



**Ballymun / Finglas  
to City Centre Core  
Bus Corridor  
Scheme**

**NTA Observations on  
CPO Objections**

February 2023

**BUS  
CONNECTS**

SUSTAINABLE TRANSPORT FOR A BETTER CITY.

## Table of Contents

1.	Introduction .....	2
1.1	Compulsory Purchase Order .....	2
1.2	Overview of Objections Received .....	2
2.	Response to Objections to the Compulsory Purchase Order (CPO) .....	3
2.1	Overview of Objections .....	3
2.2	CPO No.1, 2, 3, 4, 5, 7, 9, 13, 14, & 17 at 163a / 163 / 165 /167 St. Mobhi Road – CPO Plot Nos. 1015 / 1016 / 1017 / 1018.....	3
2.3	CPO No.8, 10 & 16 at The Bernard Shaw Pub, Prospect Road – CPO Plot No. 1010 .....	9
2.4	CPO No.12 & 15 at Phibsborough Shopping Centre – CPO Plot No. 1021 .....	14
2.5	CPO No.6: Broadstone Pocket Garden – CPO Plot No. 1025.....	18
2.6	CPO No.11: Our Lady of Victories Schools – CPO Plot No.1003 .....	22

# 1. Introduction

## 1.1 Compulsory Purchase Order

This report provides a response to the objections made to An Bord Pleanála (“the Board”) in response to the following:

- *the Ballymun/Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022 (“the CPO”).*

A separate report provides responses to the submissions in relation to the application under Section 51 of the Roads Act 1993, as amended, for approval of the Ballymun/Finglas to City Centre Core Bus Corridor Scheme (“the Proposed Scheme”).

An overview of the objections is provided in Section 1.2. The issues raised in the objections to the CPO, together with the relevant responses, are provided in Section 2.

There is some overlap between the issues raised in certain objections to the CPO and submissions by the same parties on the Proposed Scheme, in which case only the issues relevant to the CPO are addressed in this report, and issues relevant to the Proposed Scheme are responded to in a separate report.

## 1.2 Overview of Objections Received

A total of 17 objections were received by An Bord Pleanála for the CPO, of which 4 objections were related both to Scheme and CPO matters.

The objections in response to the CPO are broken down into groups either associated with a particular location along the Corridor or of a more general nature below. Table 1.1 sets out the locations referred to, the number of objections referring to each location and the key issues raised by the objections.

The CPO objections relate to a range of topics including land ownership queries, loss of property value, access implications and antisocial behaviour. Table 1.1 sets out the locations and the key issues raised by the objections.

**Table 1.1: Summary of Objections in Response to the CPO**

Location	Objection by	Key Issue Raised
163a, 163 & 165 St. Mobhi Road	Terence & Noleen McNamee Anne Kelly Bryan & Sharini McElroy Christopher Martin Clare Kelly Deirdre Lambe Kevin Murphy Will Cronin	Impact on business & property
167 St. Mobhi Road	Ann Moynihan Anna Bourke	Impact on business & property
The Bernard Shaw pub, Prospect Road / Whitworth Road Junction	Trevor O’Shea The Porterhouse Village Pizza	Impact on business
Phibsborough Shopping Centre	MM Capital Tesco	Impact on property / Access / Parking / nearby junction
Broadstone – Royal Canal Terrace	CIE	Impact on business of advertising hoarding / Biodiversity in park area
Open space plot at Ballymun Road	Our Lady of Victories Schools	Access during the works and impacts for the schools.

## 2. Response to Objections to the Compulsory Purchase Order (CPO)

### 2.1 Overview of Objections

This chapter of the report addresses the 17 written objections, applicable to 7 plots, (of which one was a joint letter for 10 people for 3 separate plots), that were received by the Board against Compulsory Purchase Order for the Proposed Scheme under ABP Case Number ABP-314642-22 within the prescribed period for making of objections.

The objections are listed in Table 2.1.

**Table 2.1: CPO numbering by geographic location**

CPO Ref No.	Location	CPO Ref No.	Location	CPO Ref No.	Location
1	167 St. Mobhi Road	7	163a St. Mobhi Road	13	163 St. Mobhi Road
2	163 St. Mobhi Road	8	The Bernard Shaw pub, Prospect Road / Whitworth Road Junction	14	163a, 163 & 165 St. Mobhi Road
3	163 St. Mobhi Road	9	163 St. Mobhi Road	15	Phibsborough Shopping Centre
4	165 St. Mobhi Road	10	The Bernard Shaw pub, Prospect Road / Whitworth Road Junction	16	The Bernard Shaw pub, Prospect Road / Whitworth Road Junction
5	163 St. Mobhi Road	11	Our Lady of Victories Girls National School, Ballymun Road	17	163 St. Mobhi Road
6	Broadstone	12	Phibsborough Shopping Centre		

### 2.2 CPO No.1, 2, 3, 4, 5, 7, 9, 13, 14, & 17 at 163a / 163 / 165 /167 St. Mobhi Road – CPO Plot Nos. 1015 / 1016 / 1017 / 1018

#### Description of Proposed Scheme at this Location

There is an existing bus stop in front of these premises as shown in Figure 3-5, where there is a 1.5m wide layby provided for buses to pull in partially off the road. The existing bus stop shelter sits on a 3m wide concrete apron and behind that the private landing area in front of the shops is 2.7m wide, giving a total width of 7.2m from the road edge to the front of the building.

In the Proposed Scheme, the bus layby will be removed, and the 3m wide bus stop island and shelter will move forward by 1.5m closer to the road. A cycle track will be provided behind the bus shelter in accordance with the standard detail included in the *Preliminary Design Guidance Booklet for BusConnects* (included in EIAR Volume 4, Appendix A4.1) as shown in Figure 2-1.

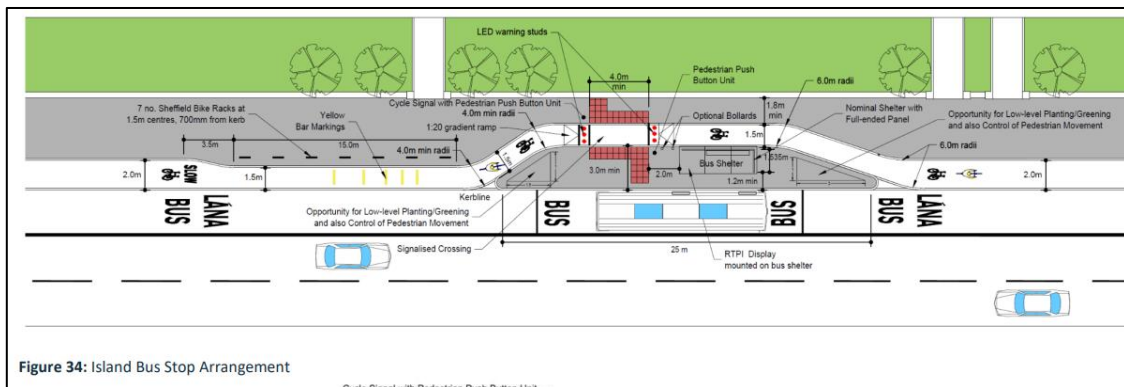


Figure 34: Island Bus Stop Arrangement

### Figure 2-1: Standard Detail for Island Bus Stop

On St. Mobhi Road generally the proposed cycle tracks will be narrower than usual at 1.25m wide to fit behind the trees, and therefore in this case the arrangement at the bus stop will also have a 1.25m wide cycle track, which will deviate slightly from the 1.5m shown on the standard detail.

In total the width from the road edge kerb to the rear of the cycle track will be 4.25m, which will leave a distance of 2.95m between the cycle track and the front of the building. The effective width of the footpath behind the bus stop will therefore increase slightly from 2.7m to 2.95m. This footpath area is currently a private landing, and it will become a public footpath if the CPO is confirmed.

The CPO for the Proposed Scheme includes areas of private landings in 5 plots (4 permanent and 1 temporary) across the frontage of the 5 adjoining properties at No.163a, 163, 165, 167 and 169 St. Mobhi Road.

