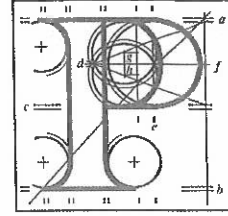


Our Case Number: ABP-313182-22



An
Bord
Pleanála

Brendan Heneghan
88 Parkmore Drive
Terenure
Dublin 6W

Date: 13th May, 2022

Re: BusConnects Clongriffin to City Centre Core Bus Corridor Scheme
County Dublin

Dear Sir,

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

A receipt for the fee lodged is enclosed.

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

As the Board has also received an application for confirmation of a compulsory purchase order which relates to this proposed road development the person conducting any oral hearing into objections to that compulsory purchase order shall be entitled to hear evidence in relation to the likely effects on the environment of the proposed road development. The Board shall also make a decision on both applications at the same time.

You will be notified of the arrangements for the opening of any such oral hearing.

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


Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

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

Yours faithfully,



Niamh Thornton
Executive Officer
Direct Line: 01-873 7247

HA02A

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Clongriffin to City Centre Core Bus Corridor Scheme

Dear Sirs

I wish to make an observation on the above scheme.

The substance of the scheme seems to be to provide a dedicated bus lane and cycle lane each way on the Malahide Road from its junction in Fairview with Marino Mart to its junction with Mayne River Avenue. The exception is that the cycle lane is off road at the Fairview end both ways and is off road inbound at St Brendan's Avenue in Artane. Most of this infrastructure is already in place to some extent given that the route is generally four lanes wide. In my view the benefits of the scheme seem to significantly outweigh the disadvantages and therefore I believe you should grant planning permission for the scheme in due course.

I am however very concerned about aspects of the consultation process, which is grossly deficient. I think there is a strong case for you issuing directions to the applicant requiring that they remedy these matters. The issues include

1 failure by National Transport Authority to observe the principles of the Aarhus Convention and the Kazakhstan Advice on its application during Covid, with particular disadvantage to anyone affected by changes made after the first of three rounds of consultation.

2 completely different scheme than that consulted on. The cross leg of the inverted L is omitted

3 the complete lack of clarity as to what works are to be carried out under the current application. I believe the substance is bus lanes and an elevated bicycle track, moving of bus stops, removal of trees

4 the identification of affected roads in the traffic report in circumstances where there has unlikely been any effort to communicate with persons affected

5 whether adequate site notices have been erected

6 fees

I will spell out these grounds in detail in the Appendix to this letter.

It is my general understanding of a regular planning application that serious attention is paid to deficiencies in newspaper notice and on site notices and that applications are often ruled invalid for minor infringements. These can usually be rectified easily. The scheme currently submitted dates from 14 November 2018 and only got to planning application on 7 April 2022, a period of almost three and a half years. The application itself envisages a construction period of two years and supporting documents assume the scheme is fully operational by 2028. I would submit that there are major process irregularities which NTA ought to be directed to cure and that so directing them is unlikely to have any impact on timescale for a project, where the applicant seems to be indicating 2028 for completion.

I believe there should be an oral hearing on this application and I would request an oral hearing at which I might present on this aspect of the matter.

I am not particularly familiar with this part of Dublin but I have the following specific comments

Roundabouts

I note the scheme proposes to remove the Artane Roundabout and also another one at Priorswood. There is a rather inconsistent approach to roundabouts throughout all the schemes and little thought seems to be given to them. A good example of how little thought is given is the proposal as part of Tallaght to Terenure corridor 10 to remove the Spawell Roundabout, while at the same time the Bus Network Redesign section of NTA assumes it will be still there to facilitate the F2 core bus route reaching its terminus (see Tallaght Area Bus Map). Despite the volume of documents sent to you, there is little that throws any light on the pros and cons of removing the roundabouts on the Clongriffin corridor. I am fairly sure that I raised the subject of Artane in a submission to NTA but they never get back to anyone on these points.

