Our Case Number: ABP-313892-22

Your Reference: Lissan Coal Company (Ireland) Limited

An Bord Pleanála

Hughes Planning & Development Consultants
85 Merrion Square South
Dublin 2
D02 FX60

Date: 21 July 2023

Re: Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme
Blanchardstown to Dublin City Centre

Dear Sir / Madam,

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

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at laps@pleanala.ie

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

Yours faithfully,

P.P. O'Brien

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

AA02

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Láithreán Gréasáin	**Website**	www.pleanala.ie
Ríomhphost	**Email**	bord@pleanala.ie

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64 Marlborough Street
Dublin 1
D01 V902

Lissan Coal Company Ltd

HUGHES PLANNING
& DEVELOPMENT CONSULTANTS

AN BORD PLEANÁLA
LDG-
ABP-
12 JUL 2023
Fee: € Type:
Time: 14:11 By: Hand

Appeals Section,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

12th July 2023

Re: Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme Blanchardstown to Dublin City Centre (ABP Ref. No. 313892-22)

Dear Sir/Madam,

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2 have been instructed by our clients, Lissan Coal Company (Ireland) Limited & LCC Properties & Investments (Ireland) Limited, both of Unit 8, C Tek, Riverside Road, Carrickmacross, Co. Monaghan, to make a submission in relation to the response to submissions dated 31st January 2023 from the National Transport Authority (NTA) which was prepared in relation to the subject scheme.

From the outset, we would again request the Board to consider the arguments presented in our original submission, that being that our client acted in good faith whilst acquiring the subject site, receiving planning permission and developing a highly successful service/petrol station which, subject to the implementation of the proposed works, will see its customer base reduced by 92-95.5%.

Considering this seismic impact to existing commercial operations, we would request the appropriate modification of the subject scheme through the removal of the identified bus gates and the continued unrestricted public vehicular access to the service/petrol station. The alternative to the omission of the identified bus gates, which will effectively remove our client's customer base, is the loss of this existing business. Given the significant and adverse impact of the scheme, which will essentially eradicate this business, it is respectfully requested that the bus gates are omitted.

Furthermore, and given the serious of the impact of the proposed works, we would reiterate that our client would welcome engagement between the wider design team and the Blanchardstown to City Centre Core Bus Corridor Scheme (ARUP) and An Bord Pleanála at an oral hearing to discuss the significant, adverse and irreversible impact the subject scheme has on our client's commercial interest.

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Having reviewed Section 4.57 of the submission prepared by the NTA, as prepared in response to our original submission, we would respond under the following headings:

Timeline

We would note the following commentary from page 462 of the NTA submission:

> *'BusConnects is included as a specific policy objective of Project Ireland 2040 – The National Development Plan 2018 – 2027, published on 16 February 2018. The Emerging Preferred Route Option for the public consultation for the Blanchardstown to City Centre Core Bus Corridor Scheme was published on 14 November 2018. Ireland declared a climate emergency on 9 May 2019. The first Climate Action Plan was published on 17 June 2019.* ***The Go Station was built in full knowledge of the emerging CBC scheme proposals*** *following a grant of planning permission for the development by An Bord Pleanála in January 2019.'*

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H.P.D.C Limited Company Number 517203

First and foremost, we note that the commentary concludes that the Go Station was built in full knowledge of the emerging Core Bus Corridor (CBC) scheme following An Bord Pleanála's Order to grant permission on 21st January 2019 (ABP Ref. No. 300958 – Dublin City Council Reg. Ref. 4353/17) for the petrol station application on our client's site.

This is an entirely incorrect characterisation; we would note that the planning application was initially submitted to Dublin City Council on 23rd November 2017 with the Planning Authority issuing a decision to grant on 26th January 2018. Moreover, it is noted that our client had engaged in Pre-Planning Consultation with Dublin City Council (PAC PAC0463/16) as early as 24th August 2016. It is considered prudent to note that the Report prepared by the Roads & Traffic Planning Division of Dublin City Council in relation to the planning application includes the following commentary:

> *'**No comments have been received from the NTA** with regard the proposed BRT services along the Old Cabra Road.'*

At this stage, our client had made a significant investment in the subject site including the purchase of the site and the appointment of a design team to handle both the Pre-Planning and Planning Application stages of the development.

We would note that on 23rd November 2018 the NTA sent our client a letter in relation to a possible land CPO and we note the following commentary from this letter:

> *'The purpose of this letter is to inform you that the proposals contained in the Emerging Preferred Scheme for the Blanchardstown to City Centre Core Bus Corridor **may impact on part of your property**. An extract from a layout map showing an indicative layout of the scheme in the vicinity of your property is attached. The plan shows where the car lanes, bus lanes, cycle lanes, and footpaths will be. Areas where land may be potentially impacted are marked with red dashed lines.'*

On 28th February 2019, our client issued a robust response to the NTA wherein their primary concerns were highlighted based on the limited information available at that time. The response issued by our client was primarily concentrated on land take and the implications of the land take and how it might impact their imminent site plans following An Bord Pleanála's Order to grant permission on 21st January 2019.

A subsequent email response was issued by the NTA on 8th March 2019, we note the following commentary from this email:

> *'**In the interim, it is entirely up to you to proceed with your formally approved plans**. Should the BusConnects Programme get formal approval it will be 2021 at the earliest that any acquisition and construction could proceed, and appropriate compensation for any properties subject to the formal compulsory purchase order would be negotiated. The construction strategy and sequence of the 16 core bus corridors are not yet determined; construction of this corridor could start as early as 2021 or as late as 2026.'*

This letter was a direct opportunity for the NTA to identify the possibility of introducing bus gate's and the subsequent detrimental impact on the future station. The NTA failed to notify our client at this stage.

On 15th December 2020 our client proceeded to issue a letter to the NTA following completion of substantial site work to express significant concern at the newly obtained understanding that traffic flow will largely be curtailed to near zero. No response was received by our client to this correspondence.

We next note the publication of the Environmental impact Assessment Report (EIAR) by the NTA in May 2022. We note the following commentary from this document:

> *'There is one business located along the bus gate, Go Station (filling station). Go Station is expected to be affected as a result of the proposed bus gate. Although this business can still be accessed by private vehicles, these will primarily be local residents in the surrounding community area and customers with existing knowledge of the location of the business. The primary source of income for the business is expected to be from passing trade, which is expected to be significantly reduced along Old Cabra Road due to the bus gates.* ***During construction and operation of the Proposed Scheme, it is expected that this business would no longer be able to operate successfully. The impact on this business is assessed as Negative, Very Significant and Long-Term during construction and operation of the Proposed Scheme****.'*

Despite this troubling technical observation within the EIAR, our client was not contacted in relation to the impact. To date, the only direct correspondence to our client was in 2019 where the Bus Corridor was identified to *'may impact'* on part of our client's property. We learn from searching several thousand pages of technical documents that our client's business *'would no longer be able to operate successfully'.*

Simply put, it is considered both disingenuous and irrelevant for the National Transport Authority to state that the subject commercial business was constructed in full knowledge of the emerging CBC scheme proposals, when the proposals, at the time of both purchase, application and construction of the commercial business, made no reference to the introduction of elements which would ultimately render the business entirely unviable.

In this regard, we would note that the first time the term 'Bus Gates' was formally referred to in the CBC documentation was on the General Arrangement Drawings for the scheme which were made available on 30th June 2022 after the opening of the Go Station earlier in Q2 of 2022.

Alternative Options (Or Lack Thereof)

We would note the following commentary from page 462 of the NTA submission:

> *'****Adopting a Do-Nothing approach (i.e. no bus gates)****, to sustainable travel infrastructure improvements, would lead to further traffic congestion and exacerbation of the problems arising from delayed buses and unreliable journey times. The capacity and potential of the public transport system to respond to demand would remain restricted by the existing deficient roadway infrastructure and the resulting sub-standard levels of bus priority and journey-time reliability. As such, in addition to the continuation of issues relating to existing bus services, future bus services, would not have the potential to address growing demand. This would severely impact the attractiveness of public transport as an alternative to private car usage for those who need to travel along the route of the Proposed Scheme.'*

Given the fact that the term 'Bus Gates' was not referred to in any documentation prepared by the NTA over a 4 no. year period transcending the launch of the Bus Connects Strategy (May 2018) until the issue of the General Arrangement Drawings (June 2022), it is considered unusual that the omission of the bus gates has now been labelled the equivalent of a 'Do Nothing' approach by the NTA.

We would reiterate, as stated in our original submission, that, upon review of Chapter 03 'Consideration of Reasonable Alternatives' of Volume 2 of the Environmental Impact Assessment Report submitted as part of the subject proposal, there is a completely inadequate level of treatment given to any alternative approaches that would avoid the drastic impacts on the Go Station site. In this regard, we would note a significantly limited discussion in relation to the alternatives considered at Draft Preferred Route Option (PRO) Stage with no clear indication that impacts to commercial operations formed a legitimate consideration in relation to the identification of a PRO.

We would note additional commentary from page 462 of the NTA submission as follows:

'Corridor options for the Blanchardstown to City Centre Core Bus Corridor Scheme were evaluated using a sifting process and multi-criteria assessment (MCA), with the route along Old Cabra Road, Prussia Street, and through Stoneybatter identified as the preferred option to deliver the aim and objectives to provide enhanced walking, cycling, and bus infrastructure on this key access corridor in the Dublin region, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor. Alternative core bus service and cycling routes that could mitigate the impact on the Go Station to the south of Old Cabra Road along St David's Terrace and Blackhorse Ave, or through Phoenix Park, or to the east and north around Grangegorman and along Cabra Road could not meet the objectives to enhance the capacity and potential of the public transport system by improving bus speeds, reliability, and punctuality through the provision of bus lanes and other measures to provide priority to bus movements over general traffic movements, and to enhance the potential for cycling by providing safe infrastructure for cycling, segregated from general traffic wherever practicable.'

We would note that the published route selection assessment states that the Study Area has been divided into three manageable sections to simplify the assessment process. These areas are referred to as Study Area Sections (SAS) and are as follows:

SAS 1 Blanchardstown to M50 East
SAS 2 M50 East to Cabra
SAS 3 Cabra to River Liffey

The subject Go Station is located in SAS 3 and we note that all 7 no. corridor options presented for SAS 3 run directly in front of the Go Station. We would further note that several of the alternatives described in the NTA response relate to SAS 2. Our client is concerned with the sifting process as this exercise has identified route sections that would either not achieve the scheme objectives or would be subject to significant cost and/or impact to achieve these objectives (e.g., excessive land-take).

Our client is specifically concerned the sifting process took no account of the significant economic impact on the subject Go Station as set out in the EIAR. Furthermore, we would note additional commentary from page 440 of the NTA submission as follows:

'The options assessment completed for the Proposed Scheme demonstrates the criticality of the inclusion of necessary Bus Gates on Old Cabra Road, at Prussia Street /Manor Street/Aughrim Street junction and at Blackhall Place and these three bus gates are fundamental to the entire CBC Scheme to achieve its objectives.'

It is considered that the NTA has failed to explore alternative design options for a scheme that is, in the words of the NTA, *'one of the largest infrastructural works currently being undertaken by the State'* and it is in this context that our client's commercial operation is to be rendered unviable.

It is clear there are alternative options available which will not result in detrimental impacts on the subject Go Station as currently proposed. Our client would like to understand why the NTA is prepared to see them suffer substantial financial damage rather than adequately explore alternatives.

Compulsory Purchase Order

We would note the following commentary from page 462 of the NTA submission:

'Insofar as the submission suggests that the owner/operator of the Go Station should have been included in the CPO, such that a right of compensation would have arisen, such a proposition is misplaced. None of the Go Station lands are necessary or required for the Proposed Scheme.'

For clarification, this is specifically not the position of the Go Station Owner/Operator (our client). Our client does not want any interference with the Go Station operations, whether by land acquisition or otherwise. This was made explicit to the NTA by our client in February 2019 when the NTA indicated that part of our client's site could be required for the project.

Furthermore, the NTA is incorrect and inaccurate in stating, as it has, that for any landowner adversely affected by the Bus Connects project, that such landowner cannot be compensated in the absence of a land acquisition. Our client's property rights are protected against 'unjust attack' and the NTA is appearing to conflate 'unjust attack' with land acquisition. It is not the case that 'unjust attack' is confined to land acquisition. Hence our client's references to Ss 44 and 46 of the 2000 Act.

The NTA's reliance on/reference to the CPO regime as providing for compensation only in respect of an acquisition is misplaced and misconceived. Our client's property rights are protected any unjust attack. What is proposed, as it affects our client's site, is clearly an unjust attack - having regard to the scale of impact; the availability of alternatives and the decision of the State agencies to deem the development of the subject Go Station acceptable.

As regards the scale of impact, what will occur is not trivial or minor; on the contrary it will involve major adverse impact (as the EIAR acknowledges) and far worse that the potential partial land acquisition that the NTA signalled in November 2018.

In addition, in response to the NTA's questioning of the basis for our client's reference to Article 14 of the European Convention, it has been made clear in our client's earlier submission that there is a marked discrimination being applied by the NTA as between (i) those landowners in respect of whom a minor intrusion is being proposed by Bus Connects (along the Blanchardstown to City Centre route) and who will be entitled to compensation by virtue of even a minor land acquisition and (ii) other landowners - such as our client - in respect of whom (it seems) there will be no land acquisition, yet who will be drastically affected and not, per the NTA, entitled to compensation. This is unacceptable as far as LCC is concerned.

Again, our client does not want any interference with its operations and believes it is clear there are adequate alternatives available; but neither does it agree with the NTA's position that the NTA can proceed and implement this project and close our client's business and not accept that that is less serious than a minor land acquisition (eg acquisition of a minor portion of front garden).

That NTA stance is going to be strongly and persistently resisted by our client as an unjust attack on its property rights.

--

Conclusion

It is respectfully submitted that the subject scheme will have a uniquely detrimental impact to our client's commercial property and we trust that the Board will have regard to the contents of this submission in assessing the Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme.

Yours Sincerely,

Kevin Hughes MIPI MRTPI
Director For HPDC Ltd.

Appendix A **Correspondence from An Bord Pleanála to Lissan Coal Company (Ireland) Limited & LCC Properties & Investments (Ireland) Limited Inviting Submission on Submission dated 31st January 2023 as prepared by the National Transport Authority (NTA)**

Our Case Number: ABP-313892-22

Your Reference: Lissan Coal Company (Ireland) Limited

An Bord Pleanála

Hughes Planning & Development Consultants
85 Merrion Square South
Dublin 2
D02 FX60

Date: 08 June 2023

Re: Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme
Blanchardstown to Dublin City Centre

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned proposed road development application for approval under section 51(2) of the Roads Act, 1993, as amended.

The Board has considered the case and hereby notifies you that it has decided to determine the application without an oral hearing. In this regard, please be advised that the Board has absolute discretion to hold an oral hearing and has concluded that this case can be dealt with adequately through written procedure.

Accordingly, the Board hereby considers it appropriate to invite you to make a submission in accordance with section 217B of the Planning and Development Act 2000, as amended, in relation to the submission dated 31st January 2023 received from the National Transport Authority. A copy of the submission can be found on the Board's website at www.pleanala.ie/en-ie/case/313892 under the heading responses. This submission together with the application documentation is also available for public inspection at the following locations:

1. An Bord Pleanála, 64 Marlborough Street, Dublin 1
2. National Transport Authority, Dún Scéine, Harcourt Lane, Dublin 2

Any submission in relation to the above must be received by the Board within 5 weeks from the date of this letter (i.e. not later than 12th July 2023). No additional fee is required for making a submission. As there are a number of busconnects applications with the Board for approval, you are requested in your response, if any, to provide the following:

(a) The reference number ABP-313892-22
(b) Your name and address
(c) The name and address of the person you are acting on behalf of.

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

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Dublin 1
D01 V902

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

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

Yours faithfully,

pp Aine Flynn

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

Teil	**Tel**	(01) 858 8100
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Facs	**Fax**	(01) 872 2684
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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Our Case Number: ABP-313892-22

Your Reference: LCC Properties & Investments (Ireland) Limit

An Bord Pleanála

Hughes Planning & Development Consultants
85 Merrion Square South
Dublin 2
D02 FX60

Date: 08 June 2023

Re: Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme
Blanchardstown to Dublin City Centre

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

Yours faithfully,

pp Ann Flynn

Eimear Reilly
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Appendix B **Original Lissan Coal Company (Ireland) Limited & LCC Properties & Investments (Ireland) Limited Submissions to An Bord Pleanála**

HUGHES
PLANNING
& DEVELOPMENT CONSULTANTS

Blanchardstown to City Centre Core Bus Corridor Scheme Submission (Ref. No. 313892)

Submitted on Behalf of:
Lissan Coal Company (Ireland) Limited
Unit 8, C Tek, Riverside Road, Carrickmacross, Co. Monaghan

30th August 2022

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710
info@hpdc.ie
www.hpdc.ie

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have been instructed by our client, LCC Properties & Investments (Ireland) Limited, to make a submission in respect of the Blanchardstown to City Centre Core Bus Corridor Scheme currently being planned by the National Transport Authority (NTA). Lissan Coal Company (Ireland) Limited is the tenant/operator of Go Station, Old Cabra Road, Cabra West, Dublin which is owned by LCC Properties & Investments (Ireland) Limited, our client.

This submission is accompanied by the relevant submission fee (€50) and our client is requesting an oral hearing in light of the significant and adverse impacts of the proposal on our client's business, a fee of €50 is also enclosed in relation to the oral hearing request.

This submission is made in response to a public notice, available at https://blanchardstownscheme.ie/, inviting submissions, up until 30th August 2022, as part of a public consultation process into the bus route corridor (Ref. No. 313892). The purpose of this submission is to outline our client's concern in relation to central elements of the intended route corridor. We note extracts of the map which presents the location of the bus route corridor, relative to our client's site, as presented in Figure 1.0, below.

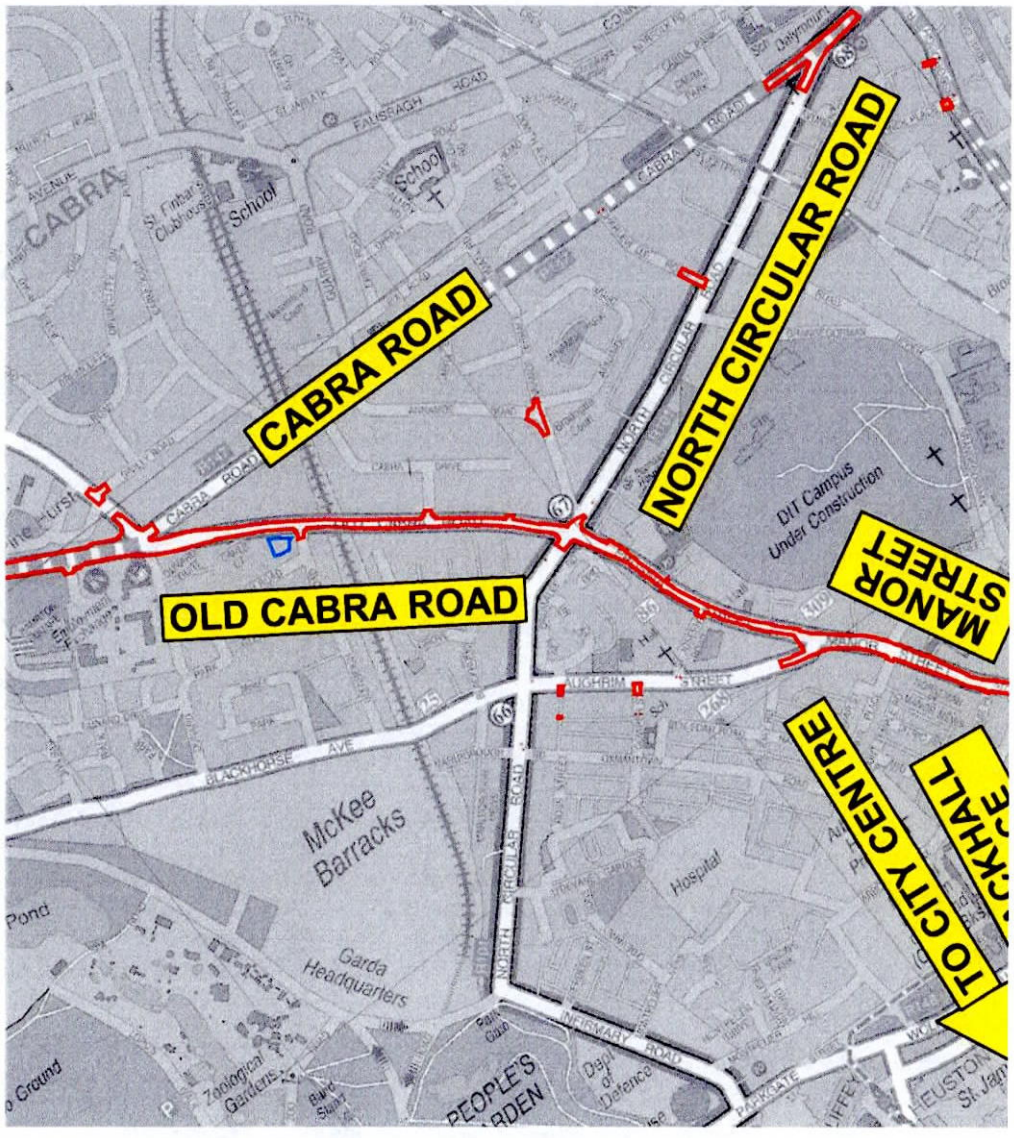


Figure 1.0 Extract from the proposed scheme boundary illustrating the location of our client's site (blue outline) relative to the intended route option.

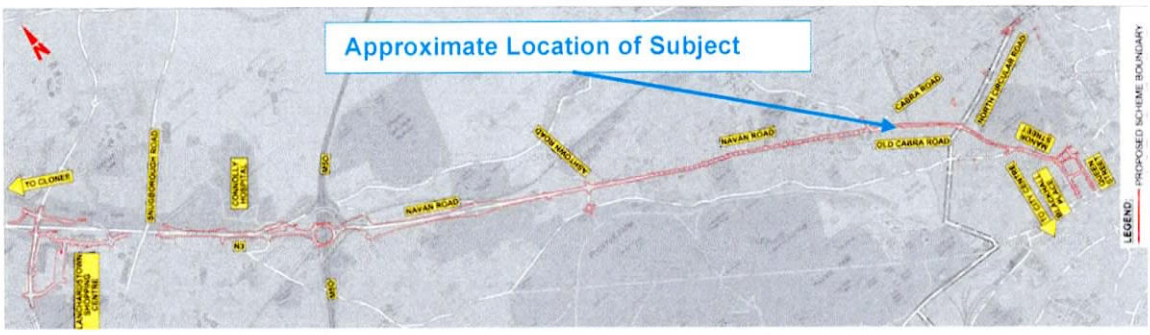


Figure 2.0 Extract from the proposed scheme boundary illustrating the location of our client's site (blue outline) relative to the intended route option.

As will be discussed in Section 3 of this report, 3 no. bus gates are proposed which would prove detrimental to the long-term viability of our client's commercial operation at Go Station, Old Cabra Road.

The impact of these bus gates is acknowledged in Chapter 10 of Volume 2 of the Environmental Impact Assessment Report (EIAR) prepared in respect of the subject scheme as follows:

> *The bus gate on part of Old Cabra Road is located in the community area of Aughrim Street. There is one business located along the bus gate, Go Station (filling station). Go Station is expected to be affected as a result of the proposed bus gate. Although this business can still be accessed by private vehicles, these will primarily be local residents in the surrounding community area and customers with existing knowledge of the location of the business.*
>
> *The primary source of income for the business is expected to be from passing trade, which is expected to be significantly reduced along Old Cabra Road due to the bus gates. During construction and operation of the Proposed Scheme it is expected that this business would no longer be able to operate successfully.* ***The impact on this business is assessed as Negative, Very Significant and Long-Term during construction and operation of the Proposed Scheme.***

Notwithstanding the erroneous reference to the address of the subject Go Station being Aughrim Street, a further reference is made to our client's site in Chapter 23 of Volume 10 of the EIAR as follows:

Environmental Impact Assessment Report (EIAR) Volume 2 of 4 Main Report — Jacobs ARUP SYSTRA

Environmental Aspect / Chapter	Residual Impact Description	Impact Significance (Pre-Mitigation)	Residual Impact Significance (Post-Mitigation)
	Commercial Accessibility for private vehicles	Negative, Moderate and Short-Term - Blakestown, Blanchardstown, Castleknock, Navan Road, Cabra West, Aughrim Street and Halston Street	Negative, Moderate and Short-Term - Blakestown, Blanchardstown, Castleknock, Navan Road, Cabra West, Aughrim Street and Halston Street
	Commercial Accessibility	Negative, Very Significant and Long-Term – Go Station (Aughrim Street)	Negative, Very Significant and Long-Term – Go Station (Aughrim Street)

Figure 3.0 Extract from Environmental Impact Assessment Report (EIAR) prepared in respect of the subject scheme.

As is acknowledged above, our client's commercial filling station is wholly dependent on passing vehicular traffic which is set to be significantly reduced as a result of central elements (bus gates) of the bus route corridor. The impact, both pre and post mitigation measures, of the Blanchardstown to City Centre Core Bus Corridor Scheme is labelled as 'Negative, Very Significant and Long-Term' and our client is thus highly concerned. This submission seeks the omission of the 3 no. bus gates, as set out below, in order to ensure the long-term viability and the continued operation of our client's business.

