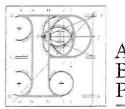
Our Case Number: ABP-317742-23

Your Reference: Circle K Bray



An Bord Pleanála

Coakley O'Neill Town Planning **NSC Campus** Mahon Cork City Co. Cork

Date: 24 July 2024

Re: BusConnects Bray to City Centre Core Bus Corridor Scheme

Bray to Dublin City Centre.

Dear Sir / Madam,

An Bord Pleanála has received your recent correspondence in relation to the above mentioned case. The Board will take into consideration the points made in your submission.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully

Breda Ingla **Executive Officer** 

Direct Line: 01-8737291

**CH08** 

# **Sinead Singleton**

Subject:

**Attachments:** 

FW: Bray BusConnects - Response to NTA Submission.

ABP\_317742 Circle K Bray BusConnects Scheme Submission Final\_15.07.2024.pdf; ABP\_317780 Circle K Bray Road BusConnects NTA Submission\_15.07.2024.pdf

From: Alan O'Callaghan | Coakley O'Neill Sent: Monday, July 15, 2024 4:36 PM

To: LAPS <laps@pleanala.ie>

Subject: Bray BusConnects - Response to NTA Submission.

Caution: This is an External Email and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sir/Madam,

Please see attached 2no. submissions on behalf of our client Circle K Ireland Energy Ltd., responding to the National Transport Authority's submission on the Bray BusConnects.

Our client was invited to make 2 submissions, 1 in relation to the scheme and 1 in relation to the site specific CPO which impacts on their existing Circle K Bray service station. The contents of both submissions are identical.

I would be grateful if you could confirm acceptance of same at your earliest convenience please, and look forward to hearing from you in due course.

Many thanks.

Regards, Alan O'Callaghan MPlan MIPI Assistant Planner

#### Coakley O'Neill Town Planning Ltd

NSC Campus Mahon Cork T12 XY2N





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Having regard to the General Data Protection Regulation ("GDPR"), which came into effect on 25 May 2018, and which governs the collection, storage and processing of personal data, we can advise that any data we have on our clients is securely stored and is not used for any purpose other than for the purpose of updating our clients on relevant planning matters. Should any client no longer wish to receive these communications, he or she can advise us accordingly.



Strategic Infrastructure Department An Bord Pleanála 64 Marlborough Street Dublin 1

Our Ref: CON24112

15th July 2024

RE: OBSERVATION ON STRATEGIC INFRASTRUCTURE DEVELOPMENT ABP REF: 317742-23.

BUSCONNECTS BRAY TO CITY CENTRE CORE BUS CORRIDOR SCHEME AND ASSOCIATED COMPULSORY PURCHASE ORDER APPLICATION.

A Chara.

We, Coakley O'Neill Town Planning Ltd. of NSC Campus, Mahon, Co. Cork, are instructed by our clients, Ard Services Limited, of Circle K House, Beech Hill Road, Clonskeagh, Dublin to make this observation to An Bord Pleanála in relation to the proposed Bray to City Centre BusConnects Bus Corridor Scheme under the Strategic Infrastructure Development Process (Application Reference ABP-317742-23) which concerns lands at the Circle K Bray Service Station, on the Dublin Road, Bray, Co. Dublin.

Our clients' also welcome the opportunity to specifically respond to the submission from the National Transport Authority (NTA) from the 24<sup>th</sup> May 2024.

We note the last date for a submission is the 15th July 2024.

As detailed previously, our clients' have a material interest in this application as lands in their ownership fronting onto the R761 Dublin Road are outlined as being subject to both permanent and temporary CPO acquisition to facilitate the proposed scheme.

Our clients' continued stance is that they are not objecting to the scheme as a whole. They continue to be very supportive of any scheme that promotes more sustainable forms of transport within Dublin, which will alleviate the pressure placed on the city's roads by cars.

However, on review of the submission from the NTA, our clients' again wishes to highlight that they cannot wholly accept the proposal in its current iteration owing to the potential significant harmful and detrimental impacts it will have on the continued day to day operation, and ultimately viability, of their Bray service station going forward.

Hereunder we set out their concerns in relation to the submission from the NTA and the published scheme in general.



#### Introduction

Circle K Ireland is the country's largest fuel and convenience retailer with 420 employment locations across the country. They are owners (through subsidiary Ard Services Ltd.) and operators of the Circle K Bray service station on the R761 Dublin Road, which has been providing a local service in the area for over 30 years.

Circle K have a significant investment strategy in place to upgrade facilities across their entire service station network. This will continue to allow them to provide a range of goods and services that passing motorists and shoppers seek on a daily basis.

#### Site Location and Description

The subject site comprises an existing Circle K service station located on the Dublin Road to the north of Bray town centre. The site is irregular in shape and is comprised of 4 no. pump islands with a canopy over and a single storey amenity building which contains a main retail area, coffee making facilities, food preparation area, staff facilities as well as back of house areas.

The service station has dual access from two entrances off Dublin Road and the main ID sign is located adjacent to the roadside boundary. Car services such as air and water and a car wash facility are located to the south of the main amenity building.

The subject site is located within a mixed-use area of Bray. To the north and east of the site is Corke Abbey residential estate and to the west and on the opposite side of the road is St. Peter's Road residential estate. There are also several commercial premises within the immediate vicinity such as a Ford Car Dealership which adjoins the subject site, the Craft Picture Framing Gallery to the north and Kitchen Café, Chipmongers and Salmon Interiors are located to the west and directly opposite the site.



Figure 1 - Site location in context of surrounding area (Source: MyPlan.ie) (annotated by Coakley O'Neil Town Planning Ltd, 2024).





Figure 2 – View of Service Station in relation to surrounding context (Source: Google Maps, 2023)

#### **Planning History**

The commercial nature of the site is long established, and it has been in use as a service station for an extended period of time. The known planning history of the site is as follows:

Application Register Reference D23A/0349: Permission granted for change of use from permitted store and retail use to retail use including the sale of alcohol for consumption off the premises (i.e. off licence use) resulting in an increase in the net retail floor area of 6sqm, and where the floor area for the off licence use is 13.3sqm and is ancillary to the primary retail use on the 13th July 2023 subject to 2no. conditions. This permission has been recently implemented on the site.

#### **Local Planning Policy**

The relevant statutory development plan which governs the site remains the **Dun Laoghaire-Rathdown County Development Plan 2022-2028**. The site is zoned as "Major Town Centre" (MTC) with the objective "to protect, provide for and-or improve major town centre facilities." This is illustrated in Figure 3 below.



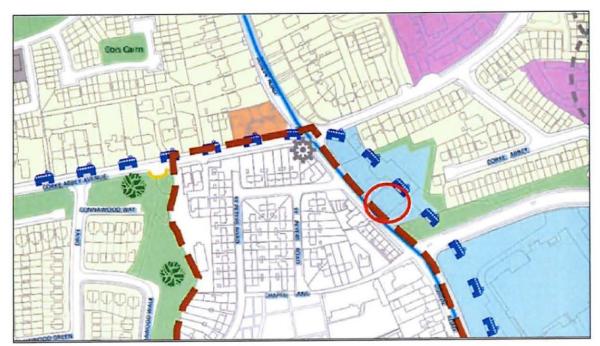


Figure 3 – Site zoning in context of Dun Laoghaire Rathdown County Development Plan, 2022-2028 (annotated by Coakley O'Neil Town Planning Ltd, 2023).

#### **Context of Initial Observation**

The initial observation was made in relation to the Bray to City Centre BusConnects Bus Corridor Scheme. As outlined previously, our clients have significant interest in the proposal owing to the potential significant negative impact of the scheme on their Bray Service Station, which is proposed to be subject to both permanent and temporary acquisition.

The CPO acquisitions were premised on facilitating a series of changes to the public roadway directly outside the service station, including:

- the introduction of east and westbound cycle lanes on either side of the R761 which extends along the entire frontage of our clients service station.
- the introduction of east and westbound bus lanes with associated bus shelter and bus stop located towards western entrance of service station.
- the provision of a continuous footpath and pedestrian priority zone along southern boundary of service station.

These proposals are shown below.



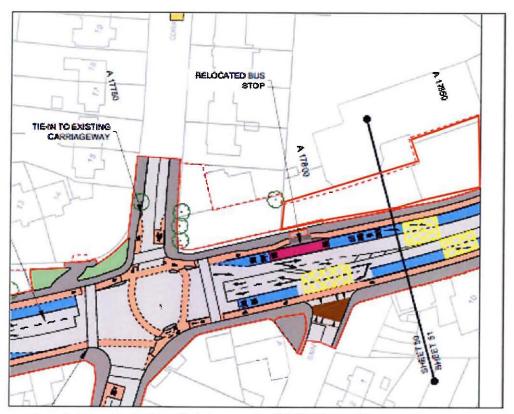


Figure 4 - Scheme Plan for Bray, subject site generally outlined in red - West Side - (Source: Jacobs, 2023).

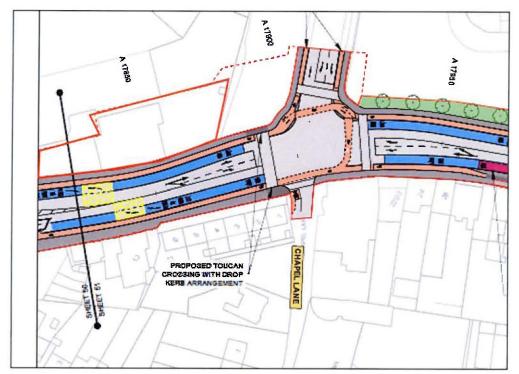


Figure 5 - Scheme Plan for Bray, subject site generally outlined in red - East Side - (Source: Jacobs, 2023)



As evident above, the proposed BusConnects scheme seeks permission for the acquisition of land in our clients ownership. This consists of all land in our clients ownership in this location on a temporary basis as well as a section fronting onto the R761 being acquisitioned on a permanent basis. This is outlined as follows:

- 772m<sup>2</sup> of land is to be permanently acquired by the Council under Part 1 of the CPO Number on Map
   Deposited at NTA: 1042(1).1c
- 1,289.7m<sup>2</sup> (i.e. the entire service station) is to be temporarily acquired by the Council under Part 2 of the
   CPO Number on Map Deposited at NTA: 1042(2).2c

Together, these cover the entire service station site.

The extent of the associated CPOs are shown below in Figure 6.

