
		Do Minimum	Do Something	Change
R137 Harold's Cross Road	Pay & Display / Permit	18	8	-10
R137 Harold's Cross Road	Disabled	1	1	0
Side street	Adjacent	59	59	0
Total		78	68	-10

In this context the loss of ten spaces along Section 2 of the Proposed Scheme will not change the overall parking conclusions for this section which would remain **Negative, Slight and Long-Term**. This Slight effect remains acceptable in the context of the benefits of the Proposed Scheme, which will improve accessibility to this local area (on foot, by bicycle and bus) for residents and visitors to local shops and businesses.

The CPO is necessary for the implementation of the Kimmage Scheme. The use of a construction compound in this location is clearly required to facilitate the construction of the scheme. In the heavily built-up area of Harold's Cross there are no other suitable sites available for the proposed compound. There is a need for 3 construction compounds along the 3.7km length of the proposed scheme to enable the facilities to be sufficiently proximate to the works areas. The Proposed Scheme works are most intense and complex in Harold's Cross, with road widening and reconstruction along Harold's Cross Road, and Clanbrassil Street Upper, including the construction of two footbridges and a significant retaining wall at the Grand Canal. These works could not be adequately supported by the other proposed construction compounds K1, 1.4km to the south, or compound K3, 0.8km to the north of the proposed compound K2 at the hospice. Thereafter, car parking will be made available on the site to mitigate against the potential impact of the proposed removal of on street car parking in the vicinity. Harold's Cross Road is composed of residential units, together with shops, restaurants and businesses, and this car parking is necessary to mitigate against the loss of on street parking so as to facilitate access to these homes/shops/restaurants/businesses to be maintained following completion of the Kimmage Scheme.

Further in this regard, in the event that the CPO is confirmed by the Board, and the NTA exercises its powers of acquisition pursuant to the confirmed CPO, the owners, lessees, and occupiers of those acquired lands and interests in lands will be entitled to submit a claim for compensation which, in default of agreement, will be determined by a Property Arbitrator, pursuant to a separate statutory scheme.

As explained by the Supreme Court in Reid, a CPO must be "carried out in such a way that the impairment of the individual's rights does not exceed that which is necessary to attain the legitimate object sought to be pursued". Indeed, it is axiomatic that the acquisition of land and rights over land will result in interference with the use of those lands by owners/lessees/occupiers. However, in this instance, such interference is entirely proportionate to the legitimate aim being pursued by the Kimmage Scheme, in the interests of the common good. The earlier response for Item (e) of the submission on behalf of the hospice has demonstrated that there is a community need for the replacement of existing parking that will be removed to accommodate a cycle track, and that there is a general shortage of parking in the surrounding area that gives rise to risk of unauthorised and illegal parking on footpaths and cycle tracks. In that regard it is reasonable and proportionate for the Proposed Scheme to seek to acquire the area of land at the hospice for the provision of a small public car park.

Therefore, in applying the appropriate test for CPO, the Board can be satisfied that it can confirm the CPO of the Hospice lands, as its acquisition is for the exigencies of the common good and is proportionate.”

2.12 CPO No. 12 - Car Park off Sundrive Road - Plot No. 1001

The CPO for the Proposed Scheme includes Permanent Plot No.1001(1) consisting of a car park to the north of Sundrive Road adjacent to No.11/13 Sundrive Road, which is in the ownership of the Estate of Joy Ordnam. There is a laneway connected to the car park at the northeastern corner which provides rear access to several properties, including No.11/13. The side/gable wall of No.11/13 bounds the car park on the eastern side, where there is an advertisement hoarding sign suspended on the wall overlooking the car park entrance.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.3 in Figure 2-12-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-12-2.
- The existing aerial view in Figure 2-12-3.
- Existing street view in Figure 2-12-4.

Description of the Proposed Scheme at this location

In the Proposed Scheme an offline cycle route will be designated parallel to Kimmage Road Lower, along existing quiet residential streets at Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, cyclists will be able to proceed via the proposed new Stone Boat Boardwalk connection to Mount Argus Way and Mount Argus View and then join Kimmage Road Lower to continue to Harold's Cross and the city centre.

A short new pedestrian and cycle link will be provided in the Proposed Scheme from Sundrive Road to the Mount Argus housing estate to the north. This connection will significantly improve local permeability for pedestrians and cyclists by providing a direct route from the residential area of Mount Argus to the heart of Kimmage Village.

The new link from Sundrive Road will pass through the small existing public car park in CPO Permanent Plot No.1001(1). This car park is partly located on top of the River Poddle culvert that carries the river underground from south of Kimmage Shopping Centre to the Mount Argus estate where it is in an open channel beside Mount Argus Square on the western bank. At the northern end of the car park the route will cut through the existing 2m high boundary wall at the end of the culvert. North of the car park a proposed steel boardwalk structure will be provided beside and above the River Poddle at the Stone Boat feature and along the eastern boundary of Mount Argus Square. The proposed Stone Boat Boardwalk will connect at the northern end of Mount Argus Square to Mount Argus Way.

Cyclists and pedestrians using the new link will pass through the car park which will be retained, and they will share the access road with traffic using the car park or passing through to the rear of the properties that back onto the laneway at the northeastern end.

In the Proposed Scheme cycle tracks will be provided along Sundrive Road from Blarney Park to the junction with Kimmage Road Lower. This will require the relocation of 2 taxi rank spaces from the northern side of Sundrive Road, which will be replaced by 3 designated spaces in the adjoining car park at the southern end.