This report is accompanied by the enclosed Impact Report (Appendix A), as prepared by TENT Engineering, which presents a detailed analysis of the existing operation relative to the expected impacts following the Blanchardstown to City Centre Core Bus Corridor Scheme.

2.0 Subject Site

The site to which this submission pertains is located on the southern side of Old Cabra Road in Cabra West. The site extends to approximately 0.0975 hectares and is occupied by an unmanned petrol/service station with associated ancillary services. The site presents significant frontage (c. 43m) to Old Cabra Road and was specifically identified as a key opportunity site for the development of the aforementioned petrol/service station due to significant vehicular movements past the site on a daily basis due to Old Cabra Road's long-standing function as an arterial route into Dublin City Centre. The site was purchased on 2nd February 2016 by Lissan Coal Company (Ireland) Limited.



Figure 4.0 Imagery of the existing petrol/service station on site.

3.0 Bus Connects Proposal Relative to Subject Site

As per the documentation available at https://blanchardstownscheme.ie/, the Blanchardstown to City Centre Core Bus Corridor Scheme proposes the installation of a bus gate on the Old Cabra Road bridge 'OBO 5' c. 105m south-east of our client's site. An additional bus gate is to be located at the junction of Prussia Street and Aughrim Street c. 1km south-east of our client's site.

The bus gates, as identified in Figures 5.0-7.0 overleaf, will be in permanent operation and will prevent all through traffic from proceeding along this arterial route towards our client's site with the exception of buses, taxis and bicycles. Given the nature of the commercial use operating at our client's site, which is wholly based on continuously high volumes of passing vehicular traffic, the proposed bus gates present a catastrophic impact to the commercial viability of the site.

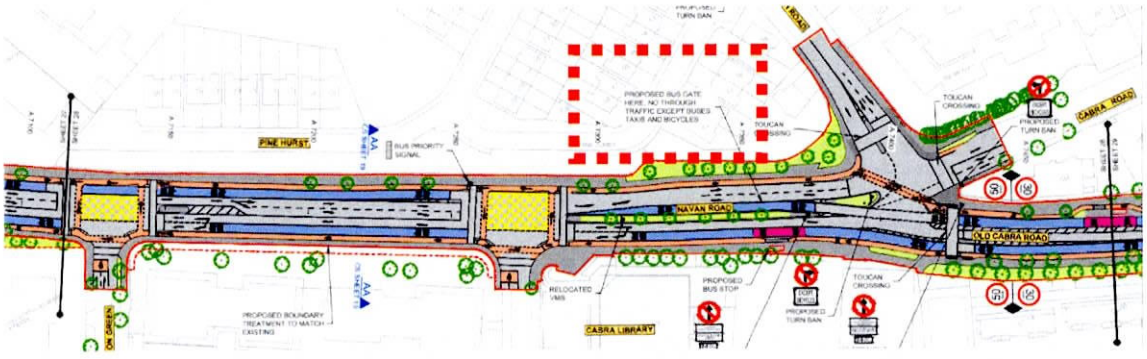


Figure 5.0 Extract from Sheet 28 of the General Arrangement drawing illustrating the proposed bus gate (red dashed line) at the junction of Navan Road, Cabra Road and Old Cabra Road.

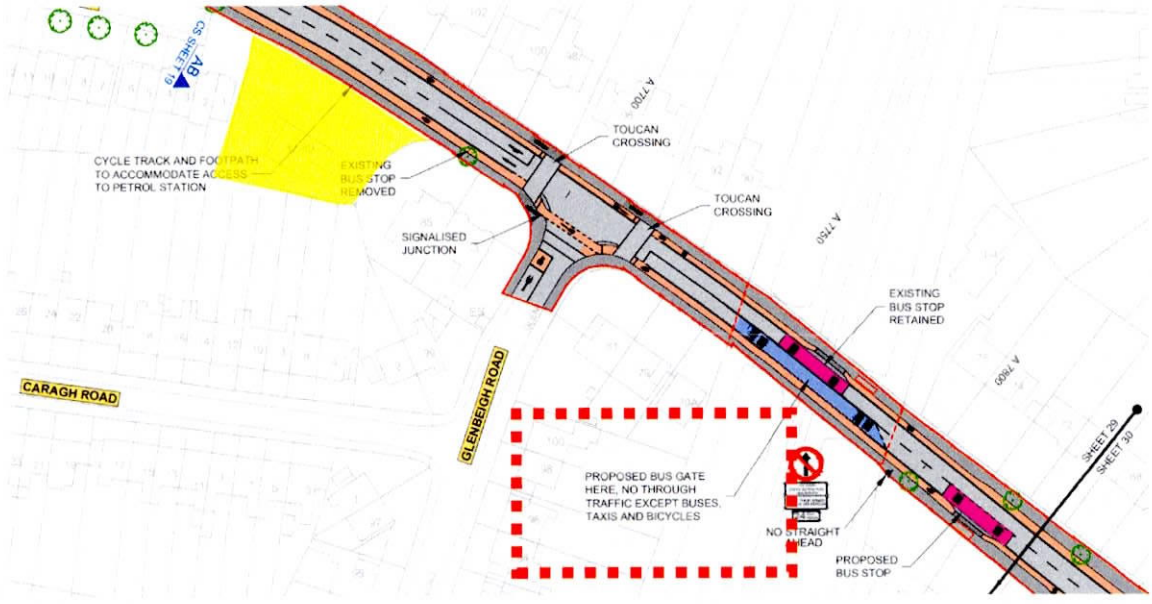


Figure 6.0 Extract from Sheet 29 of the General Arrangement drawing illustrating the proposed bus gate (red dashed line) relative to our client's site (yellow fill).

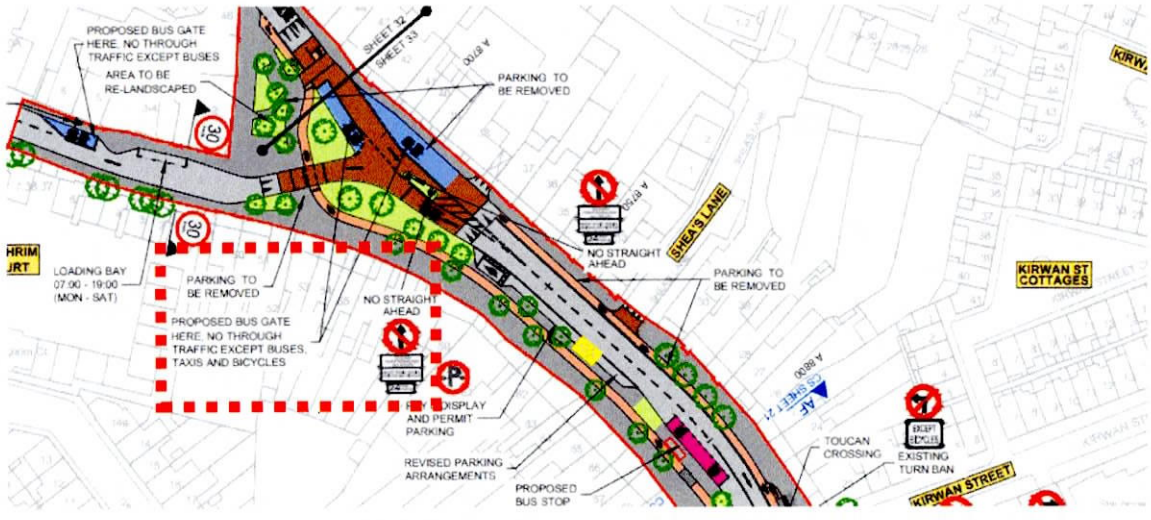


Figure 7.0 Extract from Sheet 33 of the General Arrangement drawing illustrating the proposed bus gate (red dashed line) at the junction of Prussia Street and Aughrim Street.

4.0 Impact of Bus Connects Proposal on Subject Site

As stated previously, the proposed bus gates represent a catastrophic impact to the commercial viability of the existing petrol/service station on site. The following sections of this report will expand upon the financial repercussions which will be experienced by our client as a result of the Blanchardstown to City Centre Core Bus Corridor Scheme and practical reasoning for the non-adaptation of the bus gates.

4.1 Site Planning History

It is considered prudent to note the provisions of the following historical planning application upon the subject site which was lodged with Dublin City Council on 23rd November 2022:

Reg. Ref. 4353/17 Decision to grant planning permission issued by Dublin City Council on **26th January 2018** for i) demolition of the existing buildings, ii) construction of a new fuel forecourt with 3 forecourt fuel pumps and forecourt canopy, iii) control/ store and offset fill buildings; iv) air and water services area; v) underground fuel storage tanks, vi) revised entrance and exit arrangements; vii) erection of company signage; viii) boundary wall cladding; ix) site lighting, and x) all associated site, drainage, landscaping and development works.

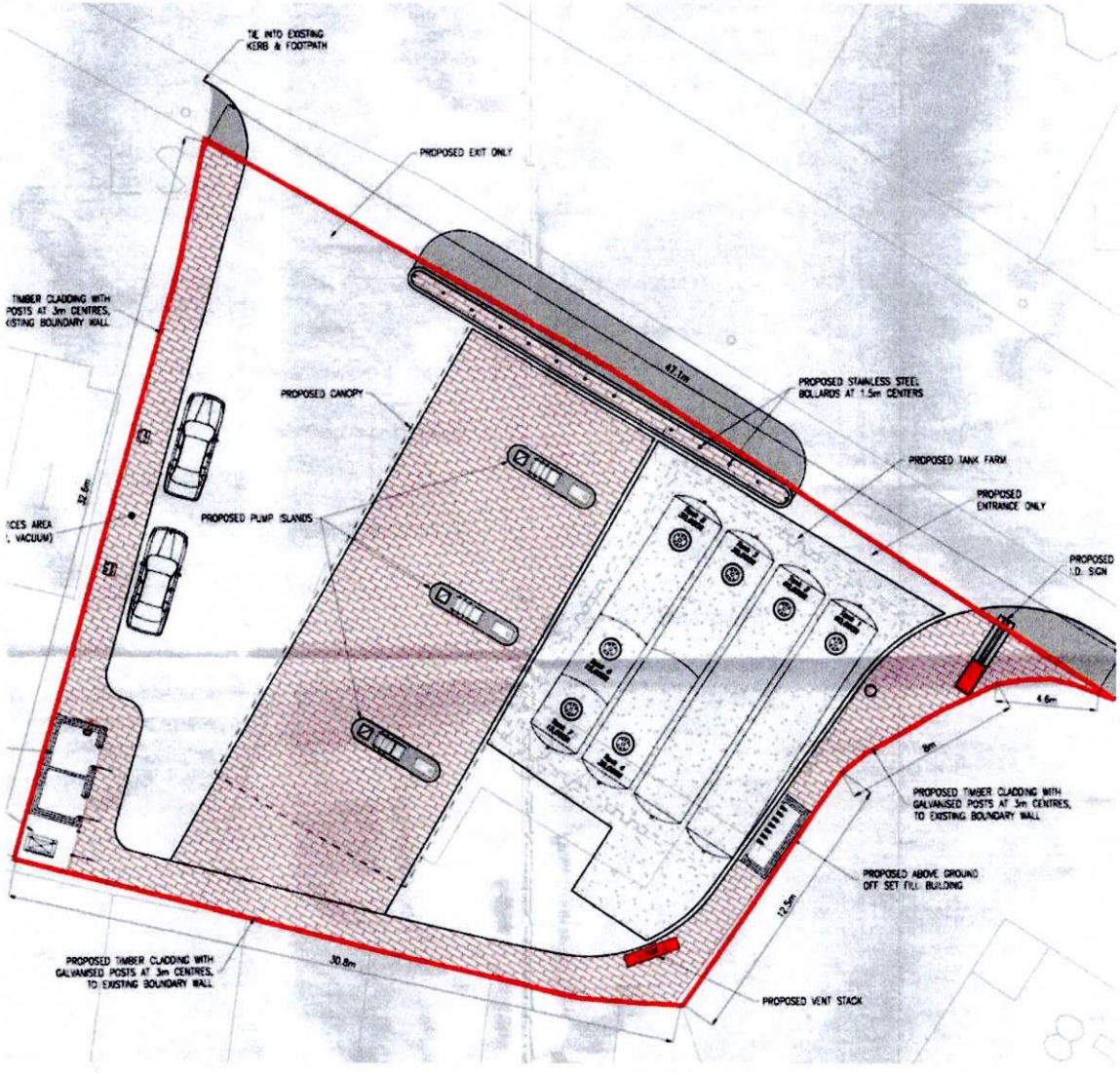


Figure 8.0 Site layout plan approved under Reg. Ref. 4353/17.

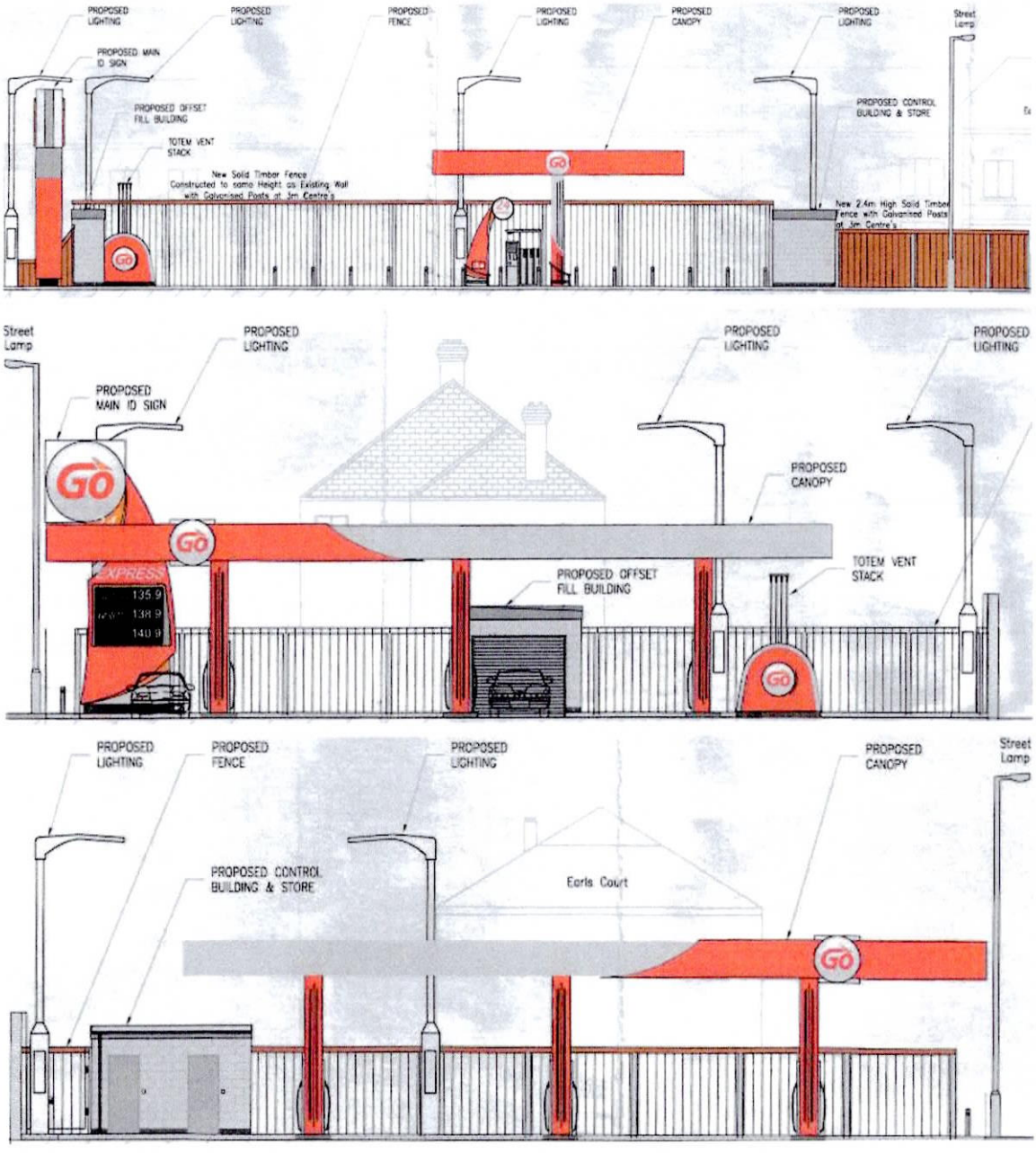


Figure 9.0 Sectional drawings of development approved under Reg. Ref. 4353/17.

The decision of the Planning Authority to grant permission was subsequently appealed by 3rd parties to An Bord Pleanála, under ABP Ref. No. 300958-18, with the Board ultimately granting permission by **Order dated 21st January 2019**. This historical planning application provides permission for the existing commercial petrol/service station on site.

Reg. Ref. 4585/22 Planning application lodged on 28th July 2022 for retention of alterations to the development approved under reg. ref. 4353/17.

The above application was recently lodged to Dublin City Council to regularise a suite of minor alterations to the development previously approved under Reg. Ref. 4353/17. A decision is expected in relation to the current application in mid-September 2022.

4.2 Financial Investment

First and foremost, we would state that our client has, to date, made a multi-million-euro investment into the development of the subject site by virtue of the following elements:

- Initial due diligence to assess profitability of petrol/service station and likelihood of achieving planning permission;
- Site acquisition;
- Lodgement of planning application & associated application/design team/contribution fees;
- Demolition & construction costs; &,
- Cost of finance

The extent of financial investment has been wholly based on the extent of due diligence carried out in respect of the subject site prior to the lodgement of the aforementioned historical planning application. This due diligence, which took the form of extensive traffic assessment and modelling, identified that the site would represent a highly lucrative location for the establishment of a petrol/service station due to its position on an arterial route into Dublin City Centre. Such was the level of expectation on the financial performance of the petrol/service station, with this expectation realised on the basis of current operating profits, that the design parameters of the development were expanded accordingly with the intent of our client being to provide the state-of-the-art service station which exists on site at present.

The station, which is wholly unmanned, is of noteworthy aesthetic quality and provides a uniquely contemporary design which adds visual interest to the immediate streetscape and represents a significant improvement relative to the pre-existing commercial use upon the site. The existing station has been specifically designed to represent the flagship operation within our client's wider portfolio. Further to the extent of financial investment made in respect of the subject site to date, we would note that the installation of the identified bus gates would effectively render the existing petrol/service station as commercially unviable and near-obsolete once in place. As a result, our client would have to invest further capital into the following elements:

- Due diligence to identify an alternative commercial use and/or residential use;
- Lodgement of planning application & associated application/design team/contribution fees;
- Demolition & construction costs; &,
- Cost of finance

Notwithstanding the possibility of identifying an alternative commercial use and/or residential use which could be accommodated on site, we would herein state that our client will suffer significant financial losses as a result of the Blanchardstown to City Centre Core Bus Corridor Scheme.

4.4 Consideration of Alternatives

Article 5(1)(d) of Directive 2011/92/EU as amended by Directive 2014/52/EU "the EIA Directive") requires that an Environmental Impact Assessment Report (EIAR) contains 'a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and the main reasons for the option chosen, taking into account the effects of the project on the environment'. Upon review of Chapter 03 'Consideration of Reasonable Alternatives' of Volume 2 of the Environmental Impact Assessment Report submitted as part of the subject proposal, we would contend that there is a completely inadequate level of treatment given to any alternative approaches that would avoid the drastic impacts on the Go Station site.

In this regard, we would note a significantly limited discussion in relation to the alternatives considered at Draft Preferred Route Option (PRO) Stage with no clear indication that impacts to commercial operations formed a legitimate consideration in relation to the identification of a PRO.

4.3 Statistical Data

To better illustrate the negative impact of the proposed works to facilitate the subject bus corridor, our client has commissioned TENT Engineering to prepare the enclosed Impact Report. In this regard, it is first considered prudent to note the below comparison between two tables contained within the Impact Report which illustrate existing/expected daily customer counts arising as result of the proposed works.

GO STATION DAILY CUSTOMERS COUNT

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06:00-07:00	46	45	38	45	47	31	17
07:00-08:00	58	72	65	54	76	36	22
08:00-09:00	82	87	84	82	101	64	36
09:00-10:00	76	91	105	92	84	95	50
10:00-11:00	95	74	107	106	120	125	70
11:00-12:00	120	108	116	100	120	138	85
12:00-13:00	129	96	127	132	151	144	128
13:00-14:00	140	118	135	130	152	143	156
14:00-15:00	138	111	127	125	146	133	156
15:00-16:00	138	113	130	102	136	133	137
16:00-17:00	135	118	151	141	175	109	106
17:00-18:00	116	120	138	153	150	115	124
18:00-19:00	131	113	134	124	123	90	112
19:00-20:00	118	112	116	124	105	87	98
20:00-21:00	106	117	107	111	112	74	77
21:00-22:00	76	84	88	95	113	70	75
22:00-23:00	57	71	53	55	47	48	47
Total	1761	1650	1821	1727	1958	1635	1636
Daily Average				1727			

GO STATION DAILY CUSTOMERS REDUCED

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06:00-07:00	4	4	3	4	4	2	1
07:00-08:00	5	6	5	4	6	3	2
08:00-09:00	7	7	7	7	8	5	3
09:00-10:00	6	7	8	7	7	8	4
10:00-11:00	8	6	9	8	10	10	6
11:00-12:00	10	9	9	8	10	11	7
12:00-13:00	10	8	10	11	12	12	10
13:00-14:00	11	9	11	10	12	11	12
14:00-15:00	11	9	10	10	12	11	12
15:00-16:00	11	9	10	8	11	11	11
16:00-17:00	11	9	12	11	14	9	8
17:00-18:00	9	10	11	12	12	9	10
18:00-19:00	10	9	11	10	10	7	9
19:00-20:00	9	9	9	10	8	7	8
20:00-21:00	8	9	9	9	9	6	6
21:00-22:00	6	7	7	8	9	6	6
22:00-23:00	5	6	4	4	4	4	4
Total	141	132	146	142	167	131	120
Daily Average				138			

Figure 10.0 Comparison of existing (top) and expected (bottom) average daily customer count arising following completion of proposed works. The daily average of 1,727 will drop to 138 on foot of the proposed works, a 92% reduction in customer numbers.

Comparison of the above tables clearly illustrates the detrimental impact of the proposed works on the existing service station. The degree of impact is, however, further intensified upon consideration of factors including site knowledge and media promotion. In this regard, we would note that the existing station has only been in operation since May 2022 and has yet to engage in any form of advertisement or promotion to expand its customer base. The Impact Report acknowledges that the average daily customer count is predicted to rise to 2,550 per day by the end of September 2022, on foot of the full launch of the site with associated media promotion. In this respect, the expected daily average customer count of 138 represents a 95.5% reduction against projected customer numbers.

Further to presenting existing and expected average daily customer counts, the Impact Report provides detail in relation to the specific impacts of each of the identified bus gates on the subject site. The report also considers the unique impact of the proposed works on our client's commercial business relative to 8 no. similar businesses operating along the bus route corridor. In each case, there is either no impact or a very slight impact on the identified businesses.

4.5 Interference with Property Rights

This section of the Submission has been contributed by William Fry LLP.

The impacts on Lissan Coal Company Ireland Limited, a drastic interference with the operation of the Go Station business that will inevitably materialise if the Bus Gates proposal is implemented at Old Cabra Road near the Go Station site, would represent a serious interference with the private property rights of Lissan Coal Company Ireland Limited, as operator of the business and with the private property rights of LCC Properties and Investments Ireland Limited, as owner of the site.

The nature and extent of this interference would represent an unjust attack on the private property rights of the business operator and the site owner. A series of factors make the interference an unjust attack within the meaning of Article 40.3.2° of the Constitution. What is proposed in the form of a Bus Gates on the Old Cabra Road and Prussia Street near the Go Station site and the extent of interference resulting from that (in effect a complete termination of the business) is completely disproportionate relative to the objective to be achieved in relation to that part of the route (and in the context of the overall scale of the route and the wider Bus Connects project).

What is proposed does not, it is submitted, pass the text of proportionality as explained in *Heaney -v- Ireland [1994] 3 IR 593'and as recognised in Blascaod Mór Teo -v- Commissioners of Public Works (No. 3). [2000] 1 IR 6.* Furthermore, it is an unjust attack as it represents unequal treatment in relation to the Go Station site operator, as it does not appear (despite that it is acknowledged that the proposal will entail a hugely significant adverse effect on the business) that there is any provision for the payment of compensation, presumably on the basis that it is not proposed to acquire any part of the Go Station site.

While the provision of compensation does not of itself validate an unjustifiable interference with property rights [as was recognised by Finnegan P. in Clinton -v- An Bord Pleanála (No. 2), High Court 2005 IEHC 84], the absence of compensation for the Go Station site operator in this instance (having regard to the scale of the effects on the Go Station business) makes the interference even more egregious. It appears that only certain of the landowners whose rights are being interfered with will have an entitlement to compensation, namely those from whom there will be a proportion of land acquired.

In that regard, it is noted that, in connection with the project, the project promoters have published Notice of the making of a Compulsory Purchase Order (CPO), namely the 'Blanchardstown to City Centre Core Bus Corridor project Compulsory Purchase Order 2022". In that Notice/Order, details of the lands that are proposed to be permanently acquired are set out in the Schedule to the Notice/Order. It is to be presumed that such owners will have an entitlement to compensation in accordance with the Land Clauses Consolidation Act 1845 - to be calculated in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

Nowhere in the Notice of the making of the CPO are the interferences with the Go Station site referenced/acknowledged (e.g. neither in Part IV, Section A of the Schedule ('private rights to be acquired') nor in the Part IV, Section B of the Schedule ('private rights to be restricted or otherwise interfered with'). This is, again, despite the drastic interference that will be affected to the interests of the operator of the Go Station site.

