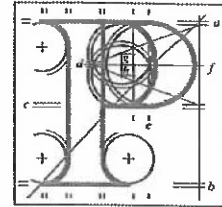


Our Case Number: ABP-314056-22



**An
Bord
Pleanála**

Brendan Heneghan
88 Parkmore Drive
Terenure
Dublin

Date: 04 July 2023

Re: Liffey Valley to City Centre Core Bus Corridor Scheme.
Fonthill Road to High Street all in the County of 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

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 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

Niamh Thornton

From: LAPS
Sent: Monday 3 July 2023 11:15
To: Niamh Thornton
Subject: FW: Liffey Valley ABP 314056-22
Attachments: Liffey Valley submission.docx

From: SIDS <sids@pleanala.ie>
Sent: Monday, July 3, 2023 11:14 AM
To: LAPS <laps@pleanala.ie>
Subject: FW: Liffey Valley ABP 314056-22

From: Bord <bord@pleanala.ie>
Sent: Monday, July 3, 2023 10:11 AM
To: SIDS <sids@pleanala.ie>
Subject: FW: Liffey Valley ABP 314056-22

From: Brendan Heneghan <brendanpheneghan@gmail.com>
Sent: Saturday, July 1, 2023 5:48 PM
To: Bord <bord@pleanala.ie>
Subject: Liffey Valley ABP 314056-22

Please see attached submitted on my own behalf in response to your letter. I assume that this can be sent to you via the email included in your letter.

Brendan Heneghan

88 Parkmore Drive

Terenure

D6W X657

An Bórd Pleanála

1 July 2023

Liffey Valley 314056-22

Dear Bord

This is a response to your letter of 1 June 2023 requesting a submission on a document dated 26 October 2022 submitted to you by NTA. It also seems to be the case that I may comment on some Dublin City Council submissions.

I have already commented in other similar letters about your refusal to allow an extension of time, the fact that NTA seem to agree with nothing in any submission (of which there are 54 here) but instead seem to use the report as a basis for bolstering their case on points they now know are contentious. I am asking that you treat the comments I have made in other responses on these points as equally applicable and to be taken into account on this case. I have copied extracts directly from the Clongriffin letter (not amended to Liffey Valley specifics) below.

I simply have not the time to consider this document fully or the Dublin City Council one at all in the short time given. I have therefore one comment

Bus gates

The document states at page 98 that "The submission also requests that An Bórd Pleanála consider the condition that any extension to these times will result in a planning application having to be submitted, **in order for the Board not to confuse the hours of operation**" The word in bold (mine) make no sense and do not reflect what I say.

Where the word "confuse" does appear in my submission is asking the Bórd to make a very clear distinction between "bus gates" where nothing (bar buses and taxis) may pass in operational hours and bus lanes, where there is always another lane available 24/7 to general traffic.

There is some suggestion in the response, which I don't think arise with any other bus gate, that effectively the NTA will unilaterally change the hours of operation more or less as they see fit, with some nebulous commitment to good faith and maybe talking to the local authority. This re-inforces my view that whatever hours are permitted by you in any planning permission, they should not be changed without a further application to you. I would be confident that good faith could be policed if the Bórd had a say in the matter. The hours of operation of bus gates are a critical issue for all other traffic and in particular locals.

I would note that it seems to be a condition of pretty well every planning permission that construction can only take place at certain hours Monday to Saturday and that any deviation requires the assent of the planning authority. What I am suggesting has a similar effect; they have to go back to you to change the hours.

There is no comment whatever on my submission that they should not apply Saturday and Sunday. I specifically also raised the issue of 06.00 to 10,000 Sunday morning for which there is in my view zero justification, but no response. This is unlike the Ballymun Finglas case 314610, where some unconvincing reason is given including that the motorists should generally know the same hours apply every day. Of course unilaterally changing the hours flies in the face of motorist certainty, which seems to be regarded as important in the Ballymun explanation.

I should say that I do not agree that they have adequately explained the claims about time savings or that the consultation process was adequate.

Brendan Heneghan

Extract from Clongriffin 313182-22 referred to

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.

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 to 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.