The existing car park is controlled as a public car park as designated by regulatory signage. It is 10.5m wide and 42m long, with 20 parking spaces marked at present, consisting of 15 perpendicular spaces along the western side and 5 parallel spaces along the eastern side. However, the parallel spaces are not practical to use as the residual circulation aisle is less than 3m wide, which is much too narrow for a vehicle to enter or exit the perpendicular space if there is a car parked in the opposite parallel space. The effective number of parking spaces is therefore 15 (allowing for a gap at a loading bay), as is evident in the images in Figures 2-12-3 and 2-12-4. The most southerly space located just inside the car park entrance is very awkward to access and is impractical to use. In the Proposed Scheme it is proposed to remove the 2 most northerly parking spaces to accommodate the proposed pedestrian and cycle link to the Stone Boat Boardwalk. A landscaped bed with new trees is proposed to replace the most southerly parking space that is impractical to use. The net effect of the Proposed Scheme will be

to reduce the number of parking spaces from 15 to 12 (9 public spaces + 3 taxi spaces), resulting in a net loss of 3 spaces overall.

Construction Compound K1 will be located on part of this CPO plot and all of the parking spaces will be unavailable for use during the construction period. Access to the adjoining properties will be retained during the construction period, to both the laneway at the northeastern corner, and for the loading bay at the rear of No.23 Sundrive Road (Gallery 23) on the western side.