While, again, even if it were proposed to compensate the site operator (which it apparently is not) then that would not, it is submitted, of itself make the interference valid. However, the evident absence of compensation in the case of a stakeholder such as the operator of the Go Station Site represents, it is submitted, completely unequal treatment towards the Go Station site operator who will be very significantly affected relative to the position of the many if not most of those landowners who, by virtue of having land acquired, even a very small portion of land, will have an automatic right to compensation. By comparison the Go Station site operator, who will exponentially adversely affected, will not, it would seem from the published notices, have any such right.

What is proposed in respect of the Go Station site is, in effect, the service of a notice of discontinuance of a use or of the attachment of conditions to a use (as provided for under section 46 of the Planning and Development Act 2000); or to the service of notice of revocation of a planning permission (as provided for in section 44 of the 2000 Act) but without, apparently, provision for the payment of

compensation in the case of the owner/operator of the Go Station site - notwithstanding the entitlement to full statutory compensation for any landowner who is served with a notice under section 44 or section 46 of the 2000 Act.

That a statute authorising an interference with property rights does not make provision for the payment of compensation does not relieve the State from the obligation to pay compensation, as was held definitively in Rooney -v- Department of Agriculture and Technical Instruction for Ireland [1920] IR 176 and in Comyn -v- Attorney General [1950] IR 142.Therefore, what is proposed by the project promoter would represent an unlawful and unconstitutional interference with the rights of the site operator in relation to the enjoyment of property.

It would also represent a breach of the site operator's right to the peaceful enjoyment of property under Article 1 of the First Protocol to the European Convention on Human Rights and a breach of the Convention's right to equality /freedom from discrimination (Article 14); as well as a breach of the related/corresponding rights under The European Convention on Human Rights Act 2003.

The site operator relies on the jurisprudence/ caselaw of the European Court of Human rights (including Ouzounoglou -v- Greece, No. 32730/03 §30. 24 November 2005; Oneryildiz -v- Turkey ECHR 2004 -XI and Lithgow & Others -v- the United Kingdom (1986)) relating to the need, recognised by the Court, to look at the substantive effect on property rights; to recognise situations akin to the taking of property; to review the appropriateness of the terms of States' compensation schemes (relating to interferences with property); to the need for the State to provide procedural guarantees and mechanisms for adjudicating disputes regarding interferences with property rights; and to an entitlement to compensation in respect interference with the enjoyment of lands that are not taken.

What is proposed as a result of the Bus Gates is in effect a deprivation of the Go Station operator's property rights; yet, based on what has been published in relation to the project, it does not appear that it is proposed to compensate the site operator or owner. For that reason, the project as proposed (at least insofar as it relates to the Bus Gates in the vicinity of the Go Station site) is invalid and a confirmation by the Board of the project without a removal of the Bus Gates near the Go Station site would be invalid as being in breach of the rights of the owner and operator of the Site.

The submissions/observations made elsewhere in this submission relating to the Route/project are made entirely without prejudice to the foregoing submissions that assert that the proposed project, if implemented in the manner proposed (relative to the Go Station site and the nearby Bus Gate), would be invalid, unlawful, unconstitutional and in breach of the rights of the site operator/owner.

5.0 Conclusion

To reiterate the assessment of the subject scheme on the operation of our client's business, the impact is assessed as:

> *'Negative, Very Significant and Long-Term during construction and operation of the Proposed Scheme.'*

Having regard for this summation by the applicant, we would ask that the Board consider the arguments presented in this submission which illustrate that our client acted in good faith whilst acquiring the subject site, receiving planning permission and developing a highly successful service/petrol station which, subject to the implementation of the proposed works, will see its customer base reduced by 92-95.5%.

In light of this seismic impact to existing commercial operations, we would request the appropriate modification of the subject scheme through the removal of the identified bus gates and the continued unrestricted public vehicular access to the service/petrol station.

The alternative to the omission of the identified bus gates, which will effectively remove our client's customer base, is the loss of this existing business. Given the significant and adverse impact of the scheme, which will essentially eradicate this business, it is respectfully requested that the bus gates are omitted.

Such is the seriousness of the impact of the proposed works, our client would welcome engagement between the wider design team and the Blanchardstown to City Centre Core Bus Corridor Scheme (ARUP) and An Bord Pleanála at an oral hearing to discuss the significant, adverse and irreversible impact the subject scheme has on our client's commercial interest.

We trust that the Board will have regard to the contents of this submission in relation to the wider public consultation process on the Blanchardstown to City Centre Core Bus Corridor Scheme.

Kevin Hughes MIPI MRTPI
Director for HPDC Ltd.

Appendix A Impact Report as prepared by TENT Engineering

HUGHES
PLANNING
& DEVELOPMENT CONSULTANTS

Blanchardstown to City Centre Core Bus Corridor Scheme Submission (Ref. No. 313892)

Submitted on Behalf of:
LCC Properties & Investments (Ireland) Limited
Unit 8, C Tek, Riverside Road, Carrickmacross, Co. Monaghan

30th August 2022

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710
info@hpdc.ie
www.hpdc.ie

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have been instructed by our client, LCC Properties & Investments (Ireland) Limited, to make a submission in respect of the Blanchardstown to City Centre Core Bus Corridor Scheme currently being planned by the National Transport Authority (NTA). Lissan Coal Company (Ireland) Limited is the tenant/operator of Go Station, Old Cabra Road, Cabra West, Dublin which is owned by LCC Properties & Investments (Ireland) Limited, our client.

This submission is accompanied by the relevant submission fee (€50) and our client is requesting an oral hearing in light of the significant and adverse impacts of the proposal on our client's business, a fee of €50 is also enclosed in relation to the oral hearing request.

This submission is made in response to a public notice, available at https://blanchardstownscheme.ie/, inviting submissions, up until 30th August 2022, as part of a public consultation process into the bus route corridor (Ref. No. 313892). The purpose of this submission is to outline our client's concern in relation to central elements of the intended route corridor. We note extracts of the map which presents the location of the bus route corridor, relative to our client's site, as presented in Figure 1.0, below.

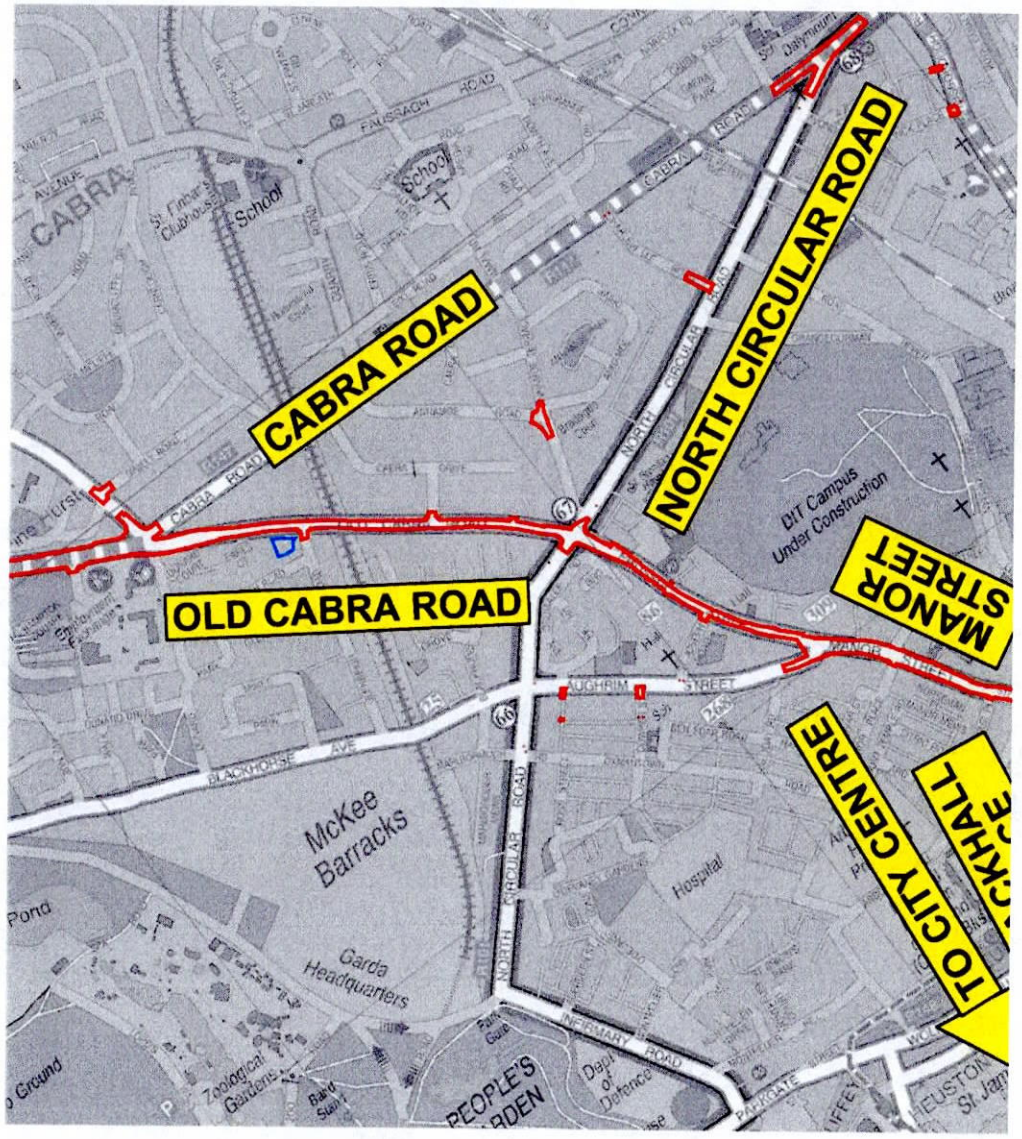


Figure 1.0 Extract from the proposed scheme boundary illustrating the location of our client's site (blue outline) relative to the intended route option.

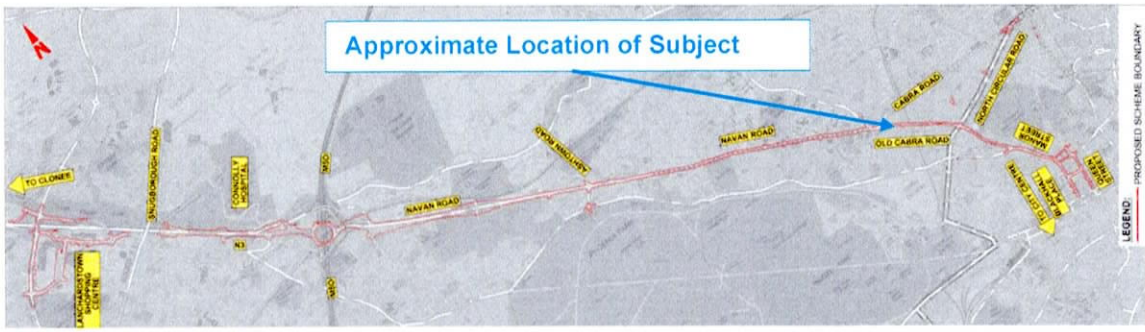


Figure 2.0 Extract from the proposed scheme boundary illustrating the location of our client's site (blue outline) relative to the intended route option.

As will be discussed in Section 3 of this report, 3 no. bus gates are proposed which would prove detrimental to the long-term viability of our client's commercial operation at Go Station, Old Cabra Road.

The impact of these bus gates is acknowledged in Chapter 10 of Volume 2 of the Environmental Impact Assessment Report (EIAR) prepared in respect of the subject scheme as follows:

> *The bus gate on part of Old Cabra Road is located in the community area of Aughrim Street. There is one business located along the bus gate, Go Station (filling station). Go Station is expected to be affected as a result of the proposed bus gate. Although this business can still be accessed by private vehicles, these will primarily be local residents in the surrounding community area and customers with existing knowledge of the location of the business.*
>
> *The primary source of income for the business is expected to be from passing trade, which is expected to be significantly reduced along Old Cabra Road due to the bus gates. During construction and operation of the Proposed Scheme it is expected that this business would no longer be able to operate successfully.* ***The impact on this business is assessed as Negative, Very Significant and Long-Term during construction and operation of the Proposed Scheme.***

Notwithstanding the erroneous reference to the address of the subject Go Station being Aughrim Street, a further reference is made to our client's site in Chapter 23 of Volume 10 of the EIAR as follows:

Environmental Impact Assessment Report (EIAR) Volume 2 of 4 Main Report — Jacobs ARUP SYSTRA

Environmental Aspect / Chapter	Residual Impact Description	Impact Significance (Pre-Mitigation)	Residual Impact Significance (Post-Mitigation)
	Commercial Accessibility for private vehicles	Negative, Moderate and Short-Term - Blakestown, Blanchardstown, Castleknock, Navan Road, Cabra West, Aughrim Street and Halston Street	Negative, Moderate and Short-Term - Blakestown, Blanchardstown, Castleknock, Navan Road, Cabra West, Aughrim Street and Halston Street
	Commercial Accessibility	Negative, Very Significant and Long-Term – Go Station (Aughrim Street)	Negative, Very Significant and Long-Term – Go Station (Aughrim Street)

Figure 3.0 Extract from Environmental Impact Assessment Report (EIAR) prepared in respect of the subject scheme.

As is acknowledged above, our client's commercial filling station is wholly dependent on passing vehicular traffic which is set to be significantly reduced as a result of central elements (bus gates) of the bus route corridor. The impact, both pre and post mitigation measures, of the Blanchardstown to City Centre Core Bus Corridor Scheme is labelled as 'Negative, Very Significant and Long-Term' and our client is thus highly concerned. This submission seeks the omission of the 3 no. bus gates, as set out below, in order to ensure the long-term viability and the continued operation of our client's business.

This report is accompanied by the enclosed Impact Report (Appendix A), as prepared by TENT Engineering, which presents a detailed analysis of the existing operation relative to the expected impacts following the Blanchardstown to City Centre Core Bus Corridor Scheme.

2.0 Subject Site

The site to which this submission pertains is located on the southern side of Old Cabra Road in Cabra West. The site extends to approximately 0.0975 hectares and is occupied by an unmanned petrol/service station with associated ancillary services. The site presents significant frontage (c. 43m) to Old Cabra Road and was specifically identified as a key opportunity site for the development of the aforementioned petrol/service station due to significant vehicular movements past the site on a daily basis due to Old Cabra Road's long-standing function as an arterial route into Dublin City Centre. The site was purchased on 2nd February 2016 by Lissan Coal Company (Ireland) Limited.

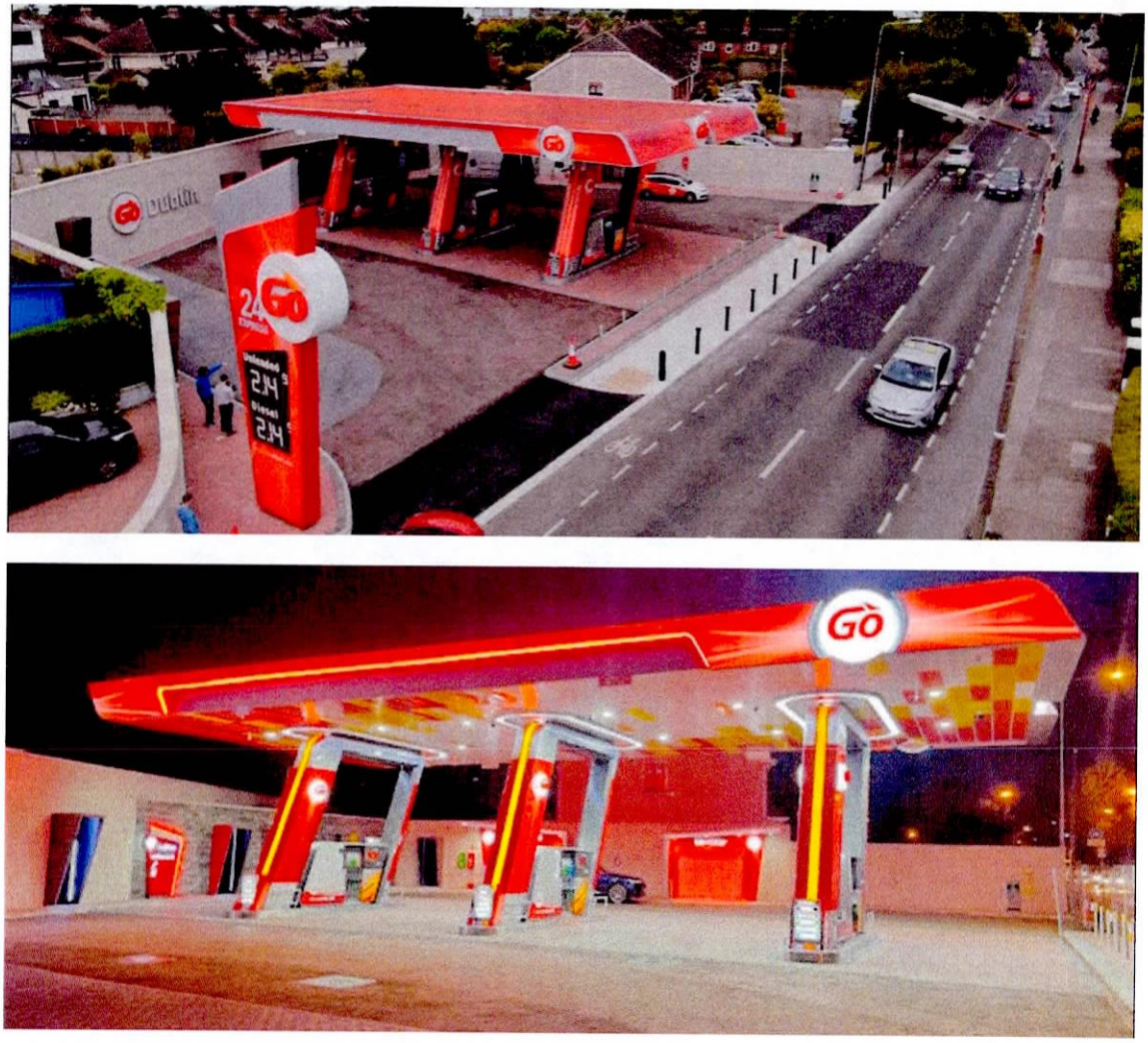


Figure 4.0 Imagery of the existing petrol/service station on site.

3.0 Bus Connects Proposal Relative to Subject Site

As per the documentation available at https://blanchardstownscheme.ie/, the Blanchardstown to City Centre Core Bus Corridor Scheme proposes the installation of a bus gate on the Old Cabra Road bridge 'OBO 5' c. 105m south-east of our client's site. An additional bus gate is to be located at the junction of Prussia Street and Aughrim Street c. 1km south-east of our client's site.

The bus gates, as identified in Figures 5.0-7.0 overleaf, will be in permanent operation and will prevent all through traffic from proceeding along this arterial route towards our client's site with the exception of buses, taxis and bicycles. Given the nature of the commercial use operating at our client's site, which is wholly based on continuously high volumes of passing vehicular traffic, the proposed bus gates present a catastrophic impact to the commercial viability of the site.

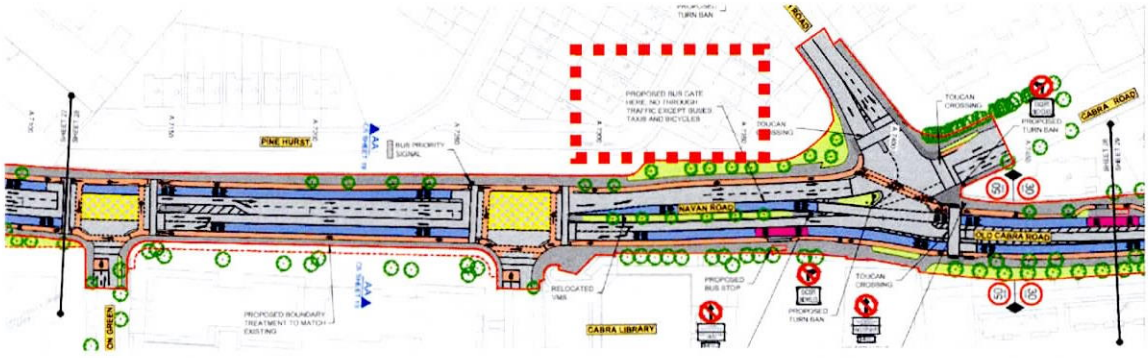


Figure 5.0 Extract from Sheet 28 of the General Arrangement drawing illustrating the proposed bus gate (red dashed line) at the junction of Navan Road, Cabra Road and Old Cabra Road.

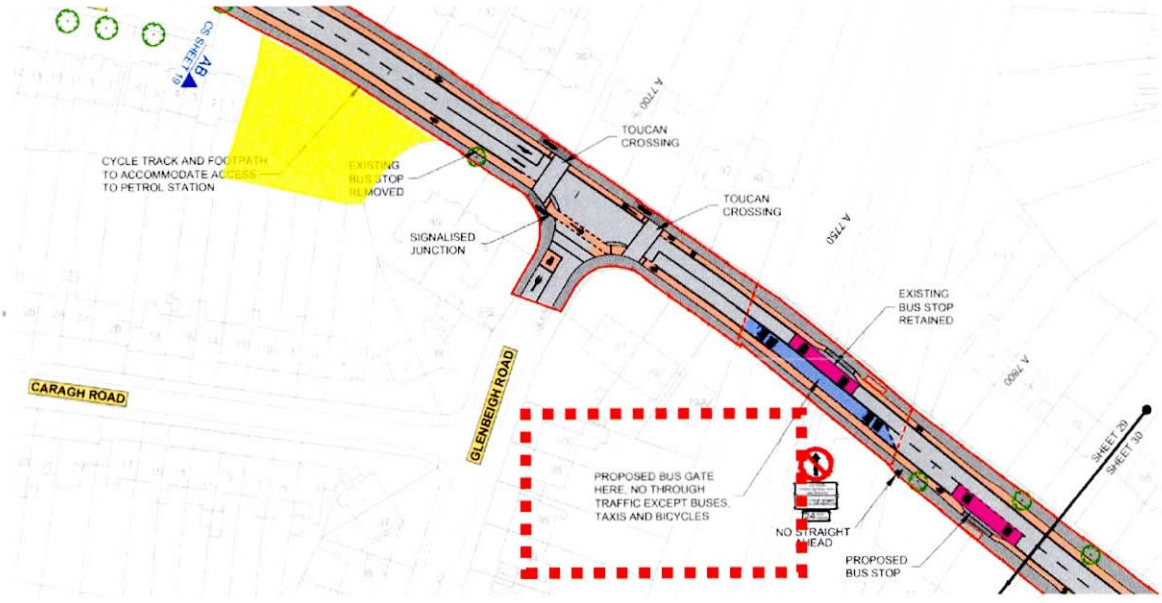


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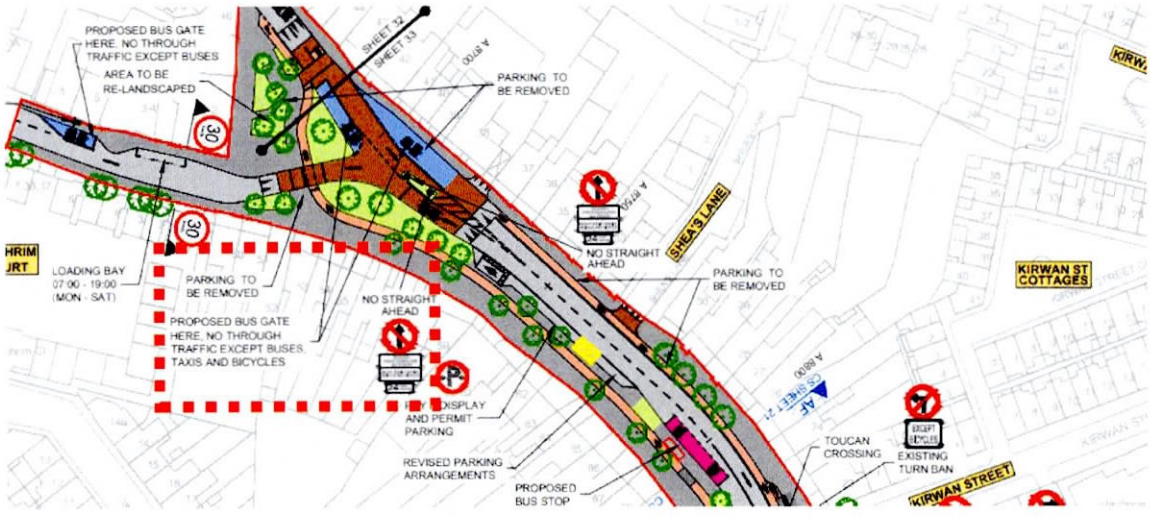


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4.0 Impact of Bus Connects Proposal on Subject Site

As stated previously, the proposed bus gates represent a catastrophic impact to the commercial viability of the existing petrol/service station on site. The following sections of this report will expand upon the financial repercussions which will be experienced by our client as a result of the Blanchardstown to City Centre Core Bus Corridor Scheme and practical reasoning for the non-adaptation of the bus gates.

4.1 Site Planning History

It is considered prudent to note the provisions of the following historical planning application upon the subject site which was lodged with Dublin City Council on 23rd November 2022:

Reg. Ref. 4353/17 Decision to grant planning permission issued by Dublin City Council on **26th January 2018** for i) demolition of the existing buildings, ii) construction of a new fuel forecourt with 3 forecourt fuel pumps and forecourt canopy, iii) control/ store and offset fill buildings; iv) air and water services area; v) underground fuel storage tanks, vi) revised entrance and exit arrangements; vii) erection of company signage; viii) boundary wall cladding; ix) site lighting, and x) all associated site, drainage, landscaping and development works.