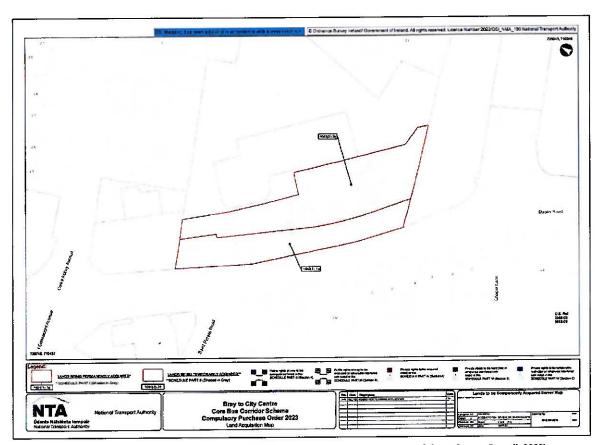


Figure 6 - Lands subject to permanent and temporary acquisition (Map source: Dun Laoghaire Rathdown County Council, 2023).

The impact of the proposed CPOs is illustrated in Figure 7 below.



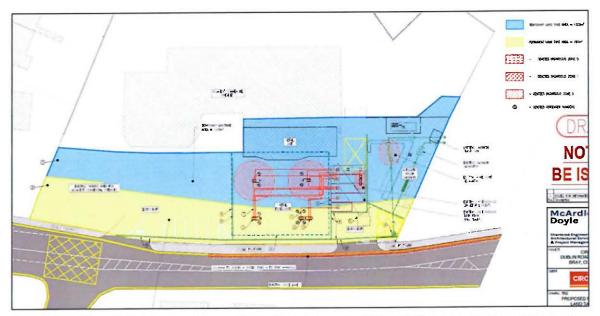


Figure 7 - Circle K Bray, highlighting areas that are set to be subject of a temporary and permanent CPO (source: McArdle Doyle, 2023)

#### **Response to National Transport Authority Submission**

The NTA submission from the 24<sup>th</sup> May 2024 is noted. The NTA response to the objections raised by our client is premised on 4 key areas, as follows:

#### Section 2.10.3 Response to Objections Raised

- 1. Impact to Business Due to Temporary Land Take/Closure of Business During Construction
- 2. Long Term Future Viability of the Operation of the Circle K Business
- 3. Alternate Design Proposal
- 4. Relocation of Bus Stop and Access/Egress to the Site.

The NTA submission acknowledges the service station as a commercial 'receptor' which is 'expected to experience Negative, Significant, and Long-term Impact by permanent land take'.

More specifically, in reference to the Volume 2 of the submitted EIAR, the submission notes that that 'one commercial receptor are expected to experience a Negative, Significant and Long-Term impact by permanent land take. The Circle K filling station on the east side of the Dublin Road in Little Bray will require permanent removal of four of its pumping stations, which is expected to have an adverse impact on the business.'

As detailed in the NTA's submission, it is estimated that Circle K will lose possession of the service station for an estimated 9 months, at which point a proposed new reconfigured and reconstructed service station will be handed back to Circle K. **Section 5.3.4.2** of Chapter 5 of Volume 2 of the EIAR notes the following works which will be involved:

'The construction activities at Section 4b will comprise reconstruction and resurfacing of the roads, footpaths, and cycle tracks, and new kerbs. Construction activities will also consist of additional signage, new road markings, new and amended traffic signal infrastructure, new street furniture and landscaping works.



Considerable clearance works are required at Circle K Bray, including the demolition of the forecourt awning, demolition of four pumps, removal of the car wash area and removal of a number of underground tanks. The car park access and parking arrangement at Circle K Bray will be rearranged and a new kerb separation with railing will be constructed in front of the proposed property boundary. The forecourt canopy will be rebuilt over the operational pumps. Urban realm enhancement works will be carried out at the Dublin Road.'

The NTA note in their submission that the reconfiguration of the Circle K Service station site will be done in consultation with Circle K and best practices and standards for design of petrol station.

The proposed general arrangement for the residual Circle K Service Station site post construction is detailed below in Figure 8.

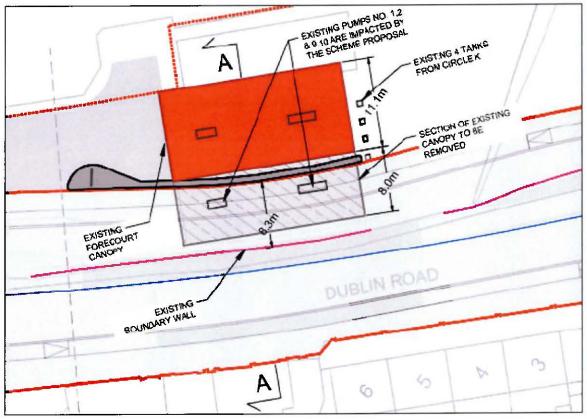


Figure 8 - Revised forecourt arrangement post construction (Source: NTA, 2024)

The NTA submission further outlines the extent of the proposed works which will impact on the existing service station.

The existing Circle K service station on the east side of the Dublin Road in Bray will be modified, to facilitate carriageway widening works. Considerable clearance works and demolition works are required at Circle K Bray, as described in Section 5.5.2.10.2.

Following the clearance works and demolition works, the forecourt canopy will be rebuilt over the remaining four operational pumps. The car wash, service station and existing access will be reconfigured. The car park



access and parking arrangement at Circle K Bray will be repositioned and a new kerb separation with railing will be constructed in front of the boundary.

The Circle K Bray service station works will be undertaken in the following sequence:

- Site clearance and excavation;
- Decommissioning of four pumps. Removal of the underground tanks and connections relevant to these pumps;
- Utility diversions;
- Drainage and service ducting, in particular the underground tank connections to the operational pumps;
- Structural works preparation and pouring of the structure foundations and concrete columns.
   Once completed, the forecourt canopy will be modified;
- Kerbs and paved area works;
- Street furniture and landscaping; and
- Finishing works pulling of cabling, and installation and commissioning of the mechanical and electrical infrastructure.

The service station operation will be impacted during the construction works.

In response to the proposed works outlined by the NTA, our clients again wish to highlight their concerns with respect to the impacts of same on their property. It is their continued stance that despite the NTA asserting that the reprofiled service station will be able to operate post construction, this is actually not the case, and as a result, the service station operation post construction as detailed by the NTA will become unviable.

The submission highlights that Circle K will re-gain possession of the remaining site, which is proposed to be reconfigured, re-instated with pumps re-commissioned and operational as a petrol station, on completion of the BusConnects construction works. A significant amount of work is required prior to the facility being returned to our client. As shown in Figure 8 above, the scope of the service station will be greatly reduced.

A CPO Impact Report has been prepared by our client's appointed architects and engineers, McArdle Doyle, while an additional response to the submission from the NTA has been prepared by MHL consulting engineers, both of which are enclosed herein.

The report again notes the following impacts on the service station, both temporary and permanent.

- 1. Removal of 2no. fuel forecourt dispensers.
- Removal of existing underground storage fuel tank number 1 which will have knock on effect of removing additional underground tanks.
- 3. Impact on tanker deliveries.
- 4. Impact on underground fuel pipework infrastructure.
- 5. Impact on forecourt canopy.
- 6. Forecourt stormwater and contaminated stormwater drainage
- 7. Requirement to relocate existing car wash.
- 8. Demolition and refurbishment of existing service station amenity building.



The General Arrangement drawing prepared by the NTA and shown in Figure 8 above along with the respective commentary on same does not appear to take account of the potential interrelated knock-on effects as a result of the reprofiling of the forecourt fuel area, the removal of parking spaces in the site and the loss of facilities including the existing car wash. This has been highlighted in the accompanying technical reports from our client's appointed architects and engineers.

In particular, the revised setback proposed, which greatly reduces the size of the forecourt will create an access issue for passing motorists and HGV fuel tanker deliveries. The swept path analysis prepared by the NTA does not account for where HGV fuel tankers will have to park within the forecourt when fuel deliveries are taking place, nor does the submission account for how this will affect passing motorists and customers as they access/egress the site.

Further to this, to comply with the Dangerous Substances Regulations a tanker must be parked during offloading operations entirely within the site boundary and positioned on a 15m x 5m impervious slab capable of draining and containing a fuel spill discharge of 2,000L/min to a total fuel volume of 7,600L. The tanker must be stationary and positioned so it may evacuate the site in a forward motion with no reverse movement required in the case of emergency.

It is not clear whether this is even achievable in the context of the proposed forecourt arrangement put forward by the NTA to ensure compliance with the Dangerous Substances Regulations.

As outlined previously, the temporary closure also poses significant difficulties for our clients in respect of the length of time involved in the decommissioning works and their implications for the continued operation of the station. Indeed, it is a likelihood that the station will have to be demolished and totally rebuilt. The submission from the NTA goes on to state that:

Following the clearance works and demolition works, the forecourt canopy will be rebuilt over the remaining four operational pumps. The car wash, service station and existing access will be reconfigured. The car park access and parking arrangement at Circle K Bray will be repositioned and a new kerb separation with railing will be constructed in front of the boundary.

The NTA submission does not account for the impact of the reprofiling of the fuel forecourt on the existing convenience store. The section drawing including in the submission from the NTA asserts that the convenience store can be maintained without any significant works being required.

However, owing to the proximity of the existing underground tanks 5 and 6 to the foundations of the convenience store, there is a high probability risk that the removal of the tanks will cause significant structural impacts that would require the store to be demolished in full and rebuilt.

The loss of 2no. pump islands will greatly affect the business' ability to generate revenue and significantly endanger its future commercial viability going forward. Furthermore, the relocation of the existing car wash is not viable due to the already tight confines of the site and the presence of other businesses in the immediate area.



As highlighted by the NTA, the Optimum Required Cross Section at the site includes 2no. footpaths, 2no. cycle lanes, 2no. bus lanes and 2no. lanes for vehicular traffic. However, it is noted that in other areas, including along Donnybrook Road and Leeson Street Upper that the "Optimum Required" is compromised.

This included the removal of 1no. bus lane and a reduction to the width of the proposed cycle tracks, as detailed in MHL's submission accompanying this letter. We would question why this hasn't been proposed at Dublin Road given the long term viability for the service station being under severe pressure by this scheme proposal.

As a result, Circle K would urge the NTA to reconsider the "optimum requirement" at this location on the Dublin Road in Bray.

It is evident that the closure of the station, even on a temporary basis, will have a significant impact upon its viability, not just for the period of closure but into the future, given the full diversion of trade to other stations that will occur as a result of said closure.

As highlighted above, additional knock-on effects are created due to the loss of land on a permanent basis such as the total decommissioning of existing tank farm, and demolishing of forecourt canopy.

In all, it is evident that the planned BusConnects scheme will have a dramatic detrimental impact upon the operation of this long established and permitted service station, to the extent that the use may no longer be viable.

Due to the combination of the above issues and the nature of the interrelationship between all elements of infrastructure on the site, it is our opinion that the BusConnects works in relation to the permanent land take will lead to the total demolition and reconstruction of the entire service station facility.