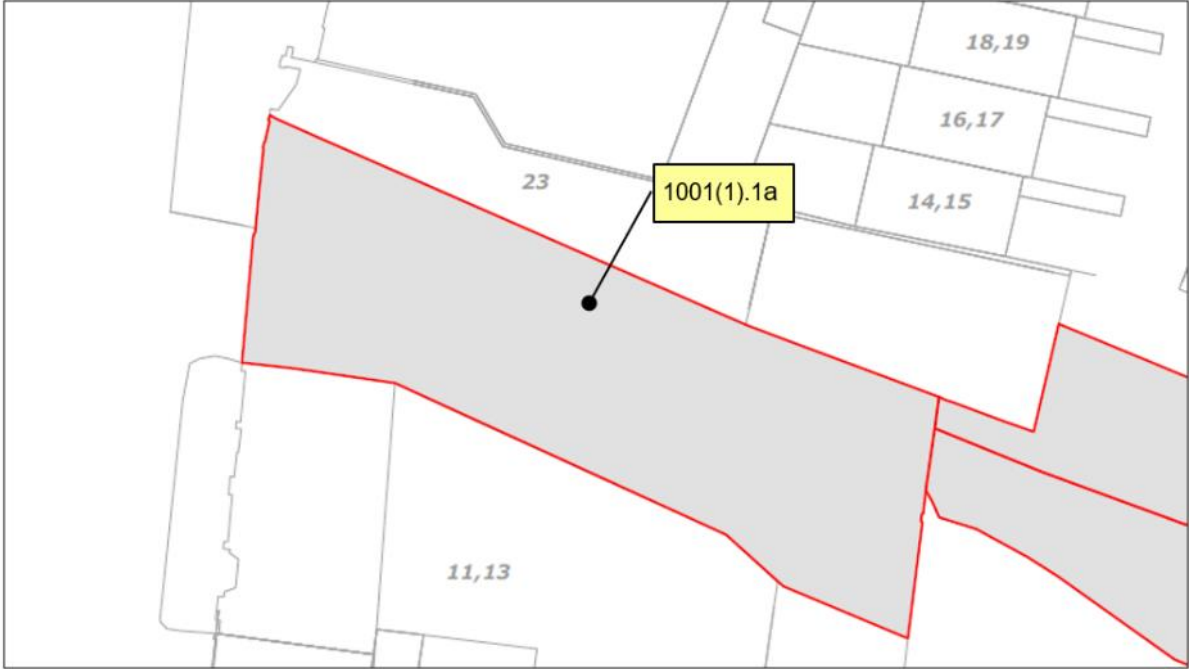


Figure 2-12-1: Extract from CPO Deposit Map Sheet 3

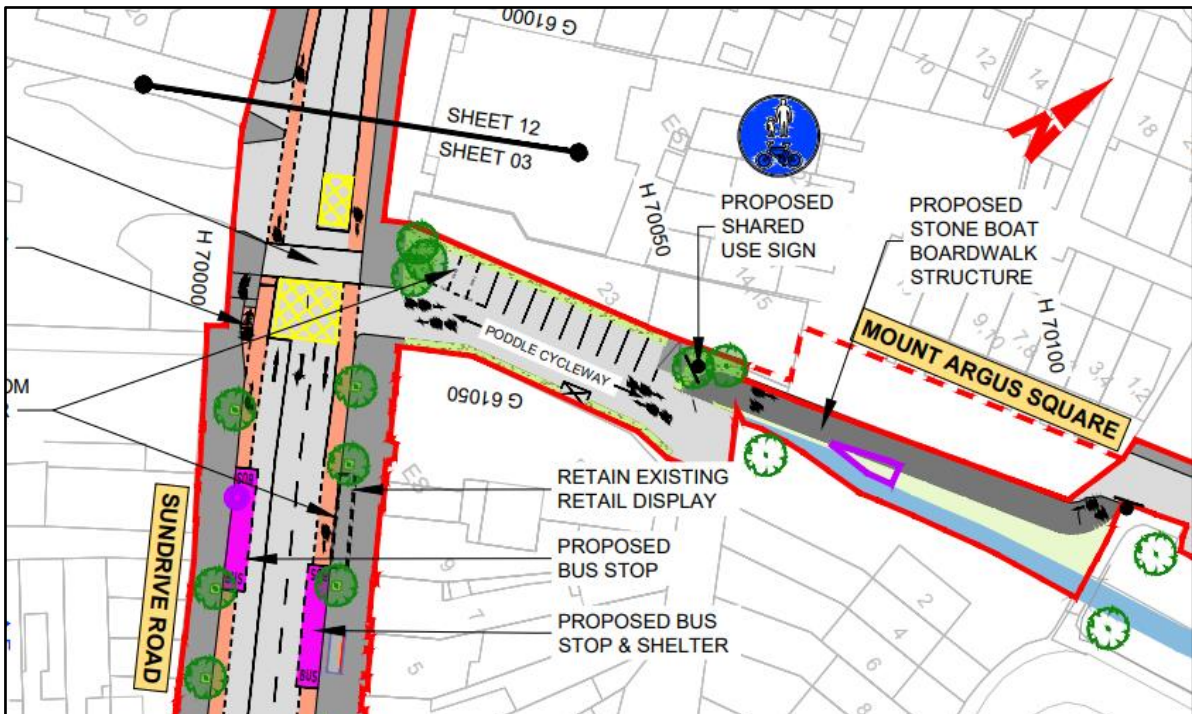


Figure 2-12-2: Extract from General Arrangement Map Sheet 3



Figure 2-12-3: Aerial View of the Location



Figure 2-12-4: Street View of the Location

Summary of Objections Raised

- Interaction between cyclists and pedestrians on the Poddle Cycleway with car parking and interference with access to rear of properties.
- Access for maintenance and repair of the property and advertising hoarding.
- Future redevelopment impacts.

- d) Construction compound restrictions for access.
- e) Loss of 8 public car spaces.

Responses to Objections Raised

a) Interaction between cyclists and pedestrians in the car park

Pedestrians and cyclists on the *Poddle Way* route via the proposed Stone Boat Boardwalk will share the car park access aisle with vehicular movements to the car parking spaces and the access to the rear of the adjoining properties. Such vehicular movements are very occasional and there will be minimal interference caused by the mixing with pedestrians and cyclists in a safe and slow-moving situation. A Stage 1 Road Safety Audit, included as Appendix M2 of the Preliminary Design Report, was carried out for the Proposed Scheme and these interactions were not raised as a potential problem.

b) Access for maintenance and repair of the property and advertising hoarding.

The Proposed Scheme will not interfere with the existing access for maintenance and repair of the adjoining properties and of the advertising hoarding on the eastern side. In this respect these activities can take place as normal with suitable public safety measures and precautions and will be no different to the situation at the front of the properties on the public footpath along Sundrive Road.

Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”

In addition, the appointed contractor will be required to put in place a Communications Plan in accordance with the NTA's requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature. Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR states:

“... The appointed contractor will put in place a Communications Plan in accordance with the Employer's Requirements. The Communications Plan will provide a mechanism for members of the public to communicate with the NTA and the appointed contractor, and for the NTA and the appointed contractor to communicate important information on various aspects of the Proposed Scheme to the public. The Communications Plan will include procedures to inform members of the community directly affected by the Construction Phase on schedules for any activity of a particularly disruptive nature which is likely to impinge on their property such as boundary works, road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”

c) Future redevelopment impacts.

If the property beside the car park were to be further developed, this could require access for construction and scaffolding from the western side within the adjoining car park area. Such arrangements would be subject to normal licencing by the local authority and would require provisions for public safety, including possible temporary restriction of some of the parking spaces. The same requirements pertain at present, and the Proposed Scheme will make no practical difference in this regard.

Section 10.4.4.1.2.1 addresses community land take and the effect of permanent land take:

“Permanent land take of the car park at Sundrive Road (and adjacent land over the River Poddle) is required in order to firstly provide for a Construction Compound (K1) during the Construction Phase but also to provide for the proposed boardwalk structure over the River Poddle to Mount Argus Square. This car park will return to public use during the Operational Phase with dedicated

parking spaces alongside cycle lane marking to delineate vehicle and cyclist traffic, in keeping with the current private right of way that exists at this location. Therefore, in line with DMRB guidance and as the car park is returning to public use and facilitating improved access to Mount Argus Square, it is considered that the significance of this permanent land take is Positive, Slight and Long-term....”

It is acknowledged in Section 10.6.1 (Table 10.12) that there will be a Negative, Moderate/Significant and Short-term community amenity impact on the Sundrive Road Car Park. There are currently two taxi rank parking spaces on the southwest arm (Sundrive Road) of the R817 Kimmage Road Lower / Sundrive Road / Larkfield Avenue junction. It is proposed to remove the two taxi spaces and provide cycle tracks along this section of Sundrive Road. Three taxi spaces are proposed in the car park located 20m northwest of the existing location to mitigate this loss. The impact of removing two taxi spaces, balanced against the provision of three taxi spaces to the northwest is assessed as having a Negligible impact.

A proposal to reduce Pay & Display parking from 24 to 12 spaces along Sundrive Road with three taxi spaces is expected to be mitigated by formalising informal parking spaces on the northeast arm along R817 Kimmage Road Lower to three designated bays. This along with the availability of nearby parking options is expected to result in negligible impacts.

d) Construction Compound and Possible Restrictions for Access to Properties

The proposed construction compound K1 will be located on the public car park off the northern side of Sundrive Road as described in EIAR Volume 2, Chapter 5, Section 5.7. An indicative layout of the compound is shown in Image 5.3 in EIAR Chapter 5, and this is reproduced in Figure 2-12-5 below. The compound will not impede access to the properties adjoining the car park which will continue along the existing access aisle on the eastern side beside the proposed compound.