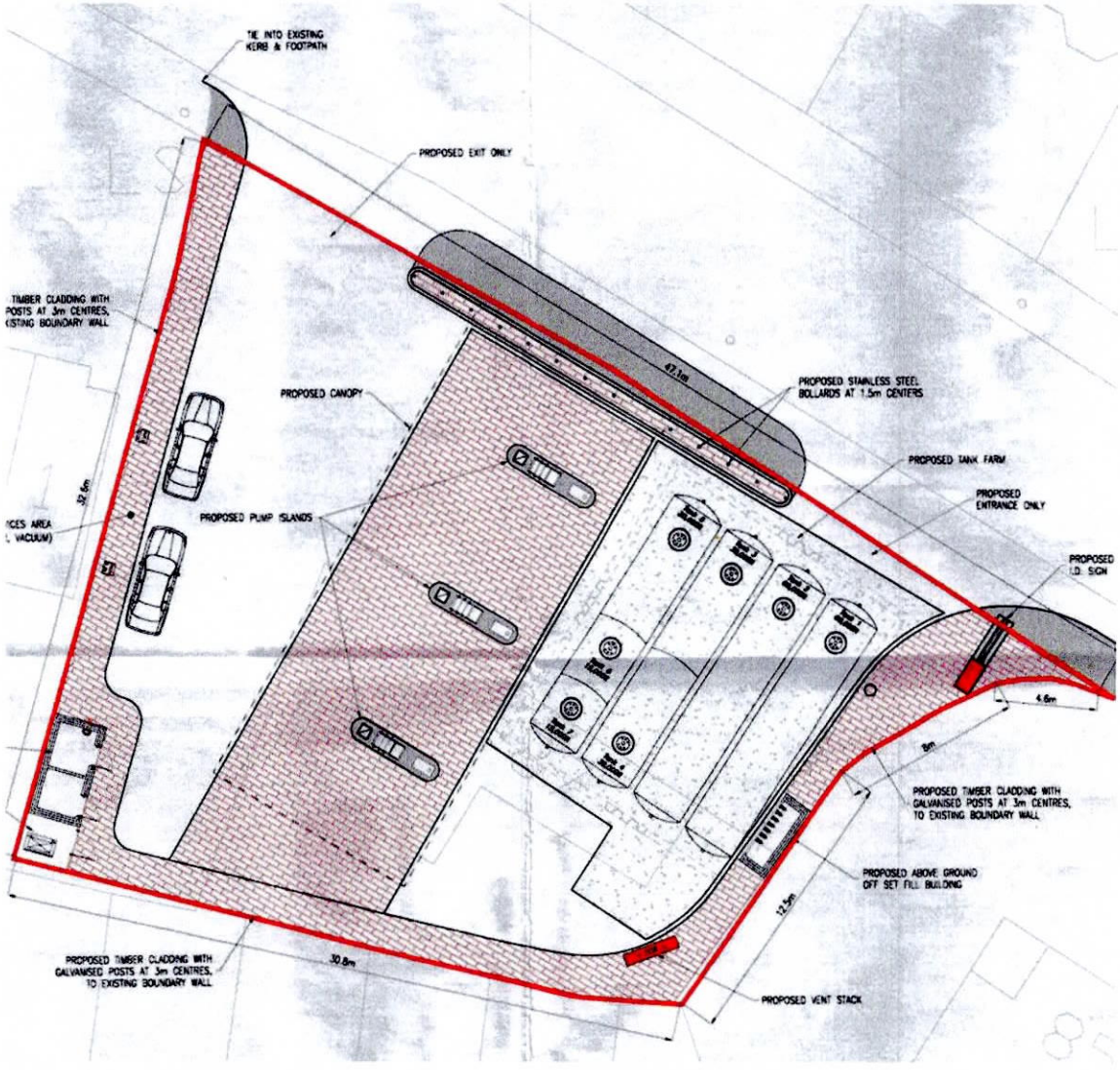


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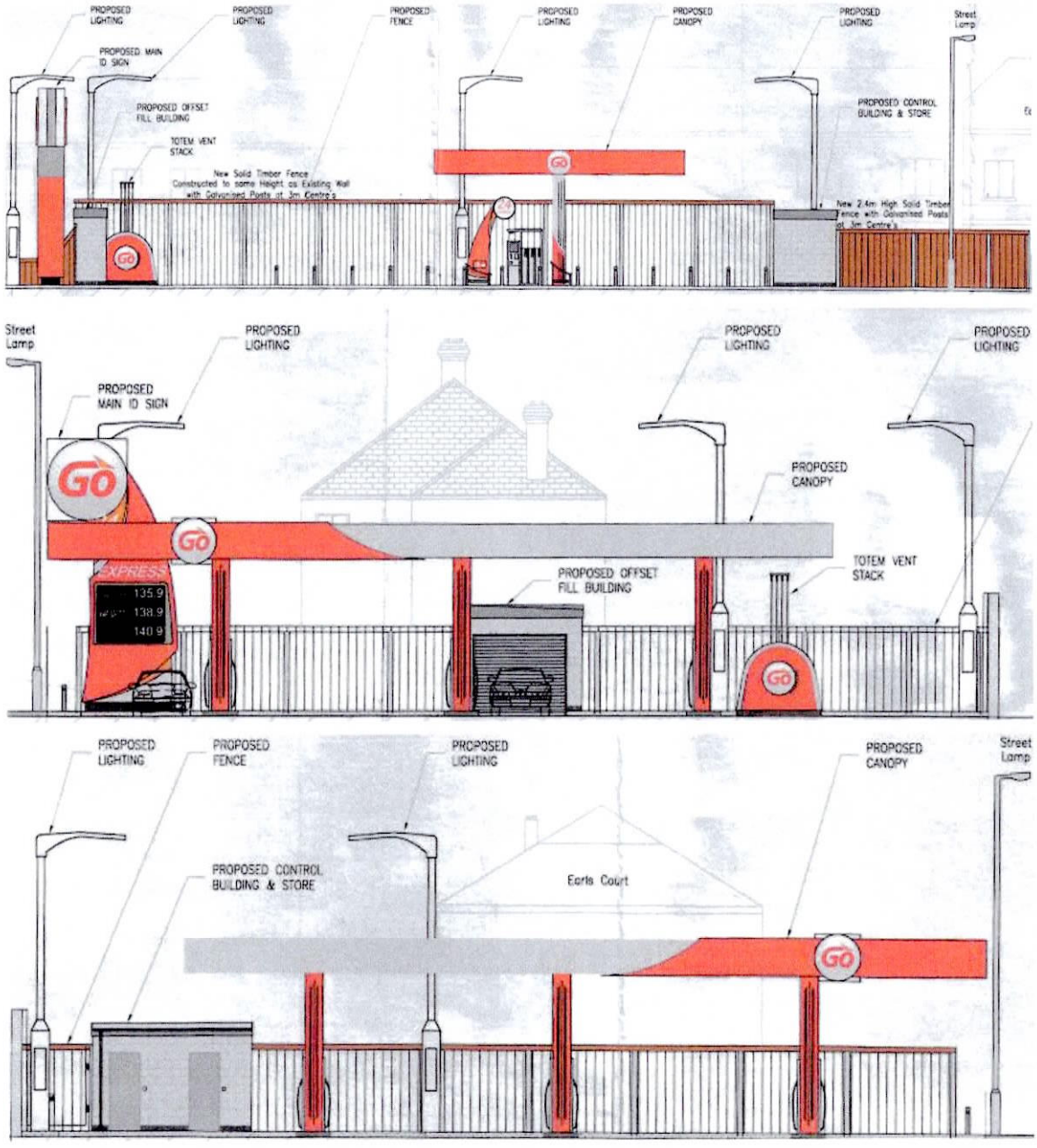


Figure 9.0 Sectional drawings of development approved under Reg. Ref. 4353/17.

The decision of the Planning Authority to grant permission was subsequently appealed by 3rd parties to An Bord Pleanála, under ABP Ref. No. 300958-18, with the Board ultimately granting permission by **Order dated 21st January 2019**. This historical planning application provides permission for the existing commercial petrol/service station on site.

Reg. Ref. 4585/22 Planning application lodged on 28th July 2022 for retention of alterations to the development approved under reg. ref. 4353/17.

The above application was recently lodged to Dublin City Council to regularise a suite of minor alterations to the development previously approved under Reg. Ref. 4353/17. A decision is expected in relation to the current application in mid-September 2022.

4.2 Financial Investment

First and foremost, we would state that our client has, to date, made a multi-million-euro investment into the development of the subject site by virtue of the following elements:

- Initial due diligence to assess profitability of petrol/service station and likelihood of achieving planning permission;
- Site acquisition;
- Lodgement of planning application & associated application/design team/contribution fees;
- Demolition & construction costs; &,
- Cost of finance

The extent of financial investment has been wholly based on the extent of due diligence carried out in respect of the subject site prior to the lodgement of the aforementioned historical planning application. This due diligence, which took the form of extensive traffic assessment and modelling, identified that the site would represent a highly lucrative location for the establishment of a petrol/service station due to its position on an arterial route into Dublin City Centre. Such was the level of expectation on the financial performance of the petrol/service station, with this expectation realised on the basis of current operating profits, that the design parameters of the development were expanded accordingly with the intent of our client being to provide the state-of-the-art service station which exists on site at present.

The station, which is wholly unmanned, is of noteworthy aesthetic quality and provides a uniquely contemporary design which adds visual interest to the immediate streetscape and represents a significant improvement relative to the pre-existing commercial use upon the site. The existing station has been specifically designed to represent the flagship operation within our client's wider portfolio. Further to the extent of financial investment made in respect of the subject site to date, we would note that the installation of the identified bus gates would effectively render the existing petrol/service station as commercially unviable and near-obsolete once in place. As a result, our client would have to invest further capital into the following elements:

- Due diligence to identify an alternative commercial use and/or residential use;
- Lodgement of planning application & associated application/design team/contribution fees;
- Demolition & construction costs; &,
- Cost of finance

Notwithstanding the possibility of identifying an alternative commercial use and/or residential use which could be accommodated on site, we would herein state that our client will suffer significant financial losses as a result of the Blanchardstown to City Centre Core Bus Corridor Scheme.

4.4 Consideration of Alternatives

Article 5(1)(d) of Directive 2011/92/EU as amended by Directive 2014/52/EU "the EIA Directive") requires that an Environmental Impact Assessment Report (EIAR) contains 'a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and the main reasons for the option chosen, taking into account the effects of the project on the environment'. Upon review of Chapter 03 'Consideration of Reasonable Alternatives' of Volume 2 of the Environmental Impact Assessment Report submitted as part of the subject proposal, we would contend that there is a completely inadequate level of treatment given to any alternative approaches that would avoid the drastic impacts on the Go Station site.

In this regard, we would note a significantly limited discussion in relation to the alternatives considered at Draft Preferred Route Option (PRO) Stage with no clear indication that impacts to commercial operations formed a legitimate consideration in relation to the identification of a PRO.

4.3 Statistical Data

To better illustrate the negative impact of the proposed works to facilitate the subject bus corridor, our client has commissioned TENT Engineering to prepare the enclosed Impact Report. In this regard, it is first considered prudent to note the below comparison between two tables contained within the Impact Report which illustrate existing/expected daily customer counts arising as result of the proposed works.

GO STATION DAILY CUSTOMERS COUNT

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06:00-07:00	46	45	38	45	47	31	17
07:00-08:00	58	72	65	54	76	36	22
08:00-09:00	82	87	84	82	101	84	36
09:00-10:00	76	91	105	92	84	95	50
10:00-11:00	95	74	107	106	120	125	70
11:00-12:00	120	108	116	100	120	138	85
12:00-13:00	129	96	127	132	151	144	128
13:00-14:00	140	118	135	130	152	143	156
14:00-15:00	138	111	127	125	146	133	156
15:00-16:00	138	113	130	102	136	133	137
16:00-17:00	135	118	151	141	175	109	106
17:00-18:00	116	120	138	153	150	115	124
18:00-19:00	131	113	134	124	123	90	112
19:00-20:00	118	112	116	124	105	87	98
20:00-21:00	106	117	107	111	112	74	77
21:00-22:00	76	84	88	95	113	70	75
22:00-23:00	57	71	53	55	47	48	47
Total	1761	1660	1821	1771	1958	1635	1496
Daily Average				1727			

GO STATION DAILY CUSTOMERS REDUCED

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
06:00-07:00	4	4	3	4	4	2	1
07:00-08:00	5	6	5	4	6	3	2
08:00-09:00	7	7	7	7	8	5	3
09:00-10:00	6	7	8	7	7	8	4
10:00-11:00	8	6	9	8	10	10	6
11:00-12:00	10	9	9	8	10	11	7
12:00-13:00	10	8	10	11	12	12	10
13:00-14:00	11	9	11	10	12	11	12
14:00-15:00	11	9	10	10	12	11	12
15:00-16:00	11	9	10	8	11	11	11
16:00-17:00	11	9	12	11	14	9	8
17:00-18:00	9	10	11	12	12	9	10
18:00-19:00	10	9	11	10	10	7	9
19:00-20:00	9	9	9	10	8	7	8
20:00-21:00	8	9	9	9	9	6	6
21:00-22:00	6	7	7	8	9	6	6
22:00-23:00	5	6	4	4	4	4	4
Total	141	132	146	142	167	131	120
Daily Average				138			

Figure 10.0 Comparison of existing (top) and expected (bottom) average daily customer count arising following completion of proposed works. The daily average of 1,727 will drop to 138 on foot of the proposed works, a 92% reduction in customer numbers.

Comparison of the above tables clearly illustrates the detrimental impact of the proposed works on the existing service station. The degree of impact is, however, further intensified upon consideration of factors including site knowledge and media promotion. In this regard, we would note that the existing station has only been in operation since May 2022 and has yet to engage in any form of advertisement or promotion to expand its customer base. The Impact Report acknowledges that the average daily customer count is predicted to rise to 2,550 per day by the end of September 2022, on foot of the full launch of the site with associated media promotion. In this respect, the expected daily average customer count of 138 represents a 95.5% reduction against projected customer numbers.

Further to presenting existing and expected average daily customer counts, the Impact Report provides detail in relation to the specific impacts of each of the identified bus gates on the subject site. The report also considers the unique impact of the proposed works on our client's commercial business relative to 8 no. similar businesses operating along the bus route corridor. In each case, there is either no impact or a very slight impact on the identified businesses.

4.5 Interference with Property Rights

This section of the Submission has been contributed by William Fry LLP.

The impacts on Lissan Coal Company Ireland Limited, a drastic interference with the operation of the Go Station business that will inevitably materialise if the Bus Gates proposal is implemented at Old Cabra Road near the Go Station site, would represent a serious interference with the private property rights of Lissan Coal Company Ireland Limited, as operator of the business and with the private property rights of LCC Properties and Investments Ireland Limited, as owner of the site.

The nature and extent of this interference would represent an unjust attack on the private property rights of the business operator and the site owner. A series of factors make the interference an unjust attack within the meaning of Article 40.3.2° of the Constitution. What is proposed in the form of a Bus Gates on the Old Cabra Road and Prussia Street near the Go Station site and the extent of interference resulting from that (in effect a complete termination of the business) is completely disproportionate relative to the objective to be achieved in relation to that part of the route (and in the context of the overall scale of the route and the wider Bus Connects project).

What is proposed does not, it is submitted, pass the text of proportionality as explained in *Heaney -v- Ireland [1994] 3 IR 593'and as recognised in Blascaod Mór Teo -v- Commissioners of Public Works (No. 3). [2000] 1 IR 6.* Furthermore, it is an unjust attack as it represents unequal treatment in relation to the Go Station site operator, as it does not appear (despite that it is acknowledged that the proposal will entail a hugely significant adverse effect on the business) that there is any provision for the payment of compensation, presumably on the basis that it is not proposed to acquire any part of the Go Station site.

While the provision of compensation does not of itself validate an unjustifiable interference with property rights [as was recognised by Finnegan P. in Clinton -v- An Bord Pleanála (No. 2), High Court 2005 IEHC 84], the absence of compensation for the Go Station site operator in this instance (having regard to the scale of the effects on the Go Station business) makes the interference even more egregious. It appears that only certain of the landowners whose rights are being interfered with will have an entitlement to compensation, namely those from whom there will be a proportion of land acquired.

In that regard, it is noted that, in connection with the project, the project promoters have published Notice of the making of a Compulsory Purchase Order (CPO), namely the 'Blanchardstown to City Centre Core Bus Corridor project Compulsory Purchase Order 2022". In that Notice/Order, details of the lands that are proposed to be permanently acquired are set out in the Schedule to the Notice/Order. It is to be presumed that such owners will have an entitlement to compensation in accordance with the Land Clauses Consolidation Act 1845 - to be calculated in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

Nowhere in the Notice of the making of the CPO are the interferences with the Go Station site referenced/acknowledged (e.g. neither in Part IV, Section A of the Schedule ('private rights to be acquired') nor in the Part IV, Section B of the Schedule ('private rights to be restricted or otherwise interfered with'). This is, again, despite the drastic interference that will be affected to the interests of the operator of the Go Station site.

While, again, even if it were proposed to compensate the site operator (which it apparently is not) then that would not, it is submitted, of itself make the interference valid. However, the evident absence of compensation in the case of a stakeholder such as the operator of the Go Station Site represents, it is submitted, completely unequal treatment towards the Go Station site operator who will be very significantly affected relative to the position of the many if not most of those landowners who, by virtue of having land acquired, even a very small portion of land, will have an automatic right to compensation. By comparison the Go Station site operator, who will exponentially adversely affected, will not, it would seem from the published notices, have any such right.

What is proposed in respect of the Go Station site is, in effect, the service of a notice of discontinuance of a use or of the attachment of conditions to a use (as provided for under section 46 of the Planning and Development Act 2000); or to the service of notice of revocation of a planning permission (as provided for in section 44 of the 2000 Act) but without, apparently, provision for the payment of

compensation in the case of the owner/operator of the Go Station site - notwithstanding the entitlement to full statutory compensation for any landowner who is served with a notice under section 44 or section 46 of the 2000 Act.

That a statute authorising an interference with property rights does not make provision for the payment of compensation does not relieve the State from the obligation to pay compensation, as was held definitively in Rooney -v- Department of Agriculture and Technical Instruction for Ireland [1920] IR 176 and in Comyn -v- Attorney General [1950] IR 142.Therefore, what is proposed by the project promoter would represent an unlawful and unconstitutional interference with the rights of the site operator in relation to the enjoyment of property.

It would also represent a breach of the site operator's right to the peaceful enjoyment of property under Article 1 of the First Protocol to the European Convention on Human Rights and a breach of the Convention's right to equality /freedom from discrimination (Article 14); as well as a breach of the related/corresponding rights under The European Convention on Human Rights Act 2003.

The site operator relies on the jurisprudence/ caselaw of the European Court of Human rights (including Ouzounoglou -v- Greece, No. 32730/03 §30. 24 November 2005; Oneryildiz -v- Turkey ECHR 2004 -XI and Lithgow & Others -v- the United Kingdom (1986)) relating to the need, recognised by the Court, to look at the substantive effect on property rights; to recognise situations akin to the taking of property; to review the appropriateness of the terms of States' compensation schemes (relating to interferences with property); to the need for the State to provide procedural guarantees and mechanisms for adjudicating disputes regarding interferences with property rights; and to an entitlement to compensation in respect interference with the enjoyment of lands that are not taken.

What is proposed as a result of the Bus Gates is in effect a deprivation of the Go Station operator's property rights; yet, based on what has been published in relation to the project, it does not appear that it is proposed to compensate the site operator or owner. For that reason, the project as proposed (at least insofar as it relates to the Bus Gates in the vicinity of the Go Station site) is invalid and a confirmation by the Board of the project without a removal of the Bus Gates near the Go Station site would be invalid as being in breach of the rights of the owner and operator of the Site.

The submissions/observations made elsewhere in this submission relating to the Route/project are made entirely without prejudice to the foregoing submissions that assert that the proposed project, if implemented in the manner proposed (relative to the Go Station site and the nearby Bus Gate), would be invalid, unlawful, unconstitutional and in breach of the rights of the site operator/owner.

5.0 Conclusion

To reiterate the assessment of the subject scheme on the operation of our client's business, the impact is assessed as:

> *'Negative, Very Significant and Long-Term during construction and operation of the Proposed Scheme.'*

Having regard for this summation by the applicant, we would ask that the Board consider the arguments presented in this submission which illustrate that our client acted in good faith whilst acquiring the subject site, receiving planning permission and developing a highly successful service/petrol station which, subject to the implementation of the proposed works, will see its customer base reduced by 92-95.5%.

In light of this seismic impact to existing commercial operations, we would request the appropriate modification of the subject scheme through the removal of the identified bus gates and the continued unrestricted public vehicular access to the service/petrol station.

The alternative to the omission of the identified bus gates, which will effectively remove our client's customer base, is the loss of this existing business. Given the significant and adverse impact of the scheme, which will essentially eradicate this business, it is respectfully requested that the bus gates are omitted.

Such is the seriousness of the impact of the proposed works, our client would welcome engagement between the wider design team and the Blanchardstown to City Centre Core Bus Corridor Scheme (ARUP) and An Bord Pleanála at an oral hearing to discuss the significant, adverse and irreversible impact the subject scheme has on our client's commercial interest.

We trust that the Board will have regard to the contents of this submission in relation to the wider public consultation process on the Blanchardstown to City Centre Core Bus Corridor Scheme.

Kevin Hughes MIPI MRTPI
Director for HPDC Ltd.

Appendix A Impact Report as prepared by TENT Engineering

Bus Connects Dublin - Blanchardstown to City Centre - Impact on Go Station

30.08.2022

22083-TNT-XX-XX-RP-T-00001

TENT ENGINEERING

Site Address:

Go Station

Old Cabra Road,

Dublin

Client:

LCC PROPERTIES & INVESTMENTS (IRELAND) LIMITED

Unit 8, C Tek, Riverside Road, Carrickmacross, County Monaghan

Office Address:

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Revision and Review

This report has been prepared for the sole benefit, use and information of the client. The liability of Tent engineering with respect to the information contained in this report will not extend to any third party.

REVISION(S)

Rev.	Description	Date
P01	1st issue	30.08.2022

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Contents

1 Executive Summary 3

2 Description of the GO Station 4

2.1 Description of the existing road network 5

2.1.1 Old Cabra Road 5

2.1.2 Prussia Street 6

3 Customer Numbers 7

4 Description of Proposed Changes 8

4.1.1 Old Cabra Road Changes 8

4.1.2 Prussia Street Bus Gate 9

5 Impact on Customer Numbers 10

6 A uniquely impacted business 11

7 Conclusion 26

Office Address

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1 Executive Summary

We, Tent Engineering are appointed by the site owner, LCC Properties & Investments (Ireland) Limited, whose existing Go Station at 87 Cabra Road will be significantly impacted as a result of the proposed application for Approval for Bus Connects - Blanchardstown to City Centre

This Go Station will be uniquely impacted by the proposed application. The Environmental Impact Assessment Report (EIAR) Volume 2 of 4 Main Report Chapter 10 page 30 recognises the impact on our client's Go Station stating:

"There is one business located along the bus gate, Go Station (filling station). Go Station is expected to be affected as a result of the proposed bus gate. Although this business can still be accessed by private vehicles, these will primarily be local residents in the surrounding community area and customers with existing knowledge of the location of the business. The primary source of income for the business is expected to be from passing trade, which is expected to be significantly reduced along Old Cabra Road due to the bus gates. During construction and operation of the Proposed Scheme it is expected that this business would no longer be able to operate successfully. The impact on this business is assessed as Negative, Very Significant and Long-Term during construction and operation of the Proposed Scheme."

