

An Bord Pleanála

Denis McSweeney Solicitors 40 Upper Grand Canal Street Dublin 4 D04N8X3

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 on behalf of your client in relation to the abovementioned proposed road development and will take it into consideration in its determination of the matter. Please note as Wappinger Food Corporation is listed on the schedule, no associated fee is required. A refund of €50 will issue to you shortly under separate cover.

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

Denis McSweeney Solicitors

40 Upper Grand Canal Street, Dublin 4 D04 N8X3

Tel: (01)

676 6033

Fax: (01)

281 5154

e-mail: info@denismcsweeney.com

www.denismcsweeney.com

D.X. Box No. 248

Our Ref: DMcS/ROL102007

Your Ref:

This matter is being dealt with by:

Denis McSweeney info@denismcsweeney.com

5 July 2022

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

LDG- 055053 -7 1055233-22

0 6 JUL 2022

Fee: € ______ Type:

īme: ______ By: _

Re:

Our Client:

Wappinger Food Corporation Limited

Dear Sirs,

We confirm that we act for Wappinger Food Corporation Limited. Having its registered offices at 21 Belvedere Place, Dublin 1.

We now enclose herewith copy of the submission prepared by Simon Clear & Associates Planning Consultants on behalf of our client regarding Wappinger Food Corporation Limited and the Bus Connects Belfield/Blackrock to City Centre Core Bus Scheme – Herbert Park/Merrion Road Junction.

We enclose herewith cheque in the sum of €50 made payable to An Bord Pleanala regarding the submission fee beside being the requisite fee in this regard.

Please acknowledge safe receipt of our submission in due course.

We await hearing from you.

Yours faithfully,

DENIS MCSWEENEY,

SOLICITORS

Partners: Denis McSweeney Niamh Kennedy

Associates: Denise Anthony Patrick Cowhey Paul Lett Sinead O'Boyle

Alexandra Moore Fiona Roche Dervla Mulcahy Amanda Rogers Sarah Lee

Consultant: Elaine Anthony



SIMON CLEAR & ASSOCIATES PLANNING AND DEVELOPMENT CONSULTANTS

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

12th July 2022

Re: Submission for Bus Connects Belfield/Blackrock to City Centre Core Bus Corridor Scheme – Herbert Park/Merrion Road junction.

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 Pleanala (ABP) for permission/confirmation.

Wappinger Food Corporation Limited (WFCL) have been notified of these submissions to ABP by NTA, as a body (WFCL) with interests in land affected by the Scheme and CPO.

On behalf of Wappinger Food Corporation Limited, 21 Belvedere Place, Dublin 1, I wish to make a submission to the Bus Connects Belfield/Blackrock to City Centre Core Bus Corridor Scheme.

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



Simon Clear B.A. Dip. T.P. MIPI Darran Quaife B.A. MRUP MSc BLUP MIPI Paula Shannon B.A. MRUP MIPI 3 TERENURE ROAD WEST, TERENURE, DUBLIN 6W D6W YY79, IRELAND.

Phone: 00-353-1-492 5934
Fax: 00-353-1-492 7617
E-mail: admin@clearconsult.ie
Web: www.clearconsult.ie
Vat No. 9803199H

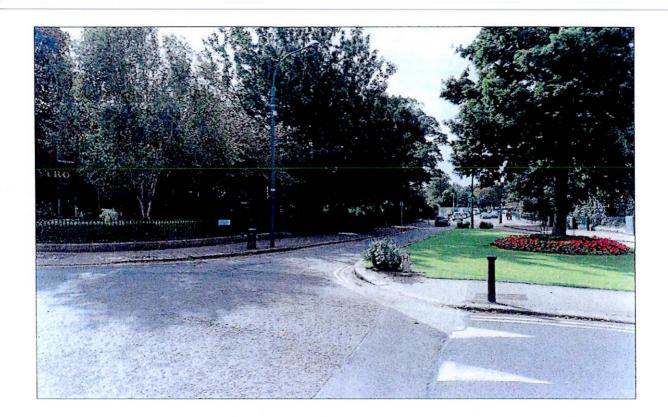
Introduction

WFCL are owners of No XX Merrion Road, trading as Roly's Bistro and occupying the premises and adjoining land at the junction of Merrion Road with Herbert Park Road. The land adjoining the gable of Roly's Bistro is in the ownership of Dublin City Council, as part of the extensive Herbert Park portfolio of land.

Roly's management has helped to upkeep this adjacent area in cooperation with the DCC Parks Service for decades. Recently, during the Covid19 pandemic the Government encouraged outdoor dining and in respect of which alterations to Planning Regulations were introduced and section 28 Guidelines were issued (extended to November 2022), WFCL entered into an agreement with DCC whereby an external dining pergola structure was added to the gable of Roly's Bistro and a licence to occupy the land on payment of an annual fee was granted by DCC.