CPO No.	Name	Plot No.	Address
1	Anne Moynihan & Anna Bourke	1018	167 St. Mobhi Road
2	Anne Kelly	1016	163 St. Mobhi Road
3 & 13	Bryan & Sharini McElroy	1016	163 St. Mobhi Road
4	Christopher Martin	1017	165 St. Mobhi Road
5	Clare Kelly	1016	163 St. Mobhi Road
7	Deirdre Lambe	1015	163a St. Mobhi Road
8	Kevin Murphy	1016	163 St. Mobhi Road
14	Terence & Noleen McNamee	1017	165 St. Mobhi Road
17	Will Cronin	1016	163 St. Mobhi Road

A joint submission was made on behalf of 10 people who own or occupy the business and residential premises at No.163a, 163 and 165 (Plots Nos. 1015, 1016 & 1017). Separate objections were made by the owner and occupier of No.167 (Plot No,1018). There is much in common with the issues at this group of properties and therefore a joint response is provided to them.

The land take required is shown in the following:

- Extract from CPO Deposit Map Sheet No.7 in Figure 2-2 showing the relevant Plots.
- relevant extract of the EIAR Volume 3 Chapter 4 Proposed Scheme Description Appendix the General Arrangement drawings in Figure 2-3.
- and the existing aerial views in Figure 2-4.
- existing street views in Figure 2-5 and Figure 2-6.



Figure 2-2: Extract from CPO Deposit Map Sheet 7

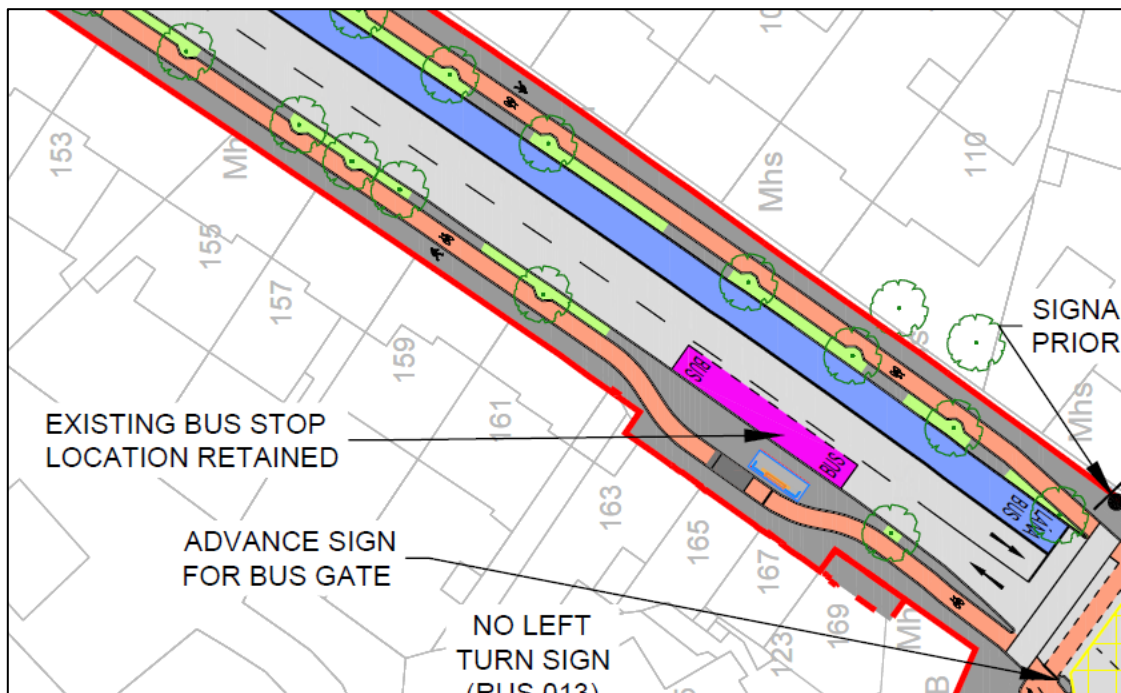


Figure 2-3: Extract from General Arrangement Map Sheet 11



Figure 2-4: Aerial View of the Location



Figure 2-5: Street View of the Location



**Figure 2-6: Existing Bus Stop in front of No.165/167 St. Mobhi Road**

### Summary of Objections Raised

The objections to the CPO raise the following issues:

- a) Devaluation of the properties and impacts for businesses.
- b) The need for a bus shelter and the location of the bus stop.
- c) Pedestrian safety.
- d) Placement of bins.
- e) Loading.
- f) Disruption during construction.

### Responses to Objections Raised

#### a) Impact for Properties and Businesses

As described the proposed scheme will result in only minor change to the street layout at these properties, and there is likely to be very little impact for their value and operation due to the conversion of the private landing areas to public footpath.

If the CPO is confirmed by An Bord Pleanála, a Notice to Treat will be served on each landowner whose land is being acquired. Following service of the Notice to Treat, each landowner will be required to submit a claim for compensation and as part of this process, the NTA will pay the reasonable costs (as part of the claim) for the landowner to engage their own agent / valuer in preparing, negotiating, and advising on compensation for the devaluation of the property.

#### b) Bus Stop Location and Shelter

There is an existing bus stop at this location which serves a large catchment area, and it will remain essential for access to the bus services on the existing bus routes and the proposed Spine E route. A full assessment was undertaken for the bus stops along the route as described in Appendix H of the Preliminary Design Report (Supplementary Information) which sought to optimise bus stop locations



and spacing to serve the catchment area along the core bus corridor. This assessment confirmed that Bus Stop No.148 is essential to serve the extensive local catchment area.

Appendix H of the Preliminary Design Report (Supplementary Information) sets out the requirements for Bus Stop Shelters that are provided as standard on all of the core bus corridors as they provide important shelter and comfort for waiting passengers. The new shelter will be located 1.5m further from the building frontage.

c) Pedestrian Safety

There will be a slight increase in the effective width of the footpath from 2.5m to 2.75m in front of the building and therefore there can be no impact for pedestrian safety and comfort. The cycle track will be clearly segregated from the footpath with a delineation kerb.

d) Placement of Bins

At present bins are placed on the footpath area, and this will remain the case in the Proposed Scheme.

e) Loading

There is no formal loading bay at this location, and the situation will remain effectively the same in the Proposed Scheme.

f) Impact for Access During Construction

The construction works at this location will be short in duration and will take place at a distance of 2.75m from the building frontage. Disruption during the works should be minimal. When roads and streets are being upgraded, there will be some temporary disruption / alterations to access to premises in certain locations along the Proposed Scheme. Local arrangements will be made on a case-by-case basis to maintain continued access to homes and businesses affected by the works, at all times, where practicable. As described in paragraph 5.5.3.1 of Chapter 5 of Volume 2 of the EIAR, details regarding temporary access provisions will be discussed with homes and businesses prior to construction starting in the area. The duration of the works will vary from property to property, but access and egress will be maintained at all times.

## 2.3 CPO No.8, 10 & 16 at The Bernard Shaw Pub, Prospect Road – CPO Plot No. 1010

The CPO for the Proposed Scheme includes an area of private landings across the frontage of the Bernard Shaw pub on the eastern side of Prospect Road at the corner of Whitworth Road. There are several occupiers of the pub and objections were received from 3 separate parties as listed in Table 2.1. The land take required is shown in the following Figures:

- Extract from CPO Deposit Map Sheet No.9 in Figure 2-7 showing the relevant Plot No.1010.
- relevant extract of the EIAR Volume 3 Chapter 4 Proposed Scheme Description Appendix the General Arrangement drawings in Figure 2-8.
- and the existing aerial views in Figure 2-9.
- existing street view in Figure 2-10.