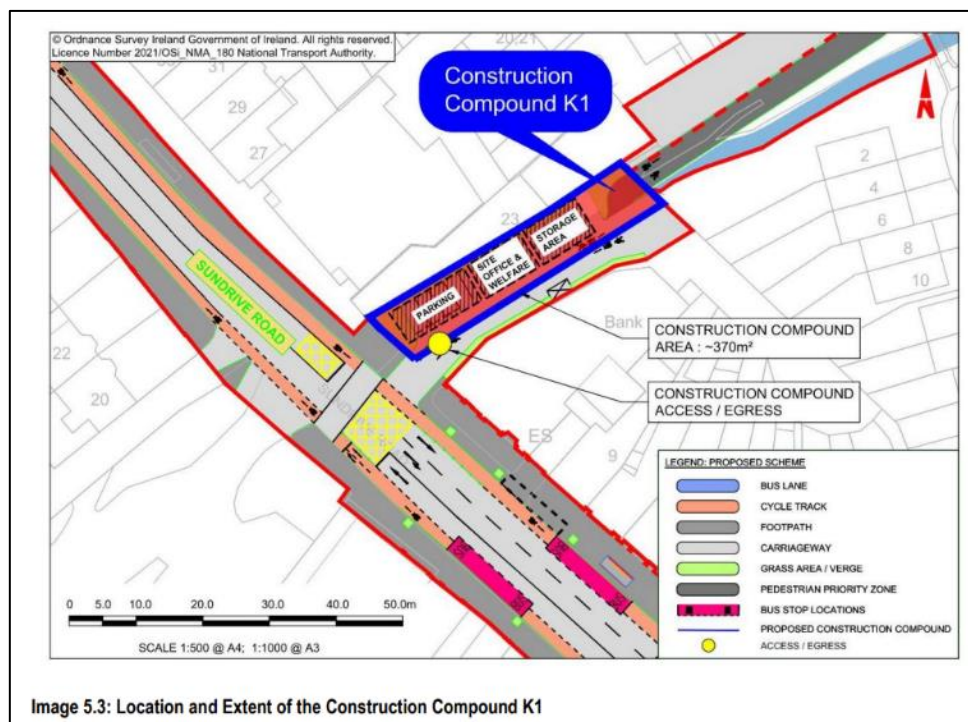


Figure 2-12-5: Construction Compound K1 at Sundrive Road

EIAR Chapter 5, Section 5.7.2 sets out what will be contained in the Construction Compound:

“As shown in Image 5.3 to Image 5.5, the Construction Compounds will contain a site office and welfare facilities for NTA personnel and contractor personnel. Limited car parking will be allowed at the Construction Compounds, in line with the principles of the Construction Stage Mobility

Management Plan (CSMMP), as described in Appendix A5.1 CEMP in Volume 4 of this EIAR, which will be prepared by the appointed contractor. Excavated materials such as topsoil, subsoil, concrete, rock etc., will not be stored at the Construction Compounds for reuse, as the compounds are too small. All excavated materials will be immediately loaded into lorries for removal from the site of the excavation. Items of plant and equipment, described in Section 5.6, will be stored within the Construction Compounds when not in use.”

Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”

In addition, the appointed contractor will be required to put in place a Communications Plan in accordance with the NTA’s requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature. Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR states:

“... The appointed contractor will put in place a Communications Plan in accordance with the Employer’s Requirements. The Communications Plan will provide a mechanism for members of the public to communicate with the NTA and the appointed contractor, and for the NTA and the appointed contractor to communicate important information on various aspects of the Proposed Scheme to the public. The Communications Plan will include procedures to inform members of the community directly affected by the Construction Phase on schedules for any activity of a particularly disruptive nature which is likely to impinge on their property such as boundary works, road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”

e) Loss of 8 public car spaces.

In the earlier description of the Proposed Scheme at this location it has been described that the existing delineated 5 parallel spaces along the eastern side of this car park are not practical to use as the residual circulation aisle is less than 3m wide, which is much too narrow for a vehicle to enter or exit the perpendicular space if there is a car parked in the opposite parallel space. As described in the *Design Manual for Urban Roads and Streets* Section 4.4.9, the minimum aisle width should be 5.5m as shown in Figure 4.76 below.

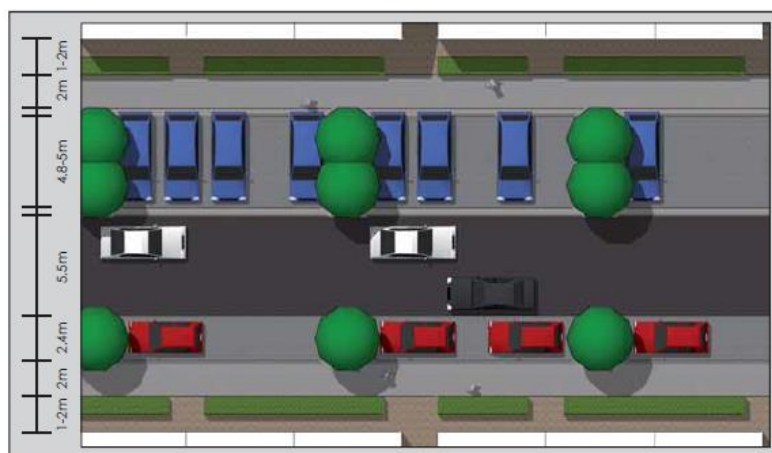


Figure 4.76: Extract from the Newcastle LAP (South Dublin County Council) illustrating the layout of a local street with a uniform mix of parallel and perpendicular parking.

The effective number of parking spaces is therefore 15. The net effect of the Proposed Scheme will be to reduce the number of parking spaces from 15 to 12 (9 public spaces + 3 taxi spaces), resulting in a net loss of 3 spaces overall, rather than 8 as stated in this submission. However this slight effect is

considered acceptable in the context of the planned outcome of the Proposed Scheme, which is to improve accessibility to this local area (on foot, by bicycle and bus) for residents and visitors to local shops and businesses.