I am aware that roundabouts can at times be a very efficient distributor of traffic in a way that traffic lights cannot match. I don't think they are over used in Ireland and generally they are put there for a reason. The removal of a roundabout is likely to create more construction disturbance than a minor widening of a road. I don't know what the local views were about the Artane roundabout staying or being removed and I would give heavy weight to them. However I don't think the removal of a roundabout is essential to the scheme working.

There are traffic counts at the Artane roundabout which suggests 6,007 vehicles entering ex Ardlea Road, 14,904 vehicles entering ex Malahide Road (N), 8,920 vehicles ex Gracefield Road and 13,902 vehicles ex Malahide Road (S) on the day of the count Thursday 13 February 2020. I note incidentally that northside ATC corridor counts were only conducted for 7 days such as ATC1-4 just south of the roundabout whereas south side corridors were generally assessed for 14 days, arguably giving rise to inadequate information.

I would therefore suggest that unless NTA can present a very compelling case for why the replacement of a roundabout by traffic lights will not cause any difficulties, you should lean on the side of not permitting that aspect of the scheme. I would assume that there might be "roundabout experts" in the UK and I think it might be useful given the sheer scale of this project to have two roundabout experts argue each side of the case.

Left Turns

The consultation documents have a pattern of interfering with left turns by restricting a left turn lane and by eliminating left turn slip roads, such as at Clare Hall and at Woodies/Lidl shopping area. Again this is an issue not explained in the documents. It would seem to me that the drawings generally provide adequate space for left turns at all junctions on this road, having regard to what space is available. However they seem to propose to eliminate left turn slip roads at various junctions. Again I don't think you should permit the removal of slip roads unless a compelling case is made by NTA.

Off Road Bicycle Tracks

I am only a very occasional cyclist, but in considering off road tracks, you need to consider whether cyclists will just use the bus lane instead. This is acknowledged in the documents, but regrettably I don't think there is any attempt to analyse it. Given that the inbound off road track at Brian Road requires a complex crossing of the road at both Griffith Avenue and Fairview and given that I suspect the Malahide Road is sloping downwards towards Fairview,

I suspect that most cyclists will just use Malahide Road towards the city. The off road track will be disruptive for Brian, Carleton and Haverty Roads and in assessing whether it should be permitted as proposed, I think it could be assumed that there may be little inbound use.

Trees

I don't think the documentation submitted indicates where trees are to be removed. This is a serious omission. I note on this scheme in particular that a green area largely covered with trees between Brian Road and Griffith Avenue is swept into the cpo (map 11 of deposit maps). The Griffith Avenue area is particularly important and noteworthy as a tree habitat and I don't think you should permit any interference with that site unless there is no other way to provide the necessary infrastructure.

Construction on Numerous Sites

The documents submitted indicate that the construction phase will cause traffic disruption and that this would be very much worsened by construction at other locations. It would seem obvious that the corridor on the Swords Road should be done at a different time as should the corridor on Ballymun Road. I make the latter point because simultaneous construction on Clongriffin and Ballymun is likely to create major issues on the Swords Road corridor. I would assume that you would have detailed conditions in any permission to prevent disruptive construction on the Clongriffin corridor, at a time that the other corridors are also affected.

Bus journey times


A key feature of all these schemes is a claim that the corridors will reduce journey times considerably. This seemed to be the major reason advocated by NTA for the schemes. In the case of the original Clongriffin corridor, the claim was a reduction from an existing 65 minutes and a potential 85 minutes to a new 30-35 minutes. See page 13 of information brochure. While it's difficult to compare because of the truncated route, these claims do not appear to be consistent with page 79 and following of the Traffic and Transport report where the figures seem to suggest savings of 5 minutes or less. I believe NTA have made excessive claims throughout the supposedly "non statutory" process and are now supporting significantly lower time savings.

Some houses not in CPO

I note there are houses at nos 40-46 Malahide Road see deposit map 12 that are not included in the CPO. This seems rather strange as they were indicated as affected in previous documentation eg map 20 Emerging Preferred Route. It would seem pointless to trouble the owners of adjacent properties if there is going to be a bottleneck at that point.