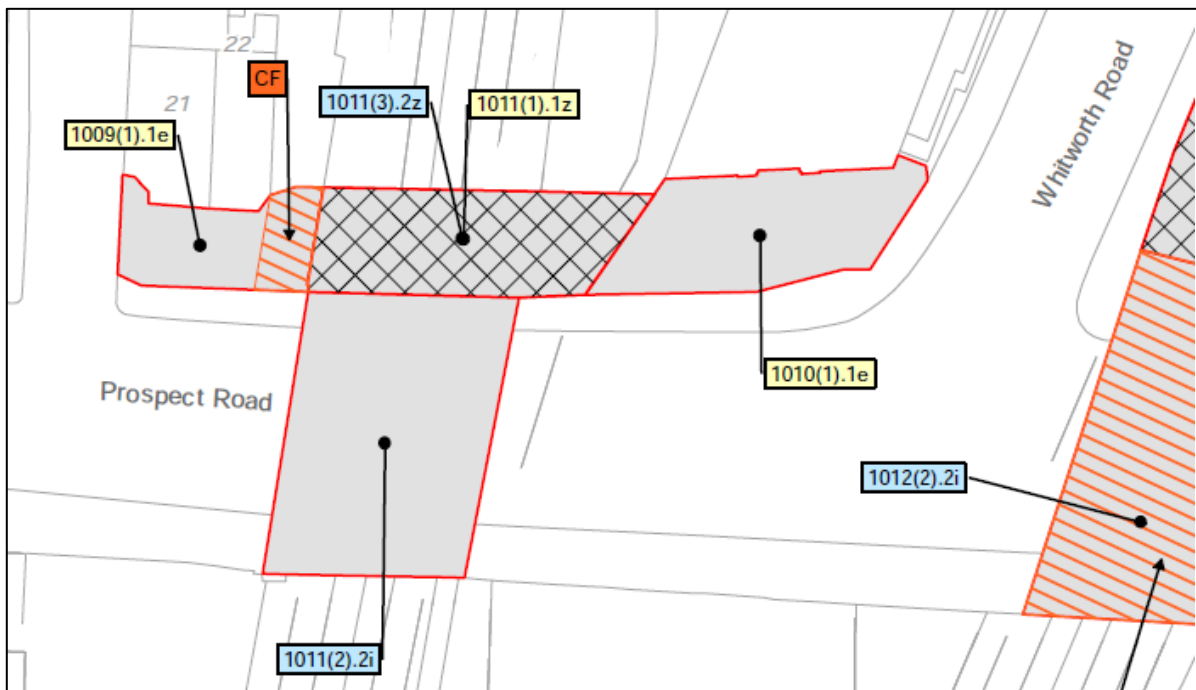


Figure 2-7: Extract from CPO Deposit Map Sheet 9

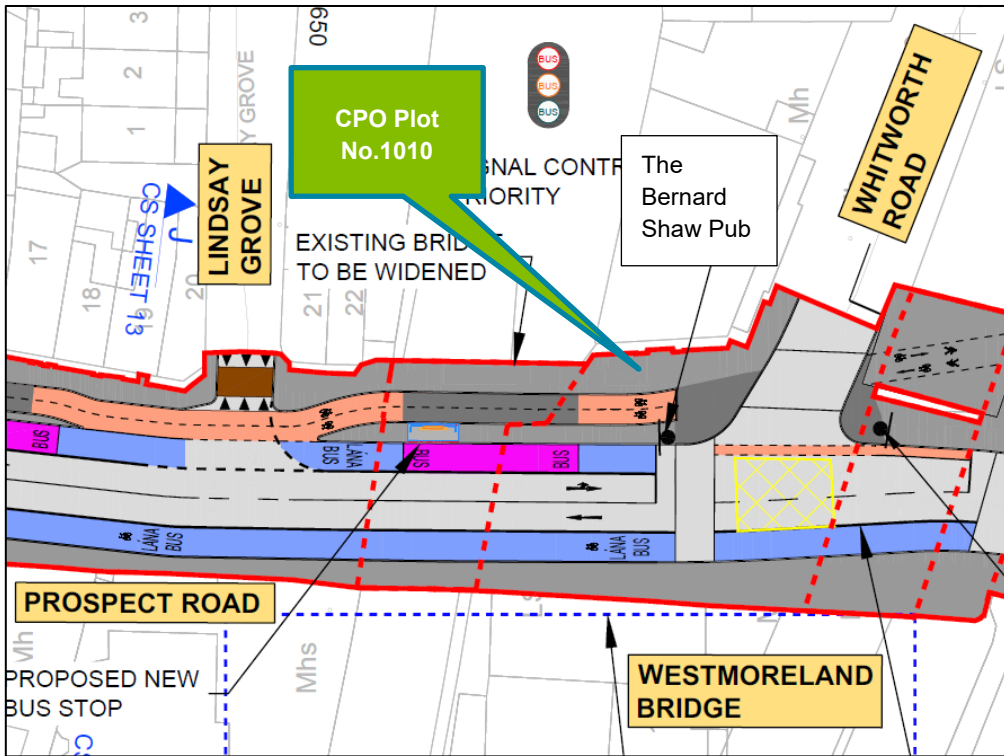


Figure 2-8: Extract from General Arrangement Map Sheet 13

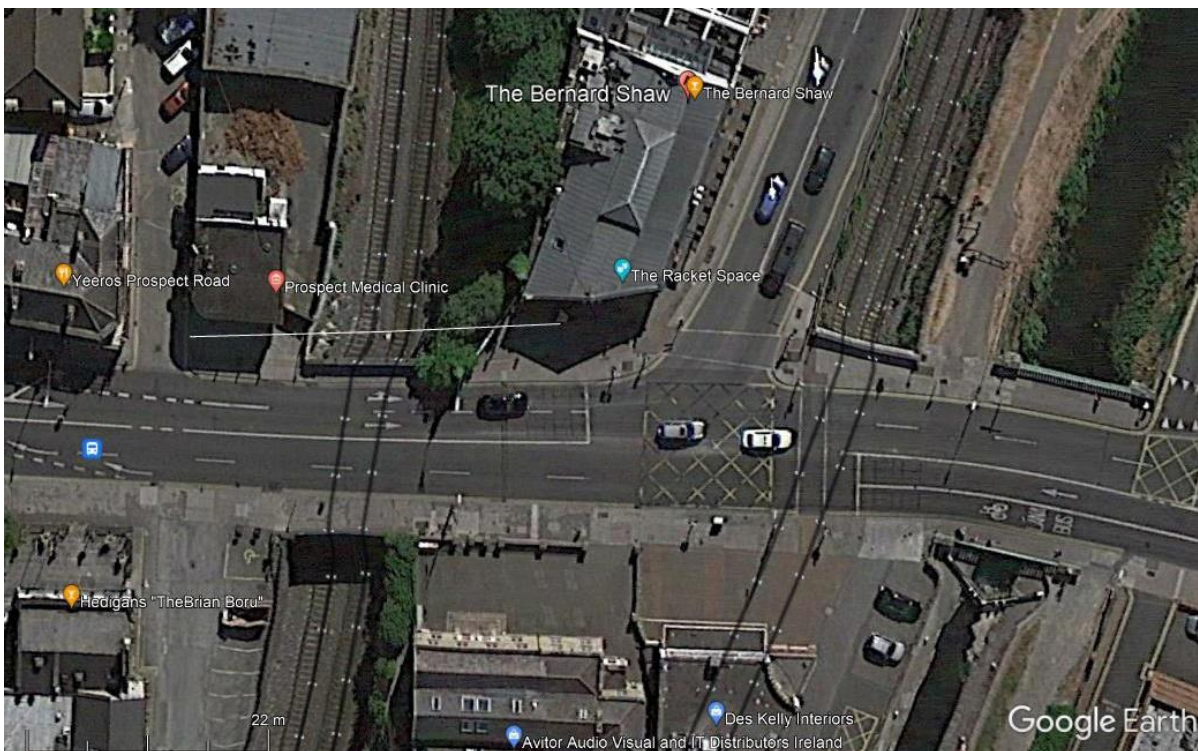


Figure 2-9a: Aerial View of the Location (2018)



Figure 2-9b: Aerial View of the Location (2022)

The two images in Figures 2-9a and 2-9b show how there is now greater use made of the private landing area in front of the pub on Prospect Road for outdoor seating than there was several years earlier as shown in Figure 2-10.



Figure 2-10: Street View of the Location

### Description of the Proposed Scheme at this location

The corner of Prospect Road and Whitworth Road is a very busy location with large numbers of pedestrians on a fairly narrow footpath beside the busy road. There are no cycling facilities, and no space within the road to provide any. A major objective of the Proposed Scheme is to provide a segregated cycle route linking from the Royal Canal northwards past Hart's Corner towards Ballymun and Finglas. The most suitable solution to the major difficulties for cyclists in the hostile one-way traffic system at Hart's Corner is for a two-way cycle track to be provided along the eastern side of Prospect Road. This will require the acquisition of private landing areas, including at the Bernard Shaw pub, and widening of the adjoining railway bridges. The CPO will therefore remove the private seating area at the front of the pub as shown in Figure 2-10.