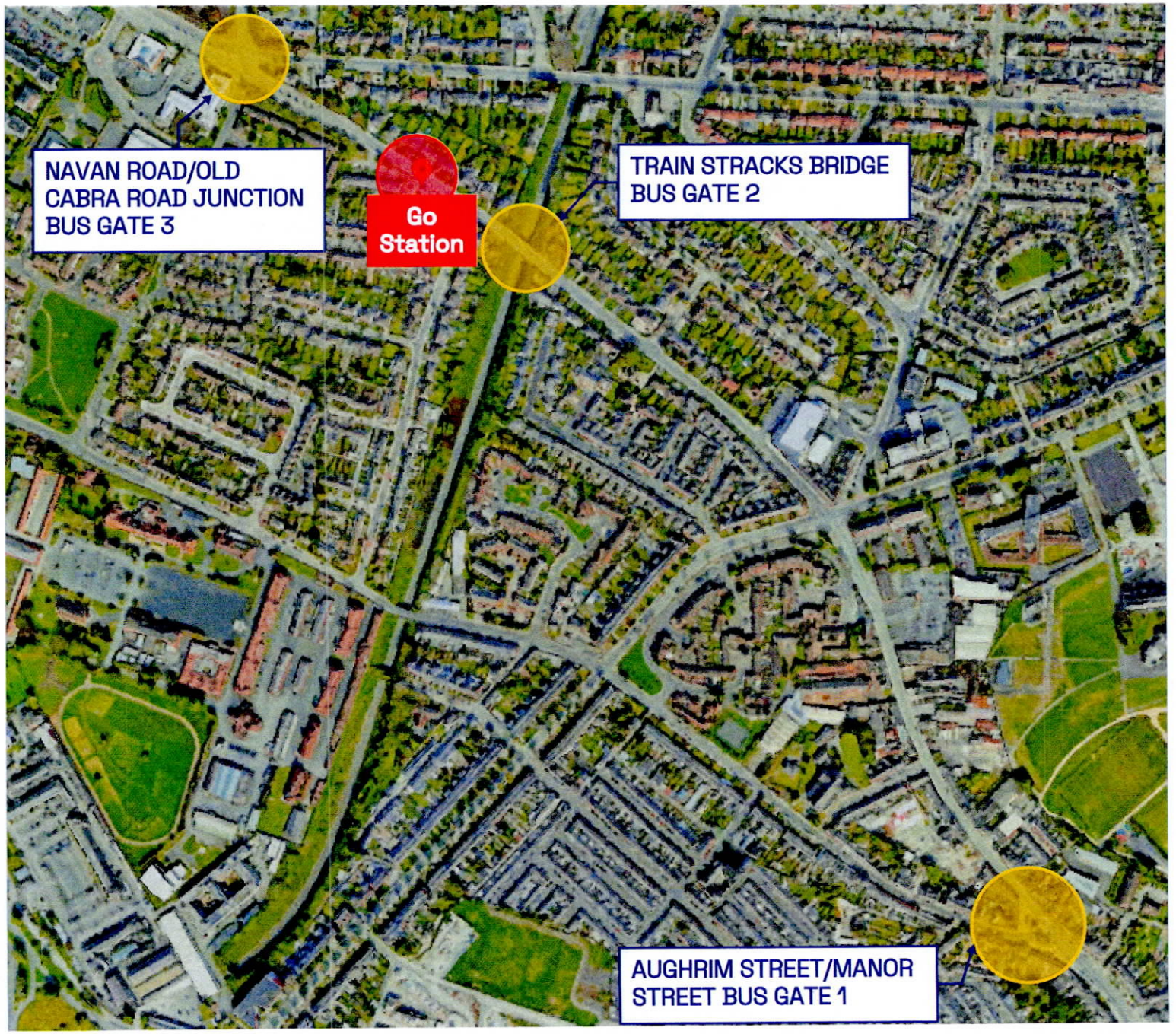
This report demonstrates the true extent of disruption to the business from this proposed application.

This report demonstrates how the business is uniquely impacted given its location and business function.

The section 4.2 "Financial Investment" of the Hughes report describes the continuous investment made by our client since February 2016 on this site.

This report describes the changes required to the application, most notably the removal of 3 bus gates shown in fig 1.0, to provide our client with the necessary comfort the business can continue to trade as a viable business.

Fig 1.0 - Proposed bus gates on 2022 BusConnects Scheme



2 Description of the GO Station

Our client has made a Multimillion Euro investment in this site since 2016.

- The land for the GO Station was acquired in February 2016. It was an existing unused garage and it was purchased solely for the redevelopment of a new petrol/service station.
- Planning was granted in January 2018.
- Construction commenced in January 2020.
- The site opened via a soft launch in mid 2022 and is expected to be fully launched by the end of 2022.

The stations sole source of revenue is the sale of fuel for vehicles. There is no convenience offering (coffee, newspapers etc.) on this site. Thus the station is wholly dependent on passing vehicles as a source of revenue.

Significant redesign of the junction North and South of this station is described in this planning application. The proposed changes will see the introduction of bus gates which will significantly reduce customer numbers to this new business.

Within the planning application Appendix A6.1 sub appendix Appendix 2 - Junction Design Report page 110 of 139 states the reason for the changes to the junctions on Old Cabra Road are "to reduce traffic flow on Old Cabra Road and provide a virtual bus lane along its length".

This planned objective of reducing traffic flow is a direct conflict of our clients objectives, to seek out high traffic volumes, when selecting this site for purchase and future investment in 2016.

Fig 2.1 - Go Petrol Station Site

GO STATION BACKGROUND:

2ND FEBRUARY 2016 - LAND PURCHASED BY LISSAN COAL COMPANY IRELAND LTD.
21 FEBRUARY 2017 - SITE HOARDING ERECTED
26TH JANUARY 2018 - DCC PLANNING APPROVAL
15TH JANUARY 2019 - AN BORD PLEANÁLA APPROVAL FOR PLANNING APPLICATION 4353/17
JANUARY 2020 - CONSTRUCTION WORKS COMMENCED
MAY 2022 - OPENING OF GO STATION



2.1 Description of the existing road network

2.1.1 Old Cabra Road

The existing Old Cabra Road network is described in fig 2.1.

North of the GO Station is the Navan Road Junction. Traffic from Navan Road has the possibility to make a left turn on Ratoath Road, straight ahead on Cabra Road or a right turn on Old Cabra Road.

Traffic from Cabra Road is currently allowed to make a left turn on Old Cabra Road or a straight ahead on Navan Road. Ratoath Road allows for traffic to make a right turn on Navan Road, a straight ahead on Old Cabra Road and a left turn on Cabra Road.

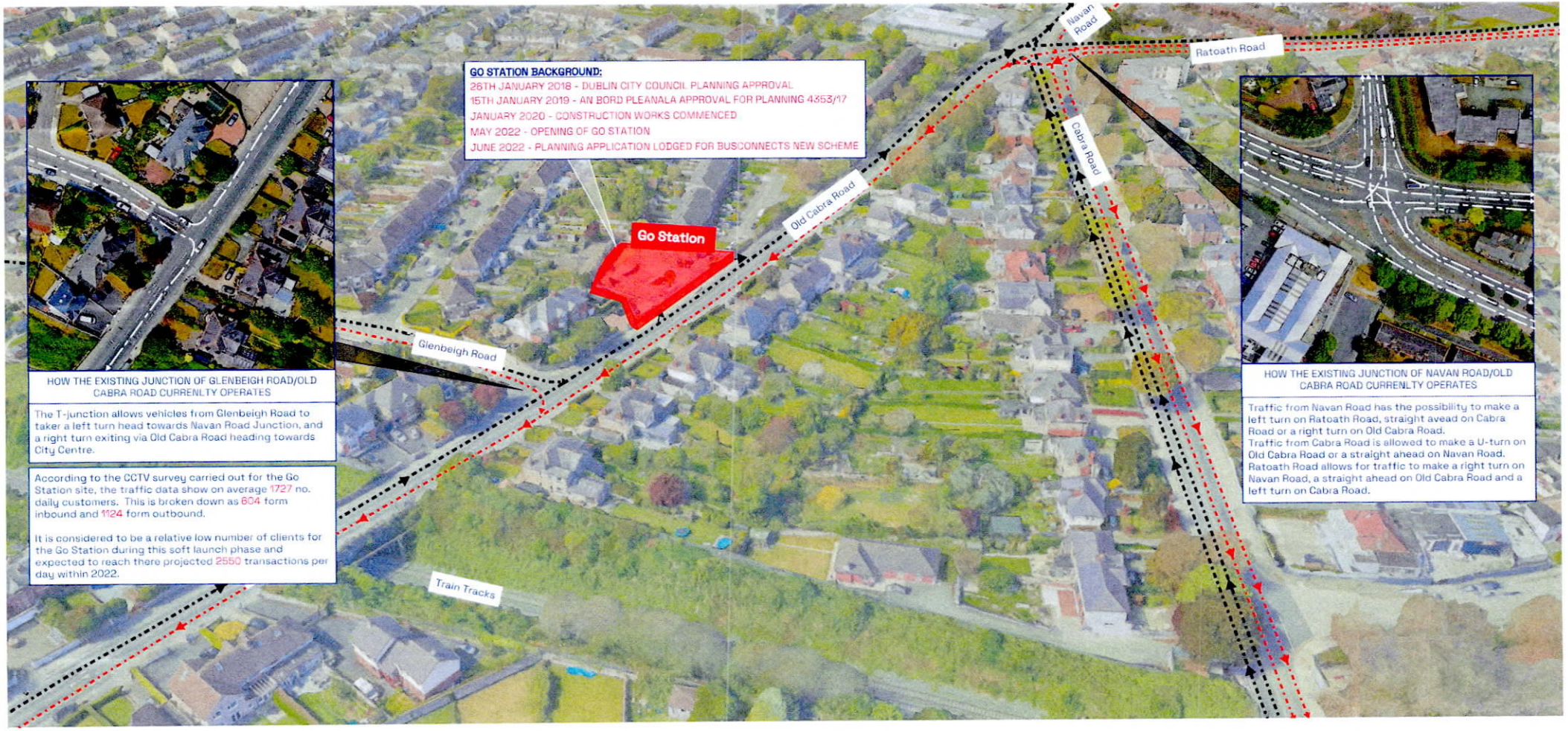
South of the GO Station is the Glenbeigh Road.

This T-junction allows vehicles from Glenbeigh Road to take a left turn head towards Navan Road Junction, and a right turn exiting via Old Cabra Road heading towards City Centre.

Further South is a T Junction to Cabra drive which allows local residents to turn left or right.

The Old Carbra road has acted as the road into town and out of town helping provide a sufficient customers base for our client's business.

Fig 2.1 - Existing situation on Old Cabra Road



2.1.2 Prussia Street

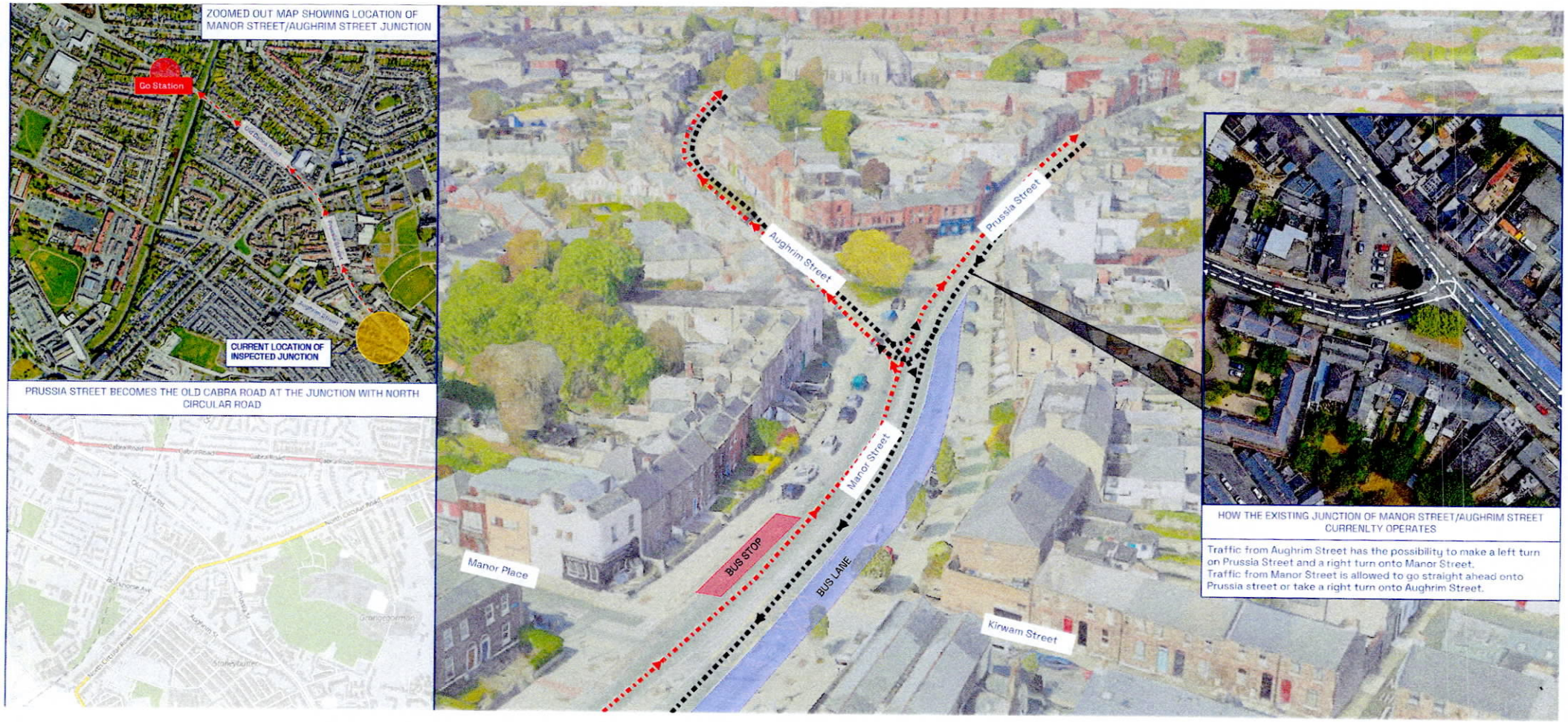
The Prussia Street/Aughrim Street junction is shown Traffic from Aughrim Street has the possibility to make a left turn on Prussia Street and a right turn onto Manor Street.

Traffic from Manor Street is allowed to go straight ahead onto Prussia street or take a right turn onto Aughrim Street.

Traffic looking to exit town and access the M50/ Blanchardstown will typically travel from Manor Street, to Prussia Street (which leads onto the Old Cabra Road) passing the Go Station on route.

Prussia Street has acted as the road into town and out of town helping provide a sufficient customers base for our client's business.

Fig 2.2 - Existing Situation on Aughrim Street/Manor Street



3 Customer Numbers

Given the nature of the business, all customers for the Go Station must arrive by car or motor cycle to the business.

Within the planning application Chapter 06 Traffic and Transport of EIAR outlines current traffic volume on the old Cabra road during peak AM and PM times.

Traffic volume on the Old Cabra Road during peak AM is 1035 PCUs and 1253 PCUs during peak PM.

From August 21st to August 28th a traffic count of customer numbers was completed for the purpose of accurately determining the number of customers accessing the go station per hour per day for 7 continuous days. The survey identified the customers travelling into town vs. the customer travelling out of town.

Our survey revealed 85 peak average customers during AM hours, and 130 peak average customers during PM hours.

A correlation between these customers number and the existing traffic flow at AM and PM hours indicate the GO station attracts approximately 8% of the passing traffic as customers.

Any reduction of traffic flow on the old Cabra road can have a direct correlation with the customer numbers.

Fig 3.1 - Existing Daily Customer Count

GO STATION DAILY CUSTOMERS COUNT							
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0.00-01.00							
01.00-02.00							
02.00-03.00							
03.00-04.00							
04.00-05.00							
05.00-06.00							
06.00-07.00	46	45	38	45	47	31	17
07.00-08.00	58	72	65	54	76	36	22
08.00-09.00	82	87	84	82	101	64	36
09.00-10.00	76	91	105	92	84	95	50
10.00-11.00	95	74	107	106	120	125	70
11.00-12.00	120	108	116	100	120	138	85
12.00-13.00	129	96	127	132	151	144	128
13.00-14.00	140	118	135	130	152	143	156
14.00-15.00	138	111	127	125	146	133	156
15.00-16.00	138	113	130	102	136	133	137
16.00-17.00	135	118	151	141	175	109	106
17.00-18.00	116	120	138	153	150	115	124
18.00-19.00	131	113	134	124	123	90	112
19.00-20.00	118	112	116	124	105	87	98
20.00-21.00	106	117	107	111	112	74	77
21.00-22.00	76	84	88	95	113	70	75
22.00-23.00	57	71	53	55	47	48	47
23.00-24.00							
Total	1761	1650	1821	1771	1958	1635	1496
Daily Average	1727						

4 Description of Proposed Changes

4.1.1 Old Cabra Road Changes

To the South of the site, above the railway crossing, a bus gate will be introduced. This bus gate will prevent private car customers, travelling from the South, accessing the service station.

This gate will be directly related to a notable reduction in customers, refer to section 5 for predictions.

To the North of the site at the Navan Road junction a bus gate will be introduced. This will prevent potential customers traveling from Navan Road, the Cabra Road and the Ratoath Road from accessing the Go Station.

This gate will be directly related to a notable reduction in customers, refer to section 5 for predictions.

The Glenbeigh Road will become the only potential means for private vehicles to access the GO Station. This junction will see traffic volume heavily controlled by the use of traffic lights with short green times.

The combination of these bus gates will have a significant negative impact on customer numbers.

Fig 4.1 - Final BusConnects Layout on Old Cabra Road



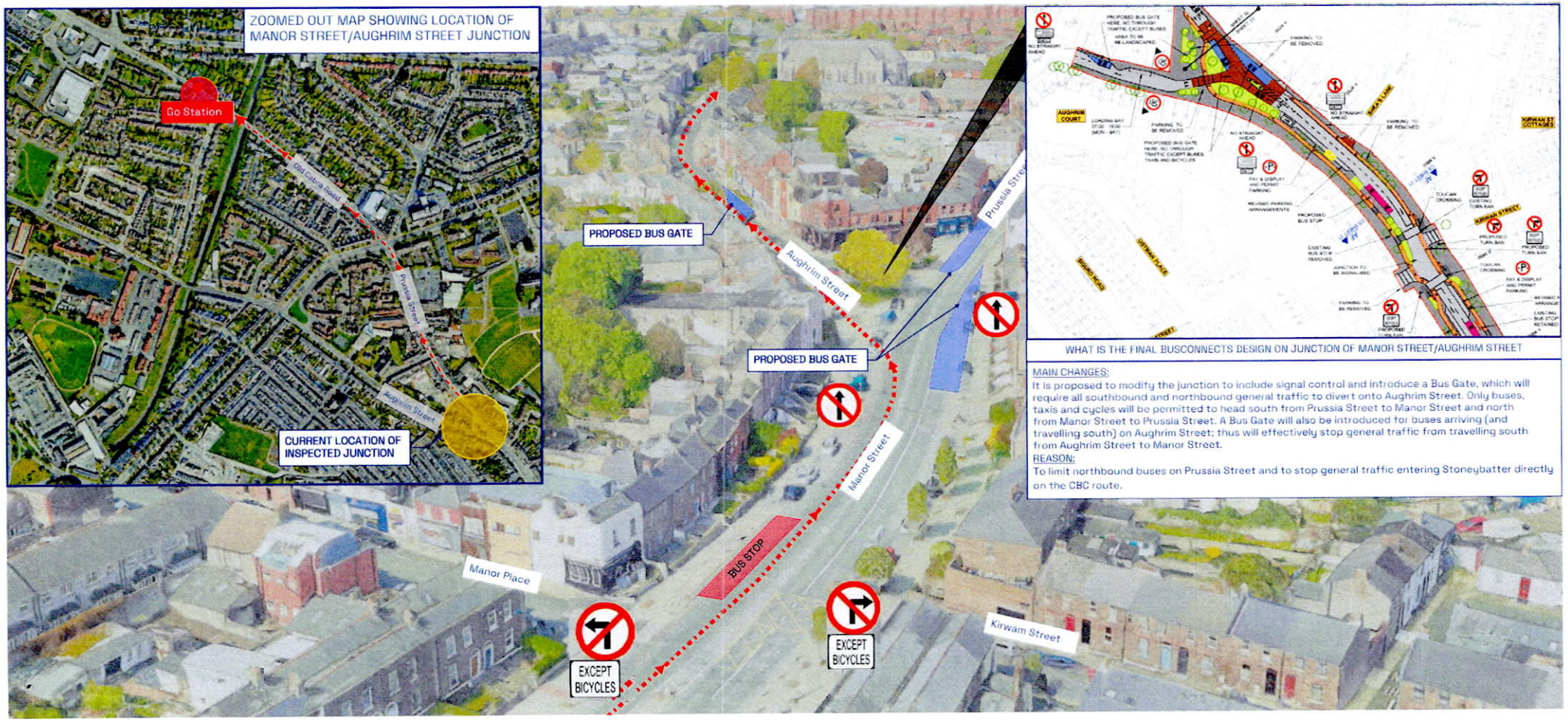
4.1.2 Prussia Street Bus Gate

It is proposed to modify the junction to include signal control and introduce a Bus Gate, which will require all Southbound and Northbound general traffic to divert onto Aughrim Street. Only buses, taxis and cycles will be permitted to head South from Prussia Street to Manor Street and North from Manor Street to Prussia Street. A Bus Gate will also be introduced for buses arriving (and travelling South) on Aughrim Street; thus will effectively stop general traffic from travelling South from Aughrim Street to Manor Street.

This fundamental change will see traffic leaving town diverted away from the go station.

The introduction of this bus gate on Prussia Street (which leads onto the Old Cabra Road), is diverting traffic away from the Old Cabra Road in conjunction with both bus gates at each end of the GO Station coupled with the signalised junction on Glenbeigh Road will lead to a significant reduction in customers. Refer to section 5 for predictions.

Fig 4.2 - Existing Situation on Aughrim Street/Manor Street



5 Impact on Customer Numbers

The introduction of the bus gate will limit future customer numbers to Taxis and local residents.

Given the nature of the business, all customers for the Go Station must arrive by car or motor cycle to the business.

Within the planning application Chapter 06 Traffic and Transport of EIAR outlines current traffic volume on the old Cabra road during peak AM and PM times during opening year of the introduction of the bus gates.

Traffic volume on the Old Cabra Road during peak AM will reduce to 88 PCUs and 117 PCUs during peak PM.

A correlation between these predicted reduced traffic flow and customers numbers indicate the Go Station can expect a 92% reduction in customers numbers.

Fig 5.1 outlines predicted customers numbers once the bus gates are introduced.

This fundamental alteration in traffic flow thus significantly impacts our clients business. It is important to note the customer number from the survey completed are considered low. These are predicted to build up to 2550 at the end of this September.

Fig 5.1 - Daily Traffic Count after impact on business

GO STATION DAILY CUSTOMERS REDUCED							
Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0.00-01.00							
01.00-02.00							
02.00-03.00							
03.00-04.00							
04.00-05.00							
05.00-06.00							
06.00-07.00	4	4	3	4	4	2	1
07.00-08.00	5	6	5	4	6	3	2
08.00-09.00	7	7	7	7	8	5	3
09.00-10.00	6	7	8	7	7	8	4
10.00-11.00	8	6	9	8	10	10	6
11.00-12.00	10	9	9	8	10	11	7
12.00-13.00	10	8	10	11	12	12	10
13.00-14.00	11	9	11	10	12	11	12
14.00-15.00	11	9	10	10	12	11	12
15.00-16.00	11	9	10	8	11	11	11
16.00-17.00	11	9	12	11	14	9	8
17.00-18.00	9	10	11	12	12	9	10
18.00-19.00	10	9	11	10	10	7	9
19.00-20.00	9	9	9	10	8	7	8
20.00-21.00	8	9	9	9	9	6	6
21.00-22.00	6	7	7	8	9	6	6
22.00-23.00	5	6	4	4	4	4	4
23.00-24.00							
Total	141	132	146	142	157	131	120
Daily Average	138						

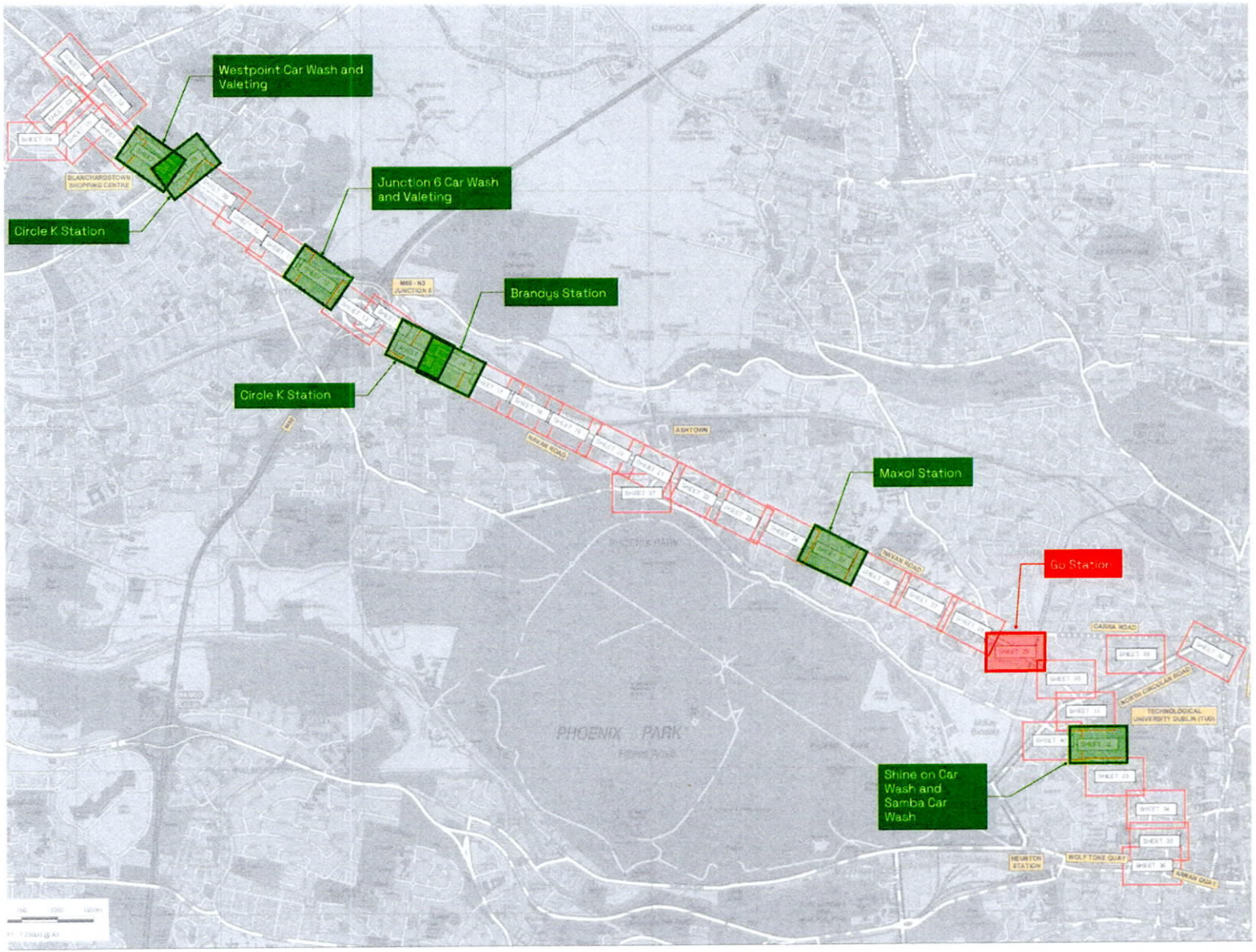
6 A uniquely impacted business

The planning application is uniquely impacting the Go Station. A study was completed of all similar businesses along the route.

