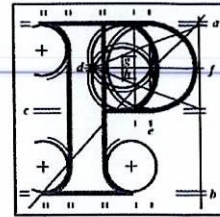


Our Case Number: ABP-313509-22

Your Reference: Elm Park Golf and Sports Club



**An
Bord
Pleanála**

Simon Clear & Associates
3 Terenure Road West,
Terenure
Dublin 6W
D6W YY79

Date: 13 July 2022

Re: BusConnects Belfield/Blackrock to City Centre Core Bus Corridor Scheme
Co. Dublin

Dear Sir / Madam,

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

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

The Board has also received an application for confirmation of a compulsory purchase order which relates to this proposed road development. The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you in due course on this matter. The Board shall also make a decision on both applications at the same time.

If you have any queries in relation to this 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,



Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

HA02A

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

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

**SIMON CLEAR & ASSOCIATES
PLANNING AND DEVELOPMENT
CONSULTANTS**

An Bord Pleanála
Strategic Infrastructure Division,
64 Marlborough Street,
Dublin 1
D01 V902

11th July 2022

AN BORD PLEANÁLA
LDG- 055126-22 / 055236-22
ABP- 313565-22 / 313509/22
11 JUL 2022
Fee: € _____ Type: _____
Time: _____ By: _____

Re: Submission for Bus Connects Belfield/Blackrock to City Centre Core Bus Corridor Scheme – Nutley Lane Section

Dear Sir/Madam,

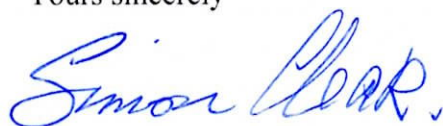
The National Transportation Authority (NTA) has submitted an application under Section 51 of the Roads Act 1993, as amended, in relation to the Belfield/Blackrock to City Centre Core Bus Corridor Scheme (Scheme) with an associated Compulsory Purchase Order (CPO) to An Bord Pleanála (ABP) for permission/confirmation.

Elm Park Golf and Sports Club Clg have been notified of these submissions to ABP by NTA, as a body with interests in land affected by the Scheme and CPO.

On behalf of Elm Park Golf and Sports Club Clg, Nutley House, Dublin 4, I wish to make a submission to the Bus Connects Belfield/Blackrock to City Centre Core Bus Corridor Scheme in relation to the likely effects on the environment and implications for the proper planning and sustainable development in the area in which it is proposed to situate the proposed development.

The submission is attached under separate cover and the requisite fee in the sum of €50.00 (cheque) is enclosed.

Yours sincerely



Simon Clear



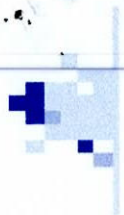
Simon Clear B.A. Dip. T.P. MIPI

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Submission to An Bord Pleanála

Regarding

BusConnects Corridor 14 Scheme and CPO

Nutley Lane Section,

Dublin 4

Prepared on behalf of

Elm Park Golf and Sports Club,

Nutley Lane,

Dublin 4.

July 2022



Simon Clear B.A. Dip. T.P. MIPI
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1.0 Introduction

The National Transportation Authority (NTA) has submitted an application under Section 51 of the Roads Act 1993, as amended, in relation to the Belfield/Blackrock to City Centre Core Bus Corridor Scheme (Scheme) with an associated Compulsory Purchase Order (CPO) to An Bord Pleanála (ABP) for permission/confirmation.

Elm Park Golf and Sports Club Clg (EPGSC) have been notified of these submissions to ABP by NTA, as a body with interests in land affected by the Scheme and CPO. EPGSC has a long, 90-year, sporting lease from The Sisters of Charity, owners of the lands (St Vincent's Hospital campus lands). The club has managed the lands and the landscape for many decades and has invested heavily in their upkeep and that of Nutley House as the main clubhouse facility.

EPGSC is a sports and community hub of long standing, with c.2,250 active members in all age groups, hosting a range of sports including golf and tennis, which grounds will be affected by the Scheme and CPO. Sports are facilitated from beginner through to elite athlete levels. The club is based in the community and facilitates a number of community activities beyond sports, charity and corporate events.

EPGSC is generally supportive of the purpose and intent of the public transport and active transport initiatives contained in the Scheme but has reservations particularly about the need for and the impacts of the Nutley Lane link contained within the Scheme presented to ABP and about the impacts upon the entrance, golf course and tennis courts and boundaries of the club, on the lands immediately adjacent to the west side of Nutley Lane.

EPGSC has engaged directly and frequently with the design team liaison staff and has worked proactively to minimise the potential impacts of the scheme on the club and the community. The club has indicated reservations in relation to the need/justification for the Nutley Lane link section and has put forward modifications/mitigations that are not reflected in the Scheme submitted for approval to ABP.

Therefore, we have been requested to submit reservations on behalf of EPGSC about the Nutley Lane aspect of the scheme to ABP and to request the Board to consider in detail the

need and justification for the Nutley Lane link in principle and, if it is justified, to mitigate impacts by considering a modified scheme to accommodate a single bus carriageway with a shuttle (public bus activated traffic light system) to accommodate the relatively light and infrequent passage of buses along Nutley Lane, as envisaged in the scheme as proposed.

It is submitted that the information contained in the documentation to support the scheme indicates that the need for the Nutley Lane link is marginal at best and, in the context of business case and cost-benefit analysis, has far more negative than positive impacts for the addition to public/active travel that would be achieved by the scheme as proposed.

Consequent to the scheme as proposed is the CPO effects on the entrance, golf course and tennis courts, the impacts of which would be permanent and significantly injurious to the operation, quality and viability of the golf and tennis elements of the club services.