Yours Sincerely

Brendan Heneghan
88 Parkmore Drive
Terenure
Dublin 6W


(details to be redacted from any public display)

APPENDIX

Failure by National Transport Authority to observe the principles of the Aarhus Convention and the Kazakhstan Advice

As is stated in the documents there are been three separate consultations on the Clongriffin scheme

Phase 1 Emerging Preferred Route 14 November 2018 to 28 March 2019 (over 4 months)

Phase 2 Preferred Route 4 March 2020 to 17 April 2020 (6 weeks 2 days)

Phase 3 Preferred Route 4 November 2020 to 16 December 2020 (6 weeks)

While I would not agree that consultation was in any way adequate at Phase 1 for other schemes with which I am much more familiar, there was at least a fairly open public meeting apparently on 11 December 2018, a session in a hotel on 10:January 2019 at which you could speak to representatives of NTA and Dublin Bus and a four month plus time period to assess a very complex proposal. I should say however that the public meetings were excessively short, took three questions at a time and generally the more difficult questions were evaded. I think the NTA needed to have several public meetings on the more tricky corridors. Critically as well there was plenty of time to hold public meetings and to have the usual political types of process to form collective views on issues.

By contrast phases 2 and 3 both took place at times when Covid was at its worst. I have always failed to understand why any process was launched on 4 March 2020, as at that time there was clear evidence of a possible impending crisis and any reasonable organization would have pressed a hold button. I suspect there was no Phase 2 engagement at all on this corridor, bar the Bonnington Hotel meeting referred to on 11 March. The speech by An Taoiseach from Washington DC happened the following morning. Indeed that speech said that "the Government and our public services have been focused on the impact of the virus" - evidently that did not include NTA. There were I believe few (30 per report as opposed to 150 at stage 3 for Clongriffin) submissions on any scheme in that phase.

By Phase 3, the Aarhus Convention authorities had issued their Kazakhstan Advice of 1 July 2020. This arose in connection with how effective public consultation could happen during Covid and I believe related to a proposed nuclear power station in Kazakhstan.

What actually happened in Phase 3 is that there was an online (Zoom or similar) meeting for each corridor and that was the extent of the consultation. The same format of three questions (and one question per participant only) was applied and the on line nature made it much easier for questions to be not addressed or ignored. No one knew who else was in the meeting. Very little notice was given of the meeting - in one case the general notice of

meetings for all corridors was issued the night after the meeting for a corridor. Most importantly only a limited audience was allowed to attend and anyone who was not affected by Phase 1 of a scheme, but clearly impacted by Phase 2 or 3 likely was not aware of the consultation or indeed of the revised plan. The meetings were excessively short for such an important issue. Phase 3 also followed the usual NTA bad habit of consultations ending immediately before Christmas or straddling the Christmas period (Phase 1 here including Christmas 2018 and the consultation on the Greater Dublin Area Transport Plan 2022-2042 covering Christmas 2022 are other examples)

The substance of what happened is that if someone was affected by a proposal in Phase 1, they had a fair bit of time to "scream and roar" about it and in many cases their wishes were acceded to. However if you were adversely affected by something introduced at Phase 2 or Phase 3, your ability to object was very limited. So if something nasty was proposed for your area, it was much better to have it at phase 1 rather than later phases. While the Clongriffin Scheme is not a prime example of major shifts, I note that in Phase 1 the residents of Haverty Road were not faced with a cycle gate impeding their access.

I would contend that a decision on a significant environmental matter has now been reached in the form of the application submitted to you. Your ability to vary it is comparatively limited, so you can either reject it or approve it with modifications. I think in reaching that decision, NTA largely ignored many of the principles of Aarhus Convention on effective public participation in decision making and of Kazakhstan. In particular I don't think any opportunity was afforded to those who are not computer literate (by a toll free number) to participate in any aspect of phase 2 or 3, which is a breach of paragraph 49 and 50 of the Kazakhstan Advice. Other breaches include

- a the time scales for Phase 3 were very short which seems to breach paragraph 29, 33 and 38
- b people at meetings who wanted to speak were not allowed do so because an arbitrary time limit and a one question rule was put on the meeting which infringes paragraphs 45 and 46
- c no facility was offered to comment other than by way of electronic communication, in particular a toll free number
- d no additional effort was made to allow participation contrary to paragraph 23
- e I doubt a needs assessment was carried out as required by paragraph 26. I believe you should request a copy of this from NTA
- f there was no user friendly guidance as to how to participate as set out in paragraph 29
- g no additional means of notification were deployed as required by paragraph 34. It would have been easy to use a delivery company to put a relevant leaflet in everyone's door
- h no transcript was provided of the online meetings contrary to paragraph 57

I believe you should direct a relatively short period of further consultation, at least on post Phase 1 changes, with the Kazakhstan principles being observed.