All these points are further highlighted and developed in the appendices to this submission from both our clients themselves and their engineering consultants.

For these reasons, our clients wish to state their objection to the CPO acquisition put forward by the National Transport Authority in respect of their lands, in addition to their associated SID Application to An Bord Pleanála as it relates to same.

As detailed above, our clients are not objecting to the proposed BusConnects Scheme as a whole. They do however wish to safeguard the existing commercial function of their business while still in support of the proposed BusConnects route.

Please forward all correspondence in relation to this observation this office.

Is Mise le Meas,

Ala O Callock

Alan O'Callaghan

Coakley O'Neill Town Planning Ltd.



#### **APPENDIX 1: LETTER FROM PROPERTY OWNERS**



July 15, 2024

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

Re: Submission to An Bord Pleanala Reference ABP-317742-23

Bray to City Centre Core Bus Corridor Scheme and Associated Compulsory Purchase Order Plot List: 1042(1).1c, 1042(2).2c

#### A Chara,

We write to you in our capacity as owner of Circle K Service Station, Dublin Road, Bray, Co Wicklow, A98

We refer to the Proposed Compulsory Purchase Order notice which relates to Plot List 1042(1).1c, 1042(2).2c and the subsequent submission from the National Transport Authority (NTA) dated 24 May 2024.

The proposed Compulsory Purchase Order (CPO) which relates to two portions comprises as follows:

- Plot List 1042(1).1c for permanent acquisition, extending to 772.3 sqm (0.07723 ha/0.19 acres)
- Plot List: 1042(2).2c for temporary acquisition, extending to 1,289.7m2 (0.12897ha/0.32 acres)

We have examined the proposed CPO together with the associated map, documentation and reports prepared by our consultants. It is clear the proposed CPO will have a devastating impact on our business and premises and threatens its future viability as a service station.

Ultimately, this proposed CPO creates a situation whereby the demolition and reconstruction of a substantially reduced service station will be necessitated. The Proposed Order fundamentally decreases the overall site area by approximately 40% and will yield a substantially diminished footprint when compared to the existing service station facility. The ability for future developments at the station, for example the developing electric charging facilities & associated infrastructure or the store extension or redevelopment is also hampered due to the reduction in the overall site area. Fuel dispensing capacity will be greatly reduced. Our customers ability to access, navigate, fuel, park and exit the service station as a result of the proposed CPO is also negatively impacted. This will lead to a significant erosion in our trade, profitability and the overall ability to operate a service station on a viable basis.

Division Address
Circle K Ireland Energy Limited
Circle K House,
Beech Hill,
Clonskeagh, Dublin 4

Telephone +353 1 2028888



We have taken this opportunity to highlight the truly detrimental effect the Proposed CPO will have on our business. Firstly, addressing the impact of the proposed permanent land acquisition. As outlined in the Proposed Order, the section of land identified in a potential permanent acquisition Plot List 1042(1).1c is fronting onto the R761 Dublin Road. A concerning aspect of the proposed permanent acquisition is the loss of significant fuel infrastructure. Located within the area delineated under Plot List 1042(1).1c are two roadside fuel island dispensers. The removal of these fuel islands represents a loss of three of the four fueling locations which is a reduction of 60% to our current capacity. This will result in a direct erosion to our fuel volume sales and decimates tradability.

Another detrimental aspect of the proposed permanent land acquisition is the impact upon the operation of the car wash facility. The proposed change to the site's boundaries will encroach upon the exit point from the car wash facility and renders the car wash facilities at the service station inoperable. It is not feasible to relocate the car wash facility within the proposed reduced site boundary. The loss of revenue generated from such a vital service category has an enormous direct adverse effect on turnover and transactional sales. Furthermore, with our service offering lessened, this in turn also reduces our transactional sales, customer base and footfall to the service station. Similarly, the loss of customer parking as a result of the potential CPO will also deter customers from frequenting the service station. Convenience and ease of car parking are key requirements to our trade and the removal of car parking will have a direct detrimental impact upon our trade and will result in significant loss of earnings.

Located adjacent to the two fuel island dispensers are structural support stanchions. The removal of these stanchions will necessitate the demolition and replacement of the existing forecourt canopy, which as the canopy is connected to the structure and fabric of the service station building will comprise the integrity of the structure, thus requiring its demolition and reconstruction. The closure of the station for the duration of these works will impact upon the future viability of the service station.

Having regard to the nature of the onerous works required by the proposed CPO, the premises would effectively be unable to operate for a lengthy duration. Reconstruction works of this nature will incur immense disruption our operating business and results in the displacement of our customer base and employees. We would also bring to your attention the enormous inherent costs that will be associated with these works. In the response submission prepared by the NTA, it was suggested that a significantly reduced service station could be facilitated and reinstated. Notwithstanding this, any potential reinstated service station will not have the capacity to operate as efficiently and trade as effectively as our current service station, making the future of the service station unviable.

The temporary acquisition of the entire service station has been identified under Plot List: 1042(2).2c. Essentially, the business will be closed to trade for the duration of the temporary acquisition which has been indicated to be nine months. This will result in the loss of an operational property and displacement of our customer base and trade. It is our first-hand experience that any such disruption on site will not only lead to a temporary loss of trade but moreover, it will also result in a permanent loss of customer base due to changes in customer behaviour during this intervening period. Have no doubt that this will have a permanent effect.

The proposed temporary land acquisition will require the permanent decommissioning and removal of the underground fuel storage tanks. The current nett underground fuel storage capacity is 105,000 litres. Any

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reduction to the current storage capacity would be unacceptable as it would results in more frequent fuel deliveries being required and consequently increasing the operational expenditure, which further affects the future viability.

The capability of facilitating future tanker deliveries in a regularity compliant manner has not been adequately addressed in the response submission prepared by the NTA. The ability to facilitate fuel deliveries in a complaint manner is essential to any future operation.

Lastly, having reviewed the wider scheme plan for Dublin Road, under the proposal it is not clear if vehicles will continue to be allowed to turn right into the station following the completion of the scheme. The removal of this existing right turn into the service station from Dublin Road will further compound the deterioration of our trading ability. The extent of which may be in the order a further 50% reduction in trading capacity.

In conclusion, due to the size and configuration of our premises, any land acquisition whatsoever has a devastating impact and threatens the future viability of our overall business at this important location. Which has provided a very important service offering for the surrounding population and visitors to and from Bray for many years. The proposed CPO erodes the business trade due to the loss of crucial fuel and car wash infrastructure, convenient customer parking spaces and circulation, all of which are vital components for the successful operation of our business.

We wish to put it on record that we support sustainable public transport initiatives however we simply cannot support the proposed CPO scheme in its current form and vehemently object to the current proposal at our service station for the concerns outlined above and contained within this Objection.

In conclusion, we do not accept the proposed CPO and vehemently object to it.

Yours faithfully,

Ciara Foxton
Managing Director



### APPENDIX 2: CPO IMPACT REPORT PREPARED BY MCARDLE DOYLE

# McArdle Doyle

Chartered Engineers
Architectural Services
& Project Managers

Observation on Strategic Infrastructure Development Bray to City Centre Core Bus Corridor Scheme and Associated Compulsory Purchase Order 2023 Circle K Service Station Dublin Road Bray,

Co Wicklow.

#### Circle K, Dublin Road, Bray, Co Wicklow



# **CONTENTS**

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3	Temporary Land Take Reconstruction Impacts.	2
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# 1 Introduction

Circle K, Bray Service Station is located on Dublin Road, Bray, Co Wicklow. The service station comprises of Four (4) fuel dispensing islands with five (5) fuel dispensers covered with a typical forecourt canopy, six (6) underground fuel storage tanks, car wash unit and retail facility building with convenience store. The service station has existed and traded in its current format for approximately 30 years.

# 2 Regulatory Instrument

Fuel service stations are designed, operated and maintained under S.I. No 630 of 2019, Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations 2019.

In order to trade all Service Stations must possess a Licence to Store Flammable Fuels under the above regulations.

# 3 Temporary Land Take Reconstruction Impacts.

Section 5.3.4.2 of Chapter 5 (Construction) Volume 2 of the EIAR notes the construction works involved at the Circle K Service Station site on Dublin Road:

'The construction activities at Section 4b will comprise reconstruction and resurfacing of the roads, footpaths, and cycle tracks, and new kerbs. Construction activities will also consist of additional signage, new road markings, new and amended traffic signal infrastructure, new street furniture and landscaping works. Considerable clearance works are required at Circle K Bray, including the demolition of the forecourt awning, demolition of four pumps, removal of the car wash area and removal of a number of underground tanks. The car park access and parking arrangement at Circle K Bray will be rearranged and a new kerb separation with railing will be constructed in front of the proposed property boundary. The forecourt canopy will be rebuilt over the operational pumps. Urban realm enhancement works will be carried out at the Dublin Road.'

The Circle K Service Station operation will be impacted during the construction works and will be **closed for business** during this period. Circle K will re-gain possession of the remaining site, which is reconfigured, re-instated with pumps re-commissioned and operational as a petrol station, on completion of the Bus Connects construction works.

We note the above acknowledgement from the NTA that the site will close and significant works are required prior to the facility being returned to our client, we would like to note the following and state that our client has **not agreed** to the changes and alterations to their Service Station.

- Removal of two Forecourt Fuel Dispensers and forecourt reconfiguration
   We acknowledge acceptance by the NTA that two fuel dispensing islands with 4
   fuelling locations will be removed permanently from the site and the site reconfigured
   with two rebuilt fuel island with 4 fuelling locations.
- 2) Impact on existing Underground Fuel Storage Tank
  We acknowledge acceptance by the NTA that the current tank farm will be
  permanently decommissioned and removed from site during works and replaced
  prior to client hand back. It should be noted that the site has a current nett
  underground fuel storage capacity of 105,000 litres of fuel. This underground storage
  capacity must be retained in any new tank farm replacement.



#### 3) Impact on Tanker Deliveries

The Fuel Tanker Deliveries currently, occur by offloading to the underground fuel tanks located to the South of the site. To comply with the Dangerous Substances Regulations a tanker must be parked during offloading operations entirely within the site boundary and positioned on a 15m x 5m impervious slab capable of draining and containing a fuel spill discharge of 2,000L/min to a total fuel volume of 7,600L. The tanker must be stationary and positioned so it may evacuate the site in a forward motion with no reverse movement required in the case of emergency.

Figure 2.129 of the NTA response shows several HGV swept path analysis at the Circle K, Bray Site. The swept path analysis shows how a HGV would traverse the site. It does not show or indicate where a Fuel tanker would park in order to off load fuel into the underground tank farm within the new site boundary in a regulatory compliant manner. In our opinion it will be impossible to provide a suitable tanker off loading location that will not require the site to close during fuel unloading operations. This site has the potential to receive 3 tanker fuel loads per week necessitating closure for three 1-hour periods each week.