Having been notified of the proposed scheme WFCL have reviewed the proposals at the Merrion/Herbert Park Road junction and have found that the new pergola structure has not been identified and taken into account in the scheme as proposed.

The structure did not exist when the 'existing' condition photography was taken for photomontage purposes for the EIAR, as shown below.



The terrace structure is shown in the Google Streetview image January 2022 exhibited below, also showing trees, hedging, granite plinth wall, railings and an ESB substation.





Plan of Pergola

Submission

Not being opposed to the overall BusConnects scheme in principle, it has been identified that some local modifications to the scheme are possible to accommodate the existing structure and also to accommodate the active movement proposals envisaged at the redesigned cross-roads junction at this location, which is intended to ease the route to Shelbourne Road.

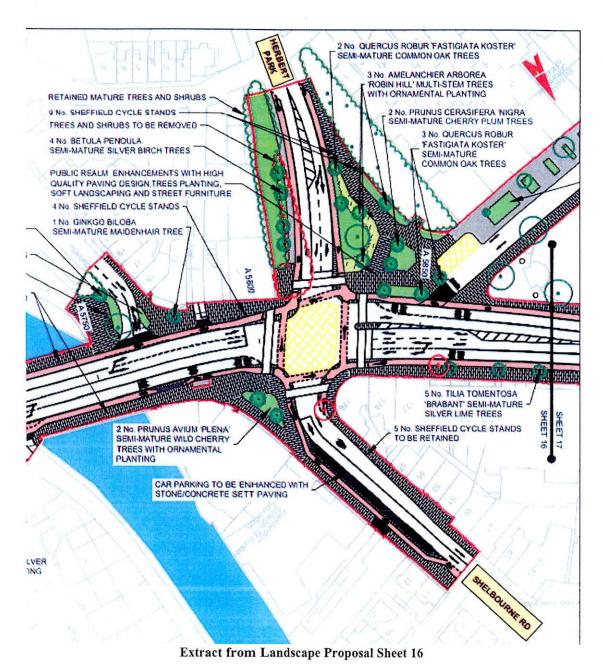
A detail of the area of interest is shown below. It can be seen that the current arrangement for crossing from Herbert Park is to be simplified, as a direct cross-roads traffic light-controlled crossing with pedestrian crossings and landings. The green area to the left (west) is Dublin City Council parkland on which the attractively designed Roly's dining pergola is located. A footpath, cycle path and pedestrian crossing landing fall within this area and coincide with the footprint of the pergola. Also impacted are heritage granite plinths and railings, part of the original Herbert Park boundary, which have been recently upgraded, along with trees and hedging.

A number of trees, hedging and shrubs will also be removed at this location as part of the proposed scheme.

The area on the right (east) is the land currently occupied by the diversion island leading to Eglin Road, where traffic lights are currently provided to access a staggered junction to reach Shelbourne Road travelling north from Herbert Park Road. The diversion island area is less mature and has no heritage or ecological associations compared to the Herbert Park side.

It is submitted it is possible to move/curve the junction approach on the Herbert Park side of the realigned junction to the east, into the diversion island so that there is no impact on the pergola dining area and reduced impact on other features. Eglin Road is proposed to be a cul de sac at this location. The pedestrian crossing can also be adjusted to be parallel to the cycle lane along Merrion Road.

So adjusted, the pergola can be an attractive and animated feature on the corner, providing passive surveillance of the junction, with the plinth wall and railings reinstated. The permanent CPO should be reduced to that essential for the operation of the scheme. Roly's and DCC have the capacity and capability for long-term maintenance of the parkland whereas, it is submitted, NTA do not.



EIAR Biodiversity Chapter

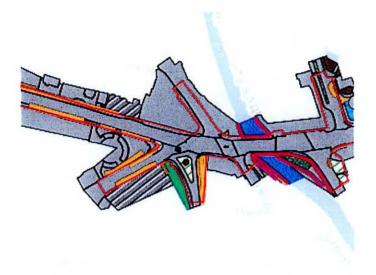
Chapter 12 of the EIAR examines impacts of the proposal on Biodiversity.

Habitats Survey

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 at Pembroke Road/Herbert Park. At the area adjacent to Roly's Restaurant the recorded habitats are: -

WL2 - Treeline

WS3 - Ornamental / non-native shrub



Extract from Figure 12.5 - Habitat Survey Results

Note: The survey does not reflect the structures that have been erected at this location, which would be classified as BL3 'Buildings and artificial surfaces' in accordance with *A Guide to Habitats in Ireland*.

The EIAR assesses habitat WL2 as being of 'Local Importance – Higher Value' as it is not common in the surrounding area and has a relatively rich species composition in the context of surrounding habitats. This habitat is also classified as a Key Ecological Receptor (KER).