EPGSC occupies finite lands on foot of a long-term sporting lease. The land is used very efficiently and cannot be reduced in any way without significant impacts. Therefore, if the principle of the proposed scheme along Nutley Lane is to be accepted by ABP, then the nature of the Scheme should be mitigated to eliminate impact upon the EPGSC lands. This can be achieved by operating a single-lane bus shuttle along parts of the lane across the EPGSC frontage in lieu of 2-bus lanes as proposed and to adjust the active movement lanes to avoid the need for any land take from EPGSC.

2.0 Engagement to date

The primary objective of the Proposed Scheme is the facilitation of modal shift from car dependency through the provision of walking, cycle and bus infrastructure enhancements, thereby contributing to an efficient, integrated transport system and facilitating a shift to a low carbon and climate resilient City.

EPGSC has engaged with NTS and its design team (ARUPS) since 2019 in respect of the Emerging Preferred Route (EPR) and in attempting to mitigate potential impacts and concerns during the development of design options along the Preferred Route Option (PRO) on Nutley Lane.

During the development of detailed design options, dealing with route options A&B, EPGSC expressed concerns relating to: -

- Impacts at the Main Entrance and at the 1st Tee; Tennis Court 9, the Golf Practice area and associated bunkers, the 4th and 7th tee area and especially the 6th Green and bunker, and the Service Entrance;
- Traffic Safety at both the Main Entrance and the Service Entrance;
- Loss of Mature Trees along the EPGSC side of Nutley Lane;
- Bus Stop locations;
- Impacts in temporary work zones and disturbance during works especially but not restricted to access and security.

The last correspondence sent to NTA in December 2021 indicated concerns regarding the 'proof of need' for the overall scheme, due to possible duplication with an enhanced capacity DART system, and the need for the Nutley Lane link in particular.

The lasting effects of Working from Home patterns will reduce peak hour bus passenger numbers and support for services with reduced headway. This effect has not been properly addressed in the Bus Connects Documentation even though some preliminary work has been done in the NTA prepared GDA Transport Strategy 2022 – 2042 and the post-Covid 'Alternative Future Scenario for Travel Demand' (NTA, 2020). However, the emerging outcome is far more complex than envisaged in these documents. The practical sense of duplication of the Blackrock-City Centre Bus Connects and the DART Coastal corridor doubling of capacity should be revisited in an updated 'Needs' study.

For a major project with significant impacts there ought to be some serious consideration of the alternatives to the project. It is our submission that these have not been adequately considered in the Bus Connects Documentation and particularly, such alternatives should have been addressed in the EIAR.

3.0 Proposed Scheme

It is noted that the currently proposed scheme before ABP has been further modified from those schemes previously assessed. It is submitted that the need for the Nutley Lane link has not been proven, the value of the link in passenger numbers and service and for cyclists

and pedestrians is marginal and compared to the local medium and long-term impacts would not be justified without further modification to mitigate unnecessary impacts.

EPGSC has been generally supportive of the planned enhancements to public and active transport movements while protecting its own interests and has encouraged NTA to seek to adopt the best option. This continues to be the case and this submission seeks to identify the best option through further modification of the proposed scheme, or deletion/withdrawal of the Nutley Lane link in its entirety.

The primary modification is for NTA to further investigate a single bus lane with a bus-shuttle option along the Nutley Lane link, so as to further reduce or eliminate land-take and impacts along the entire frontage from the scheme as proposed. Other details to be considered, depending upon the outcome of the primary reconsideration to accommodate one bus lane and a bus-shuttle, relate to: -

- The design of the (currently) secondary, service entrance in relation to safe access/egress for vehicles in the interests of cyclists and motorists.
- The main entrance to the clubhouse and car park and its future viability and capacity to operate with the combination of adjacent proposed bus stop locations, the cycle lane across it and the adjacent Toucan crossing to facilitate crossing to the opposite side before encountering the realigned junction on the Stillorgan Road (R138);
- The implications in combination have not been bottomed out and may be more disruptive than described, possibly leading to a revised internal vehicular circulation pattern for the club. The club might need a one-way system through the grounds, with entrance through the main gate and exit through the service entrance, upgraded to full use standard.
- Compared to the indicated simple “splay” indicated for this gate on Sheet 22 of the proposed scheme submitted to ABP, there needs to be sufficient allowance made for visibility of bikes, buses, service and emergency vehicles and cars driven by members/visitors exiting that gate.

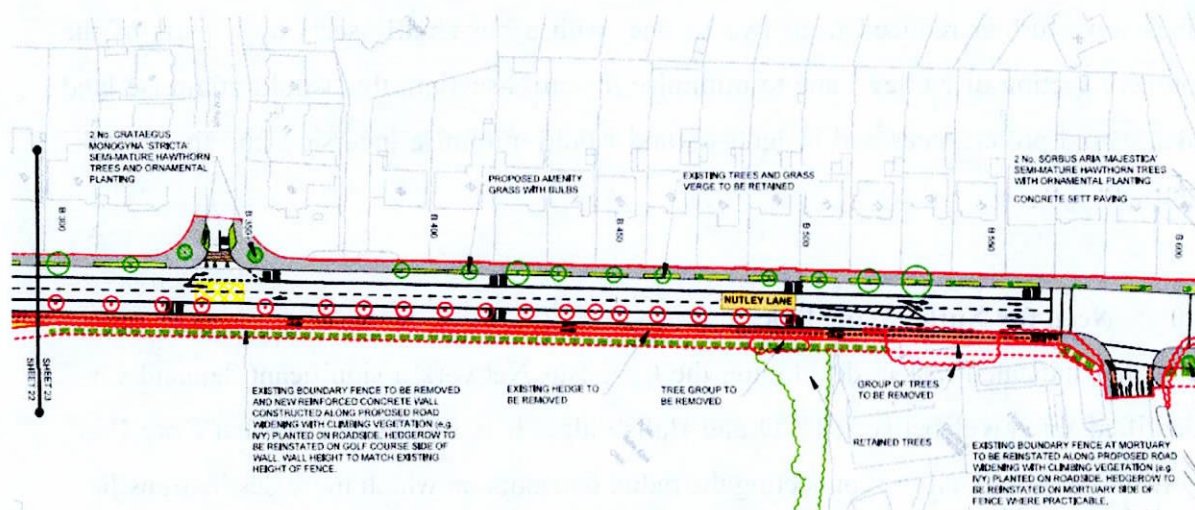
The EIAR deals with the details of the proposed scheme in Chapter 6 and at 6.5 deals with Section 5, which is the route along Nutley Lane (R138 Stillorgan Road to Merrion Road).