### Summary of Objections Raised

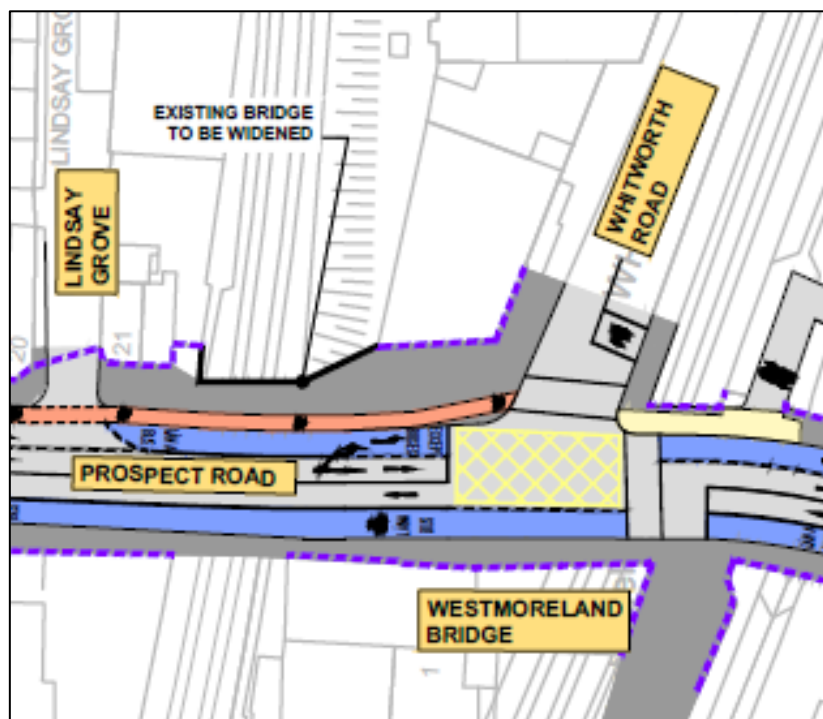
The objections to the CPO raise the following issues:

- a) Loss of outdoor dining and drinking space, with an associated food truck.
- b) Access at the main entrance and deliveries

### Responses to Objections Raised

#### a) Loss of outdoor space

The impact for the businesses in terms of loss of outdoor space at the Prospect Road frontage is unfortunate and unavoidable. The BusConnects proposals for the Ballymun to City Centre Core Bus Corridor were first publicised in Public Consultation for the Emerging Preferred Route (EPR) in February 2019 (the information booklet is included in the *Preferred Route Option Report Appendix F1*). At that time the proposals as shown on Map 12 of the information booklet indicated the intention to widen the railway bridge and to extend the footpath areas on either side, including in front of what was then the Porterhouse pub as shown in Figure 2-11.



**Figure 2-11: EPR Proposal in February 2019**

Over the past 4 years there has been considerable change at the pub premises at the corner of Prospect Road and Whitworth Road. It previously traded as *The Porterhouse* without any outdoor seating on the Prospect Road side, as may be seen in Figure 2.9a earlier. The pub then closed for a period, including the early part of the Covid-19 lockdowns, and then reopened as *The Bernard Shaw* which relocated from Charlemont Street across the city. Since then various other food businesses operate out of the pub, including the Village Pizza food truck and others at the rear in the *Eat-Yard* area off Whitworth

Road. These increased activities took place at a time when it was public knowledge that the NTA intended to widen the public footpath on Prospect Road as part of the Ballymun to City Centre CBC scheme.

The Proposed Scheme has been designed to deliver upon the scheme objectives set out in Chapter 1 Introduction of Volume of the EIAR to deliver a Core Bus Corridor and significantly increasing the Level of Service of the provision for pedestrians and cyclists. In some areas, CPO is required to deliver what has been determined to be the most appropriate design configuration that meets these objectives. The decision to acquire land in these locations has not been taken lightly and all areas included in the CPO have been carefully considered and only included where deemed absolutely necessary to meet the scheme objectives and to construct the scheme with permanent and temporary acquisitions respectively.

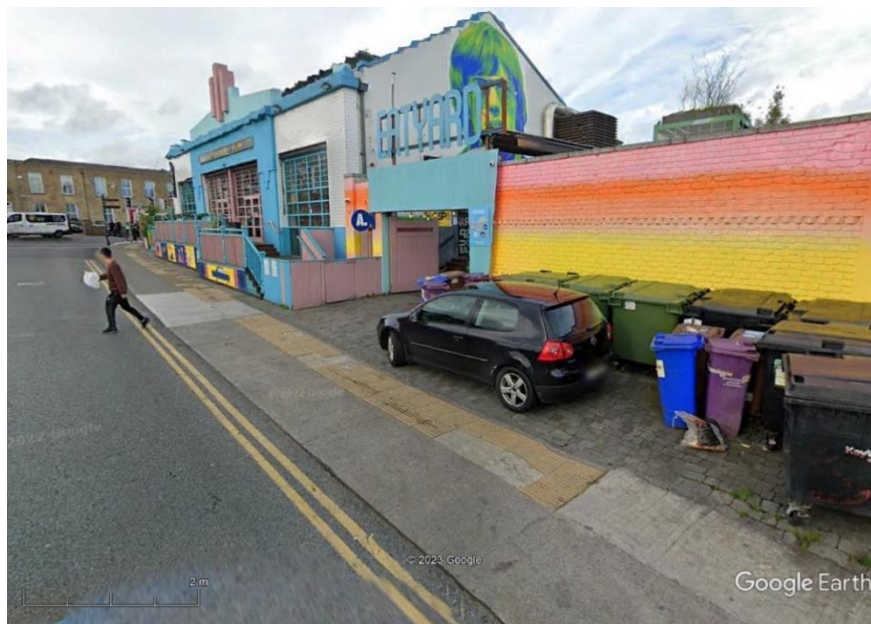
In this specific area, the proposed cross-section and subsequent land acquisition have been considered and deemed necessary to facilitate the optimum scheme as presented in EIAR Volume 3 Chapter 4 Proposed Scheme Description Figures, General Arrangement drawings.

If the CPO is confirmed by An Bord Pleanála, a Notice to Treat will be served on the landowner whose land is being acquired. Following service of the Notice to Treat, the landowner will be required to submit a claim for compensation and as part of this process, the NTA will pay the reasonable costs (as part of the claim) for the landowner to engage your its agent / valuer in preparing, negotiating and advising on compensation.

#### b) Access for Deliveries

Access to the doors on the Prospect Road side of the building will remain in the Proposed Scheme where there will be a wide footpath between the building and the proposed cycle track.

Deliveries can take place from Whitworth Road where there is a yard area at the side of the premises.



**Figure 2-12: Area for deliveries at The Bernard Shaw pub on Whitworth Road**

## 2.4 CPO No.12 & 15 at Phibsborough Shopping Centre – CPO Plot No. 1021

### 2.4.1 Description of the Proposed Scheme at this location

Both the landlord for the overall shopping centre (MM Capital) and Tesco (agent RMLA), the main retail tenant made objections about the CPO.

The land take required is shown in the following:

- Extract from CPO Deposit Map Sheets No.9 & 10 in Figure 2-12 showing the relevant Plot.
- relevant extract of the EIAR Volume 3 Chapter 4 Proposed Scheme Description Appendix the General Arrangement drawings in Figure 2-13.
- and the existing aerial views in Figure 2-14.
- existing street view in Figure 2-15 and Figure 2-16.