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

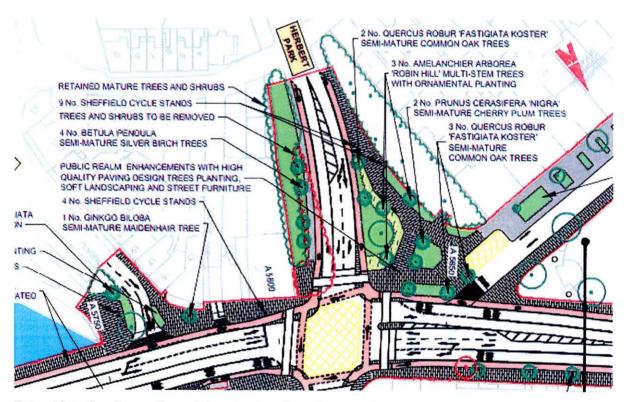
Bats, including their breeding and resting places, are protected under the Wildlife Acts. All bat species are listed on Annex IV of the Habitats Directive, with the lesser horseshoe bat

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. It is noted that no surveying was carried out at this location, which is a significant omission.

Habitat Removal

The Landscape General Arrangement Drawings indicate the nature and extent of proposed habitat removal. Sheet 16 indicates with red bubbling the removal of 'trees and shrubs' adjacent to Roly's.



Extract from Landscape General Arrangement Drawing Sheet 16

Commentary

The park adjacent to Roly's supports a (treeline) habitat of ecological significance, which habitat is acknowledged in the EIAR to be uncommon in the surrounding area. The EIAR (Table 12.5) assesses the potential impact on this habitat as a 'Likely significant effect at the local geographic scale'.

Treelines in urban environments are commonly used by bats for roosting, foraging and

commuting. The potential impact of the removal of this habitat at this location on bats has

not been assessed in the EIAR.

Request

It is not possible at this time to accurately plot the footprint of the pergola structure onto

the proposed scheme mapping that can be downloaded (as the software formats are

incompatible).

It is requested that the NTA scheme designers take account of the structure that exists and

make appropriate adjustments to retain the structure with less modification on the Herbert

Park side, with a curved approach to the proposed modified junction.

As the tree-felling is a compounding issue that is unnecessary with these suggested

alignment adjustments the impact on bats, which has not been assessed in conjunction with

this aspect of the proposed development, would be significantly mitigated.

It is requested that this submission be taken into account and that an Oral

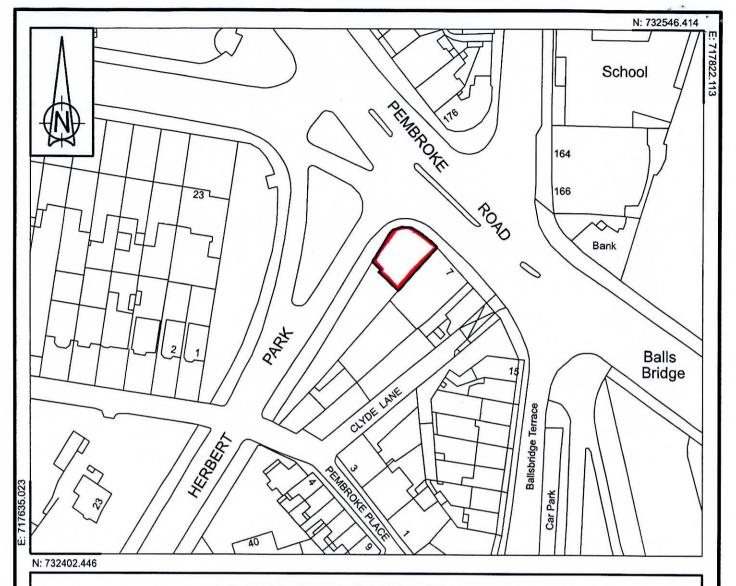
Hearing be held into the Scheme and the associated CPO, including formalisation of

agreements on accommodation works should same arise.

Yours sincerely,

Simon Clear

9



HERBERT PARK (Site at)

Dublin City Council to Rolys Bistro

Grant of 12 Month Licence

Area - 177m²



Comhairle Cathrach Bhaile Átha Cliath Dublin City Council An Roinn Comhshaoil agus Iompair Rannán Suirbhéireachta agus Léarscáilithe

Environment and Transportation Department Survey and Mapping Division

O.S REF	SCALE
3264 - 23	1:1000
DATE	SURVEYED / PRODUCED BY
07-06-2022	L. Butler

Dr JOHN W. FLANAGAN

CEng FIEI FICE
CITY ENGINEER

| INDEX No | DWG | REV FILE NO F:\SM-2020-0585- 001 - A.dgn

THIS MAP IS CERTIFIED TO BE COMPUTER GENERATED BY
DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBAS

SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED

THOMAS CURRAN ACTING MANAGER LAND SURVEYING & MAPPING DUBLIN CITY COUNCIL INDEX No. SM-2020-0585

OSi data: Ordnance Survey Ireland. All rights reserved. Licence Number 2020 /23/CCMA/ Dublin City Council