[illegible]

Between the R138 Stillorgan Road and Nutley Road, a four-lane cross-section is proposed, with a bus lane and a general traffic lane in each direction. It is proposed that a two-way cycle track will be provided on the eastern side of Nutley Lane, continuing north past the entrance to Elm Park Golf & Sports Club. This proposed cross-section includes the requirement for land acquisition from the properties currently occupied by RTE and Eir.

6

Park Golf & Sports Club. The proposed two-way, 3.0m wide, cycle track will continue on the Elm Park Golf & Sports Club side of Nutley Lane, as far as the SVUH access junction.



Sheet 23 extract from the proposed scheme

The existing footpath and verge on the north-western (residential) side of this stretch of Nutley Lane, is proposed to be retained, which in turn allows the trees on this side of the road to also be retained. No land acquisition of any residential houses along this stretch of Nutley Lane will be required, however, *to achieve the proposed cross section, land acquisition from the Elm Park Golf & Sports Club as well as SVUH will be required.*

Toucan crossings are proposed at the SVUH access junction to connect the two-way cycle track to the single cycle tracks to the north. At the access junction to SVUH, a right turn lane into the hospital is proposed which requires a curtailment of the receiving southbound bus lane in order to mitigate potential impact on the operation of internal roadways within the hospital.

Southbound bus priority will be enabled through signal-controlled priority provided on the northern arm. From the access junction to SVUH to the junction of Nutley Lane with Merrion Road, the proposed cross-section comprises four lanes, including a bus lane and a general traffic lane in each direction with a single cycle track in each direction also. To achieve the proposed cross section along this stretch of Nutley Lane, land acquisition from the Merrion Shopping Centre as well as SVUH will be required.

It is indicated in the EIAR in relation to the Nutley Lane section that revisions to the cross section originally proposed have significantly reduced the extent of construction works, tree removal and road widening necessary into adjacent properties. It is submitted that if the bus lanes were further reduced from two to one, with a bus-shuttle section on parts of the southern section of Nutley Lane to minimise the cross-section, this would minimise land take, would protect trees and hedgerows and would minimise incursion into the EPGSC lands.

4.0 Need for Nutley Lane link

NTA has indicated that in developing the Core Bus Network a significant demand was identified for travel between UCD and Ballsbridge. It is for this reason that Core Bus Network proposed a route connecting the radial corridors on which these destinations lie, namely the 'Bray–UCD–Donnybrook' corridor and the 'Dún Laoghaire to City Centre' corridor.

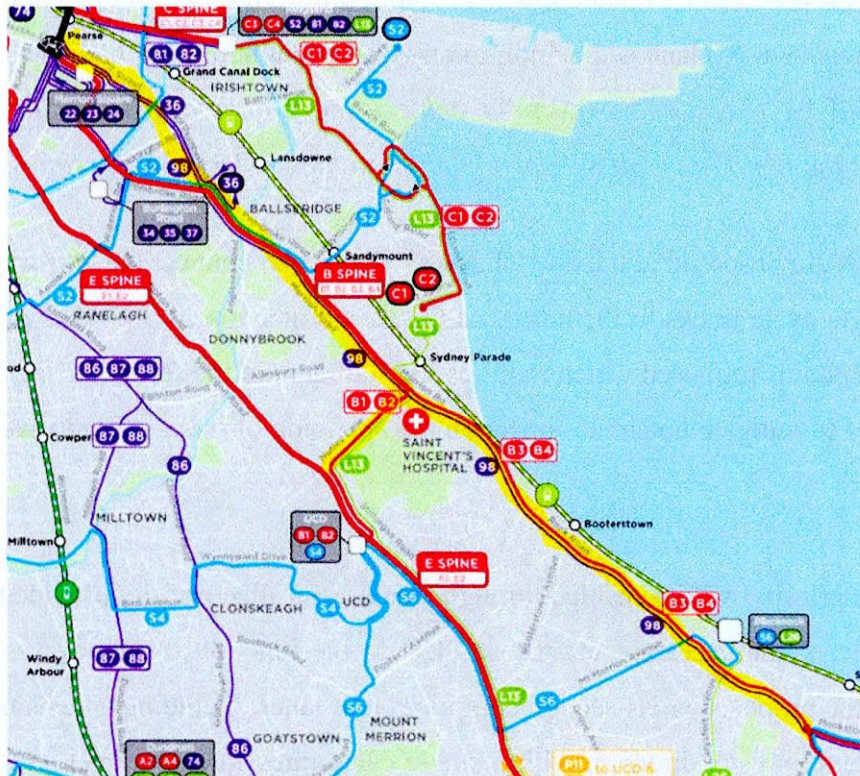


Image 2.7: Extract from New Dublin Area Bus Network Map (NTA 2020)

Image 2.7 above shows the E Spine, an existing bus corridor running from Bray to the city centre passing UCD and the link along Nutley Lane to the B Spine along the coastal route.