Refer to drawing P2396.SK006 where we indicate the only reasonable location a fuel tanker can park in a regulatory manner to offload. NOTE that the truck is partially positioned in a regulatory unacceptable manner on the new public footpath.

#### 4) Impact on Underground Fuel Pipework Infrastructure

Although not explicitly stated the replacement of the two remaining fuel dispensers along with the replacement of the underground fuel tank farm will necessitate the replacement of the entire Underground Fuel pipework network.

#### 5) Forecourt Canopy

We acknowledge acceptance that the Forecourt canopy will require modification as part of the works. Given current structural configuration of the forecourt canopy and its interconnection with the facility building it is our opinion that the current forecourt canopy will be demolished in its entirety with a new canopy replacement installed over the two new forecourt fuel islands.

#### 6) Forecourt Stormwater and Contaminated Stormwater Drainage

As a result of the permanent land take the service station stormwater and contaminated stormwater systems will be located outside the service station site boundaries. This Dangerous Substances non-compliance created as a result of the Bus Connects CPO can only be rectified by demolishing and reinstalling the entire stormwater and contaminated stormwater system to include replacement of the current site fuel interceptor.

#### 7) Car Wash

The site car wash pad is located so vehicles enter from the rear and exit onto the forecourt area before the vehicle exits onto the Dublin Road. The permanent land take now relocates the site boundary to the car wash exit. This would have the effect of cars directly exiting the carwash onto the public footpath. A direct consequence of the permanent land take means that the car wash requires relocation.



The NTA response states that the car wash will be relocated as part of the Bus Connects works. On analysis of the site to be returned to Circle K there is no remaining space available to relocate the car wash to allow car turning movements to access the car wash or allow enough space to exit the carwash. The NTA must accept that the car wash and any future car wash use will be removed from the site as a result of the permanent land take.

#### 8) Service Station Convenience Store

The Service Station building is directly impacted by two elements of works which will be generated as a consequence of the permanent land take works.

- A) Existing Tank 5 and 6 which are compartments of the same tank structure are located within 2m of the Convenience store building foundations. As stated in Point 2, it is accepted that the entire tank farm will be decommissioned and removed as part of the Bus Connect works relating to the Permanent land take. There is a high probability risk that removal of these tanks which will require a 4m deep excavation which will undermine and structurally compromise the convenience store foundations without considerable sheet piling support works.
- B) The building structure also forms part of the Canopy structure which will be removed in its entirety as a result of the removal of the two roadside fuel islands. Refer to Point 5 above.

It is our opinion that the combination of structural impacts relating to tank farm removal and forecourt canopy removal will structurally compromise the convenience store building to the point where full demolition and reconstruction is required. This point has not been accepted or addressed in the NTA response.

#### Permanent works summary.

It is acknowledged and accepted that works relating the Tank farm, fuel pumps and canopy have been recognised by the NTA as requiring remedial work and replacement, other impacts to the site have not been addressed.

- Safe and regulatory compliant fuel tanker deliveries to the site have not been addressed.
- b) Tank removal will undermine the forecourt building foundations given the depth of excavation required to remove the existing tanks requiring facility building demolition.

The combination of the above issues and the nature of the interrelationship between all elements of infrastructure on the site, it is our opinion that the Bus Connect works in relation to the permanent land take will result in total demolition and reconstruction of the entire Service Station Facility.



# 4 Revised Forecourt Layout.

#### TWO WAY TRAFFIC FORECOURT

The NTA do not appear to have reviewed traffic movements within the revised forecourt layout containing two fuel islands. The service station access and egress arrangement shows the forecourt operating as two way traffic. We assume this is to cater for 'rights of way' that exist to other adjacent properties being served off the access / egress points to the Dublin Road. It is our opinion that the restricted geometry of the new two island forecourt arrangement will create an unsafe and chaotic operational environment for both car and pedestrian movements within the forecourt. This forecourt configuration will require planning permission and the submission of a Road Safety Audit. In our opinion this arrangement will inevitably fail a Road Safety Audit and therefore not be granted Planning permission.

It is our opinion that the proposed two fuel island forecourt cannot operate safely as a two way system.

Drawing P2396.SK004 shows the regulatory compliant location of the proposed two new fuel dispensing islands. Islands are located to ensure the fuel island hazardous zones are not compromised.

- The distance between the fuel island and shop building is 5.09m.
- Typically a customer will park their car between 0.6m and 1.0m from the fuel island
- Given a car width of 2.20m, this will leave a clear space between the fuelling car and shop building wall of max 2.29m and min 1.59 min depending on how well the fuelling customer parks.
- In a two way system with two cars fuelling having approached from opposite directions, neither car will have enough space to traverse around the fuelling car in front to exit the forecourt. The same applies to the fuelling operations to the Dublin Road side of the forecourt.

This clearly creates a scenario where a customer finished their business on site and facing a fuelling car in front will attempt a dangerous reverse manoeuvre to exit the site from the same access/egress point they entered the site. Uncontrolled and dangerous traffic movement as described above create addition conflict and safety issues for pedestrians entering and exiting the shop building.

In the event that the forecourt was busy with cars queuing to enter all four fueling positions, there is no option for fuelling cars to reverse and the forecourt becomes grid locked.

Please refer to Dr No P2396.SK004 indicating unsafe traffic movements within the reconfigured forecourt.



#### **ONE WAY TRAFFIC FORECOURT**

All of the above traffic issues exist with a one way traffic system with the exception that forward movement for exiting cars is always maintained.

A significant issue with a one way system becomes queuing and potential queuing back onto the Dublin Road. Assuming a one way system exists for cars to enter from the Northern entrance and exit only from the Southern exit. If two cars are fuelling from the Southern fuel island. The forecourt geometry does not allow queuing cars to bypass the Northern fuel islands to access the Southern Fuel islands. This issue will cause significant car queuing issues back towards the Southern site entry point with the potential for cars to que onto the Dublin Road Bus Lanes.

In our opinion the geometric layout of the proposed two island arrangement poses significant traffic congestion issues, traffic conflicts with pedestrians and provides an unsafe forecourt operational environment.

The revised Forecourt layout and configuration will require planning permission and will require a Road Safety Audit as part of the planning process. It is our opinion that the proposed layout will fail a Road Safety Audit leading to Planning refusal for the revised scheme.

Please refer to Dr No P2396.SK005 indicating unsafe traffic movements within the reconfigured forecourt.

#### 5 Conclusion.

We accept and acknowledge that the NTA will decommission and replace significant elements of the site infrastructure to include

- Tank removal and replacement.
- Fuel Dispenser relocation and replacement to include all associated fuel infrastructure pipework.
- · Replacement of the forecourt canopy.
- Replacement of the site stormwater drainage network include contaminated storm drainage associated with fuel operations.

There remains significant elements of the proposal that remain unaddressed.

- The service station building will not survive the construction works due to interrelated impacts of the proposed refurbishment works.
- The geometry of the proposed relocated fuel forecourt dispensers will create significant internal road safety issues for both car and pedestrian movements.
- In our opinion the proposed new forecourt layout will not pass a Road Safet Audit and with resulting negative Planning Decision consequences.

In our opinion the proposed forecourt layout with two Fuel Islands is not a viable layout.