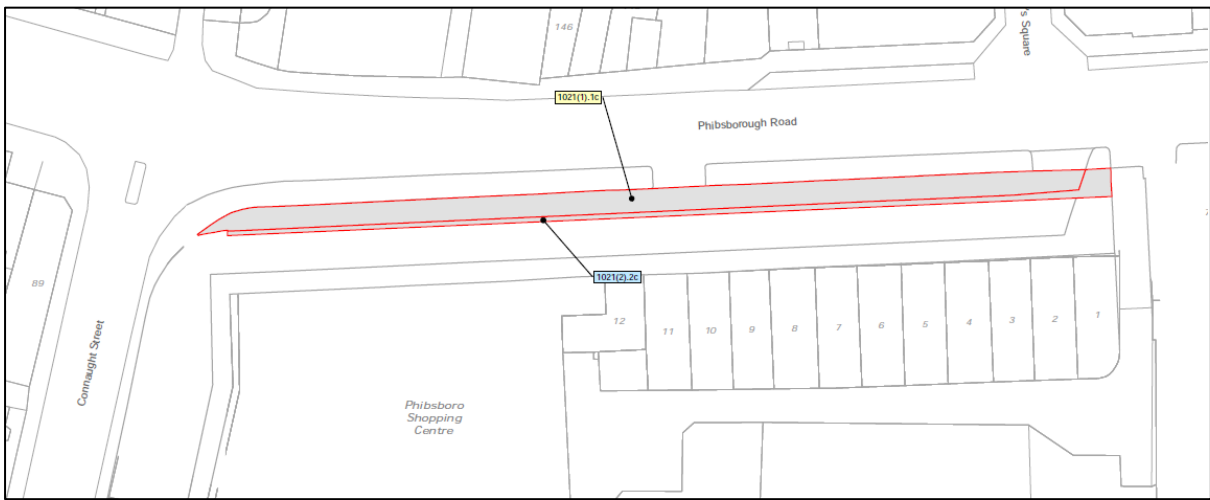


Figure 2-12: Extract from CPO Deposit Map Sheets 9 & 10 at Plot No.1021

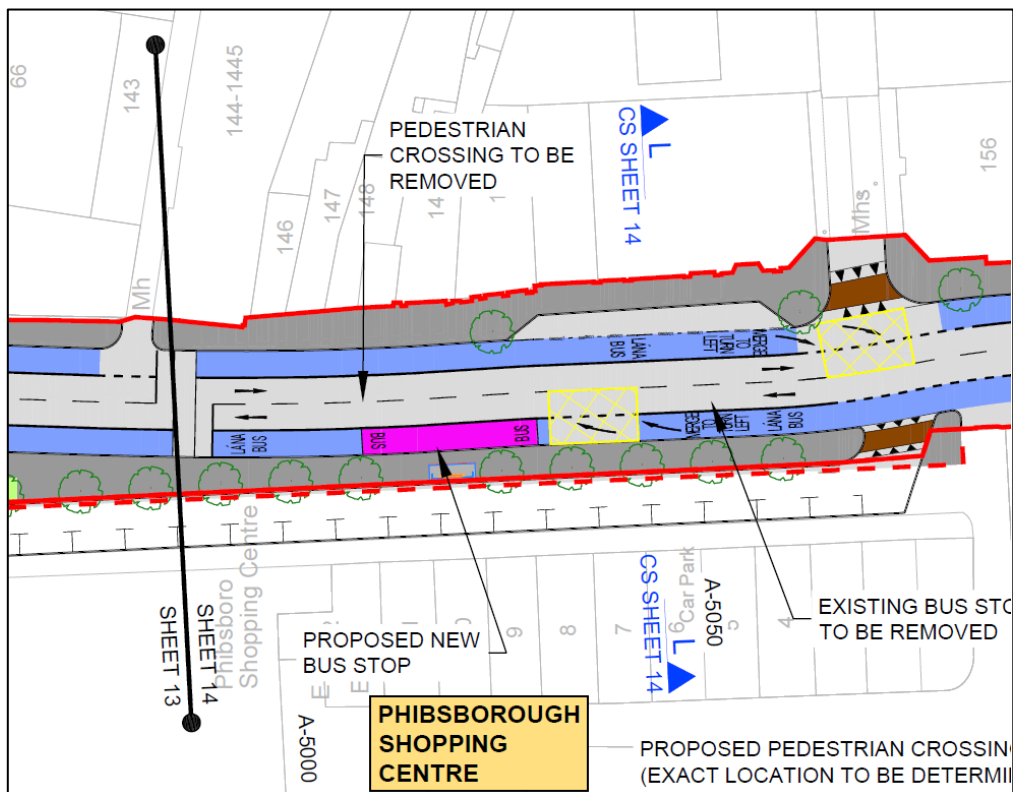


Figure 2-13: Extract from General Arrangement Map Sheet 14

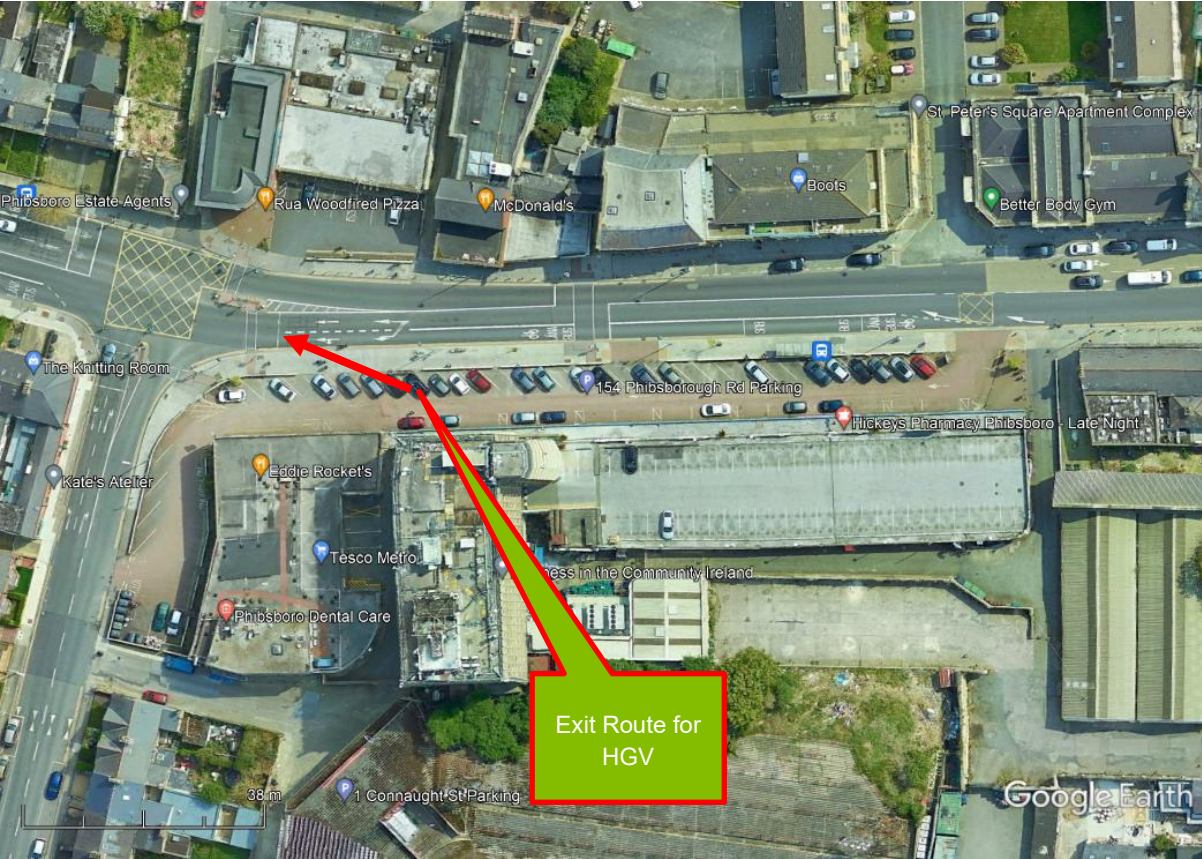
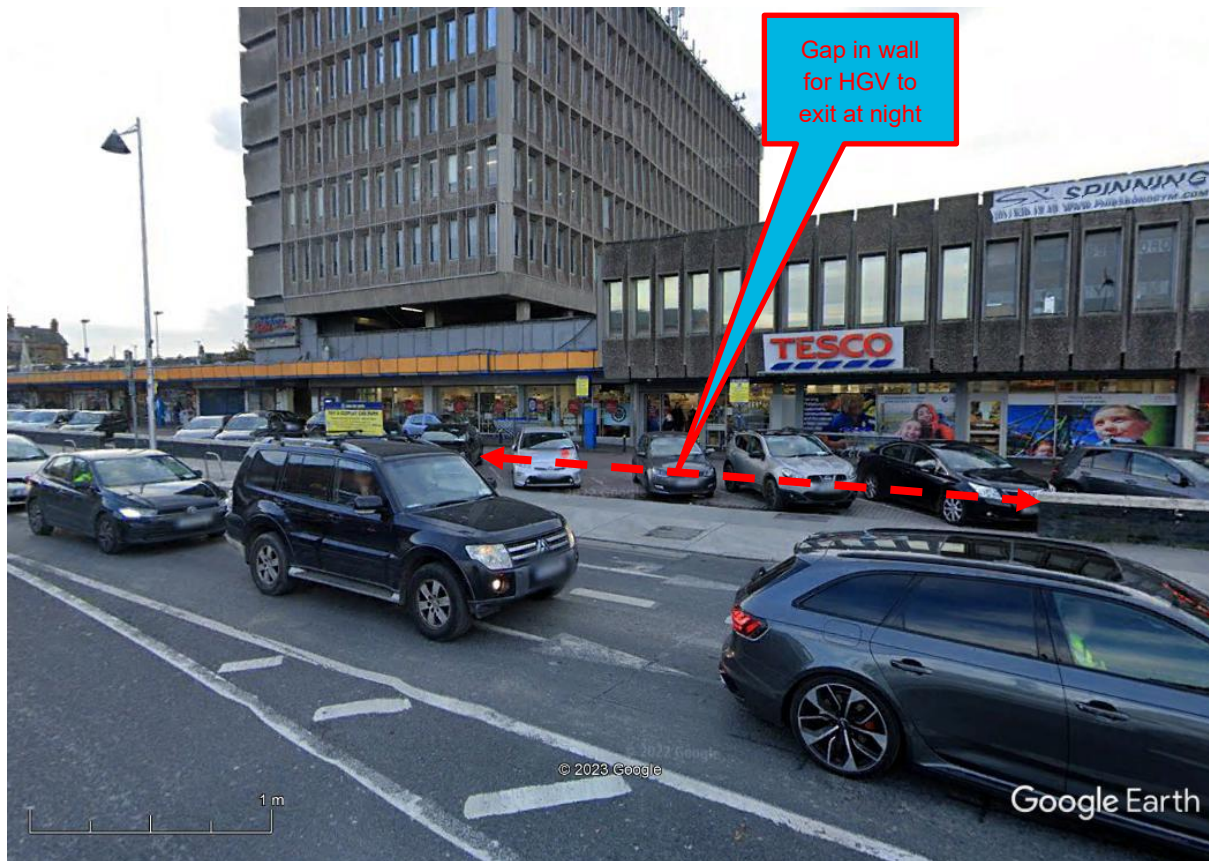