Information to prove the existence of/potential for increased usage along Nutley Lane to justify the impacts of the proposed development on the entire length of this road is not evident from submitted documentation.

Image 2.10 below shows very limited change between the 'Do Something' and 'Do Nothing' scenarios along Nutley Lane.

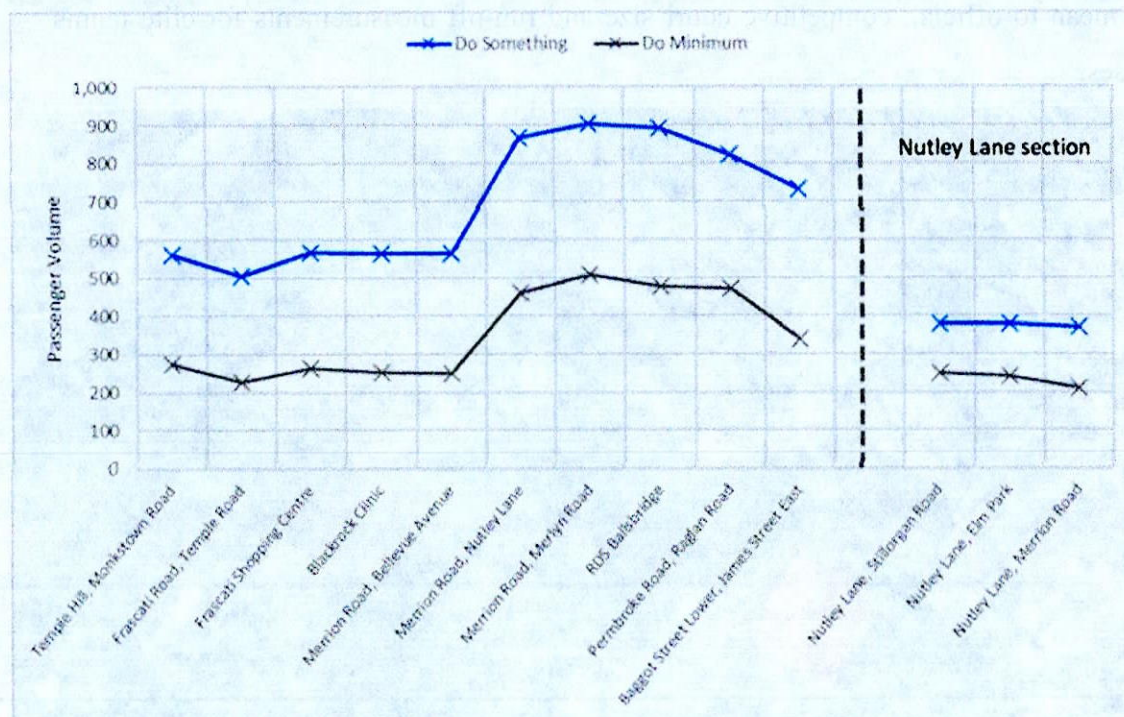


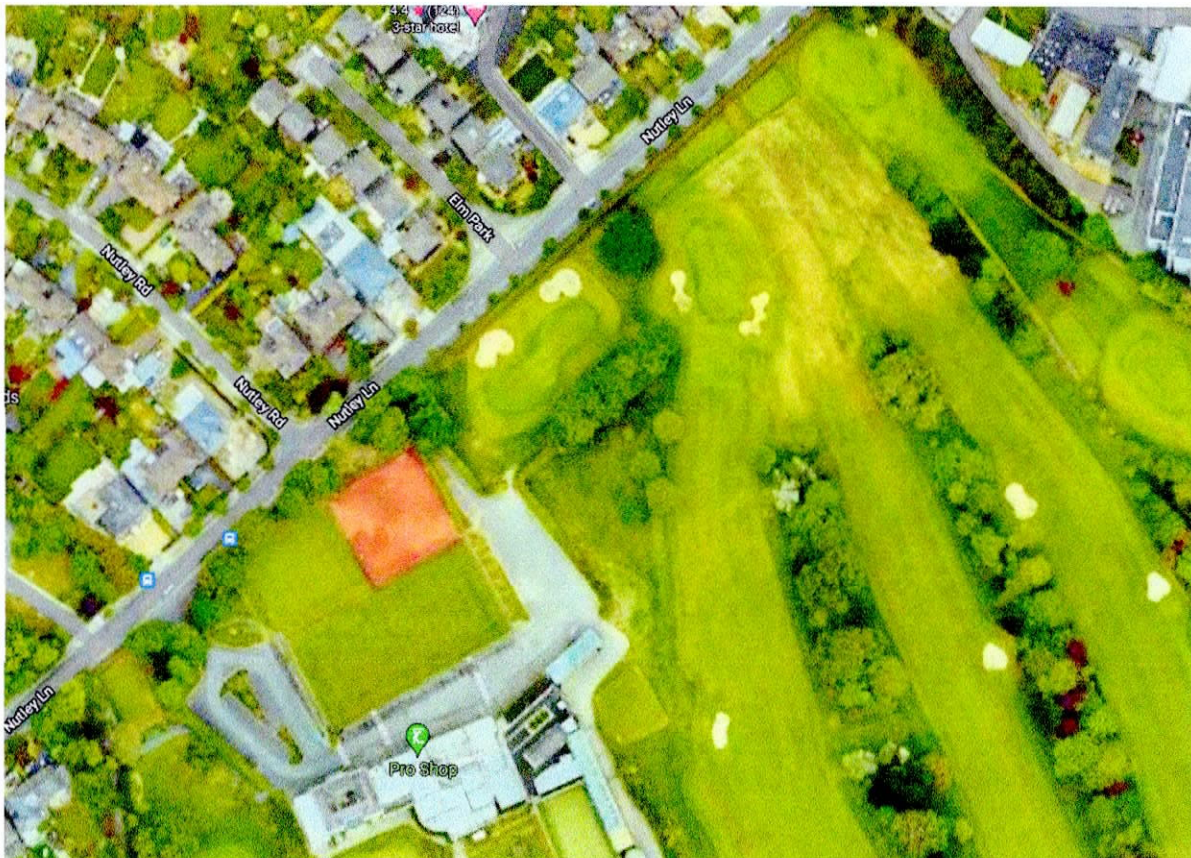
Image 2.10: 2028 AM Peak Hour Passenger Volume Along Proposed Scheme (inbound direction)