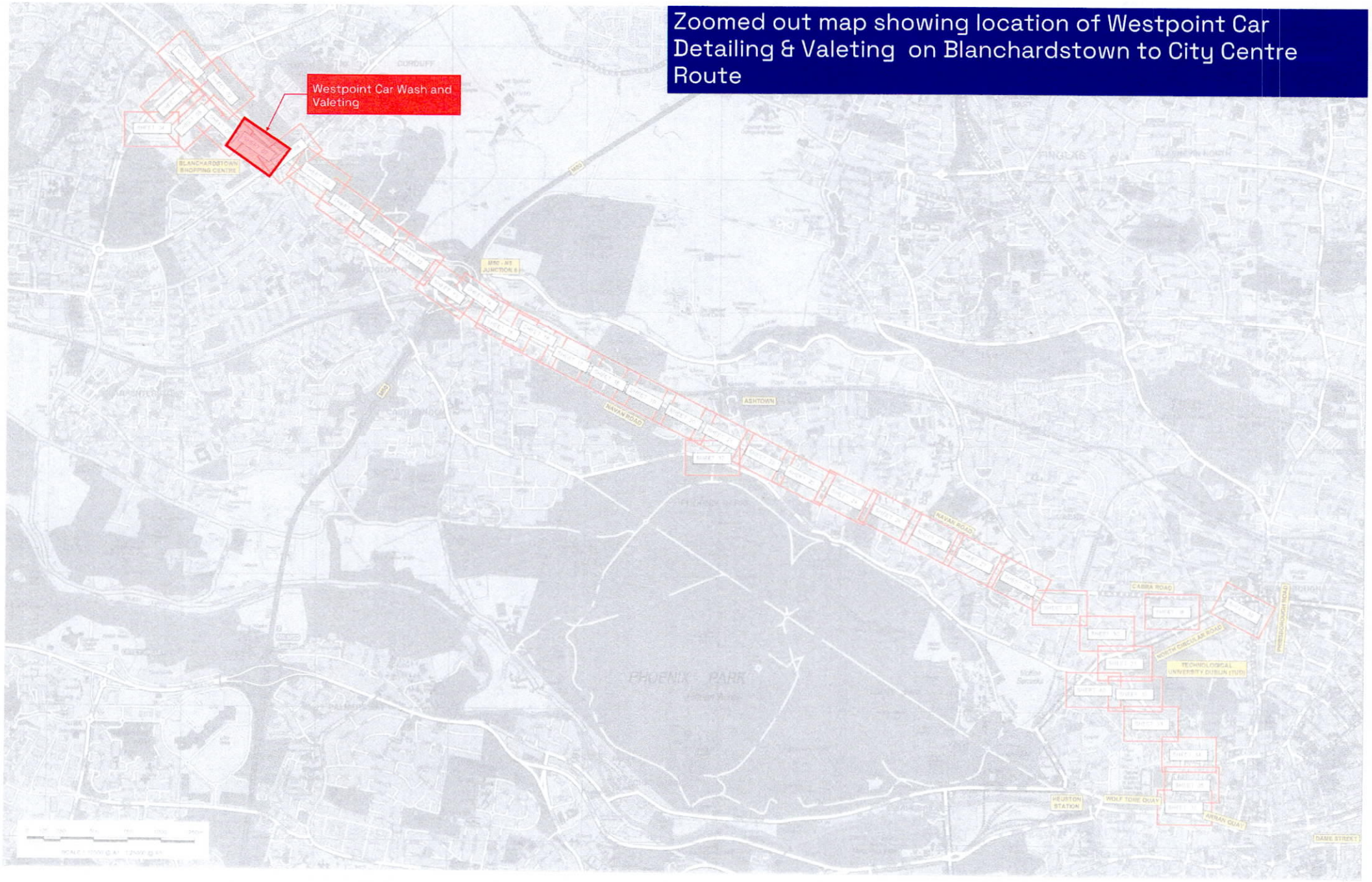
Business details were obtained from the document "Appendix A10.1 - Schedule of Commercial Businesses", within the planning application.

Similar businesses are considered businesses which are solely dependent on private vehicles being able to access the site. The following pages describe the result of our study and how the GO Station appears to be the most severely impacted business.

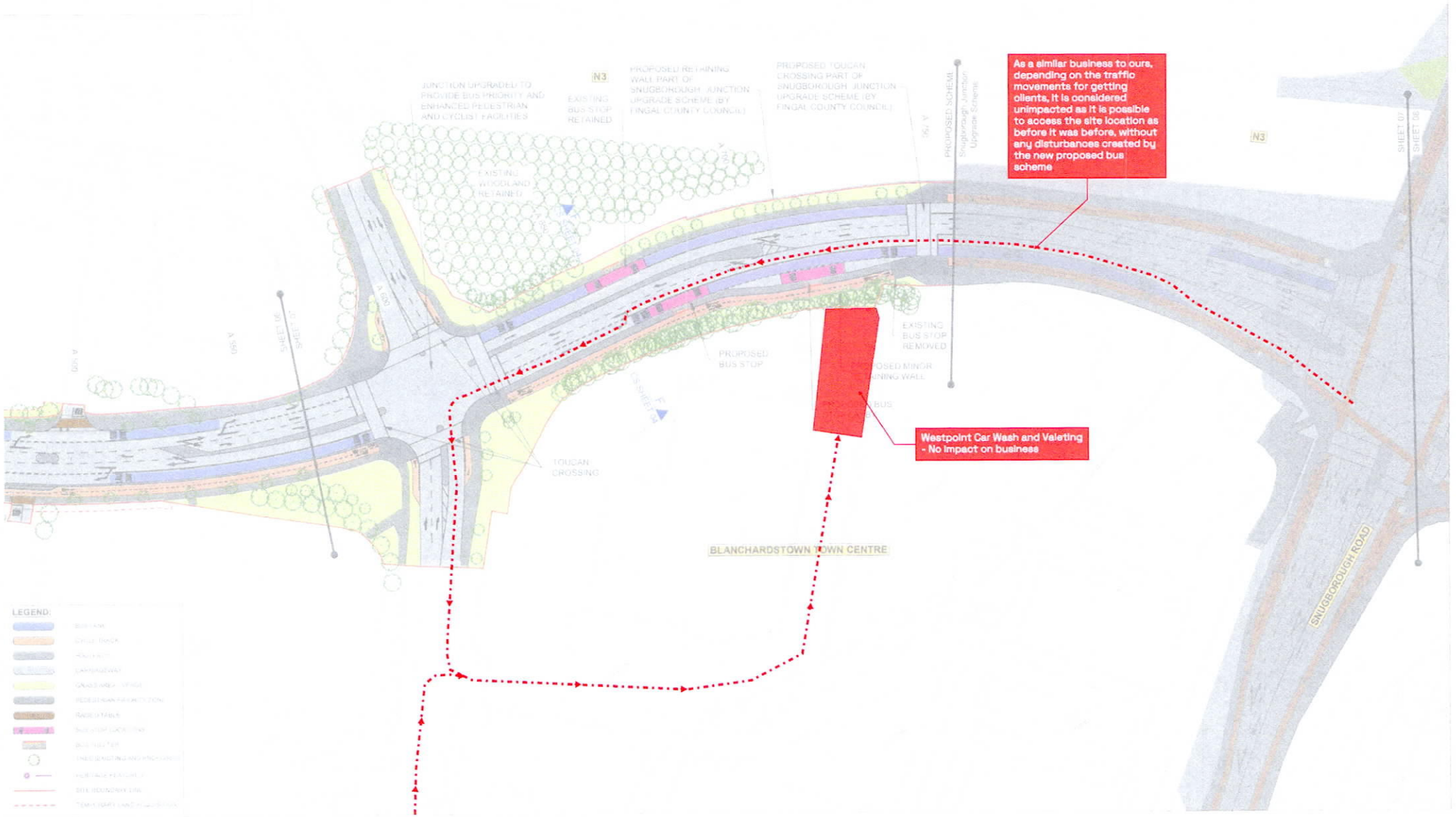
Fig 6.0 - Impact assessment on similar businesses along the proposed scheme



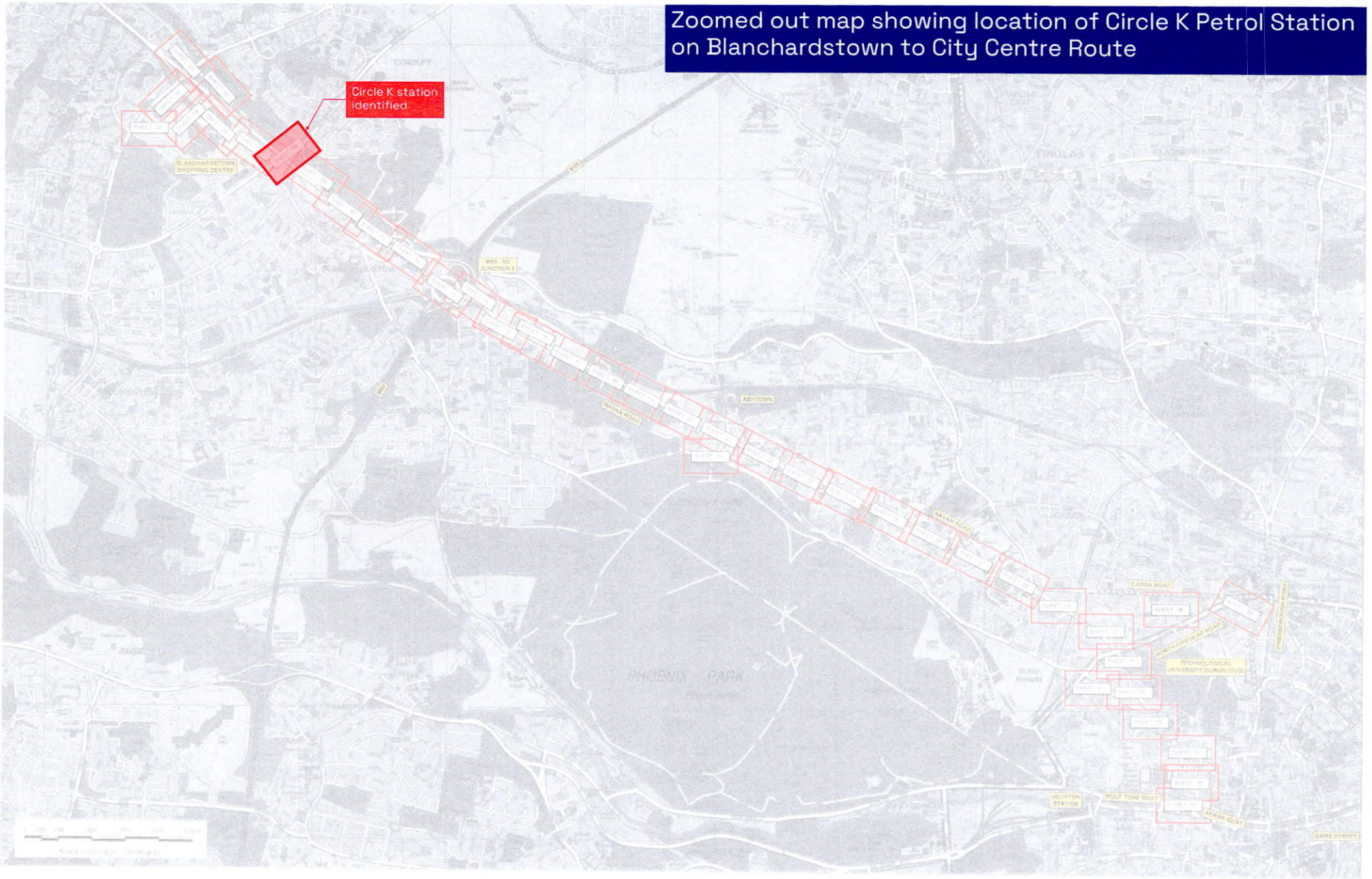
Zoomed out map showing location of Westpoint Car Detailing & Valeting on Blanchardstown to City Centre Route



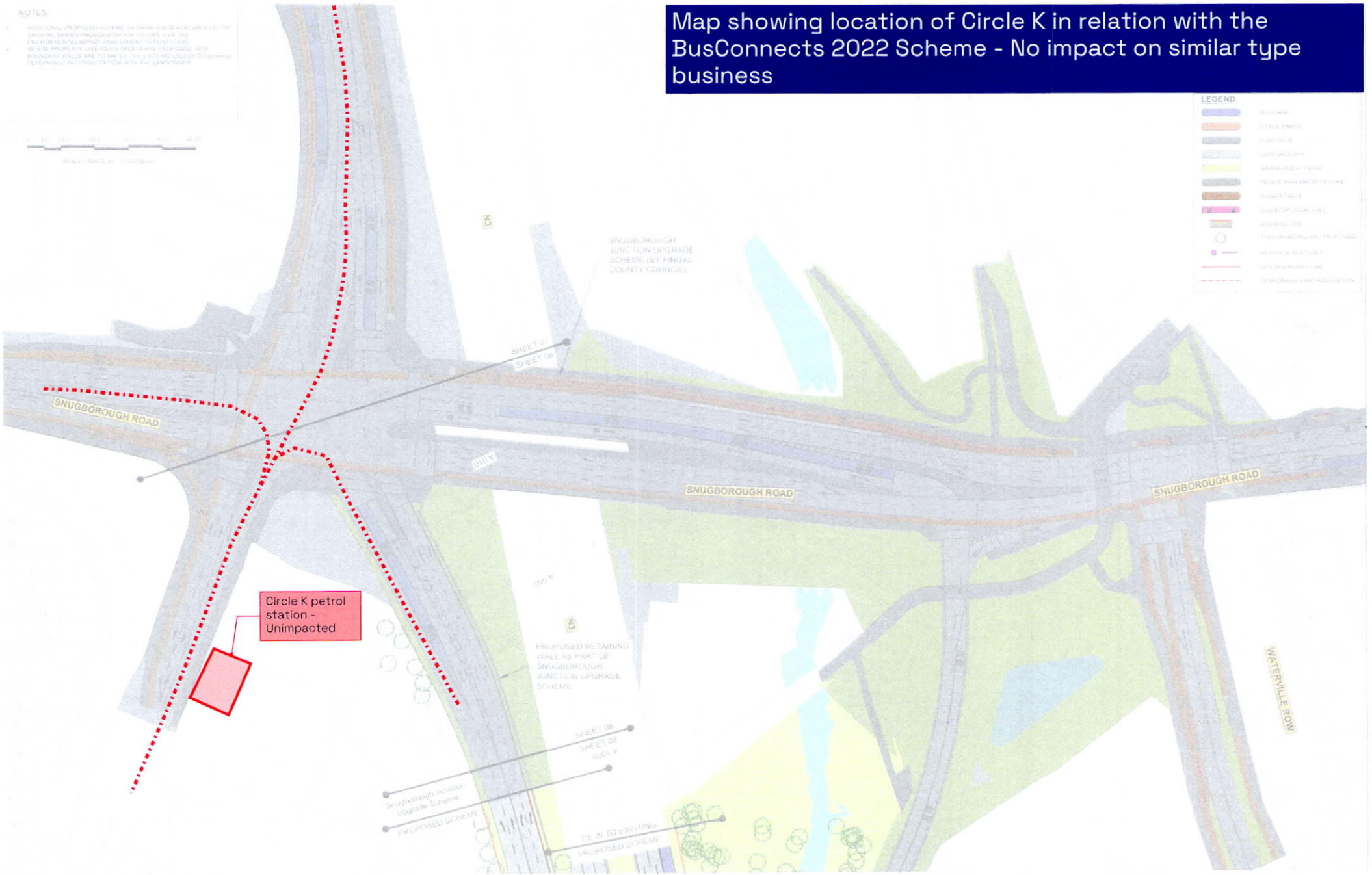
Map showing location of Westpoint Car Detailing & Valeting in relation with the BusConnects 2022 Scheme - No impact on similar type business



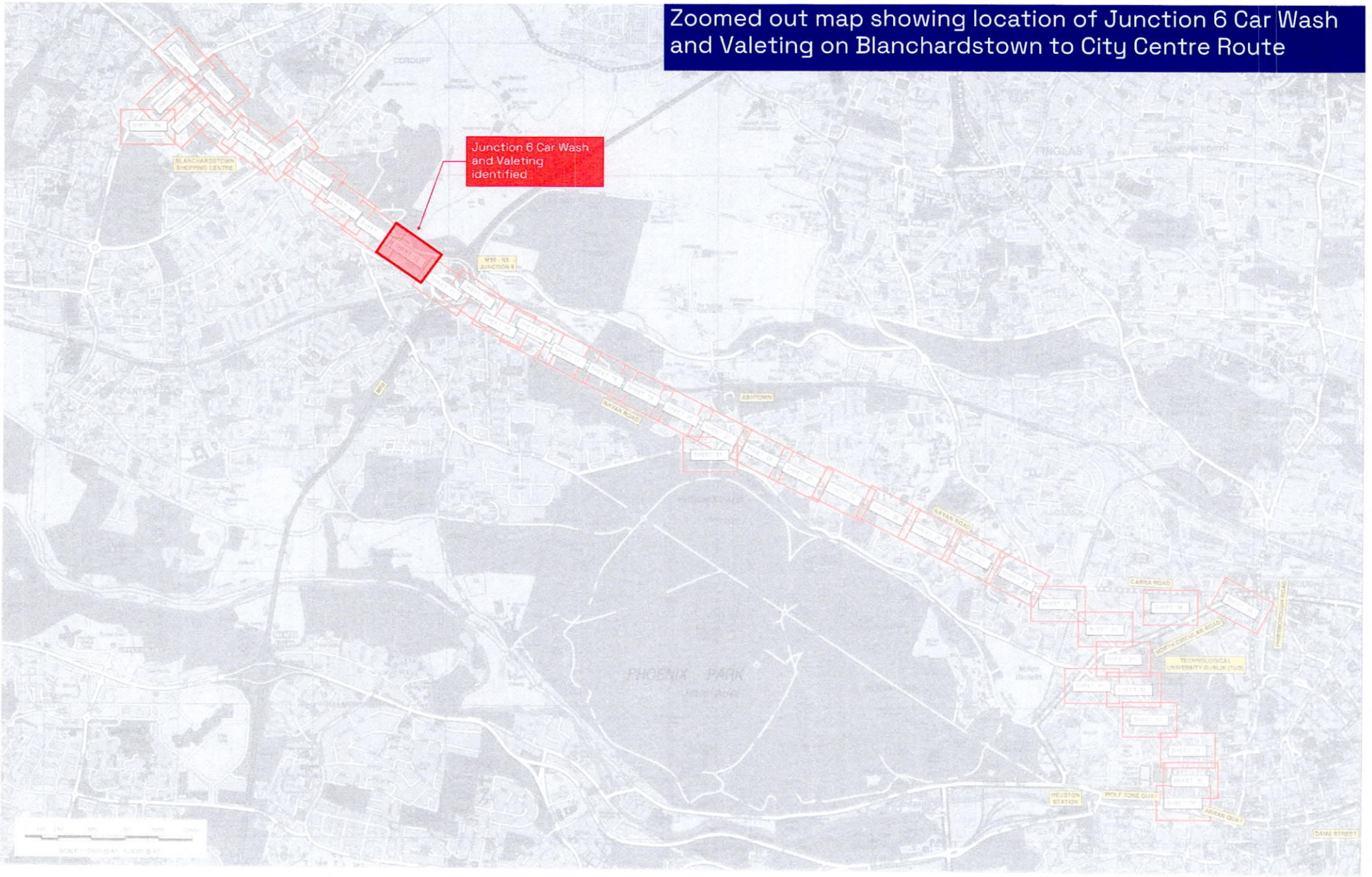
Zoomed out map showing location of Circle K Petrol Station on Blanchardstown to City Centre Route



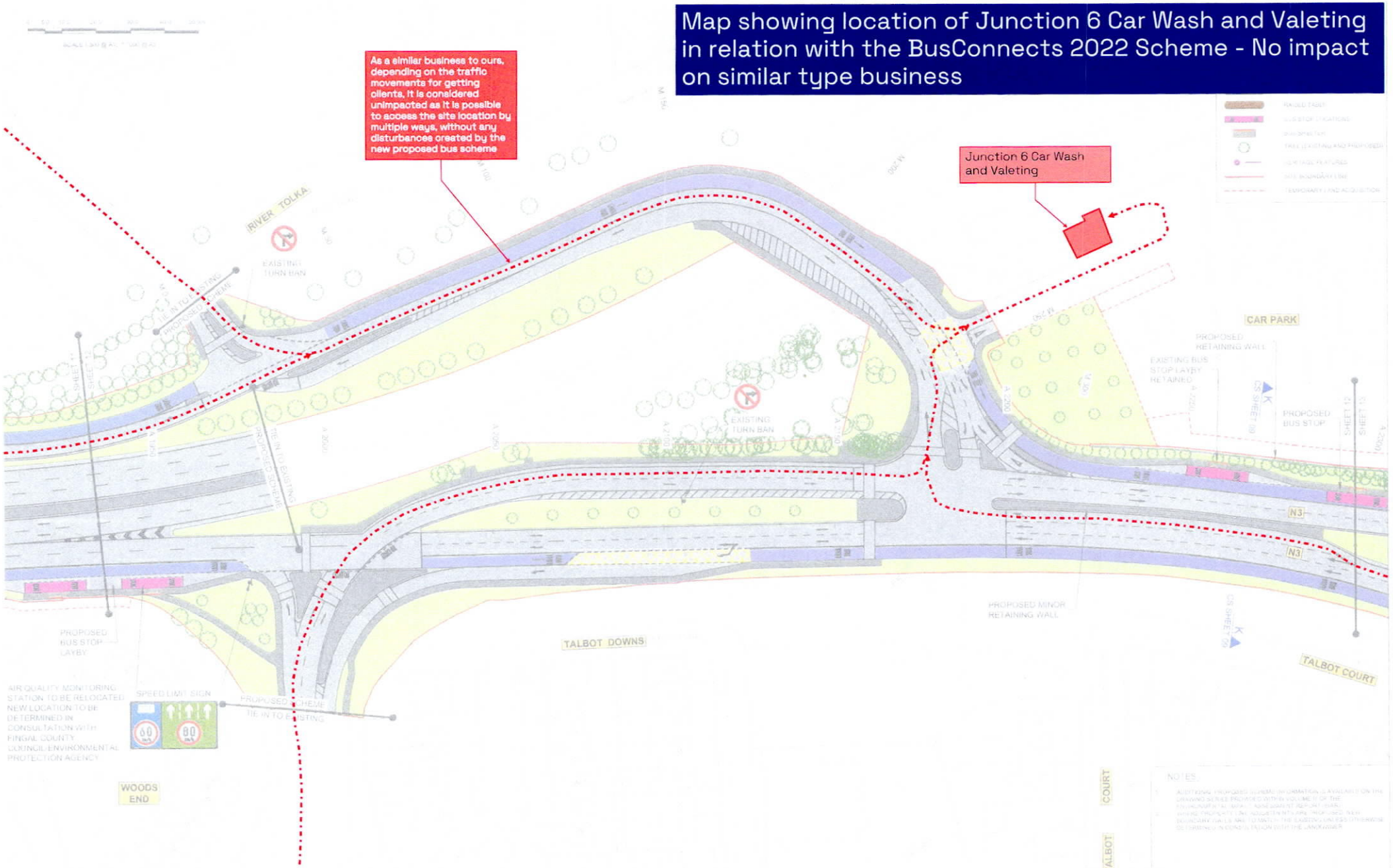
Map showing location of Circle K in relation with the BusConnects 2022 Scheme - No impact on similar type business