Figure 2-14: Aerial View of the Location



Figure 2-15: Street View of the Location looking North





**Figure 2-16: Street View of the Location looking Southwest**

#### Description of the Proposed Scheme at this location

The Proposed Scheme will widen Phibsborough Road on the western side at the shopping centre to provide bus lanes in both directions. This will involve removal of some parking in the car park and replacement of the access points closer to the building. There is a general public access to the car park at the southern end (as shown in Figure 2-15), and an exit onto Connaught Street around the corner. Another controlled exit route is provided near the northern end of the car park where there is a gap in the wall as may be seen in Figure 2-16. This exit is used late at night only when the car park is closed so that large HGV delivery vehicles for Tesco can exit directly onto Phibsborough Road, under supervision. This exit will be replaced in the Proposed Scheme in a similar location along the street so that Tesco may continue their current delivery arrangements.

#### Summary of Objections Raised

The objection to the CPO raises the following issues:

- a) Parking should be retained.
- b) Timing and duration of the temporary CPO to be clarified.
- c) Confirmation that suitable access will be provided for deliveries.
- d) Left-turn at Doyle's Corner.

#### Response to Objections Raised

##### a) Parking

The Proposed Scheme has been designed to deliver upon the scheme objectives set out in Chapter 1 Introduction of Volume of the EIAR to deliver a Core Bus Corridor and to significantly increase the Level of Service of the provision for pedestrians and cyclists. In some areas, CPO is required to deliver what has been determined to be the most appropriate design configuration that meets these objectives. The decision to acquire land in these locations has not been taken lightly and all areas included in the CPO have been carefully considered and only included where deemed absolutely necessary to meet the

scheme objectives and to construct the scheme with permanent and temporary acquisitions respectively.

In this specific area, the proposed cross-section and subsequent land acquisition have been considered and deemed necessary to facilitate the optimum scheme as presented in EIAR Volume 3 Chapter 4 Proposed Scheme Description Figures, General Arrangement drawings.

b) Duration of the temporary CPO

The temporary CPO is only required for a short duration to provide working space for the construction of a foundation for a replacement boundary wall, which will occur at the start of the works in this area. The land will then be returned to the owner as soon as the boundary works are completed. Timing of this activity is unknown at present, but there will be communications with all parties affected by the CPO to advise of the planned entry onto the lands to carry out the works.

c) Access for Deliveries

A suitable access for deliveries is included in the scheme.

d) Left-turn at Doyle's Corner.

The Proposed Scheme makes provision for large vehicles to continue to turn left from North Circular Road at Doyle's Corner onto Phibsborough Road northbound.

## 2.5 CPO No.6: Broadstone Pocket Garden – CPO Plot No. 1025

### 2.5.1 Description of the Proposed Scheme at this location

This plot of land is included in the Proposed Scheme as part of the public realm enhancement strategy to avail of opportunities to improve the urban landscape along the core bus corridor. It is in public ownership through CIE but is not currently accessible to the general public.

The land take required is shown in the following:

- Extract from CPO Deposit Map Sheet No.11 in Figure 2-17 showing the relevant Plot.
- relevant extract of the EIAR Volume 3 Chapter 4 Proposed Scheme Description Appendix the General Arrangement drawings in Figure 2-18.
- relevant extract of the EIAR Volume 3 Chapter 4 Proposed Scheme Description Image 4.9 for public realm proposals in Figure 2-19.
- and the existing aerial views in 2-20.
- existing street view in 2-21.