The potential for improvements to bus, pedestrian and cyclist infrastructure along Nutley Lane is acknowledged however, concerns and reservations regarding the cost-benefit of the proposals along Nutley Lane have been flagged to NTA in previous correspondence relating to physical impacts upon the club and its environs. These have not been adequately mitigated in the scheme submitted for approval by ABP.

5.0 Sports Infrastructure Impacts

As indicated above, the land area occupied by EPGSC is finite and restricted, which means that any loss of grounds to extraneous development will have an exacerbated effect upon the future viability of the club.

Golf Courses are rated for suitability for competitive golf. There is significant concern amongst membership and management that any loss will have an impact upon the overall rating and, as a consequence, the attractiveness of the club for new/continued membership. As the proposed land-take is linear along the northern boundary as shown below, there is significant concern about what cumulative loss of yards on 1st, 4th, 7th tees; adjustment/relocation of the 6th green and associated bunkers and backstop could mean to the course's Standard Scratch rating and what the loss of ground on the tennis Court 9, could mean to official, competitive court size and run-off measurements for elite tennis purposes.



Explaining the aerial image above, the 1st hole tee box is located in the lower left hand corner adjacent to the main vehicular entrance, leading to the car park. The affected Court no 9 under the proposed scheme is under second from the left bus stop. The rectangular area above the car park is set out in grass (7No.) and clay (2No.) tennis courts. Adjacent is short game practice area with practice green with bunkers, the 3rd green, 4th and 7th tee boxes and the 6th green is at the top right corner.

Adjustments and loss of ground will result in likely changes to Par rating of affected holes and there may be loss of enough yardage to affect Standard Scratch, reducing the Par rating

from 69 to 68. This is a significant effect and would have a long-term enduring effect on the attractiveness for membership and viability of the club in the future.

The club has invested in a range of tennis court surfaces to accommodate development of elite level tennis players in Ireland. Two of the four major professional tennis Open championships are played on grass (Wimbledon) and clay (French). There is a full season of elite grass court professional tennis in the UK, in which Irish elite players participate. EPGSC hosts international players and has hosted past Open Champions to prepare for Open tournaments. Elite players use extensive run-off, retrieval areas and the court surrounds cannot be compromised without effects. Any impact on these tennis courts will have a long-term effect on the rating of the tennis facilities at EPGSC and will impact the attractiveness for membership and viability of the club in the future.