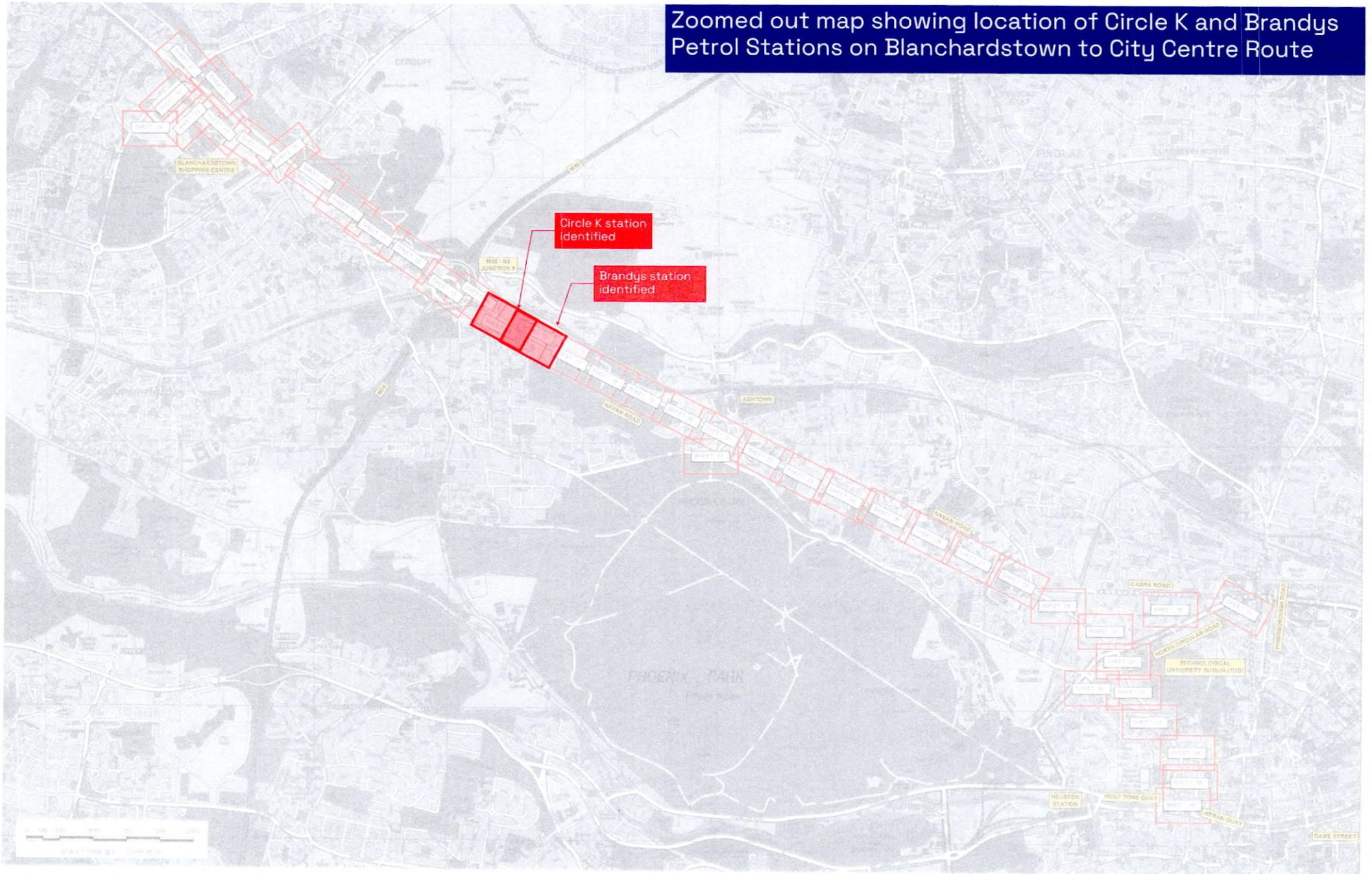
Zoomed out map showing location of Junction 6 Car Wash and Valeting on Blanchardstown to City Centre Route



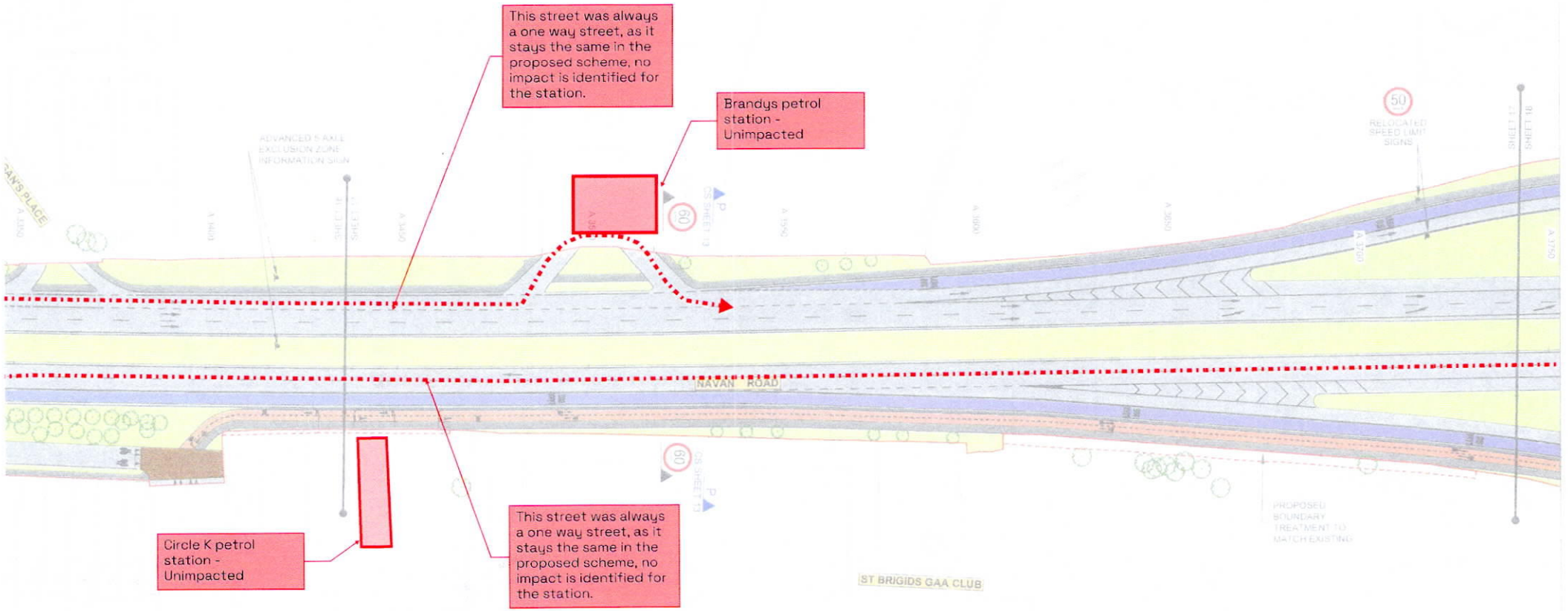
Map showing location of Junction 6 Car Wash and Valeting in relation with the BusConnects 2022 Scheme - No impact on similar type business



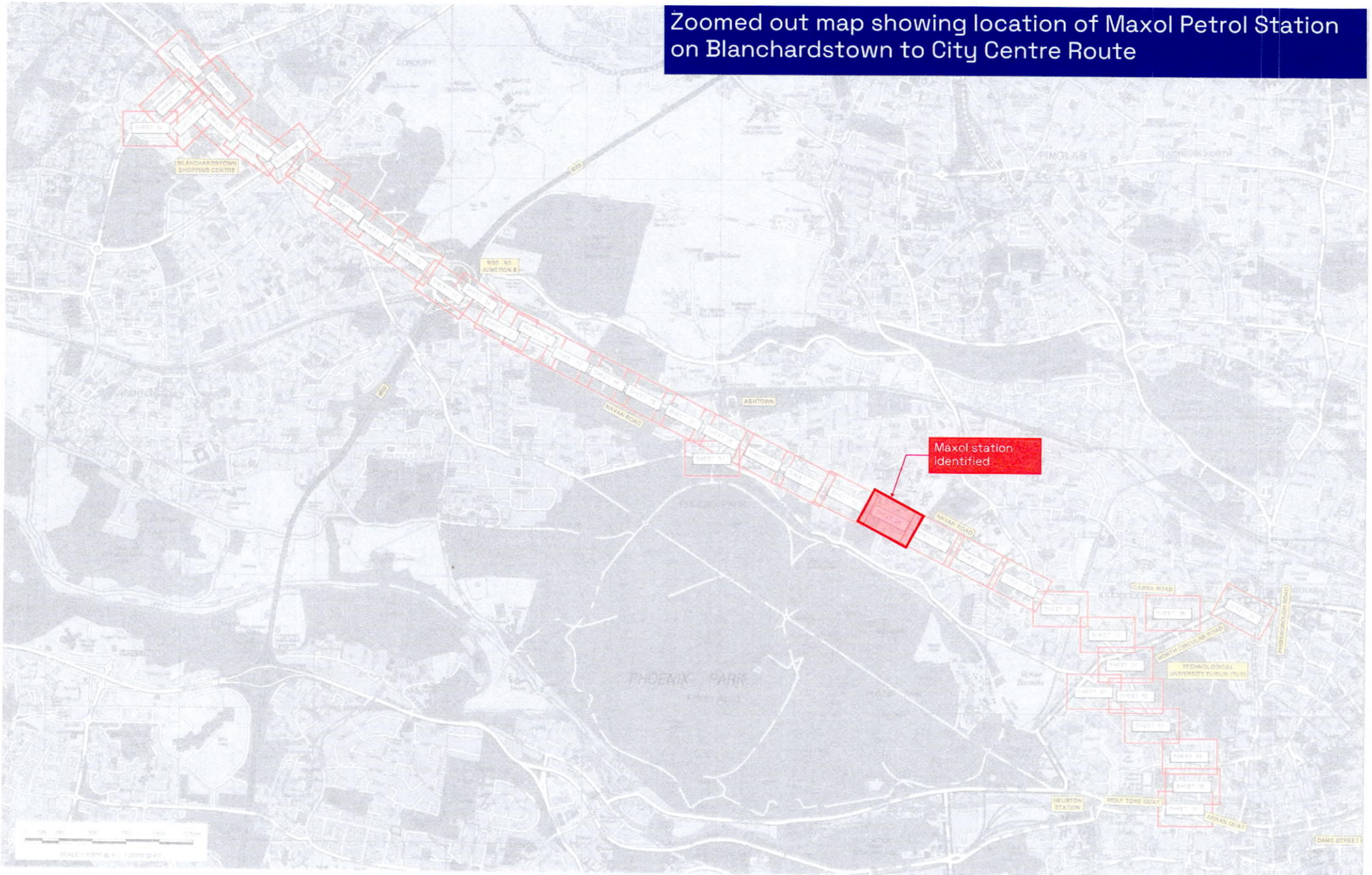
Zoomed out map showing location of Circle K and Brandys Petrol Stations on Blanchardstown to City Centre Route



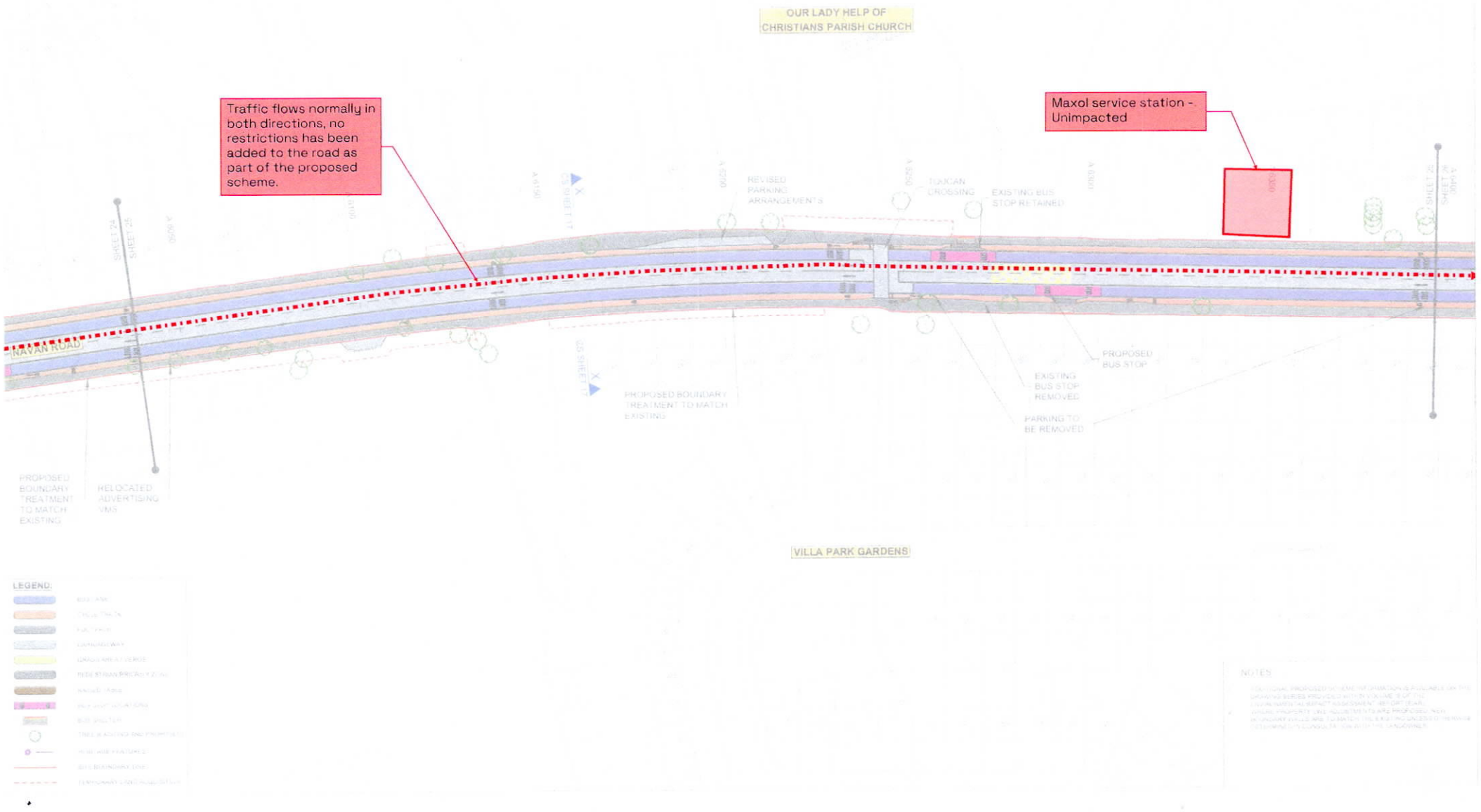
Map showing location of Circle K and Brandys in relation with the BusConnects 2022 Scheme - No impact on similar type business



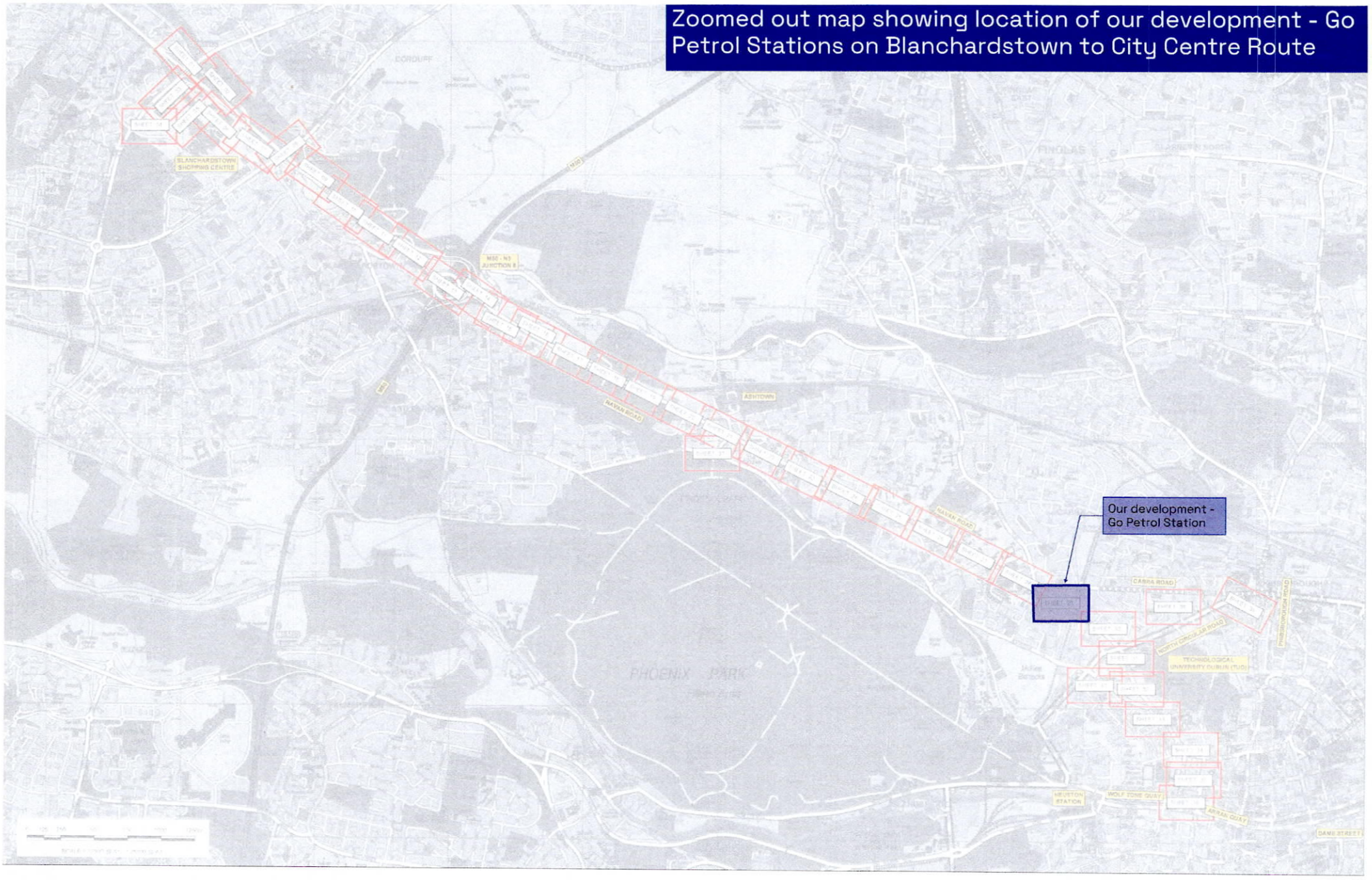
Zoomed out map showing location of Maxol Petrol Station on Blanchardstown to City Centre Route



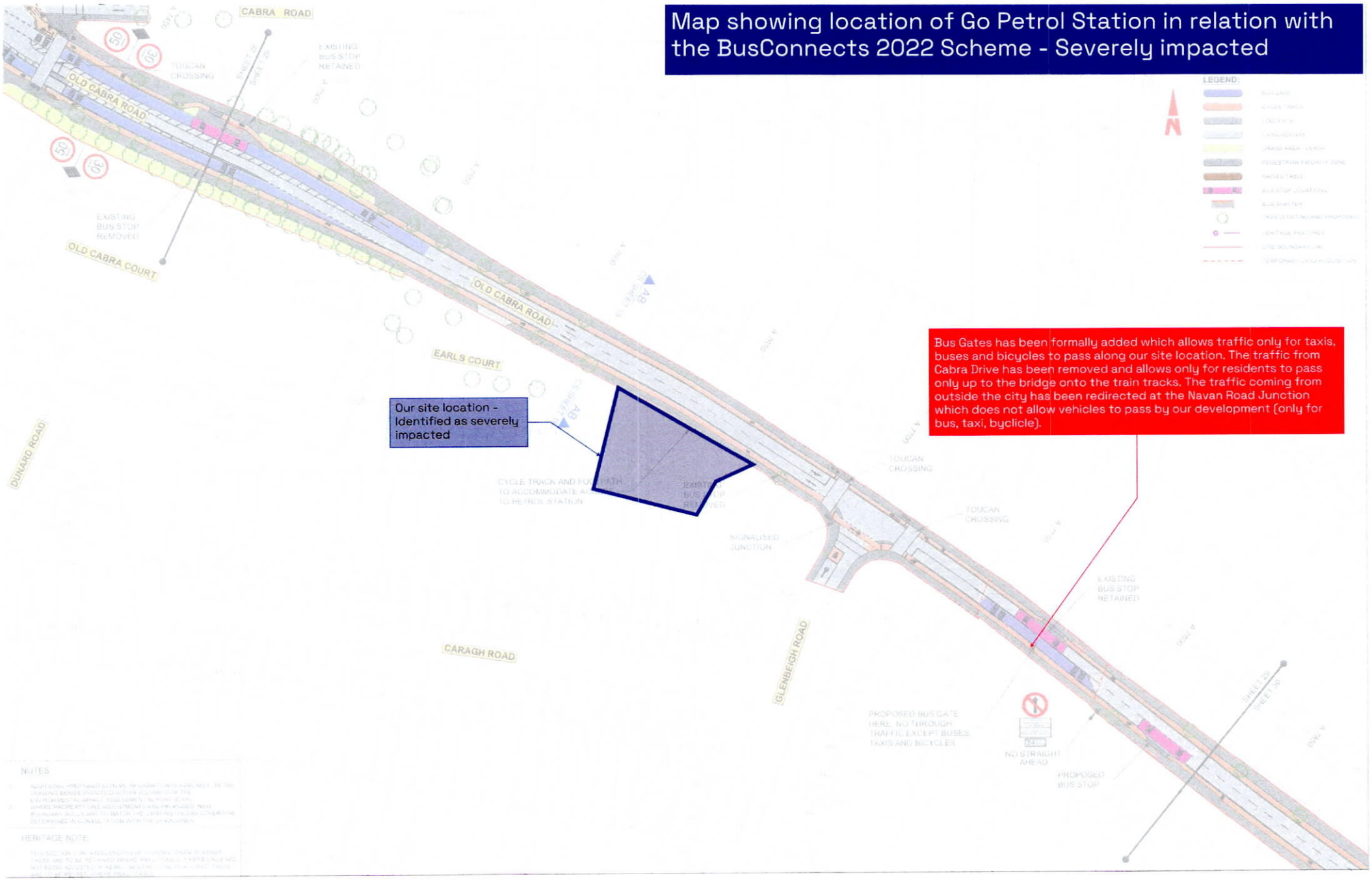
Map showing location of Maxol Petrol Station in relation with the BusConnects 2022 Scheme - No impact on similar type business



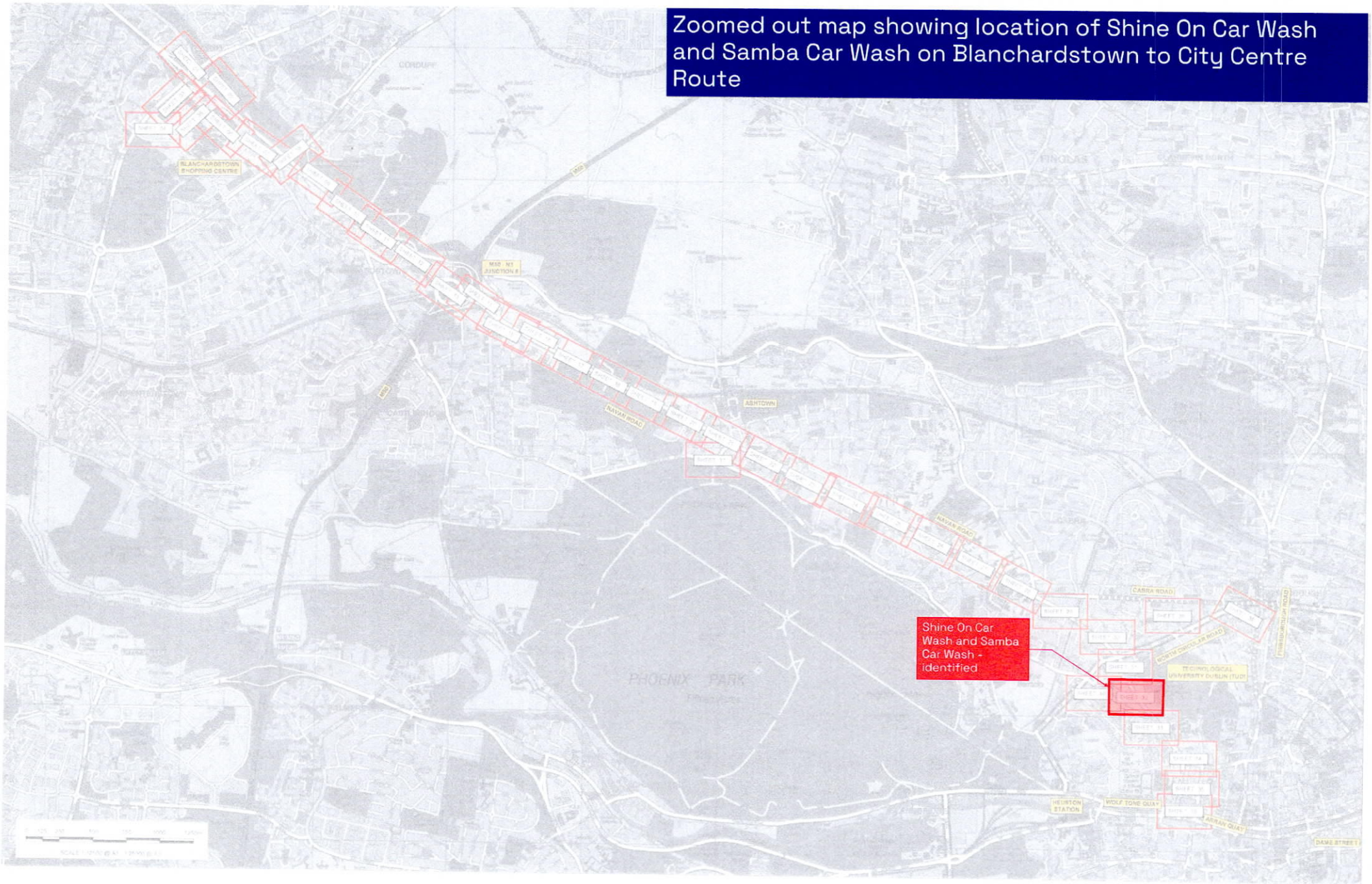
Zoomed out map showing location of our development - Go Petrol Stations on Blanchardstown to City Centre Route



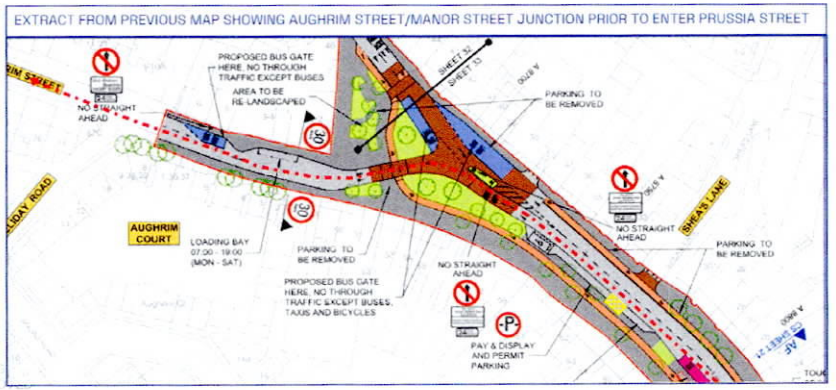
Map showing location of Go Petrol Station in relation with the BusConnects 2022 Scheme - Severely impacted



Zoomed out map showing location of Shine On Car Wash and Samba Car Wash on Blanchardstown to City Centre Route



Map showing location of Shine On Car Wash and Samba Car Wash in relation with the BusConnects 2022 Scheme - Minimum impact



The business is considered to be minimum impacted. The traffic is slightly deviated due to bus gate on Manor Street Junction, but it can still be easily accessed via St. Joseph Road heading exactly in front of the development.