EIAR Volume 2 Chapter 6 Traffic & Transport provides an assessment of the impact of the Proposed Scheme for parking at this location in Section 6.4.6.1.2.4 as having a Negative, Slight and Long-Term effect.

2.13 CPO No. 13 - Mount Argus Church, Harold's Cross

The CPO for the Proposed Scheme does not include land take at Mount Argus Church, but this submission about the Proposed Scheme has been included by An Bord Pleanála in the set of objections to the CPO.

Description of the Proposed Scheme at this location

The existing entrance to Mount Argus Church on Kimmage Road Lower is located 350m northeast of the junction at Sundrive Road, and 450m southwest of Harold's Cross Park, where it is proposed to locate Bus Gate No.2 in the Proposed Scheme.

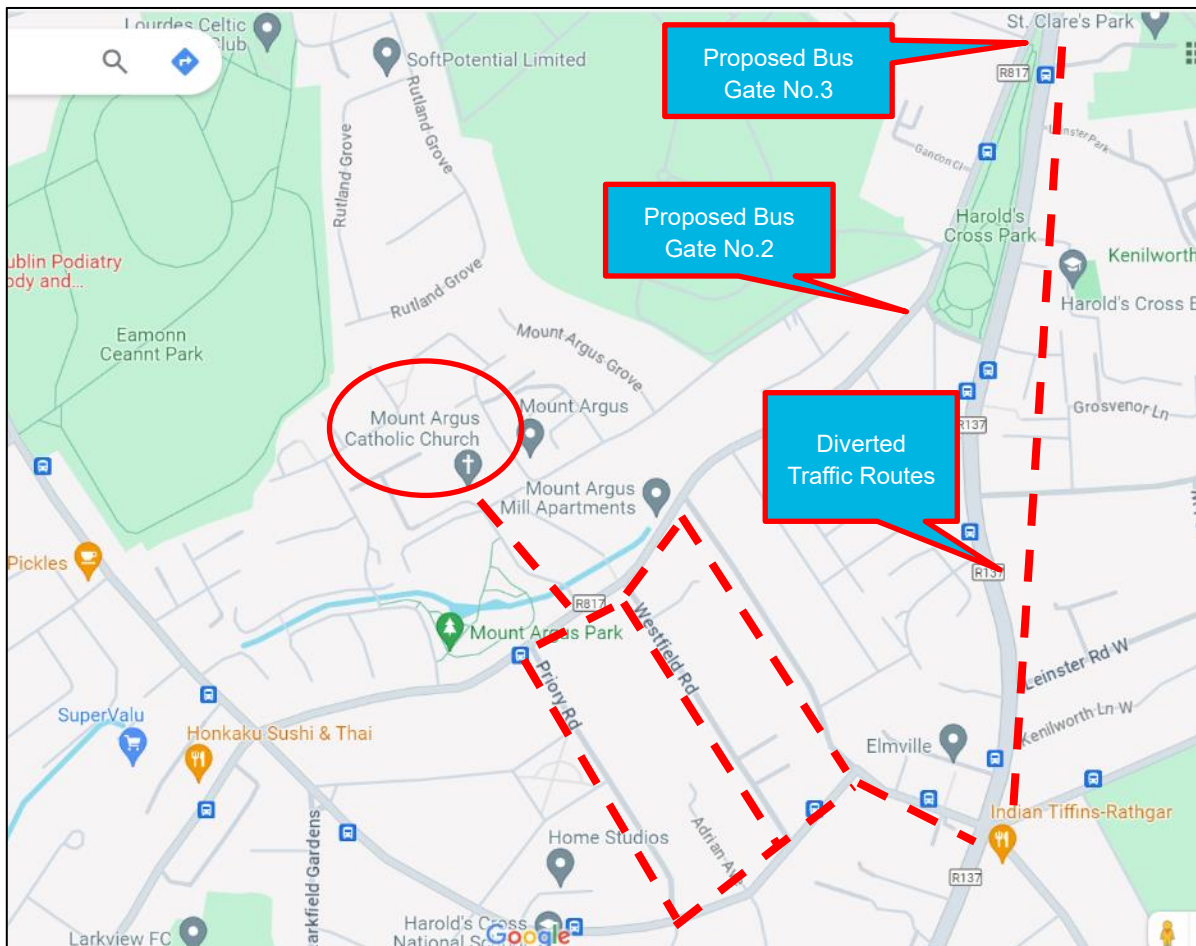


Figure 2-13-1: Location of Mount Argus Church in the Proposed Scheme

Summary of Objection Raised

This objection relates to the revised traffic access routes to the church as a result of the bus gates in the Proposed Scheme near both ends of Kimmage Road Lower, and requests that Bus Gates No.2 and 3 at Harold's Cross Park to the northeast of the church would operate only at peak morning and evening periods, and that all three bus gates would operate only between Monday and Friday.

Response to Objection Raised

This submission acknowledges the purpose of the proposed bus gates to achieve public transport priority, which is particularly required at peak times of traffic congestion in the morning and evening periods on week days. The proposed operational hours for the four bus gates are summarised in Table 4-9 of the Preliminary Design Report (Supplementary Information) as reproduced in the following image.