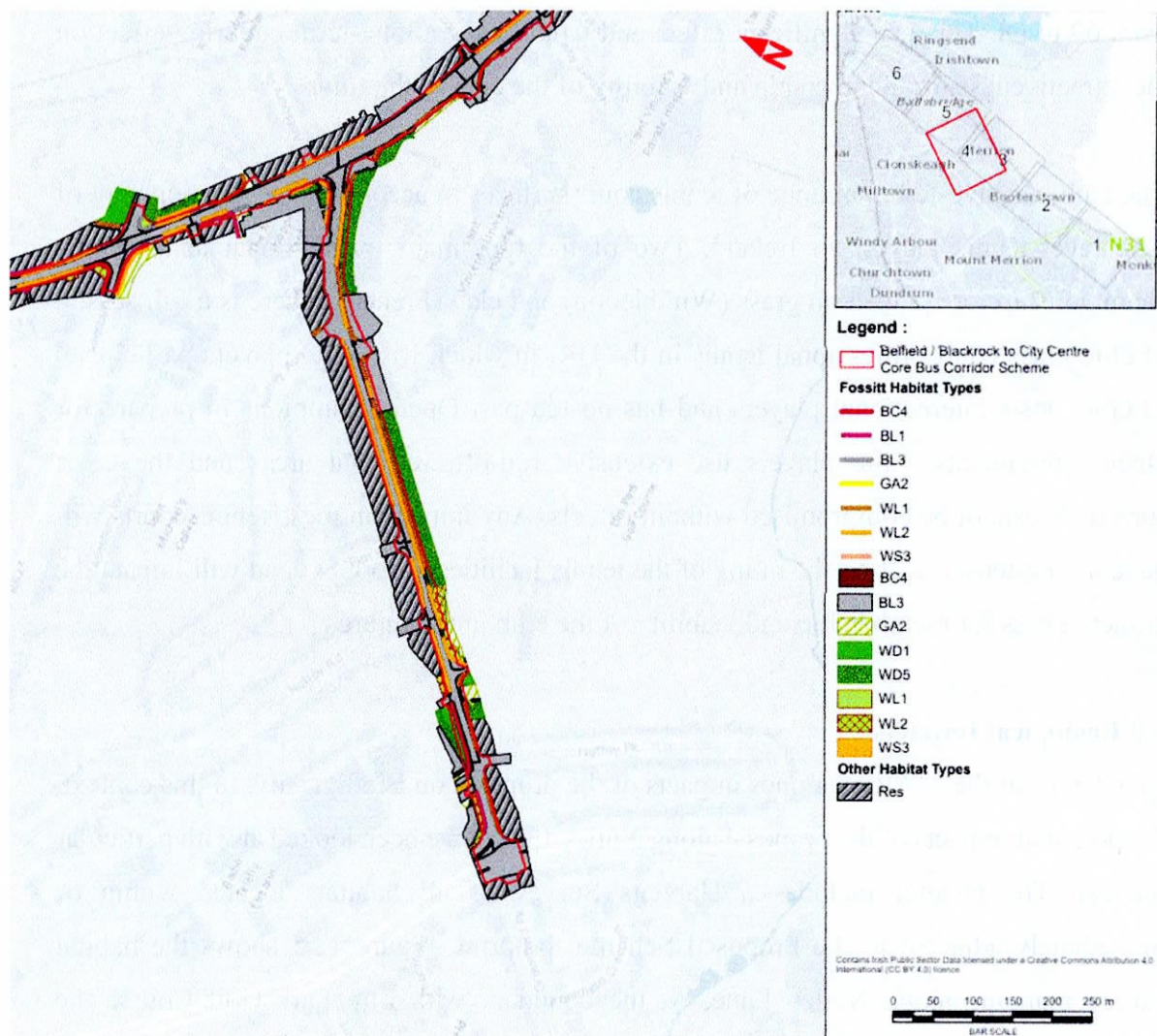
6.0 Ecological Impacts

Chapter 12 of the EIAR examines impacts of the proposal on Biodiversity. In this context, the potential impacts of the proposal along Nutley Lane have been looked at with particular interest. The chapter includes a Habitats Survey of all habitats located within or immediately adjacent to the Proposed Scheme footprint. Figure 12.5 shows the habitat survey mapping along Nutley Lane. At the boundary with Elm Park Golf Course the recorded habitats include:-

- WD5 – Scattered Trees and Parkland

- WL1 – Hedgerows

- WL2 – Treelines



Extract from Figure 12.5 – Habitat Survey Results

Note – The habitat survey legend lists WL2 (Treelines) twice, using different colours/hatching. As both colours occur on the map, it is not possible to fully comprehend the results of the survey.

The EIAR assesses these habitats as being of ‘Local Importance – Higher Value’ as they are not common in the surrounding area and have a relatively rich species composition in the context of surrounding habitats. The habitats are also classified as Key Ecological Receptors (KERs).

In terms of impact assessment, the EIAR states: -

The permanent loss of such habitat types which are considered to be of Local Importance (Higher Value) has the potential to affect the conservation status of each of these habitat types and, therefore, result in a significant negative effect at the local geographic scale.

Bat Survey

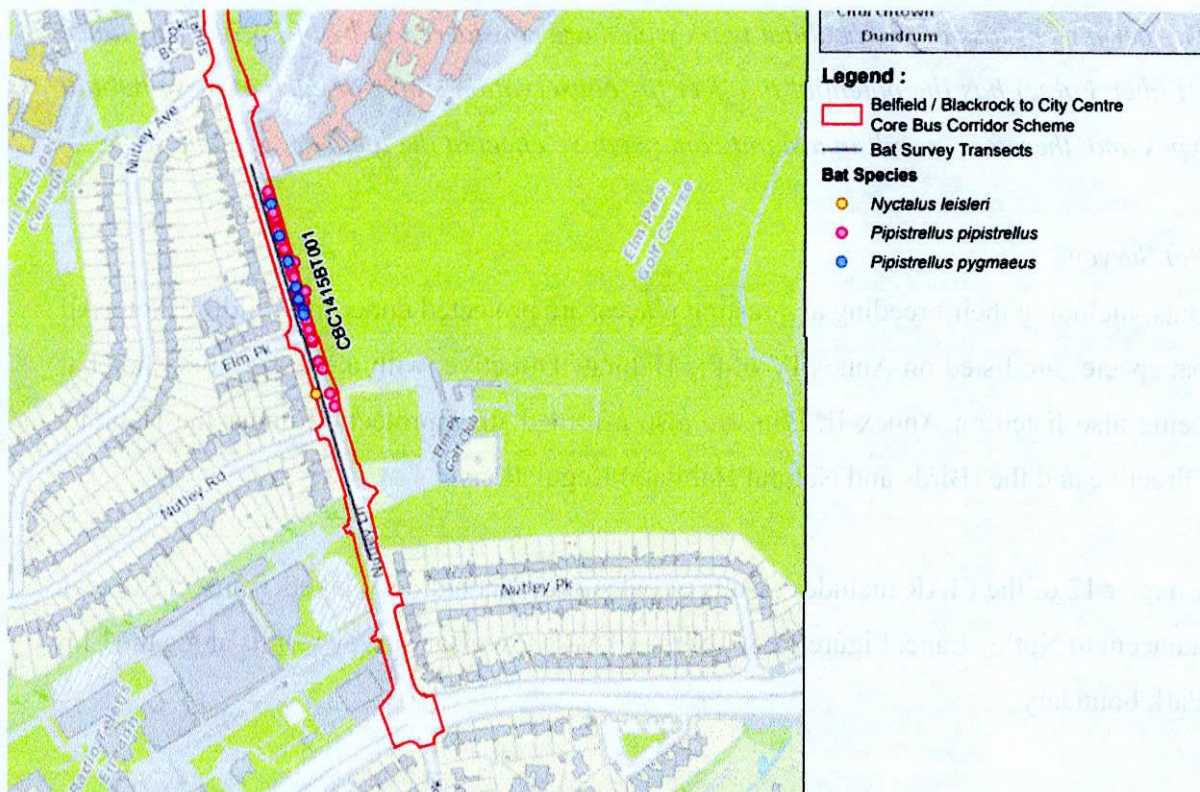
Bats, including their breeding and resting places, are protected under the Wildlife Acts. All bat species are listed on Annex IV of the Habitats Directive, with the lesser horseshoe bat being also listed on Annex II. Bats are also afforded strict protection under the Habitats Directive and the (Birds and Natural Habitats) Regulations.