Shine On Car Wash - Minimal Impact

Samba Car Wash - Minimal Impact

Traffic permitted further ahead on Aughrim Street - according to map extract attached

Traffic banned further ahead on Prussia Street - according to map extract attached

7 Conclusion

This Go Station will be uniquely impacted by the proposed application.

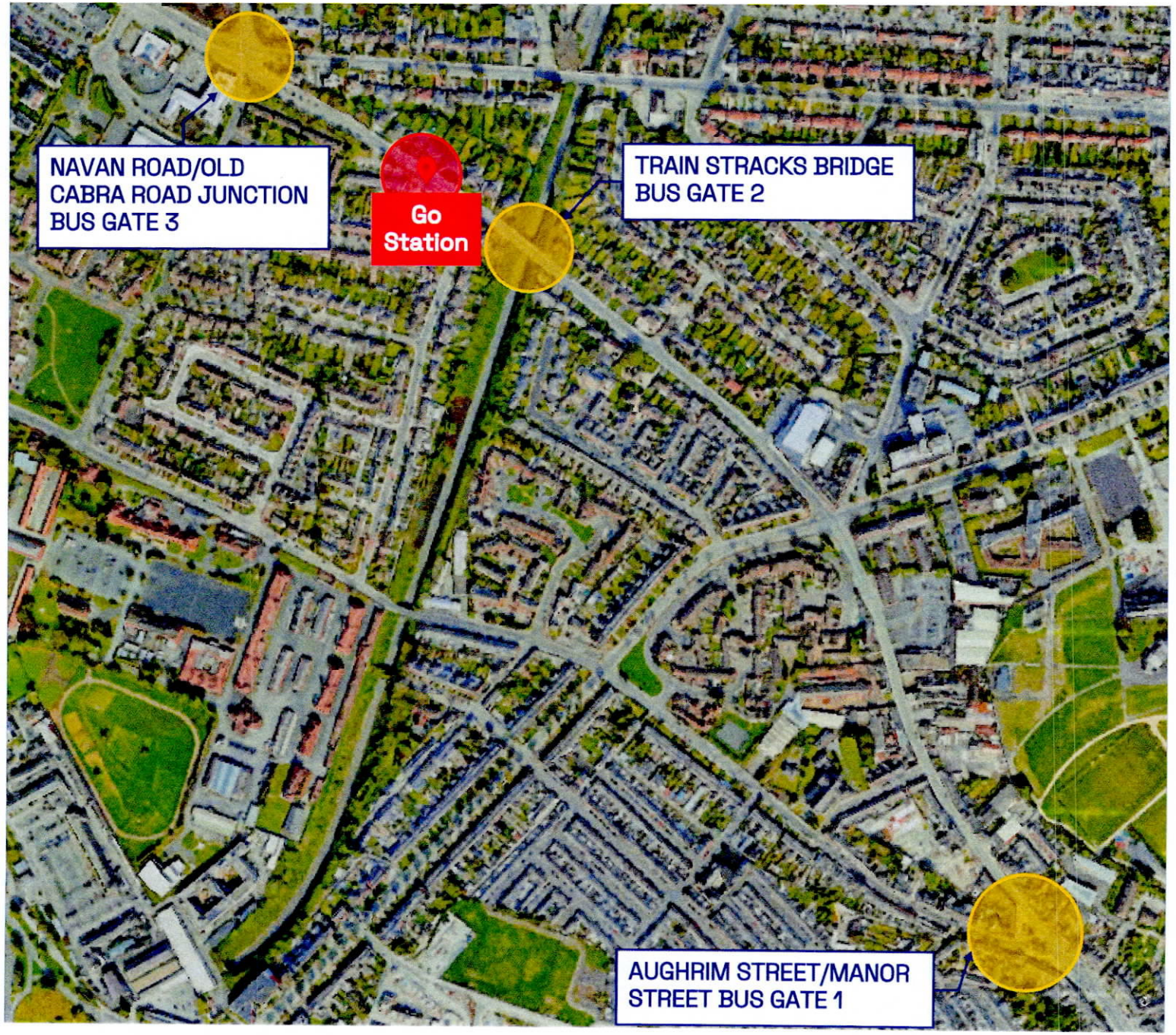
This report demonstrates how the business is uniquely impacted given its location and business function.

This report demonstrates the true extent of disruption to the business from this proposed application. The business which wholly relies on passing vehicles will likely see customer numbers reduce by in excess of 92%.

The section 4.2 "Financial Investment" of the Hughes report describes the continuous investment made by our client since February 2016 on this site.

This report describes the changes required to the application, most notably the removal of 3 bus gates shown in fig 7.0, to provide our client with the necessary comfort the business can continue to trade as a viable business.

Fig 7.0 - Proposed bus gates on 2022 BusConnects Scheme





TENT ENGINEERING

Appendix C Letter Issued by the NTA to Our Client on 23rd November 2018

COMPANY SECRETARY
LISSANCOAL COMPANY (IRELAND) LIMITED
UNIT 8 C-TEK
RIVERSIDE ROAD
CARRICKMACROSS
CO. MONAGHAN
A81 XF29

NTA
Údarás Náisiúnta Iompair
National Transport Authority

Dún Scéine, Lána Fhearchair
Baile Átha Cliath 2, D02 WT20

Dún Scéine, Harcourt Lane
Dublin 2, D02 WT20

t 01 879 8300

info@nationaltransport.ie
www.nationaltransport.ie

Date: 23rd November 2018
Ref: 5-28

Re: BusConnects
Blanchardstown to City Centre Core Bus Corridor Project

Dear Property Owner / Occupier,

The National Transport Authority (NTA) has been tasked with delivering the BusConnects Dublin programme, which is a set of proposals to transform Dublin's bus system, so that journeys by bus will be fast, reliable, punctual, convenient and affordable. It will enable more people to travel by bus than ever before, providing an alternative to congested car journeys.

From the perspective of public transport, congestion is a major problem. On the busiest bus routes, bus lanes are only in place for less than one third of the corridor. This means that for most of the journey, buses are competing for space with general traffic and so are also affected by the increasing levels of congestion.

A key part of the BusConnects programme is the development of "Core Bus Corridors", effectively the delivery of continuous bus lanes, on the key bus routes across the city. Sixteen corridors are included in BusConnects Dublin.

Initial work has been undertaken on these corridors to identify an Emerging Preferred Route for each corridor. The Emerging Preferred Route is the proposal which, subject to a public consultation process, is considered to offer the best solution to improve the bus and cycle network.

The purpose of this letter is to inform you that the proposals contained in the Emerging Preferred Scheme for the Blanchardstown to City Centre Core Bus Corridor **may** impact on part of your property. An extract from a layout map showing an indicative layout of the scheme in the vicinity of your property is attached. The plan shows where the car lanes, bus lanes, cycle lanes and footpaths will be. Areas where land may be potentially impacted are marked with red dashed lines.

A complete public consultation document, which contains all of the relevant maps for this corridor, will be sent to you next week.

We do wish to reiterate that these are proposals only which are not fixed or finalised. They will be published in full shortly to get public feedback in relation to them. No decisions have been made to proceed with these proposals, and none would be taken until we have concluded the consultation process.

Any decision to proceed with this overall project would be subject to a statutory planning process, which would involve an application for planning consent to An Bord Pleanala. That planning application would not be made before 2020. If any garden portion or land was ultimately necessary to be acquired from your property, appropriate compensation would have to be paid in addition to the rebuilding of new garden walls, fences, gates and driveways, plus landscaping works to the residual area.

The NTA would welcome the opportunity to meet with you in relation to these proposals. That would give us the opportunity to discuss with you on a one-to-one basis, what this may mean for you and what the next steps will be over the coming months and years. If you wish to avail of this meeting please call **1800 303 653** to arrange a time and date at your earliest convenience.

Yours sincerely,

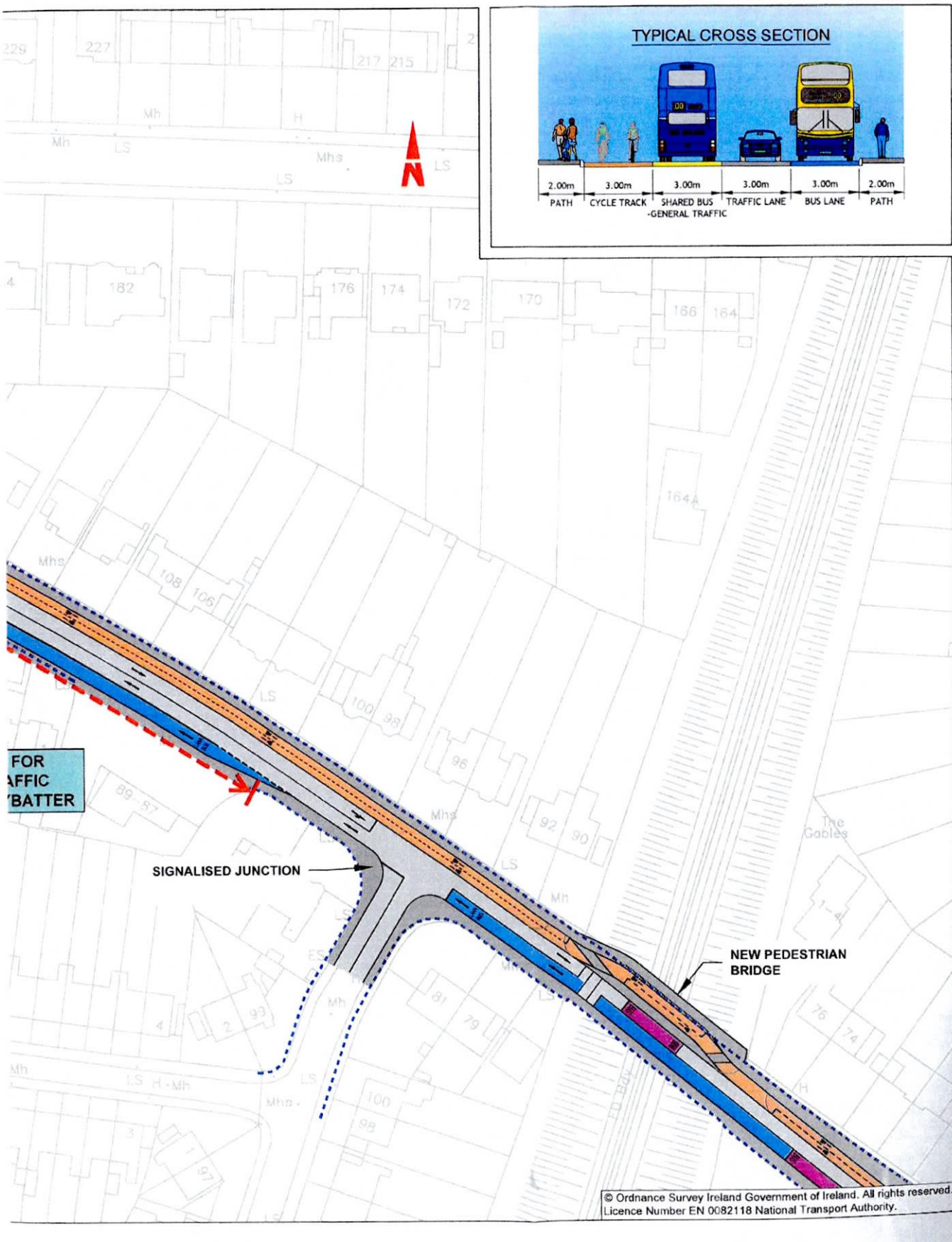
BusConnects Dublin,

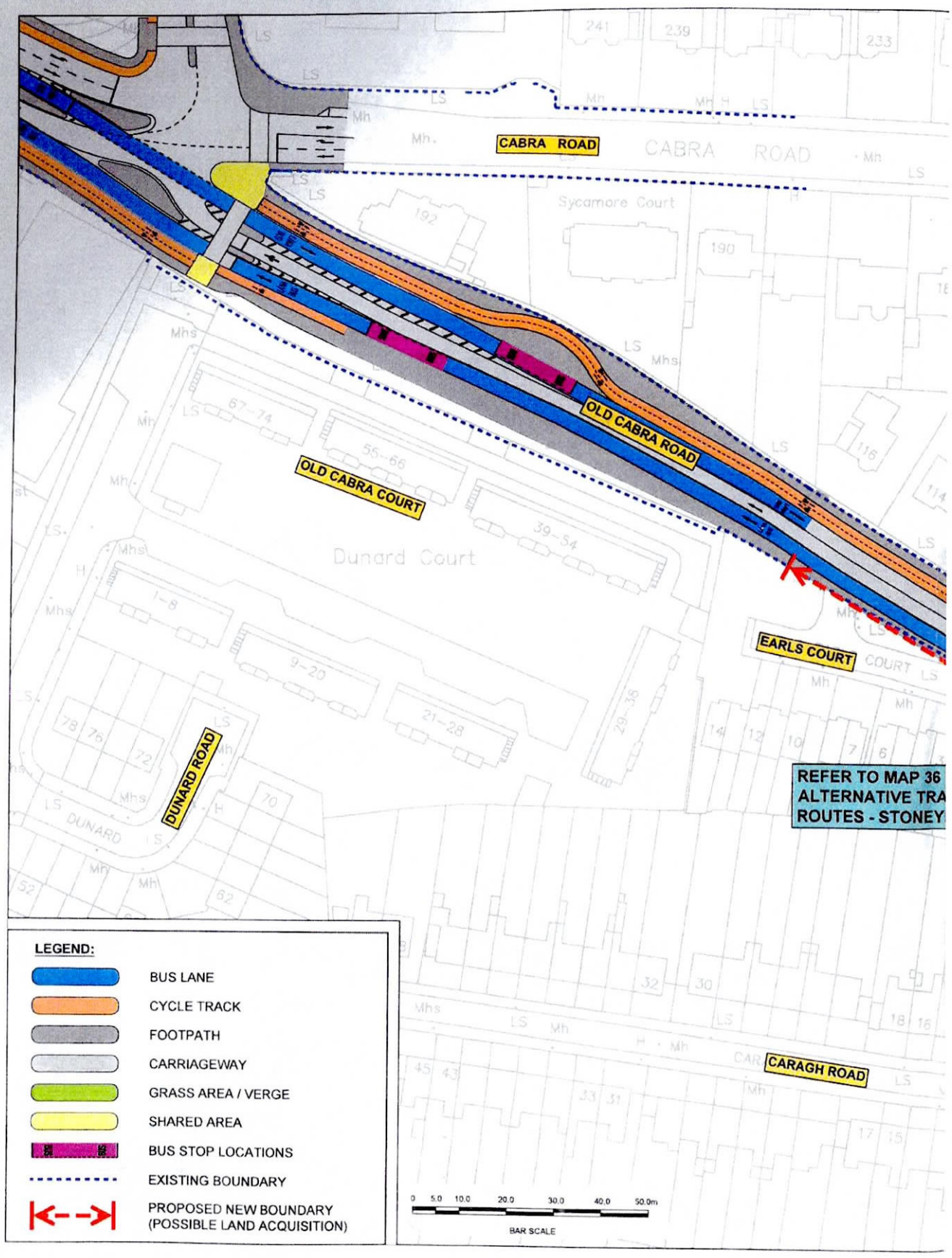
National Transport Authority

BusConnects Core Bus Corridors

5: Blanchardstown > City Centre

MAP 28: Emerging Preferred Route




CABRA ROAD
OLD CABRA ROAD
OLD CABRA COURT
EARLS COURT
DUNARD ROAD
CARAGH ROAD
Dunard Court
Sycamore Court
REFER TO MAP 36
ALTERNATIVE TRA
ROUTES - STONEY
LEGEND:
BUS LANE
CYCLE TRACK
FOOTPATH
CARRIAGEWAY
GRASS AREA / VERGE
SHARED AREA
BUS STOP LOCATIONS
EXISTING BOUNDARY
PROPOSED NEW BOUNDARY
(POSSIBLE LAND ACQUISITION)
0 5.0 10.0 20.0 30.0 40.0 50.0m
BAR SCALE

Appendix D Letter Issued by Our Client to the NTA on 28th February 2019

LCC GROUP
Wholesale Solid Fuel Suppliers › Fuel Importers & Distributors

Our Ref: AK/Cabra Road Bus Corridor
Your Ref Core Bus Corridor Project
Date: 28 February 2019

Core Bus Corridor Project
National Transport Authority
Dun Sceine
Harcourt Lane
Dublin 2
D02 WT20

By Email only: cbc@busconnects.ie

Dear Sirs,

Re: Objection to Emerging Preferred Route

We refer to the above matter and wish to formally raise an objection on behalf of LCC Ireland Limited who own and occupy 87- 89 Old Cabra Road, Cabra, Dublin 7 which will be directly and adversely affected if the emerging route is maintained.

According to the plans we have been provided, the proposed road widening is to commence directly outside our premises. This will have a significant and detrimental impact on our site which is currently being readied for construction of petrol filing station and forecourt in accordance with planning ref 4353/17. This site represents a considerable capital investment for us and when completed will represent a significant improvement in current services available for motorists. The pumps are fully automated, self-service operated by means of a customer's inserting cash or authorisation of a credit/debit card. This method of forecourt operation is significantly more efficient than "pay at till" stations with much reduced standing time on the forecourt, consequently accommodating higher throughput with minimal queuing and much greater convenience and efficiency for customers.

The current proposal will impact on the following aspects of our site:

- Eliminate the pump lane closest to the road therefore reduced facilities for customers.
- Underground Tanks could be structurally undermined when widening construction works commence with the potential for significant environmental impact in consequence thereof

LCC Group Limited › 16 Churchtown Road › Cookstown › Co. Tyrone › BT80 9XD
T: 028 8676 5588 › F: 028 8676 4211 › W: www.lccgroup.co.uk › E: sales@lissancc.com
Company Registration Number NI 31142

As previously identified we have secured planning and are due to commence works imminently and as a result of your proposed preferred route we would be required to incur additional expenses to address revised layout that would be required and/or amended planning to account for the following:

- Front Boundary treatment (ie raise kerb area, bollards or wall, paving and site service ducting)
- Price Totem Position
- Entrance and Exit Directional Bollard Signage
- Canopy overhead

It is our understanding from liaising with experienced planning and building experts that an appropriate and reasonable alternative to your current proposal would be to commence the road widening after our site adjacent to Earls Court.

We would ask that you give this matter due attention and ensure that this office is kept fully appraised as an interested party of any and all further decisions and/or developments regarding the proposed route.

We look forward to hearing from you further.

Yours Faithfully

Aileen Kelly

Aileen Kelly
Solicitor
LCC Group Limited

Appendix E Email Issued by the NTA to Our Client on 8th March 2019

From: cbc <cbc@busconnects.ie>
Sent: 08 March 2019 16:20
To: Aileen Kelly (LCC Group) <aileen.kelly@lissancc.com>
Subject: FW: Objection to Emerging Preferred Route

Dear Aileen

Thank you for your submission and your formal objection is acknowledged.

However please be aware that this is a non-statutory consultation phase of the core bus corridor planning process and the proposal is at concept stage. Following close of the consultation process your and all submissions will be reviewed and considered to determine either adoption of the current emerging preferred route proposal for advancement to formal planning phase including environmental impact assessment, or amendment of the proposal if appropriate. It will take a minimum 12 months for the planning works to be finalized for formal submission to An Bord Pleanála for approval. You and all interested parties will have your statutory right to make submission / objections to the Board at that time.

In the interim it is entirely up to you to proceed with your formally approved plans. Should the BusConnects Programme get formal approval it will be 2021 at the earliest that any acquisition and construction could proceed, and appropriate compensation of any properties subject of the formal compulsory purchase order would be negotiated. The construction strategy and sequence of the 16 core bus corridors is not yet determined, construction of this corridor could start as early as 2021 or as late as 2026.

We note and appreciate your suggested modifications to the concept plans. We will be happy to arrange a one-to-one meeting to discuss in more detail if you wish to do this please call 1800303853.

Kind regards
BusConnects Team
Sent from my iPhone

Appendix F Letter Issued by Our Client to Bus Connects Team / NTA on 15th December 2020

LCC GROUP

Wholesale Solid Fuel Suppliers › Fuel Importers & Distributors

BusConnects Project
National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2
D02 WT20
info@busconnects.ie

15 December 2020

Public Consultation on BusConnects - Blanchardstown to City Centre

Dear Sirs

LCC Group wishes to make a submission as part of this public consultation. This submission relates to Route 5 (Blanchardstown to City Centre)

LCC Group owns the site/property located at **87-89 Old Cabra Road, Cabra, Dublin 7.**

In the first instance we are writing to request that – as a matter of priority (for the reasons set out below) – the NTA makes direct contact with us to clarify precisely what plans are proposed by the NTA for the above route, specifically in the vicinity of 87-89 Old Cabra Road. As regards the current consultation process, we have not been *directly* provided with any drawing or map or other description relating specifically to our property, nor received any direct communication (as landowner) as to what specifically is proposed for the Route 5 insofar as it passes the LCC site.

As we understand it, the current round of consultation is proceeding on the basis of a set of common maps and drawings that cover multiple properties and that relate to elongated sections of the Route. For that reason, and because of the less than clear key/symbol system within the drawings, it is not possible for us to understand what exactly is proposed by the NTA in respect of the route insofar as it affects 87-89 Old Cabra Road. This is a most unsatisfactory approach on which affected landowners

are to be expected to participate in a round of consultation that is intended to inform the future plans of the NTA on BusConnects and that directly impacts on the use and value of landowners' properties.

Of real concern to us is that there is some basis (insofar as we have been able to discern) to consider that the NTA's proposal for this section of the Old Cabra Road has changed from what was proposed at an earlier stage and where (as far as we are able to understand from the general drawings) there is some basis now to consider that there are going to be major restrictions on the passage of general vehicular traffic near our site and major restrictions on accessing our site (to the extent that it is not even clear that general traffic is going to be allowed to pass along that stretch of Old Cabra Road at all). If this is the case, it represents an entirely different proposal to that which we were given to understand at an earlier stage and which, while problematic for other adverse impacts, involved a potential widening/removal of land outside our site to actually facilitate the passage of traffic.

If there is any basis for us to anticipate wide restrictions on traffic access to 87-89 Old Cabra Road then it is of the utmost concern to LCC. We have, over the last 3-4 years, undertaken a major investment at the site - in seeking and securing development consent at both local authority level and from the planning appeals board. As a result of the grant of planning permission, we have made a major financial investment in works and development at the site for a modern petrol filling station use. That future use of the site was deemed appropriate by the planning authorities (at local and national/appeals board levels). At no stage was it represented to LCC at any point during the planning process that the petrol filling station proposal was in any way incompatible with what was envisaged for this transport route. We are currently seeking to confirm in particular what the national transport authorities (in particular any of those authorities who views were sought as part of the planning process) stated in relation to our planning application and whether they expressed concern by reference to their future plans (finalised or potential) and how they regarded our application in the context of those plans; however it seem clear that no reservation was ever conveyed to LCC as applicant/developer by the planning authorities nor, as far as is evident from the planning file, was any reservation communicated by the national or local roads authorities.

Our application and our subsequent investment were made in the full expectation that our development proposal for the site would be considered against, not just the current planning and infrastructure plans and policies for the location, but also future and potential plans. Our understanding – and the decision we were furnished with - was that the planning process deemed that a petrol filing station was an acceptable and appropriate land use for the site and one filling a need along that important transport route when in fact we are now (as far as we can ascertain from the maps) being given to understand that that stretch or road is deemed not suitable as a major vehicular

artery at all. This, if true, is an extraordinary outcome and we request confirmation (or clarification of our understanding) as a matter of urgency. The implementation of the planning permission is now at an advanced stage and the petrol filling station development is nearing completion.

Additionally, it is not possible for us to see from the public documents if it is proposed to acquire some of our site or not or whether road widening is proposed or not. In relation to this consultation exercise, we have received no communication to indicate whether or not the earlier proposal involving road widening near our site is proceeding (and whether there will be physical intrusion onto our site). This, again, is in circumstances where development work at our site is at an advanced stage.

We cannot be expected meaningfully participate in the consultation in these circumstances, beyond expressing the concerns outlined above and requesting that we be contacted urgently to understand exactly what is proposed.

Yours Faithfully

LCC Group

LCC Group Limited