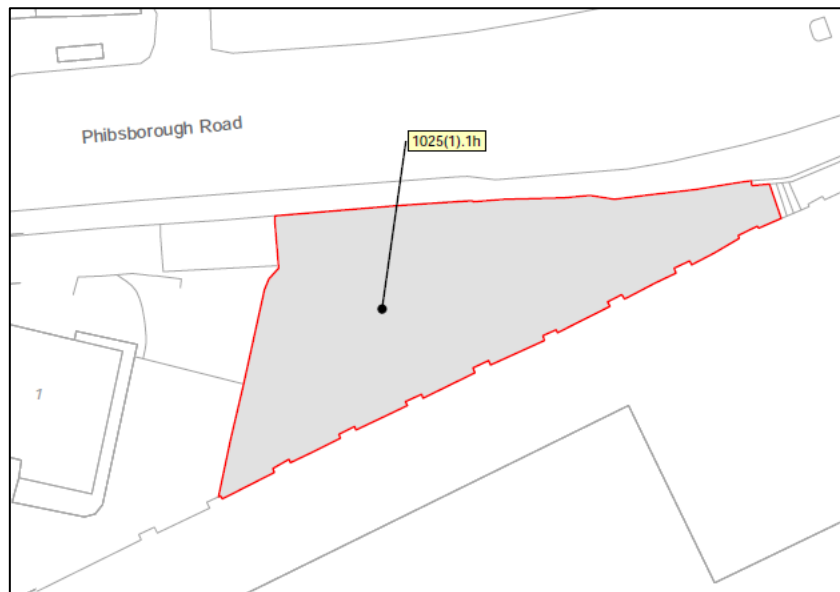


Figure 2-17: Extract from CPO Deposit Map Sheet 11

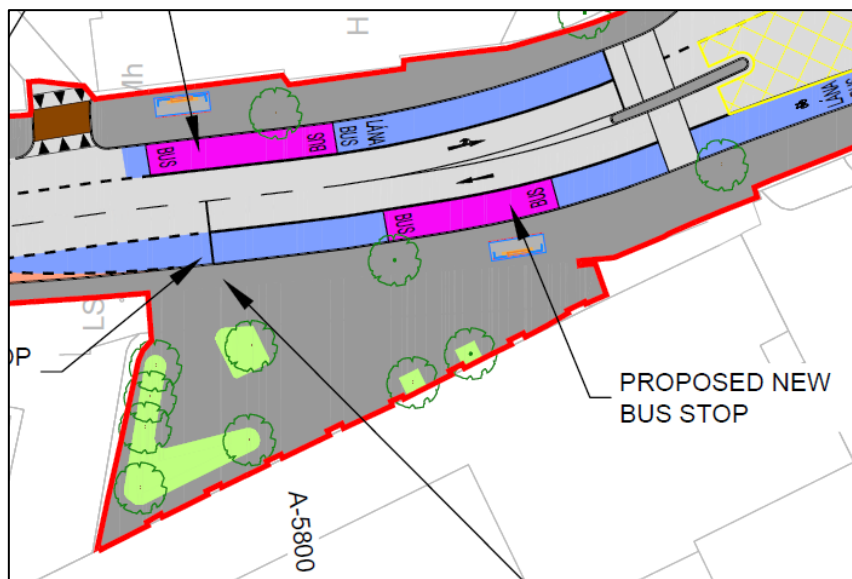


Figure 2-18: Extract from General Arrangement Map Sheet 16

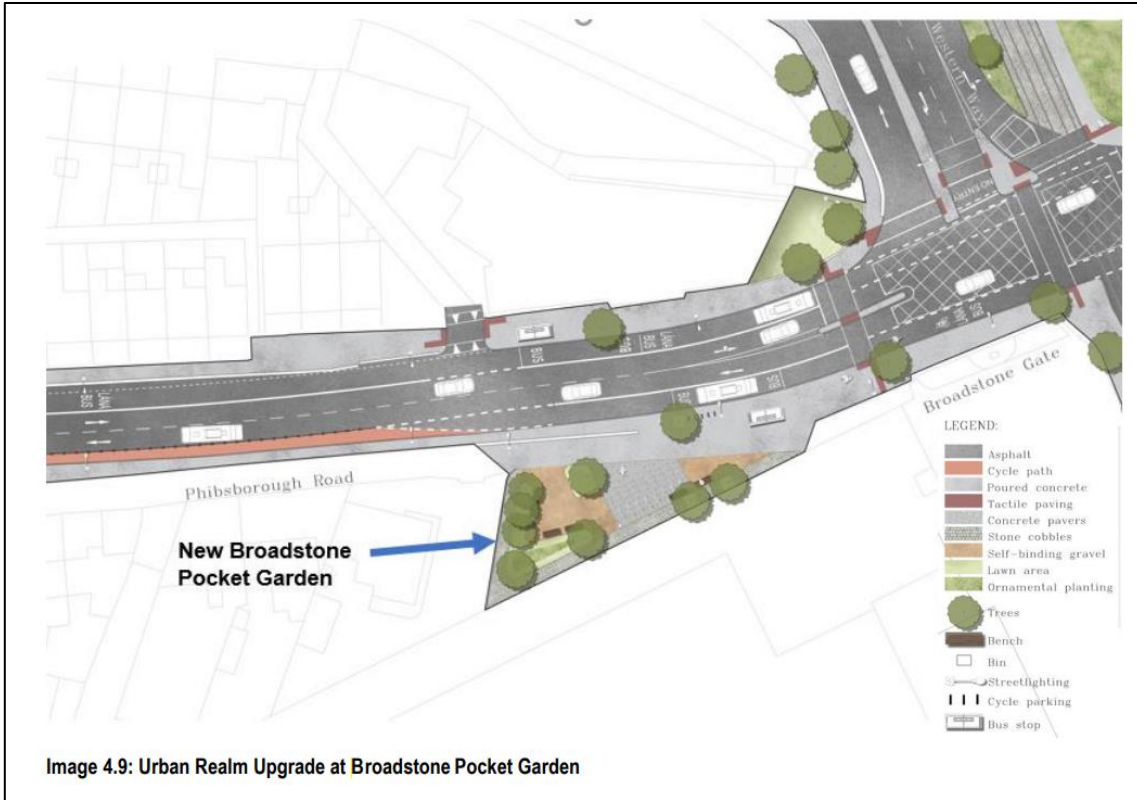


Figure 2-19: Extract from EIAR Chapter 4 page 28

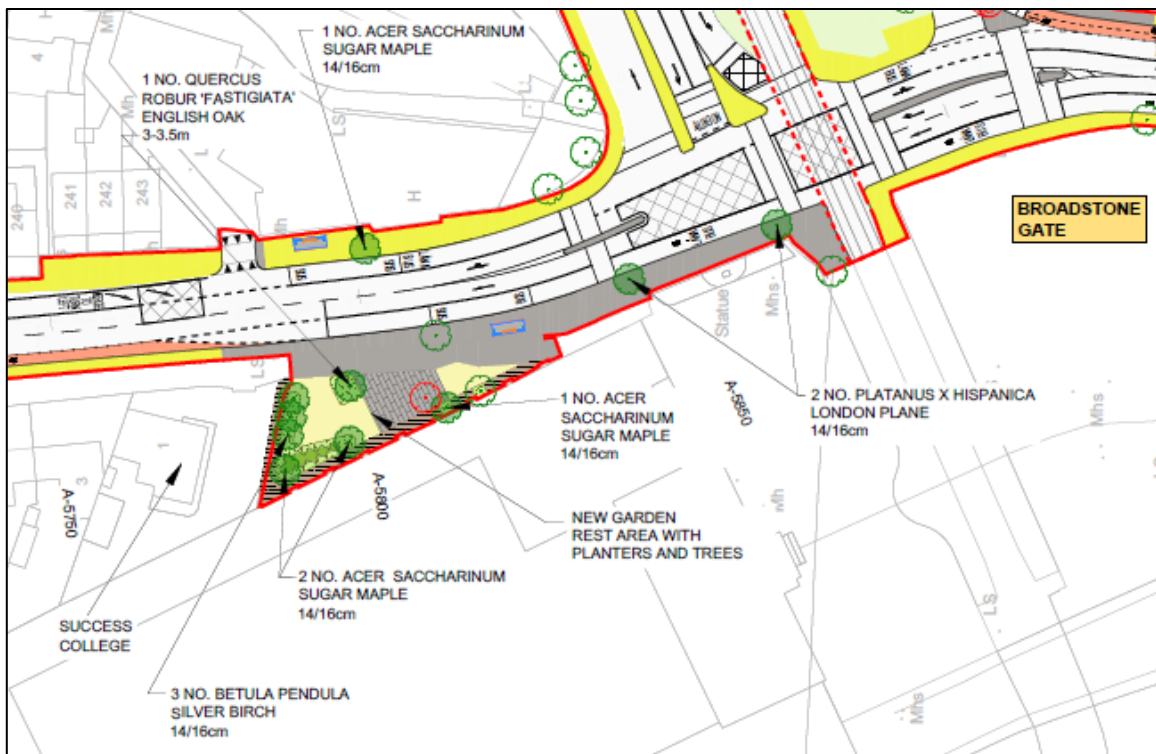




Figure 2-21: Aerial View of the Location (Plot circled in red)



Figure 2-22: Street View of the Location

## Summary of Objections Raised

The objection to the CPO raises the following issues:

- a) Biodiversity garden
- b) Advertising hoarding

## Response to Objections Raised

CIE proposes that the recently developed biodiversity garden, which is a local community project, and the existing advertising hoarding can be incorporated into the Proposed Scheme design. NTA welcomes the recent initiative of the biodiversity garden on what was previously a neglected plot of wasteland that detracted from the urban realm of the area. This is complementary to the other public realm improvements nearby including Broadstone Gate at the new access route to the Grangegorman university campus. Figure 2-20 shows an extract from Landscape General Arrangement Map Sheet 16 with the planting and urban realm proposals at the pocket garden. NTA will collaborate with CIE and the local community group to further develop a design for the Broadstone Pocket Garden that is sensitive to the biodiversity planting, as well as providing improved public access and maintenance.