Chapter 12 of the EIAR includes results of bat surveys including Walked Transect Surveys adjacent to Nutley Lane. Figure 12.8.1 of the EIAR shows Bat Survey results along the Elm Park boundary.

3 species of bat were recorded at this location, which are classified as 'Local Importance – Higher Value'.

The EIAR includes the following commentary: -

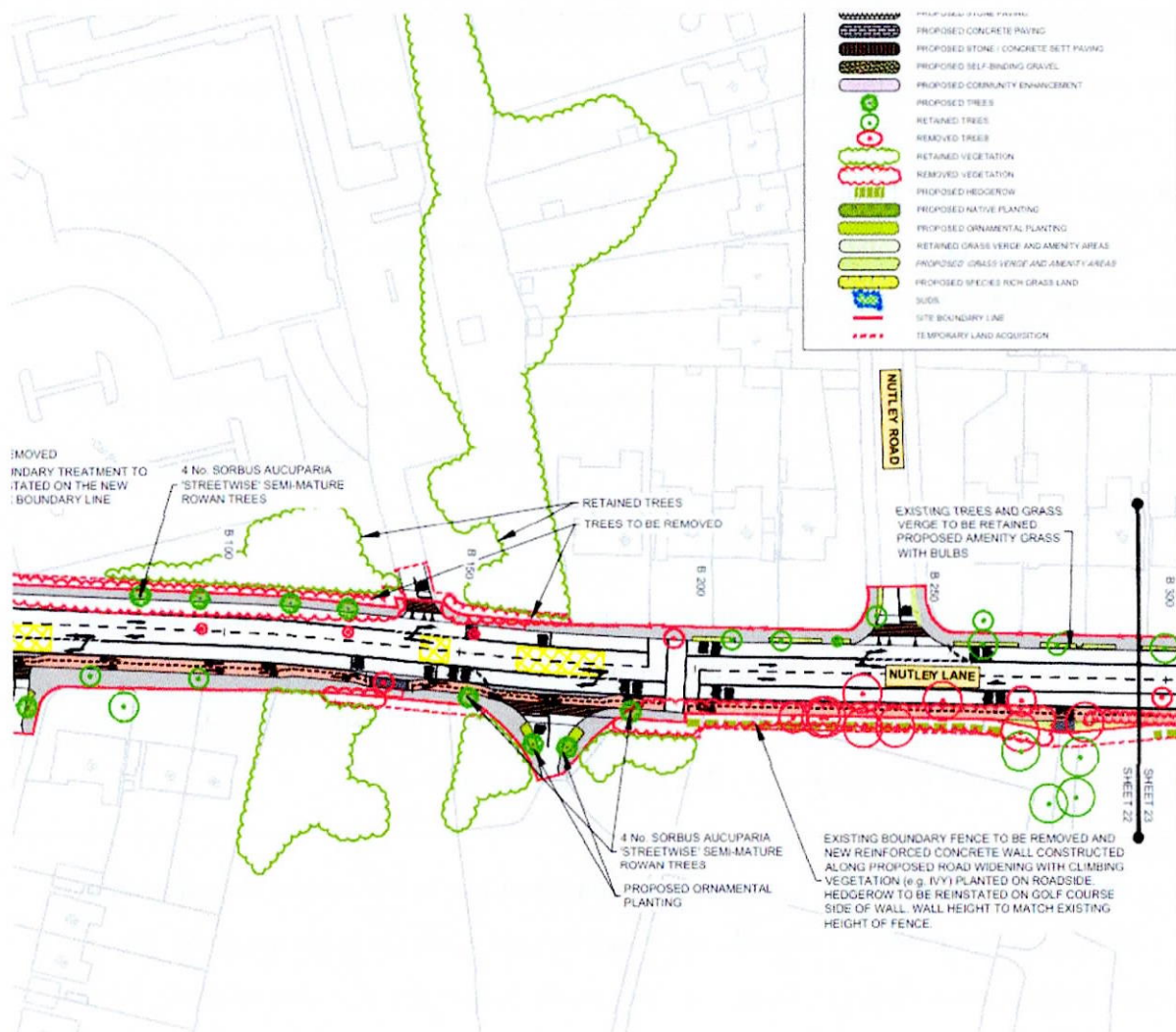
- *Bats rely on suitable semi-natural habitats which support the insect prey upon which they feed. The Proposed Scheme will result in the loss of such habitats used for feeding by all bat species recorded in the study area.*
- *The Proposed Scheme will result in the removal / fragmentation of small areas / strips of woodland, scattered trees and parkland, treelines and hedgerows which could all be used by local bats. These habitats constitute a landscape feature which could be used by foraging / commuting bats and their loss, will result in a reduction of foraging / commuting habitat for local bats in this area.*
- *Habitat removal is within a highly disturbed urban environment with low numbers of species records, and, as such is not deemed to provide significant contributions to Core Sustainance Zones (CSZs) of roosts outside of the footprint of the Proposed Scheme. The effect of habitat fragmentation and barrier effect associated with the construction of the Proposed Scheme is therefore considered to be significant at the local level only.*



Extract from Figure 12.8.1 – Bat Survey Results

Habitat Removal

The Landscape General Arrangement Drawings indicate the nature and extent of proposed habitat removal. Sheet 22 indicates the removal of hedgerow and trees at the Elm Park Golf Club boundary.



