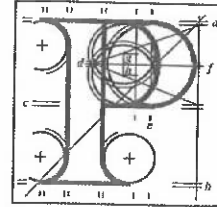


Our Case Number: ABP-313182-22



**An
Bord
Pleanála**

Brendan Heneghan
88 Parkmore Drive
Terenure
Dublin 6W

Date: 13 July 2023

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

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned case. The contents of your submission have been noted.

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,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

CH08

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An Bórd Pleanála

30 June 2023

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
30 JUN 2023	
Fee: €	_____ Type: _____
Time: 15:18	By: <u>AMP</u>

Your reference ABP-313182-22 Clongriffin

This is a response to your letter of 1 June 2023 setting a deadline of 5 July 2023 for a submission on a document dated 21 July 2022.

Preliminary

I should say that the document I have been asked to comment on is 311 pages long and relates to an application I last read over one year ago. The document has existed for almost a year, but I was only given the opportunity to comment on it over 10 months after its date, despite the fact that pages 77 to 88 of it are dealing exclusively with comments I made in a very selective manner. The document itself was I believe only added to the website well after 21 July 2022. I do not believe this document appears on any NTA or BusConnects website despite its significance.

I believe the timescale of five weeks is wholly inadequate to deal with this properly. I requested an extension of time on 23 June 2023 (when I first saw the letters) but this has been refused and I was requested to "submit what you can within the specified period". By contrast there have been four separate extensions on bus corridor projects sanctioned by you and occasioned by the lack of resourcing or errors of NTA being

1 an extension to file their report on the Ballymun Finglas corridor 314610, occasioned by their winter holiday issues I believe

2 an extension to file their report on the Lucan corridor 314942

3 an extension to submissions on the Blanchardstown corridor 313892 occasioned by their failure to supply correct display documents

4 an extension to submissions on the Rathfarnham Templeogue corridor 316272 occasioned by their specifying two different dates to make submissions.

I think this is manifestly unequal treatment as between a developer with massive resourcing who is routinely given extensions to longer time scales to sort out its problems and a member of the general public. This fundamentally undermines the right of the public to comment.

Specific issues on document

No concessions whatever

I don't believe the document is particularly helpful to the Bórd in resolving any of the contested issues. I cannot find a single place in the entire 311 pages where NTA conceded that maybe one of the 95 submissions had a valid point which perhaps in the light of what they say ought to allow the Bórd make a modification to the scheme. This I believe is a feature of all the six reports to date. It is simply not credible that across six schemes, not a single point has been raised by any observer which has any merit whatsoever.

I have a professional background in identifying say 30 points of disagreement on a substantive project. Normally each side would readily concede between them say 25 of those points and let the major five issues be resolved between the parties. The approach of not conceding an inch is in my view wholly unhelpful to the Bórd in resolving the relatively limited numbers of substantive issues raised on this corridor that are problematic in a planning and environmental sense. I have never in my professional experience seen such an unhelpful approach by one party in resolving such issues.

Additional arguments

I believe that a lot of the content of the 21 July 2022 document consists of extra arguments by NTA, not included in the original documents at all. This is particularly advantageous to them as they now know what the specific issues are and can concentrate resource on putting in additional points. I don't think they should be allowed do this. I think the Bórd has to disregard extra justifications only offered at this stage.

For example, the original scheme description of the Ayrfield works at page 6 Description says that "Between Priorswood Road junction and Newton Cottages there is a new proposed pedestrian footpath and cycle track through an existing green area which will link Ayrefield (sic) Drive and provide a much shorter route for these residents to gain access to the bus corridor. This will require the removal of a section of wall between the housing estate and the Malahide Road". The stated reason is to provide a much shorter route for these residents. It is implicit in 64 separate letters that residents actually don't want this. I don't think it is correct process at all that a set of completely new justifications can be offered.

The Ayrfield issue

The extensive ramblings by NTA about Airfield illustrate a lot of the enormous weaknesses in consultation and engagement.

I think the Ayrfield residents (who have paid an unjustified 64 x€50 to participate in the debate) have made a much stronger case for the retention of the wall than the limited case made by NTA. For example in the very first submission on your website, Anita Cullen, the observer very clearly says that the distance to the buses 17A, 27, 15, 42 and 43 is not an issue for her and there are similar comments in other submissions. The case made by NTA for the wall is to facilitate access by Ayrfield residents.

I find the 36 pages of response to the Ayrfield issue quite extraordinary.

It is not at all clear despite its length that this was an issue there was much consultation on it at all over the various allegedly extensive prior consultation. I find it unacceptable that NTA did not even speak to the owners of numbers 45 and 47. The lack of any written observation over three rounds suggests that no one knew about it because NTA failed to deliver any leaflet to the estate. It is a complete waste of resource to provide six pages of guff from about page 37 about the general (highly unsatisfactory) consultation process, when clearly the complaint is failure to engage with Ayrfield residents on a local issue. One has to infer they simply did not engage on this issue; if they had, they could have said so in one paragraph on page 37. It is in my view wasting the time of the Bórd if NTA have not actually attempted to engage meaningfully on this issue.