The presence of the advertising hoarding is acknowledged, as is the value it gives to CIE. NTA will explore possible inclusion of a replacement modern advertising structure that is more visually appealing and appropriate in the context of the public realm proposals.

## 2.6 CPO No.11: Our Lady of Victories Schools – CPO Plot No.1003

### 2.6.1 Description of the Proposed Scheme at this location

In the Proposed Scheme an island bus stop will be provided at this location with a new footpath passing to the rear of the island as shown in Figure 2-23. This will improve the arrangement for pedestrians and cyclists at the school, with a minor encroachment into the small green area in front of the school.

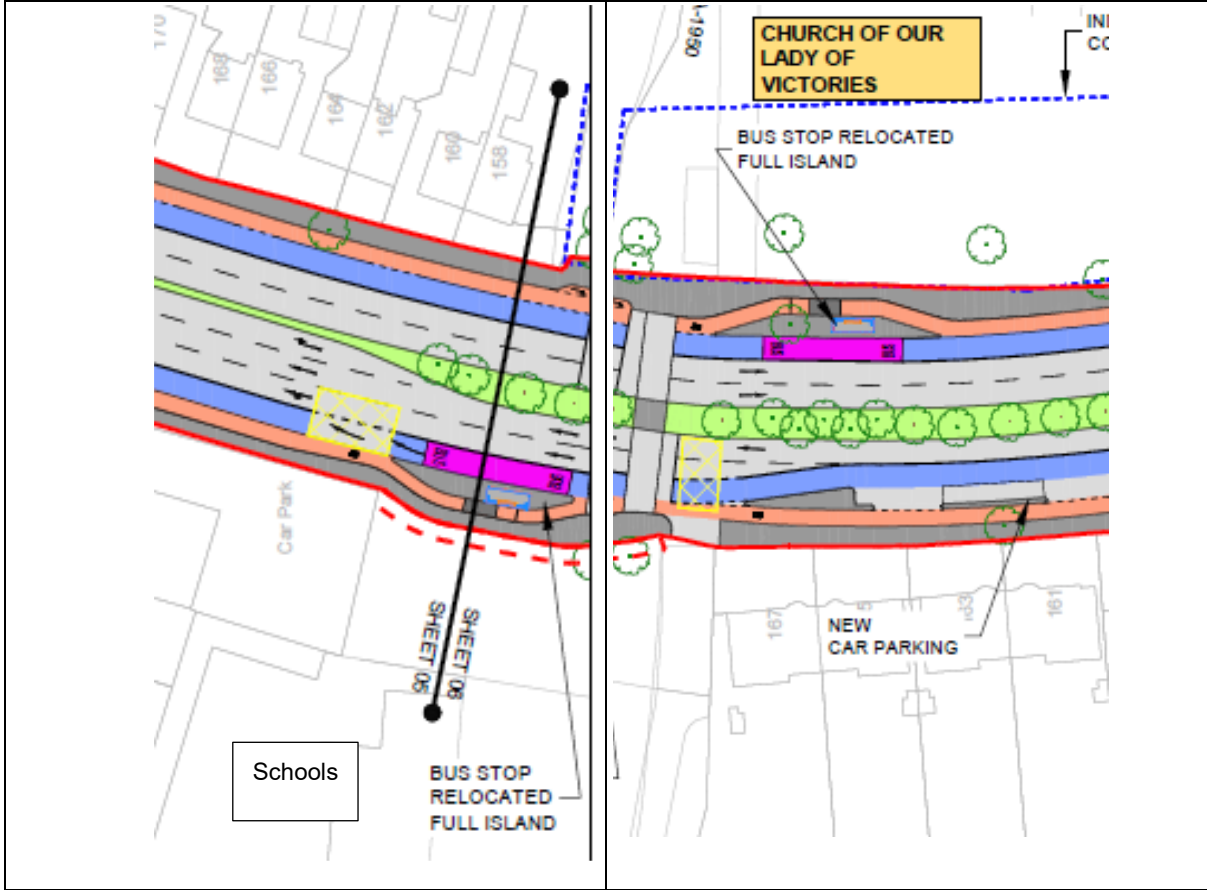


Figure 2-23 Extract from General Arrangement Sheet 3 at OLV Schools

The CPO includes a small area in Plot No.1003 in front of the school which is currently public open space consisting of a grass lawn. To accommodate the proposed island bus stop and cycle track, the public footpath along the western side of Ballymun Road will be re-routed by 4m into the grass area over a short distance of 30m.

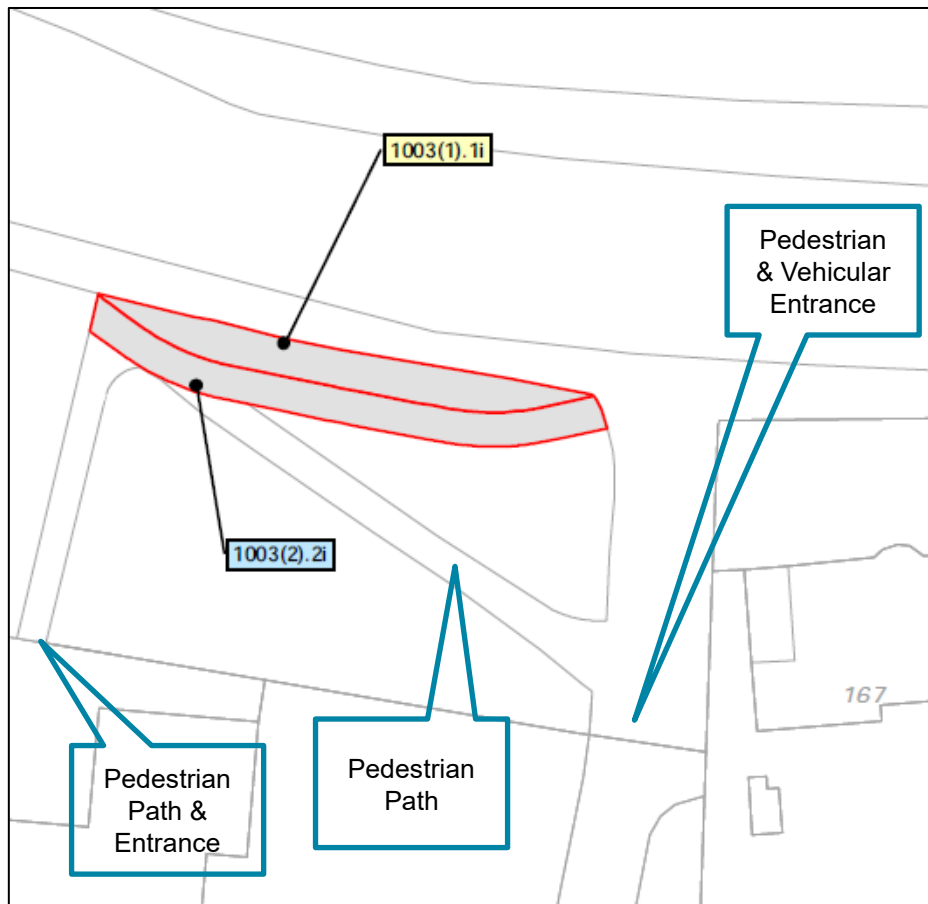


Figure 2-24 Extract from CPO Deposit Map Sheet 3 at OLV Schools

### Summary of Objections Raised

The submission from Our Lady of Victories Schools raises concerns about the encroachment of the Proposed Scheme into the green area in front of the school, various operational difficulties that happen during the busy morning and afternoon periods when large numbers of pupils come and go from the school, and about access to the school during the construction works.

### Response to Objections Raised

There is congestion of pedestrians on the footpath at the bus stop in front of the school as may be seen in Figure 2-25. In the Proposed Scheme an island bus stop will be provided at this location with a new footpath passing to the rear of the island. This will improve the arrangement at the school, with a minor encroachment into the small green area in front of the school.





**Figure 2-25: Busy pedestrian activity in front of Our Lady of Victories Schools**

The works required for the Proposed Scheme near the entrance to the schools are very minor and can be completed in a few weeks. This work can be programmed for holiday periods when the schools are closed thereby avoiding any interference with access.