Extract from Landscape General Arrangement Drawing Sheet 22

7.0 Commentary

Nutley Lane supports a mosaic of habitats of ecological significance, and which are acknowledged in the EIAR to be uncommon in the surrounding area. The mosaic of high value habitats coincides with high levels of bat activity. It is therefore likely that the mature vegetation along the Elm Park boundary functions as an important ecological corridor for commuting bats.

Due to the protected status of bats under European and Irish legislation, potential impacts arising from the Proposed Scheme will be an important environmental consideration in the assessment of the scheme.

The EIAR (Table 12.5) assesses the potential impact on these habitats and species as a 'Likely significant effect at the local geographic scale'. The EIAR appears to rely upon the

bat species becoming 'habituated' to the new environment. In terms of mitigating habitat loss and fragmentation, the EIAR references the proposed landscaping plans. However, it is evident from the Landscape General Arrangement Sheet 22 extract exhibited above that the main losses would be along the EPGSC boundaries and the number of proposed trees falls far short of the number to be removed, such that an ecological corridor would be lost and would not be restored over time.

Notwithstanding this, Table 12.6 reaches conclusions of 'No significant Residual Effect' on trees, hedges and bats. It is submitted that the weighting of such conclusions are not adequately explained in the EIAR.

The works proposed along Nutley Lane represent a fundamental, permanent and irreversible alteration to the character and nature of the road and its environs. It was acknowledged in the Jarred Walker Associates report for NTA that efforts at widening roads in built-up areas are extremely costly and frequently destructive.

It is submitted that the Nutley Lane link was combined into the subject scheme without a full business case and a comprehensive cost-benefit analysis being prepared for this capital infrastructure project adjustment. Therefore, before any decision is made, which would have significant and irreversible effects, the NTA must demonstrate beyond all reasonable doubt the Need for the Nutley Lane link at this time.

We have taken into account the NTA prepared GDA Transport Strategy 2022 – 2042 and the post-Covid 'Alternative Future Scenario for Travel Demand' (NTA, 2020). Omitting, deleting or withdrawing the Nutley Lane link is not terminal to other aspects of the main B-spine scheme from the city centre to Blackrock. The link can be revisited as part of the E-spine corridor, as was originally envisaged, when that is submitted to ABP for approval. In the interim, a full business case and a comprehensive cost-benefit analysis can be carried out and any further necessary mitigation can be incorporated before any works that are unnecessarily destructive and irreversible can be approved before being put into effect.

At the time of writing transportation systems throughout Europe, the UK and beyond are in a state of chaos as the impacts of the Covid 19 pandemic on travel and commuting become more apparent. The main analysis of need and consultation in relation to BusConnects was

pre-pandemic. The effects of the post-Covid changes have not been fully evaluated in the proposals submitted to ABP, including new information on work locations (including home and hubs) and commuting patterns, as the patterns are still in flux.

This is more so important in the context where the case for the Nutley Lane link is tenuous even in a full demand context, whereas the 'Alternative Scenario' envisages a reduction in demand. Based on information provided there does not appear to be any potential travel demand along Nutley Lane sufficient to justify two exclusive bus lanes on this road.

The documentation submitted in respect of the scheme submitted to ABP is promotional and is not sufficiently rigorous in assessing recent developments in travel patterns and future prospects for commuting and does not allocate sufficient weight to the potential negative property, recreational, community and ecological impacts of the Nutley Lane link for it to be justified as proposed. The balance of anticipated planning gain over loss has not been properly assessed.

Until the post-pandemic effects are better known the case for marginal elements such as the Nutley Lane link is severely weakened. To approve the Nutley Lane link as an integral element of the mainline (B-spine) scheme would be premature and it can be omitted/deleted/withdrawn with no particular damage to the objectives of the mainline scheme.

Application of the precautionary principle would indicate that the Nutley Lane link is unsupported and premature and should not be approved as proposed.

8.0 Summary and Request

In general, it is queried that, notwithstanding apparent compliance with overall Government and GDA transportation strategies, a properly prepared EIAR must consider reasonable alternatives, which would include best case support for proceeding with the scheme alone and/or in combination with other schemes that are envisaged – in this context, Bus Connects and DART Coastal capacity increase.

It is submitted that within the proposed scheme a fully supported case has not been made for the Nutley Lane link. The disruption caused by the scheme as proposed along Nutley Lane far exceeds the benefit to upgrade to active and public transport movement, which is the key purpose of the scheme.

The impacts of the proposed scheme for EPGSC in terms of significance and duration for a significant community-based sports club, including the physical and financial effects upon sports facilities and the viability of the club, have not been considered at all in the assessments of environmental effects upon Population and Human Health in Chapters 10 and 11 of the EIAR.

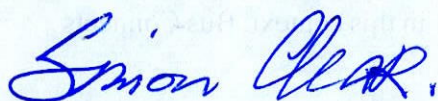
There does not appear to be a strong business case for the Nutley Lane link and the cost-benefit ratio in terms of physical and ecological impacts has not been resolved in the documentation provided to support the scheme as designed.

These concerns have been conveyed to NTA in the past and are not new.

It is requested that the Nutley Lane link be removed by ABP or withdrawn from the scheme entirely by NTA as the case for it has not been proven. If it is to be retained it must be with a reduced cross-section along the EPGSC frontage to mitigate severe impacts upon the club grounds and operations and upon the local environs.

It is requested that this submission be taken into account and that an Oral Hearing be held into the proposed Scheme and associated CPO, including formalisation of agreements on any consequent temporary and permanent land-take requirements and accommodation works should same arise. My clients reserve the right to call expert witnesses to address issues of concern at an Oral Hearing.

Yours sincerely,



Simon Clear