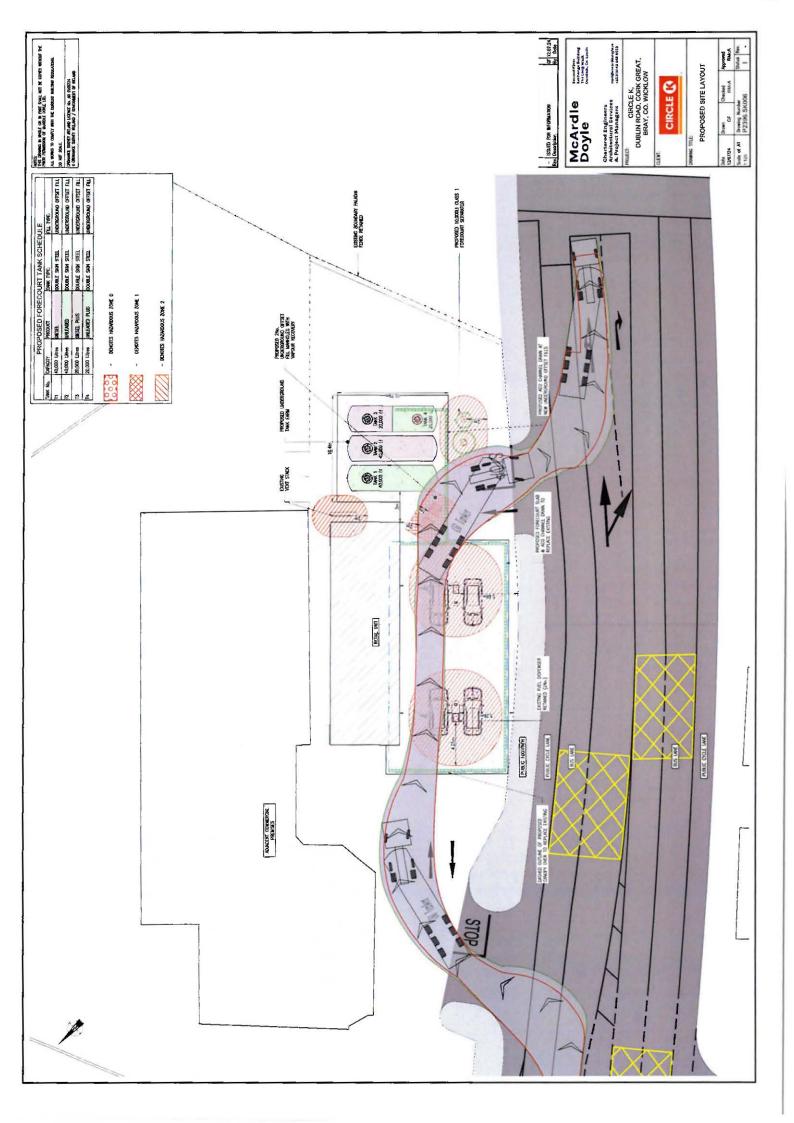
Circle K, Dublin Road, Bray, Co Wicklow

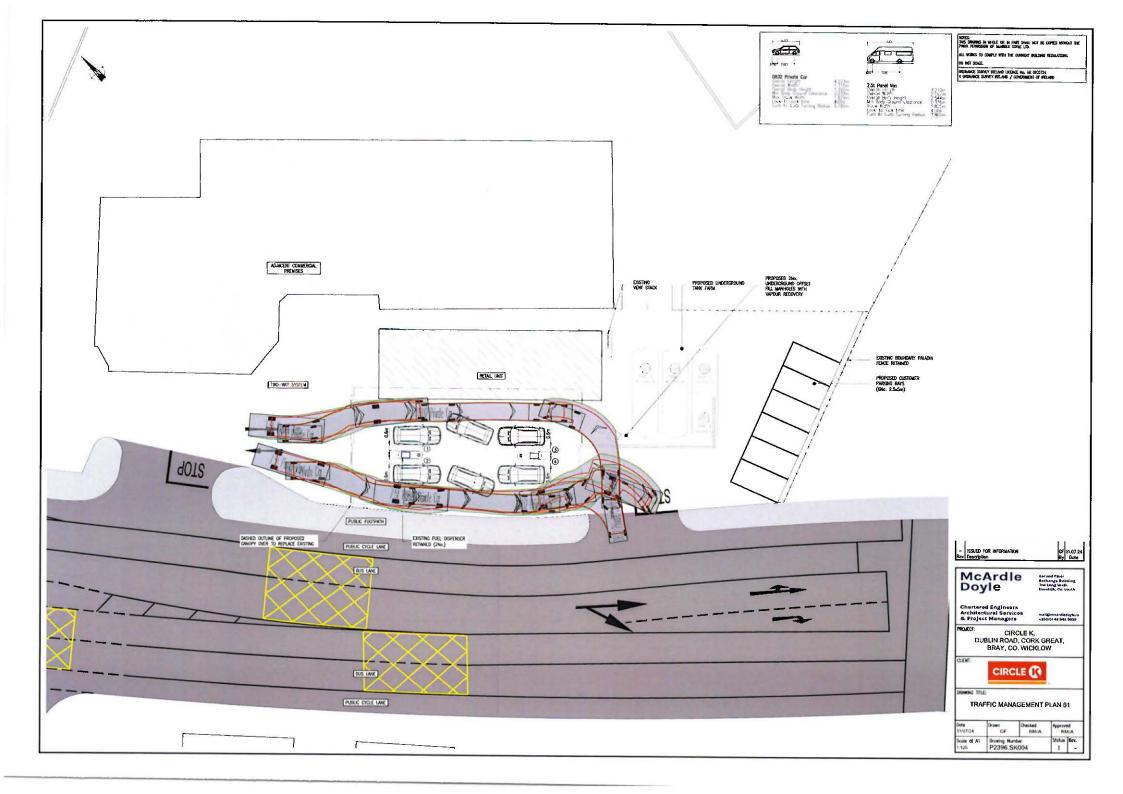
# **McArdle Doyle**

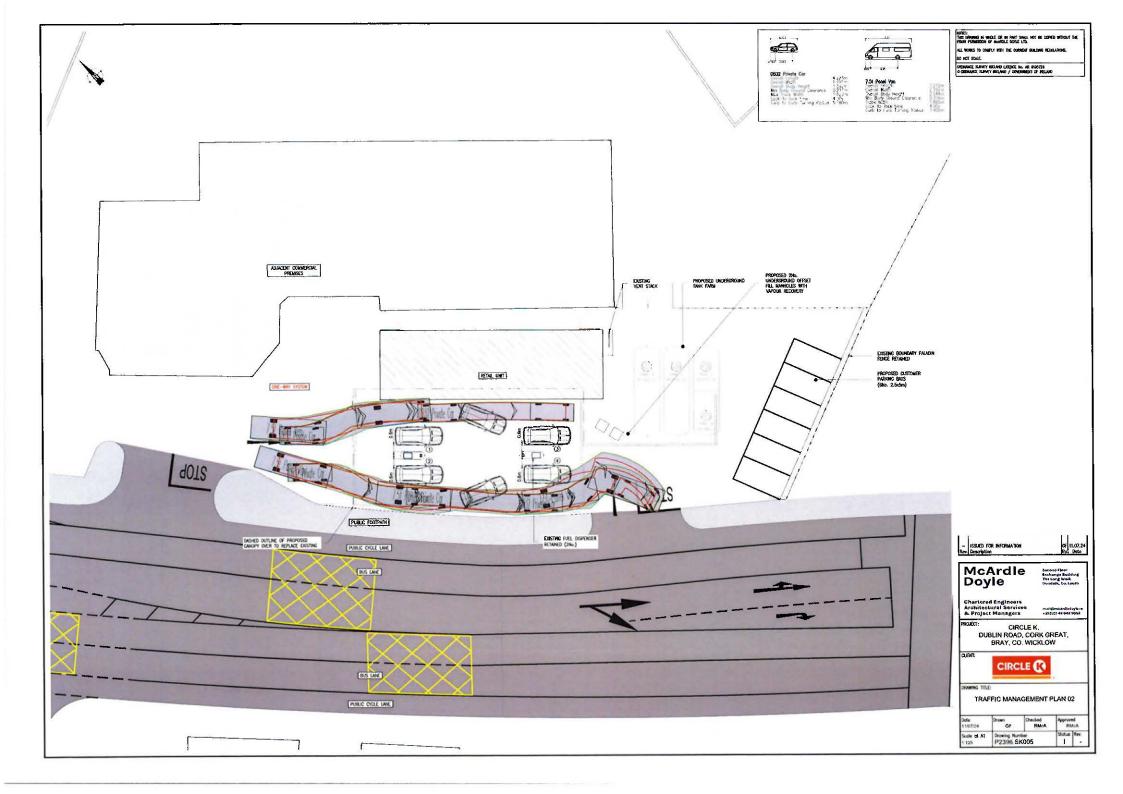
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Report prepared by:

Ronnie McArdle Msc, BEng, CEng, MIEI McArdle Doyle 12<sup>th</sup> July 2024









#### **APPENDIX 3: MHL & ASSOCIATES REPORT**

OBSERVATION on B Infrastructure Develor On behalf of CIRCLE		
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
MHL Document Ref:	23117TT-Doc02 R01	

#### 1. Introduction

MHL Consulting Engineers have been engaged by Circle K Ireland Energy Limited, owners of the Circle K Service Station on Dublin Road, Bray to make observations on the Design Team response to the objection raised by Circle K on the NTA's proposed Bray to City Centre Core Bus Corridor Scheme, which greatly impacts their site and business. The specific section of the proposed scheme they are objecting to is Bray Road between Old Connaught Avenue and Upper Dargle Road. The roads authority proposed to acquire some of the Circle K property on a permanent basis and the entire property on a temporary basis via the Compulsory Purchase Order process, in order to facilitate the construction of their proposed BusConnects Scheme. This observation is being made to An Bord Pleanála in relation to the proposed Compulsory Purchase Order of plot numbers 1042(1).1c, 1042(2).2c.

See Site Location Map of the Circle K service station in Figure 1 below, with the proposed extents of the scheme outlined in red colour.

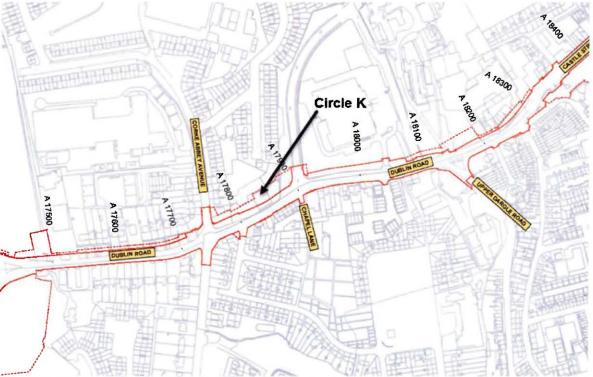


Figure 1: Site Location Map showing Circle K with the Dublin Bus Connects Bray to City Centre CBC Scheme Extents outlined in Red.

Infrastructure Develo	ray to City Centre Core Bus Corridor Strategic opment Compulsory Purchase Order K BRAY SERVICE STATION	
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
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#### 2. Previous Submission - October 2023

The Circle K Service Station, Dublin Road, Bray is shown in an aerial view in Figure 2 below. The service station consists of four fuel dispensing islands, a hardstanding forecourt covered with a canopy, six underground fuel storage tanks, a car wash unit and a convenience store. The business has been operating in this location for approximately 30 years providing a convenient refuelling and retail location for the local community.

MHL provided a submission in objection to the scheme in October 2023 which concluded that the scheme design presented will have major negative impacts on our client's business both during the construction phase and long term. While our client realises the importance of sustainable travel schemes such as this one and the associated benefits for the greater community, they believe the proposed design will have a number of significant negative impacts on the operation of the business.



Figure 2: Impacted Property Site Location Map

The NTA Design Team have produced a response to the objections raised acknowledging that during the operational stage this commercial "receptor" is "expected to experience Negative, Significant and Long-Term impact by permanent land take."

During the scheme's construction Circle K will lose possession of the site completely for 9 months it is estimated. At the end of the construction stage it is proposed that a new modified, reconfigured and reconstructed operating service station will be handed back to Circle K. MHL have reviewed the NTA's DT Response and make the following observations.



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#### 3. Observations on the Design Team Response to the Objections Raised

# 3.1 Impact to Business Due to Temporary Land Take/Closure of Business Dufring Construction

The service station site will be completely shut, partially demolished with extensive ground excavation to remove and decommission the old fuel tanks. The forecourt canopy and fuel pumps will all be demolished. IT is highly likely that the extensive excavation works in such a tight site will result in undermining of the building foundations and ultimately demolition of the existing service station building. The response states that the construction period for section 4b will be 9 months. No guarantee or commitment is even considered to accelerate this time frame, which is a long time for a commercial operation such as this Circle K. The NTA acknowledge that compensation will be paid for the loss to the business, if the CPO is confirmed by An Bord Pleanála.

# 3.2 Long Term Future Viability of the Operation of the Circle K Business

The DT state that the bus corridor is the Optimum Required for the operation of the proposed public transport scheme. However this "optimum required", which greatly impacts the long term viability of the service station, and as stated in chapter 10 of the EIAR that this commercial "receptor" is "expected to experience Negative, Significant and Long-Term impact by permanent land take." This optimum scheme cross section is as shown in Figure 3 below.

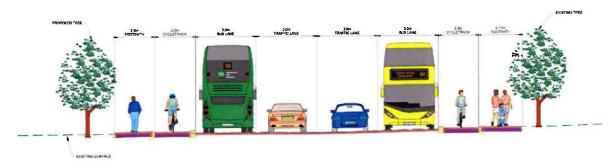


Figure 3: Optimum Scheme Cross Section at Dublin Road, Bray

However on inspection of the various scheme drawings it is noted that this "optimum required" is compromised in certain locations such as DonnyBrook Road, where a Bus lane is dropped or Leeson St. Upper where the cycle track widths are reduced. See Figure 4 below.