Kimmage to City Centre Core Bus Corridor
Preliminary Design Report

Table 4-9: Proposed Bus Gates

Location	Direction	Operational Times
Kimmage Road Lower Just north of the Ravensdale Park junction	Northbound	6am to 10am & 4pm to 8pm / 7 Days
	Southbound	6am to 10am & 4pm to 8pm / 7 Days
Kimmage Road Lower Just south of Harold's Cross Park	Northbound	24 Hours / 7 Days
	Southbound	24 Hours / 7 Days
Kimmage Road Lower Junction with Harold's Cross Road	Northbound	6am to 10am / 7 days
	Southbound	24 Hours / 7 Days
Kenilworth Park westbound at junction with Harold's Cross Road	Westbound	24 Hours / 7 Days

Apart from their function for bus priority and reliability, it should be appreciated that the proposed bus gates are essential for a second major objective of the Proposed Scheme to provide improved facilities for cyclists, which are required on a full-time basis, 24 hours per day and 7 days per week. Kimmage Road Lower is too narrow for the provision of segregated cycle tracks, which would protect cyclists from traffic. Instead in the Proposed Scheme it is proposed to transform Kimmage Road Lower between the bus gates to a slow and low-flow road conditions that can be safely shared by cyclists with a limited volume of local access traffic only. These road conditions that would be suitable for a major cycle route towards Dublin City Centre, can only be assured by the operation of a bus gate on a 24-hour / 7-day basis, as is proposed at Harold's Cross Park, which will remove Kimmage Road Lower from the main radial traffic route network to and from the city. If the operational times of these bus gates were to be relaxed to be open to traffic at off-peak times, it would undermine the suitability of this route for cyclists. Traffic often travels faster when volumes are lower along major routes, and safety for cyclists can be considerably reduced in such situations, which is why the bus gate should operate on a 24-hour basis to ensure safety of cyclists at night and at weekends. Therefore it is essential for Bus Gate No.2 southwest of Harold's Cross Park to operate on a full-time basis.

Bus Gate No.3 at the northern end of Harold's Cross Park will work in tandem with Bus Gate No.2 in the southbound direction by deflecting traffic south along Harold's Cross Road and preventing it from forking rightwards onto Kimmage Road Lower, and it also needs to operate on a matching full-time basis.

In the context of one of the bus gates on Kimmage Road Lower operating on a full-time basis, it is possible to relax the operation of the southern bus gate to some degree at off-peak times so as to accommodate local access more readily, but this is expected to lead to only a slight increase in traffic flows, while still retaining the slow and low-flow road conditions that can be safely shared by cyclists.

The operation of the bus gates in the Proposed Scheme will lead to slightly longer traffic routes by distance to Mount Argus Church from various directions, as is illustrated by several maps included in this CPO Objection No.13, although access will be maintained. The objection refers particularly to the alternative traffic route from the northeast via Kenilworth Park, with a concern about the impact of additional traffic along this local residential street. Firstly, it should be noted that the volume of traffic to the church from any one direction will be modest and will occur only over brief periods associated with events at the church. Secondly, as is shown in Figure 2-13-1 earlier with a set of red dashed lines, there are three parallel local streets that lead towards the church from the east: Kenilworth Park, Westfield Road and Priory Road, such that traffic can disperse across these three routes which will dilute an already small volume of diverted traffic even further so that any impact will be minimal. As concluded in Chapter 6, Page 103, the general traffic impacts are acceptable with regard to the urban location of the

area and in the context of the increased movement of people overall and on sustainable modes that the Proposed Scheme facilitates.

2.14 CPO No. 14 - Green area at St. Patricks Court, Clanbrassil Street Lower - Plot No. 1026

The CPO for the Proposed Scheme includes two Temporary Plots No.1026(1) and 1026(2) at small, landscaped areas in an open public space at St. Patrick's Court on the western side of Clanbrassil Street Lower.

The land take required is shown in the following images:

- Extract from CPO Deposit Map Sheet No.6 in Figure 2-14-1 showing the relevant Plots.
- Relevant extract of the EIAR Volume 3, Chapter 4 Proposed Scheme Description Part 2 General Arrangement drawings in Figure 2-14-2.
- The existing aerial view in Figure 2-14-3.
- Existing street view in Figure 2-14-4.

Description of the Proposed Scheme at this location

These plots in the CPO are required for proposed Construction Compound K3 which will service the works between Leonard's Corner to the south and the junction of Kevin Street to the north. Following completion of the roadworks construction the compound will be removed and the landscaped areas will be reinstated with enhanced planting to improve the local amenity.