It is clear that the substance of all the complaints is potential criminal behaviour which merits a mere page and a half in the response. I find it bizarre that the concerns are dismissed on the basis of a 25 year old study in Los Angeles and a case study in Knocklyon in south Dublin. I do not believe the latter is of much relevance; I had some involvement with it and I don't think the issue of breaking a wall arose. Your inadequate 5 week time scale has constrained my ability to check this out. I think the overwhelming evidence here is that this is a real issue and the response is a series of irrelevant points. I would contest the unilateral assertion that "the new infrastructure improvements should have a direct and immediate impact on crime along the corridors", not least because it simply not relevant to an area off the corridor, where the lighting drawing at page 9 indicate a single proposed lighting column for the green area.

It is also the case that a material observation is that small children currently play on the area and the wall stops them wandering out onto a busy dual carriageway. This is mentioned on page 43 but not addressed at all – an example of the selective approach of NTA to issues, manifested at the few public meetings as well. If this is indeed correct the proposal endangers the safety of children and is a serious loss of amenity.

There is a rather bizarre assertion on page 45 that people would not drive the long distance into these estates to park up and take the bus. There are numerous examples in the city where there is lots of localized parking used to get onto an adjacent bus, which involves a long drive. I think this fear is very real and the dismissal is factually inaccurate.

I note the initial issue addressed on the Airfield point is a lecture about how the people of Ayrfield do 62% of their travel by car. This seems to be an entirely new reason for the breaking of the wall. There is of course selective use of stats by NTA as they fail to note that 17% use the bus despite the alleged great distance to walk (close to the study are average and much greater than the 12% for county Dublin). These are of course 2016 census figures and very much out of date. It seems to be asserted that if only they had this gap in the wall, the 64% would decrease and the 17% go up, which I think is a fairly massive leap from the facts. I am also not convinced that the Ayrfield referred to is not the entire DED of that name of which this housing estate forms a part – again an issue I have not time to check.

Roundabouts

My query which they have not addressed on page 81 and following was about the lack of any justification for the pros and cons of removing a roundabout. Instead there is selective quotation from DMURS. The recommendation they referred to only relates to large roundabouts and they have omitted the bit about radii greater than 7.5 metres. It is my impression (photos on page 84 suggest it's not much wider than Ardlea) that the Artane roundabout may not meet that criterion; again a fact that your deadline precludes checking and I don't think is addressed in the documents. There is an option to retrofit them (which implies they remain) and there is no analysis in the documents as to whether this is the better option. There are plenty of examples around south Dublin in particular of retrofit rather than signalised. Further it is clear from a piece again not quoted that the use of large roundabouts "should be restricted to areas with lower levels of pedestrian activity"; this implies that there is no need to interfere with them in areas with lower levels of pedestrian activity. There is no evidence supplied I think in the vast documentation that the Blunden Drive roundabout is not one of lower pedestrian activity.

I don't much care personally about these two particular roundabouts, but I do believe that it is not enough in itself to say "oh DMURS requires it". I do not think DMURS can properly be interpreted as requiring eliminating a roundabout in a way which will cause gridlock for a considerable distance around and I think there are many examples of where roundabouts have been modified to work for pedestrians and cyclists.

The off road cycle track at Brian Road/ Haverty Road

The commentary wholly misses the point of my observation which is whether the inbound track crossing a very busy road at Copeland Avenue per map 19 and then presumably re-crossing Fairview at the other end is worth the bother, as it won't be used.

Bus journey times

The substance of my issue is that the savings are miniscule compared to what was claimed. It is entirely a decision of NTA to have one corridor consulted on and a much shorter one applied for and I am not impressed by pleadings that their ability to compare is affected by their last minute change of plan. While there is a page of waffle here, they do confirm the average saving of 4 minutes in the AM peak, a vast difference from 85/65 and 30-35 minutes as asserted through the process.

Aarhus

As I have clearly asserted, I believe Aarhus applies to this project and that they have not complied. The case they make in their document is that it is applicable but that their three stage process complies. They do not deal at all with the exclusion of the non computer literate. The failure to unearth and address the Ayrfield problem seems to be proof that their process did not work.

They do appear to imply that you should be holding an oral hearing as it is effectively the same thing as the "public hearing" referred to in Kazakhstan.

What works are to be carried out

I remain none the wiser as to what exact works are to be permitted, were you to grant the application following reading section 6 and sections 7.1 and 7.2 of the Non-Technical Summary. The former just describes at a very high level what the scheme might look like when finished. It does not address what works are required to get to that position. Section 7 sets out very generally a list of construction activities and then says that a construction environmental management plan and a construction traffic management [plan - the word is omitted] have been prepared. I believe that it should be clear from a section in the application exactly what works are to be done. I have reasonable familiarity with applications and this is the first one I have ever seen where it is not relatively clear what works are to be carried out.

It is not for me to set out a list of works, but I would have thought that this could be done simply by reference to the maps in general arrangement. For example in map 6 of 21, I suspect the works are (1) the reconstruction of a cycle track to separate it from the road (2) the upgrade of the R139/Malahide Road junction and (3) the provision of a different bus stop at Clarehall. Things like trees and new signs could be covered by reference to the specific maps for those.

Brendan Heneghan
Brendan Heneghan

(on my own behalf)