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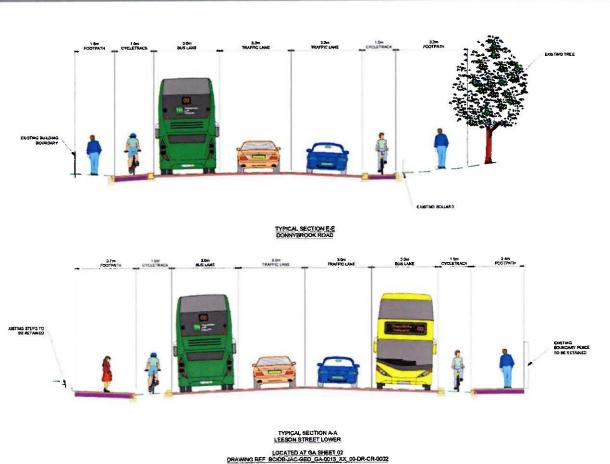


Figure 4: Scheme Cross Sections at Donnybrook and Leeson St. Lower

Given the long term viability for the service station being under severe pressure by this scheme proposal Circle K would urge the NTA to reconsider the "optimum requirement" at this location on the Dublin Road in Bray.

#### 3.3 Loss of Parking Issues

The notion that customers of the business could park at locations along side roads within 200-250m of the proposed scheme is ludicrous. Customers who buy fuel will not fill up, then park 250m away, only to return to pay their fuel cost. Likewise customers using the convenience store will not park away from the site. If the customers cannot park on site they will park on the footpaths and cycle tracks fronting the site. This will create a whole new problem for the scheme itself in the long term if service station customers have nowhere to park.

Infrastructure Develo	ray to City Centre Core Bus Corridor Strategic opment Compulsory Purchase Order K BRAY SERVICE STATION	
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
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MHL Document Ref:	23117TT-Doc02 R01	

## 3.4 Bus Stop Locations block Sight Lines for vehicles Egressing the Development

Figure 2.127 demonstrates availability of sight lines behind the bus stop. However when the bus stop is in use the sightlines from the access junction will be impeded by the bus. Given that it is a CBC bus route it will therefore be a high frequency bus route. It is likely that buses will be stopping within 5 to 10 minutes of each other, with dwell times of a few minutes. This could lead to collisions between vehicles exiting the service station and southbound traffic on the road.

#### 3.5 Lack of Space in Forecourt

The reduction in the area of the forecourt due to the 7.5-9.5m boundary setback will greatly reduce the open space available for vehicle and pedestrian movements within the forecourt. The lack of space will increase the conflict probability between vehicles and pedestrians attempting to navigate the forecourt, which is a serious safety concern. The reduction in formal parking areas will also exacerbate this issue. Cars are likely to park in unsuitable areas reducing the visibility of pedestrians by drivers and increasing the likelihood of a collision. The lack of space will be even further apparent during fuel delivery periods. There will be insufficient space for the tanker to navigate in and out of service station safely. The proposed CPO could render the entire service station unsafe to operate as well as rendering it unviable as a profitable business operation. Figure 2.129 of the DT Response shows a swept path which appears very tight, with vehicle passing very close to the pumps and kerb lines. The lack of space in the proposed forecourt area again leaves us questioning the long term viability of this site as a profitable service station.



Infrastructure Develo	ray to City Centre Core Bus Corridor Strategic opment Compulsory Purchase Order K BRAY SERVICE STATION	
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Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
MHL Document Ref:	23117TT-Doc02 R01	

#### 4. Conclusion

It is our opinion that the scheme design presented will have major negative impacts on our client's business both during the construction phase and operationally more long term. While our client realises the importance of sustainable travel schemes such as this one and the associated benefits for the greater community, they believe the proposed design will have a number of significant negative impacts on the operation of the business. The main arguments expressed by our client are as follows:

- The proposed land take will result in a significant loss of parking at the site which may lead to customers parking illegally and blocking the forecourt or carriageway.
- The permanent land take will greatly reduce the amount of open space available in the forecourt which presents a serious safety hazard in an area which is shared by both pedestrians and vehicles.
- The proposed bus stop in its current location will block sightlines for vehicles exiting
  the service station, when a bus is loading or unloading passangers. This is a significant
  safety concern and could lead to collisions between vehicles exiting the service station
  and traffic on the road.
- The proposed permanent land take will result in the loss of significant infrastructure which is integral to the operation to the business. The infrastructure to be removed includes underground fuel storage tanks, two of the four existing fuel pump islands, the existing canopy over the forecourt, the existing car wash, the existing display signage, underground fuel pipes and underground storm network pipes.
- It is proposed to temporarily acquire the entire site during the construction phase which is set to last for 9 months and therefore force a business closure. It may be difficult to recover this business post construction. A completely reconfigured site layout would be required, including reconfiguration of the building footprint.





Strategic Infrastructure Department An Bord Pleanála 64 Marlborough Street Dublin 1

Our Ref: CON24112

15th July 2024

RE: SUBMISSION TO AN BORD PLEANÁLA REFERENCE: ABP-317780-23 BRAY TO CITY CENTRE BUSCONNECTS BUS CORRIDOR SCHEME COMPULSORY PURCHASE ORDER.

A Chara,

We, Coakley O'Neill Town Planning Ltd. of NSC Campus, Mahon, Co. Cork, are instructed by our clients, Ard Services Limited, of Circle K House, Beech Hill Road, Clonskeagh, Dublin to make this submission to An Bord Pleanála in relation to the proposed Compulsory Purchase Order which is associated with the Bray to City Centre BusConnects Bus Corridor Scheme under the Strategic Infrastructure Development Process (Application Reference ABP-317780-23).

Our clients' also welcome the opportunity to specifically respond to the submission from the National Transport Authority (NTA) from the 24<sup>th</sup> May 2024.

We note the last date for a submission is the 15th July 2024.

As detailed previously, our clients' have a material interest in this application as lands in their ownership fronting onto the R761 Dublin Road are outlined as being subject to both permanent and temporary CPO acquisition to facilitate the proposed scheme.

Our clients' continued stance is that they are not objecting to the scheme as a whole. They continue to be very supportive of any scheme that promotes more sustainable forms of transport within Dublin, which will alleviate the pressure placed on the city's roads by cars.

However, on review of the submission from the NTA, our clients' again wishes to highlight that they cannot wholly accept the proposal in its current iteration owing to the potential significant harmful and detrimental impacts it will have on the continued day to day operation, and ultimately viability, of their Bray service station going forward.

Hereunder we set out their concerns in relation to the submission from the NTA, the associated CPO and the published scheme in general.



#### Introduction

Circle K Ireland is the country's largest fuel and convenience retailer with 420 employment locations across the country. They are owners (through subsidiary Ard Services Ltd.) and operators of the Circle K Bray service station on the R761 Dublin Road, which has been providing a local service in the area for over 30 years.

Circle K have a significant investment strategy in place to upgrade facilities across their entire service station network. This will continue to allow them to provide a range of goods and services that passing motorists and shoppers seek on a daily basis.

#### Site Location and Description

The subject site comprises an existing Circle K service station located on the Dublin Road to the north of Bray town centre. The site is irregular in shape and is comprised of 4 no. pump islands with a canopy over and a single storey amenity building which contains a main retail area, coffee making facilities, food preparation area, staff facilities as well as back of house areas.

The service station has dual access from two entrances off Dublin Road and the main ID sign is located adjacent to the roadside boundary. Car services such as air and water and a car wash facility are located to the south of the main amenity building.

The subject site is located within a mixed-use area of Bray. To the north and east of the site is Corke Abbey residential estate and to the west and on the opposite side of the road is St. Peter's Road residential estate. There are also several commercial premises within the immediate vicinity such as a Ford Car Dealership which adjoins the subject site, the Craft Picture Framing Gallery to the north and Kitchen Café, Chipmongers and Salmon Interiors are located to the west and directly opposite the site.

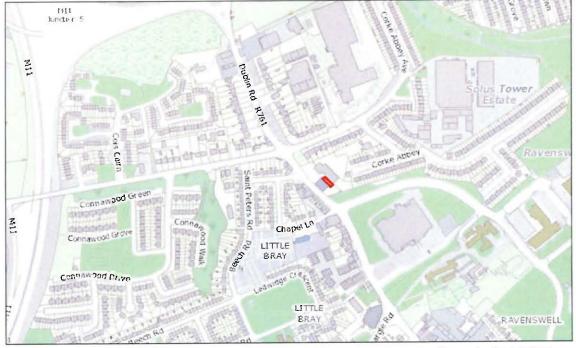


Figure 1 - Site location in context of surrounding area (Source: MyPlan.ie) (annotated by Coakley O'Neil Town Planning Ltd, 2024).





Figure 2 – View of Service Station in relation to surrounding context (Source: Google Maps, 2023)

#### **Planning History**

The commercial nature of the site is long established, and it has been in use as a service station for an extended period of time. The known planning history of the site is as follows:

Application Register Reference D23A/0349: Permission granted for change of use from permitted store and retail use to retail use including the sale of alcohol for consumption off the premises (i.e. off licence use) resulting in an increase in the net retail floor area of 6sqm, and where the floor area for the off licence use is 13.3sqm and is ancillary to the primary retail use on the 13th July 2023 subject to 2no. conditions. This permission has been recently implemented on the site.

#### **Local Planning Policy**

The relevant statutory development plan which governs the site remains the **Dun Laoghaire-Rathdown County Development Plan 2022-2028**. The site is zoned as "Major Town Centre" (MTC) with the objective "to protect, provide for and-or improve major town centre facilities." This is illustrated in Figure 3 below.





Figure 3 – Site zoning in context of Dun Laoghaire Rathdown County Development Plan, 2022-2028 (annotated by Coakley O'Neil Town Planning Ltd, 2023).

#### **Context of Initial Observation**

The initial observation was made in relation to the Bray to City Centre BusConnects Bus Corridor Scheme. As outlined previously, our clients have significant interest in the proposal owing to the potential significant negative impact of the scheme on their Bray Service Station, which is proposed to be subject to both permanent and temporary acquisition.

The CPO acquisitions were premised on facilitating a series of changes to the public roadway directly outside the service station, including:

- the introduction of east and westbound cycle lanes on either side of the R761 which extends along the entire frontage of our clients service station.
- the introduction of east and westbound bus lanes with associated bus shelter and bus stop located towards western entrance of service station.
- the provision of a continuous footpath and pedestrian priority zone along southern boundary of service station.

These proposals are shown below.