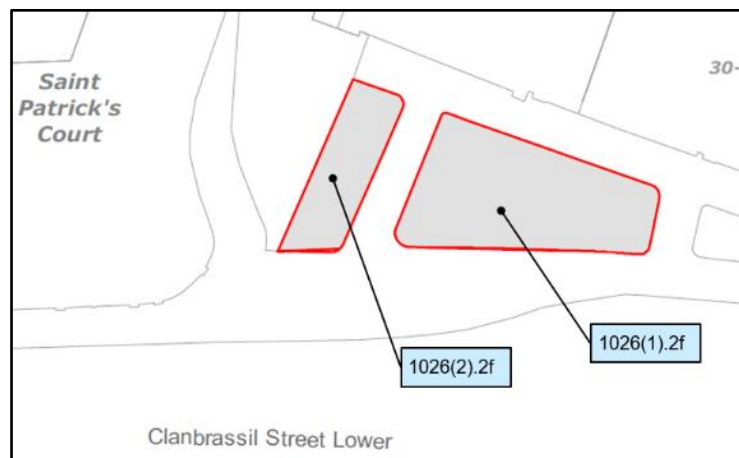


Figure 2-14-1: Extract from CPO Deposit Map Sheet 6

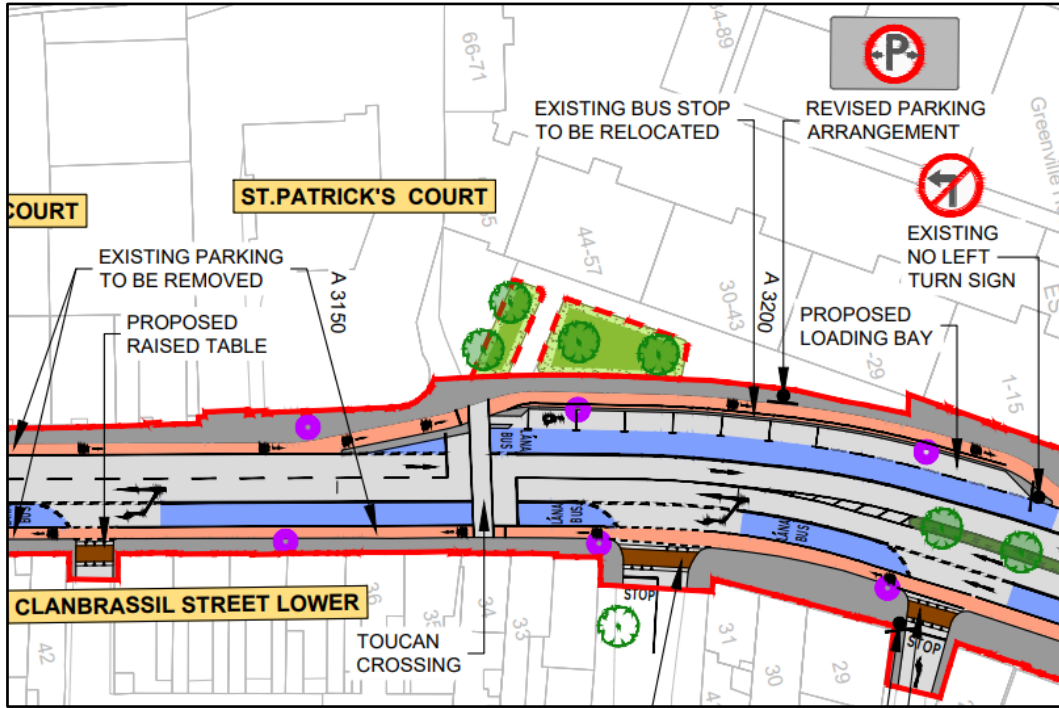


Figure 2-14-2: Extract from General Arrangement Map Sheet 9



Figure 2-14-3: Aerial View of the Location



Figure 2-14-4: Street View of the Location

Summary of Objections Raised

- a) Access to wine shop / wine bar business.
- b) Visibility and signage for the business.
- c) Deliveries.
- d) Visual disturbance by the construction compound.
- e) Security / anti-social behaviour.
- f) Loss of green space.
- g) Loss of business and risk of seeking to relocate the premises.

Responses to Objections Raised

The proposed construction compound K3 is described in EIAR Volume 2, Chapter 5, Section 5.7. An indicative layout of the compound is shown in Image 5.5 in EIAR Chapter 5, and this is reproduced in Figure 2-14-5.

EIAR Chapter 5, Section 5.7.2 sets out what will be contained in the Construction Compound:

“As shown in Image 5.3 to Image 5.5, the Construction Compounds will contain a site office and welfare facilities for NTA personnel and contractor personnel. Limited car parking will be allowed at the Construction Compounds, in line with the principles of the Construction Stage Mobility Management Plan (CSMMP), as described in Appendix A5.1 CEMP in Volume 4 of this EIAR, which will be prepared by the appointed contractor. Excavated materials such as topsoil, subsoil, concrete, rock etc., will not be stored at the Construction Compounds for reuse, as the compounds are too small. All excavated materials will be immediately loaded into lorries for removal from the site of the excavation. Items of plant and equipment, described in Section 5.6, will be stored within the Construction Compounds when not in use.”

Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”

In addition, the appointed contractor will be required to put in place a Communications Plan in accordance with the NTA's requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature. Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR states:

“... The appointed contractor will put in place a Communications Plan in accordance with the Employer's Requirements. The Communications Plan will provide a mechanism for members of the public to communicate with the NTA and the appointed contractor, and for the NTA and the appointed contractor to communicate important information on various aspects of the Proposed Scheme to the public. The Communications Plan will include procedures to inform members of the community directly affected by the Construction Phase on schedules for any activity of a particularly disruptive nature which is likely to impinge on their property such as boundary works, road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”

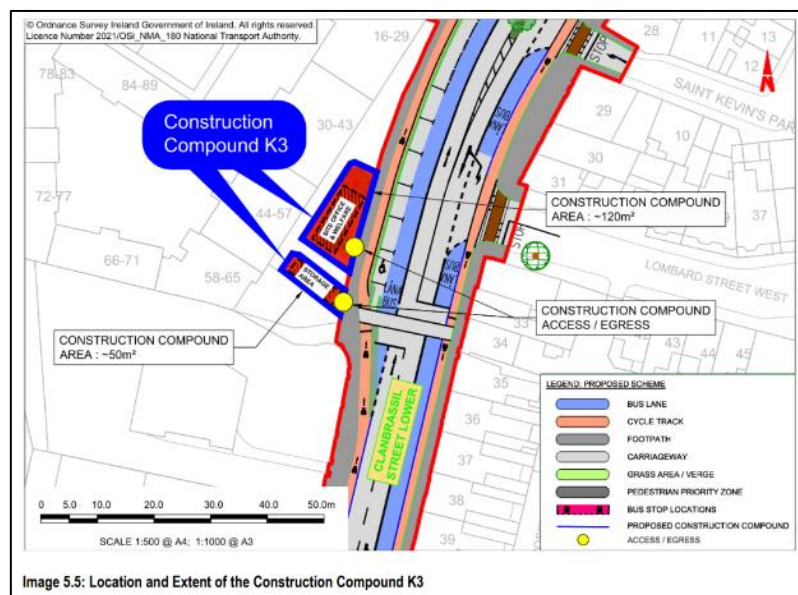


Figure 2-14-5: Construction Compound K3 at St. Patrick's Court

a) Access to wine shop / wine bar business.