Completely different scheme than that consulted on. The cross leg of the inverted L is omitted

While I accept that the final plan can properly have minor modifications as opposed to what was consulted on, the final application is the first time that the omission of the entire Clongriffin leg has become apparent. As they say in the press release "The scheme is now proposed to commence at the Mayne River Avenue/Malahide Road junction whereas previously it commenced at Clongriffin DART Station" People could well have an entirely

different view on the scheme with its length cut considerably from 10km (key facts Phase 1) to just over 5km.

Complete lack of clarity as to what works are to be carried out under the current application

I would expect that a planning application would have a clear indication as to what works exactly are to be carried out. I would have thought they should have submitted a short readable document setting out what they intend to do. I believe the substance is bus lanes and an elevated bicycle track, moving of bus stops and removal of trees. A document would also flag the removal of roundabouts and of left turn slip roads.

They seem to have slipped in the moving of a number of bus stops. If you live adjacent to a bus stop, it tends to give rise to issues such as rubbish in your garden, people loitering outside. Also it is not clear whether there are to be shelters and real time information poles. I would have thought both shelters and real time information should be provided at all inbound stops and at the busier outbound ones. They are obviously of less relevance to stops mainly for alighting. I would have thought there should be a simple statement of where the bus stops are to be and what facilities will go with them.

Identification of affected roads in the traffic report in circumstances where there has unlikely been any effort to communicate with persons affected

The maps in the traffic reports in chapter 6 identify a number of roads which apparently will have very material extra traffic in 2028 at either or both AM and PM peak. Examples include (pages 93 and 97)

Clonshaugh Road A6 818 to 1288 AM also PM increase
Clonshaugh Avenue A6 243 to 564 AM
Priorswood Road A6 245 to 427 AM
Vernon Ave A4 207 to 333 AM
Kilmore Road P6 717 to 992 PM
Oscar Traynor Road P7 349 to 626 PM
Baskin Lane P10 882 to 1239 PM

I have to say I find it difficult to see why a scheme, which allegedly diverts a lot of passengers to bikes and bus and which leaves a single lane available to general traffic each way, can possibly have the impact suggested on local roads a fair distance away. It seems however to be very bad practice for them to indicate at an obscure point in very complex documents that there may be a knock on effect on a distant road that is material, without any requirement to notify residents of that road that the Clongriffin scheme impacts them adversely. I note that while soothing statements are made about roads with traffic reduction such as "positive, moderate and long term effect", no statement is made about roads forecast to have more traffic. While there is a lot of stuff about junctions at those roads apparently being able to cope with extra traffic, the extra traffic on the actual roads is a serious loss of amenity for residents

It is not clear whether these figures include the cumulative effect of the Swords Road corridor.

Whether adequate site notices have been erected

I notice the lengthy schedule of where site notices will be. They seem to be entirely on the Malahide Road corridor, when there are clear impacts elsewhere. I would have thought that site notices in affected areas were essential for a proper process.

Fees being charged

At the various public hearings, the point was repeatedly made by NTA personnel that of course it didn't really matter much if you didn't get your observation in now, because of course you could object at the current planning stage. What they failed entirely to point out was that a fee of €50 was payable and that substantial fees would be levied to get copies of documents essential to appraise the scheme properly. Further an assistant to the Minister for Transport (who is of course the line Minister here) and city councillor assured the public in an online session that no fees would be payable and has never clarified the position. A fee of €150 and €200 being charged for essential documents, so that one has to pay over €600 for a suite of the relevant documents is grossly excessive.

May 11 2022