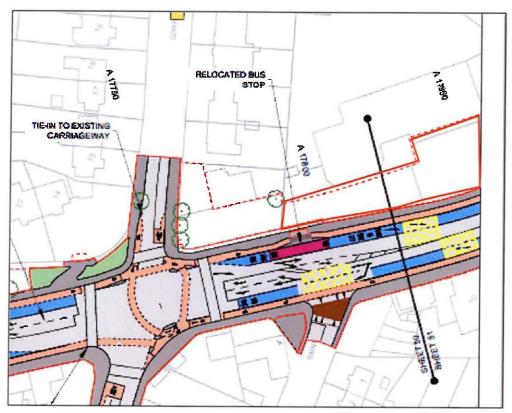


Figure 4 - Scheme Plan for Bray, subject site generally outlined in red - West Side - (Source: Jacobs, 2023).

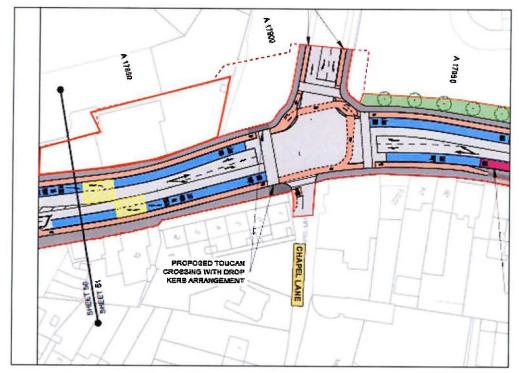


Figure 5 - Scheme Plan for Bray, subject site generally outlined in red - East Side - (Source: Jacobs, 2023)



As evident above, the proposed BusConnects scheme seeks permission for the acquisition of land in our clients ownership. This consists of all land in our clients ownership in this location on a temporary basis as well as a section fronting onto the R761 being acquisitioned on a permanent basis. This is outlined as follows:

- 772m² of land is to be permanently acquired by the Council under Part 1 of the CPO Number on Map
   Deposited at NTA: 1042(1).1c
- 1,289.7m<sup>2</sup> (i.e. the entire service station) is to be temporarily acquired by the Council under Part 2 of the CPO **Number on Map Deposited at NTA: 1042(2).2c**

Together, these cover the entire service station site.

The extent of the associated CPOs are shown below in Figure 6.

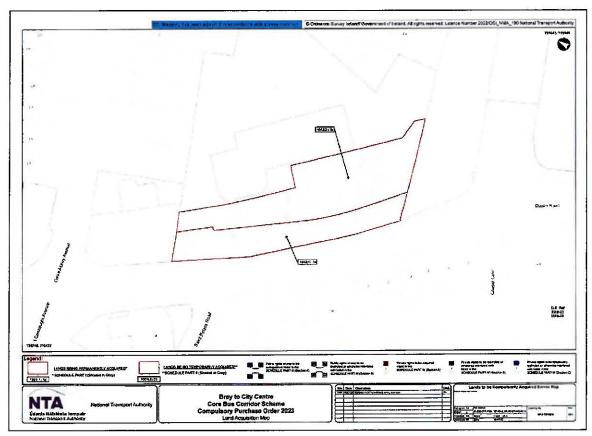


Figure 6 - Lands subject to permanent and temporary acquisition (Map source: Dun Laoghaire Rathdown County Council, 2023).

The impact of the proposed CPOs is illustrated in Figure 7 below.



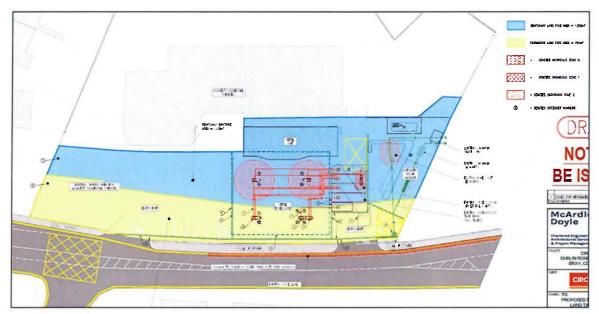


Figure 7 - Circle K Bray, highlighting areas that are set to be subject of a temporary and permanent CPO (source: McArdle Doyle, 2023)

#### **Response to National Transport Authority Submission**

The NTA submission from the 24<sup>th</sup> May 2024 is noted. The NTA response to the objections raised by our client is premised on 4 key areas, as follows:

#### Section 2.10.3 Response to Objections Raised

- 1. Impact to Business Due to Temporary Land Take/Closure of Business During Construction
- 2. Long Term Future Viability of the Operation of the Circle K Business
- 3. Alternate Design Proposal
- 4. Relocation of Bus Stop and Access/Egress to the Site.

The NTA submission acknowledges the service station as a commercial 'receptor' which is 'expected to experience Negative, Significant, and Long-term Impact by permanent land take'.

More specifically, in reference to the Volume 2 of the submitted EIAR, the submission notes that that 'one commercial receptor are expected to experience a Negative, Significant and Long-Term impact by permanent land take. The Circle K filling station on the east side of the Dublin Road in Little Bray will require permanent removal of four of its pumping stations, which is expected to have an adverse impact on the business.'

As detailed in the NTA's submission, it is estimated that Circle K will lose possession of the service station for an estimated 9 months, at which point a proposed new reconfigured and reconstructed service station will be handed back to Circle K. **Section 5.3.4.2** of Chapter 5 of Volume 2 of the EIAR notes the following works which will be involved:

The construction activities at Section 4b will comprise reconstruction and resurfacing of the roads, footpaths, and cycle tracks, and new kerbs. Construction activities will also consist of additional signage, new road markings, new and amended traffic signal infrastructure, new street furniture and landscaping works.



Considerable clearance works are required at Circle K Bray, including the demolition of the forecourt awning, demolition of four pumps, removal of the car wash area and removal of a number of underground tanks. The car park access and parking arrangement at Circle K Bray will be rearranged and a new kerb separation with railing will be constructed in front of the proposed property boundary. The forecourt canopy will be rebuilt over the operational pumps. Urban realm enhancement works will be carried out at the Dublin Road.'

The NTA note in their submission that the reconfiguration of the Circle K Service station site will be done in consultation with Circle K and best practices and standards for design of petrol station.

The proposed general arrangement for the residual Circle K Service Station site post construction is detailed below in Figure 8.

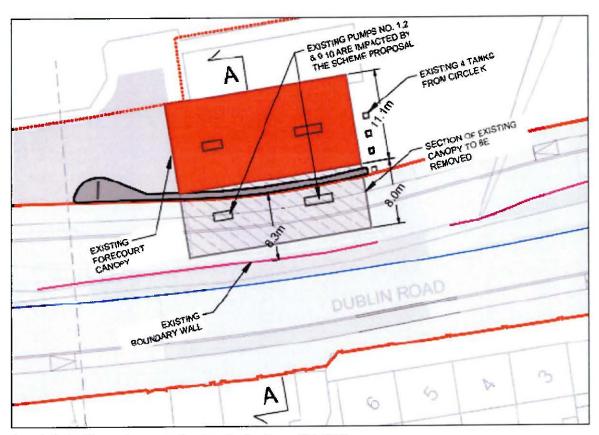


Figure 8 - Revised forecourt arrangement post construction (Source: NTA, 2024)

The NTA submission further outlines the extent of the proposed works which will impact on the existing service station.

'The existing Circle K service station on the east side of the Dublin Road in Bray will be modified, to facilitate carriageway widening works. Considerable clearance works and demolition works are required at Circle K Bray, as described in Section 5.5.2.10.2.

Following the clearance works and demolition works, the forecourt canopy will be rebuilt over the remaining four operational pumps. The car wash, service station and existing access will be reconfigured. The car park

July 2024



access and parking arrangement at Circle K Bray will be repositioned and a new kerb separation with railing will be constructed in front of the boundary.

The Circle K Bray service station works will be undertaken in the following sequence:

- Site clearance and excavation;
- Decommissioning of four pumps. Removal of the underground tanks and connections relevant to these pumps;
- Utility diversions;
- Drainage and service ducting, in particular the underground tank connections to the operational pumps;
- Structural works preparation and pouring of the structure foundations and concrete columns.
   Once completed, the forecourt canopy will be modified;
- Kerbs and paved area works;
- Street furniture and landscaping; and
- Finishing works pulling of cabling, and installation and commissioning of the mechanical and electrical infrastructure.

The service station operation will be impacted during the construction works."

In response to the proposed works outlined by the NTA, our clients again wish to highlight their concerns with respect to the impacts of same on their property. It is their continued stance that despite the NTA asserting that the reprofiled service station will be able to operate post construction, this is actually not the case, and as a result, the service station operation post construction as detailed by the NTA will become unviable.

The submission highlights that Circle K will re-gain possession of the remaining site, which is proposed to be reconfigured, re-instated with pumps re-commissioned and operational as a petrol station, on completion of the BusConnects construction works. A significant amount of work is required prior to the facility being returned to our client. As shown in Figure 8 above, the scope of the service station will be greatly reduced.

A CPO Impact Report has been prepared by our client's appointed architects and engineers, McArdle Doyle, while an additional response to the submission from the NTA has been prepared by MHL consulting engineers, both of which are enclosed herein.

The report again notes the following impacts on the service station, both temporary and permanent.

- 1. Removal of 2no. fuel forecourt dispensers.
- Removal of existing underground storage fuel tank number 1 which will have knock on effect of removing additional underground tanks.
- 3. Impact on tanker deliveries.
- 4. Impact on underground fuel pipework infrastructure.
- 5. Impact on forecourt canopy.
- 6. Forecourt stormwater and contaminated stormwater drainage
- 7. Requirement to relocate existing car wash.
- 8. Demolition and refurbishment of existing service station amenity building.



The General Arrangement drawing prepared by the NTA and shown in Figure 8 above along with the respective commentary on same does not appear to take account of the potential interrelated knock-on effects as a result of the reprofiling of the forecourt fuel area, the removal of parking spaces in the site and the loss of facilities including the existing car wash. This has been highlighted in the accompanying technical reports from our client's appointed architects and engineers.

In particular, the revised setback proposed, which greatly reduces the size of the forecourt will create an access issue for passing motorists and HGV fuel tanker deliveries. The swept path analysis prepared by the NTA does not account for where HGV fuel tankers will have to park within the forecourt when fuel deliveries are taking place, nor does the submission account for how this will affect passing motorists and customers as they access/egress the site.

Further to this, to comply with the Dangerous Substances Regulations a tanker must be parked during offloading operations entirely within the site boundary and positioned on a 15m x 5m impervious slab capable of draining and containing a fuel spill discharge of 2,000L/min to a total fuel volume of 7,600L. The tanker must be stationary and positioned so it may evacuate the site in a forward motion with no reverse movement required in the case of emergency.

It is not clear whether this is even achievable in the context of the proposed forecourt arrangement put forward by the NTA to ensure compliance with the Dangerous Substances Regulations.