The two existing main access pathways to the business from the east and north will remain open at all times so that the accessibility of the business is not impeded.

Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”

In addition, the appointed contractor will be required to put in place a Communications Plan in accordance with the NTA's requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature. Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR states:

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particularly disruptive nature which is likely to impinge on their property such as boundary works, road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”

b) Visibility and signage for the business.

To compensate for reduced visibility of the business caused by temporary buildings in the construction compound, temporary signage will be provided beside the main footpath along the road edge. Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”

In addition, the appointed contractor will be required to put in place a Communications Plan in accordance with the NTA's requirements to inform the public (and affected properties) in advance of construction works of a disruptive nature. Section 5.1.6 in the Construction Environmental Management Plan (CEMP) in Appendix A5.1 in Volume 4 of the EIAR states:

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c) Deliveries.

There is an existing loading bay a short distance north of the Wine Pair business, which will remain operational at all times during the construction period. Therefore, loading to this premises will not be restricted at any stage.

Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”

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road closures and diversions, and any mitigating actions that are being taken to minimise such disruption.”

d) Visual disturbance by the construction compound.

A degree of visual disturbance is inevitable while the compound is in operation. However, the compound has been divided into two small areas to minimise this impact and to maintain sightlines across the area to the businesses on the western side of the street as much as possible. In particular, the main access pathways from the east and north will remain open at all times which will provide clear visibility towards the business. Section 17.4.3.1.3 in Chapter 17 addresses townscape and visual impact during construction:

“...Construction Compound K3, which will be small, is to be located on an existing part-grass / part-paved public space fronting St. Patrick’s Court / Greenville Place along R137 Clanbrassil Street Lower. Environmental Impact Assessment Report (EIAR) Volume 2 of 4 Main Report Kimmage to City Centre Core Bus Corridor Scheme Chapter 17 Page 24 The construction works will be wide-ranging along the road corridor and will result in substantial alterations to the existing streetscape character. The construction works will not alter the existing townscape character along this section of the Proposed Scheme, but the presence of construction activity will be an impact on streetscape. The magnitude of change in the baseline environment is medium. The potential townscape / streetscape effect of the Construction Phase is assessed to be Negative, Moderate and Temporary / Short-Term.”

e) Security / anti-social behaviour.

The compound has been divided into two small areas to minimise the potential screening effect in front of the buildings on the western side of St. Patrick’s Court, which should reduce the risk for the security of the adjoining premises, and of anti-social behaviour. Section 5.5.2.7 in Chapter 5 states: “As part of preparatory works, the Construction Compounds will be set up which will include installation of the necessary facilities including the site office, welfare facilities, etc. Controlled access to the Construction Compounds will be implemented, fencing will be erected, and lighting will be installed....”

f) Loss of green space.

The loss of these small green spaces will be only temporary, and they will be reinstated with enhanced planting as shown in the landscaping drawings (EIAR Volume 3 Figures, Part 5, Sheet 8) to improve the amenity for long-term benefit to the local community and businesses.

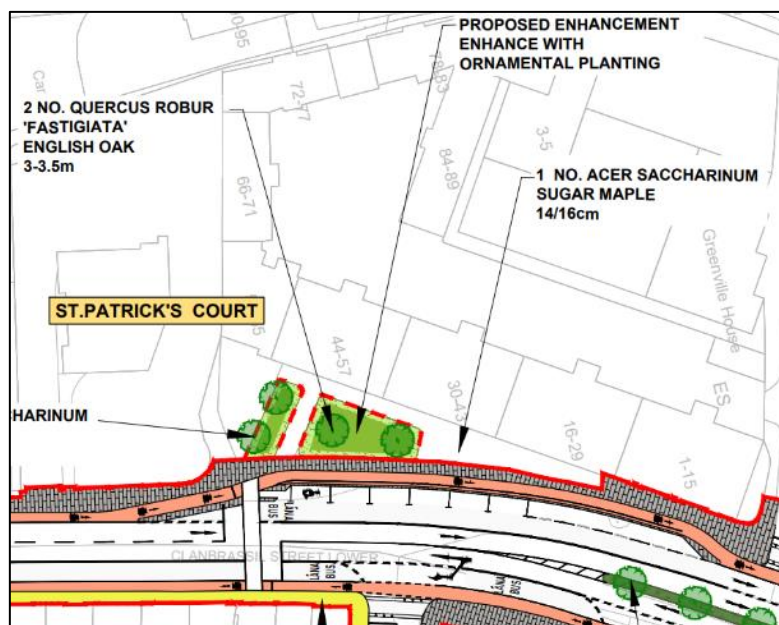


Figure 2-14-6: Proposed Landscaping at St. Patrick’s Court

g) Loss of business and risk of seeking to relocate the premises.

With the proposed mitigation measures and the temporary duration of the construction compound, it is unlikely that there will be a loss of business that could cause the owners of this business to seek to relocate to another premises. Section 5.5.3.2 in Chapter 5 in Volume 2 of the EIAR addresses access to property during construction:

“When roads and streets are being upgraded, there will be some temporary disruption / alterations to on-street and off-street parking provision, and access to premises in certain locations along the Proposed Scheme. 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. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times....”