As outlined previously, the temporary closure also poses significant difficulties for our clients in respect of the length of time involved in the decommissioning works and their implications for the continued operation of the station. Indeed, it is a likelihood that the station will have to be demolished and totally rebuilt. The submission from the NTA goes on to state that:

Following the clearance works and demolition works, the forecourt canopy will be rebuilt over the remaining four operational pumps. The car wash, service station and existing access will be reconfigured. The car park access and parking arrangement at Circle K Bray will be repositioned and a new kerb separation with railing will be constructed in front of the boundary.

The NTA submission does not account for the impact of the reprofiling of the fuel forecourt on the existing convenience store. The section drawing including in the submission from the NTA asserts that the convenience store can be maintained without any significant works being required.

However, owing to the proximity of the existing underground tanks 5 and 6 to the foundations of the convenience store, there is a high probability risk that the removal of the tanks will cause significant structural impacts that would require the store to be demolished in full and rebuilt.

The loss of 2no. pump islands will greatly affect the business' ability to generate revenue and significantly endanger its future commercial viability going forward. Furthermore, the relocation of the existing car wash is not viable due to the already tight confines of the site and the presence of other businesses in the immediate area.



As highlighted by the NTA, the Optimum Required Cross Section at the site includes 2no. footpaths, 2no. cycle lanes, 2no. bus lanes and 2no. lanes for vehicular traffic. However, it is noted that in other areas, including along Donnybrook Road and Leeson Street Upper that the "Optimum Required" is compromised.

This included the removal of 1no. bus lane and a reduction to the width of the proposed cycle tracks, as detailed in MHL's submission accompanying this letter. We would question why this hasn't been proposed at Dublin Road given the long term viability for the service station being under severe pressure by this scheme proposal.

As a result, Circle K would urge the NTA to reconsider the "optimum requirement" at this location on the Dublin Road in Bray.

It is evident that the closure of the station, even on a temporary basis, will have a significant impact upon its viability, not just for the period of closure but into the future, given the full diversion of trade to other stations that will occur as a result of said closure.

As highlighted above, additional knock-on effects are created due to the loss of land on a permanent basis such as the total decommissioning of existing tank farm, and demolishing of forecourt canopy.

In all, it is evident that the planned BusConnects scheme will have a dramatic detrimental impact upon the operation of this long established and permitted service station, to the extent that the use may no longer be viable.

Due to the combination of the above issues and the nature of the interrelationship between all elements of infrastructure on the site, it is our opinion that the BusConnects works in relation to the permanent land take will lead to the total demolition and reconstruction of the entire service station facility.

All these points are further highlighted and developed in the appendices to this submission from both our clients themselves and their engineering consultants.

For these reasons, our clients wish to state their objection to the CPO acquisition put forward by the National Transport Authority in respect of their lands, in addition to their associated SID Application to An Bord Pleanála as it relates to same.

As detailed above, our clients are not objecting to the proposed BusConnects Scheme as a whole. They do however wish to safeguard the existing commercial function of their business while still in support of the proposed BusConnects route.

Please forward all correspondence in relation to this observation this office.

Is Mise le Meas,

Alan O Calloh

Alan O'Callaghan

Coakley O'Neill Town Planning Ltd.



#### **APPENDIX 1: LETTER FROM PROPERTY OWNERS**



July 15, 2024

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

Re: Submission to An Bord Pleanala Reference ABP-317780-23

Bray to City Centre Core Bus Corridor Scheme Compulsory Purchase Order

Plot List: 1042(1).1c, 1042(2).2c

#### A Chara,

We write to you in our capacity as owner of Circle K Service Station, Dublin Road, Bray, Co Wicklow, A98 P9X2.

We refer to the Proposed Compulsory Purchase Order notice which relates to Plot List 1042(1).1c, 1042(2).2c and the subsequent submission from the National Transport Authority (NTA) dated 24 May 2024.

The proposed Compulsory Purchase Order (CPO) which relates to two portions comprises as follows:

- Plot List 1042(1).1c for permanent acquisition, extending to 772.3 sqm (0.07723 ha/0.19 acres)
- Plot List: 1042(2).2c for temporary acquisition, extending to 1,289.7m2 (0.12897ha/0.32 acres)

We have examined the proposed CPO together with the associated map, documentation and reports prepared by our consultants. It is clear the proposed CPO will have a devastating impact on our business and premises and threatens its future viability as a service station.

Ultimately, this proposed CPO creates a situation whereby the demolition and reconstruction of a substantially reduced service station will be necessitated. The Proposed Order fundamentally decreases the overall site area by approximately 40% and will yield a substantially diminished footprint when compared to the existing service station facility. The ability for future developments at the station, for example the developing electric charging facilities & associated infrastructure or the store extension or redevelopment is also hampered due to the reduction in the overall site area. Fuel dispensing capacity will be greatly reduced. Our customers ability to access, navigate, fuel, park and exit the service station as a result of the proposed CPO is also negatively impacted. This will lead to a significant erosion in our trade, profitability and the overall ability to operate a service station on a viable basis.

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Circle K Ireland Energy Limited
Circle K House,
Beech Hill,
Clonskeagh, Dublin 4

Telephone +353 1 2028888

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We have taken this opportunity to highlight the truly detrimental effect the Proposed CPO will have on our business. Firstly, addressing the impact of the proposed permanent land acquisition. As outlined in the Proposed Order, the section of land identified in a potential permanent acquisition Plot List 1042(1).1c is fronting onto the R761 Dublin Road. A concerning aspect of the proposed permanent acquisition is the loss of significant fuel infrastructure. Located within the area delineated under Plot List 1042(1).1c are two roadside fuel island dispensers. The removal of these fuel islands represents a loss of three of the four fueling locations which is a reduction of 60% to our current capacity. This will result in a direct erosion to our fuel volume sales and decimates tradability.

Another detrimental aspect of the proposed permanent land acquisition is the impact upon the operation of the car wash facility. The proposed change to the site's boundaries will encroach upon the exit point from the car wash facility and renders the car wash facilities at the service station inoperable. It is not feasible to relocate the car wash facility within the proposed reduced site boundary. The loss of revenue generated from such a vital service category has an enormous direct adverse effect on turnover and transactional sales. Furthermore, with our service offering lessened, this in turn also reduces our transactional sales, customer base and footfall to the service station. Similarly, the loss of customer parking as a result of the potential CPO will also deter customers from frequenting the service station. Convenience and ease of car parking are key requirements to our trade and the removal of car parking will have a direct detrimental impact upon our trade and will result in significant loss of earnings.

Located adjacent to the two fuel island dispensers are structural support stanchions. The removal of these stanchions will necessitate the demolition and replacement of the existing forecourt canopy, which as the canopy is connected to the structure and fabric of the service station building will comprise the integrity of the structure, thus requiring its demolition and reconstruction. The closure of the station for the duration of these works will impact upon the future viability of the service station.

Having regard to the nature of the onerous works required by the proposed CPO, the premises would effectively be unable to operate for a lengthy duration. Reconstruction works of this nature will incur immense disruption our operating business and results in the displacement of our customer base and employees. We would also bring to your attention the enormous inherent costs that will be associated with these works. In the response submission prepared by the NTA, it was suggested that a significantly reduced service station could be facilitated and reinstated. Notwithstanding this, any potential reinstated service station will not have the capacity to operate as efficiently and trade as effectively as our current service station, making the future of the service station unviable.

The temporary acquisition of the entire service station has been identified under Plot List: 1042(2).2c. Essentially, the business will be closed to trade for the duration of the temporary acquisition which has been indicated to be nine months. This will result in the loss of an operational property and displacement of our customer base and trade. It is our first-hand experience that any such disruption on site will not only lead to a temporary loss of trade but moreover, it will also result in a permanent loss of customer base due to changes in customer behaviour during this intervening period. Have no doubt that this will have a permanent effect.

The proposed temporary land acquisition will require the permanent decommissioning and removal of the underground fuel storage tanks. The current nett underground fuel storage capacity is 105,000 litres. Any

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reduction to the current storage capacity would be unacceptable as it would results in more frequent fuel deliveries being required and consequently increasing the operational expenditure, which further affects the future viability.

The capability of facilitating future tanker deliveries in a regularity compliant manner has not been adequately addressed in the response submission prepared by the NTA. The ability to facilitate fuel deliveries in a complaint manner is essential to any future operation.

Lastly, having reviewed the wider scheme plan for Dublin Road, under the proposal it is not clear if vehicles will continue to be allowed to turn right into the station following the completion of the scheme. The removal of this existing right turn into the service station from Dublin Road will further compound the deterioration of our trading ability. The extent of which may be in the order a further 50% reduction in trading capacity.

In conclusion, due to the size and configuration of our premises, any land acquisition whatsoever has a devastating impact and threatens the future viability of our overall business at this important location. Which has provided a very important service offering for the surrounding population and visitors to and from Bray for many years. The proposed CPO erodes the business trade due to the loss of crucial fuel and car wash infrastructure, convenient customer parking spaces and circulation, all of which are vital components for the successful operation of our business.

We wish to put it on record that we support sustainable public transport initiatives however we simply cannot support the proposed CPO scheme in its current form and vehemently object to the current proposal at our service station for the concerns outlined above and contained within this Objection.

In conclusion, we do not accept the proposed CPO and vehemently object to it.

Yours faithfully,

Ciara Foxton
Managing Director



### APPENDIX 2: CPO IMPACT REPORT PREPARED BY MCARDLE DOYLE

# McArdle Doyle

Chartered Engineers
Architectural Services
& Project Managers

Observation on Strategic Infrastructure Development Bray to City Centre Core Bus Corridor Scheme and Associated Compulsory Purchase Order 2023 Circle K Service Station Dublin Road Bray,

Co Wicklow.

#### Circle K, Dublin Road, Bray, Co Wicklow



## **CONTENTS**

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3	Temporary Land Take Reconstruction Impacts.	2
4	Revised Forecourt Layout	5
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#### 1 Introduction

Circle K, Bray Service Station is located on Dublin Road, Bray, Co Wicklow. The service station comprises of Four (4) fuel dispensing islands with five (5) fuel dispensers covered with a typical forecourt canopy, six (6) underground fuel storage tanks, car wash unit and retail facility building with convenience store. The service station has existed and traded in its current format for approximately 30 years.

### 2 Regulatory Instrument

Fuel service stations are designed, operated and maintained under S.I. No 630 of 2019, Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations 2019.

In order to trade all Service Stations must possess a Licence to Store Flammable Fuels under the above regulations.

## 3 Temporary Land Take Reconstruction Impacts.

Section 5.3.4.2 of Chapter 5 (Construction) Volume 2 of the EIAR notes the construction works involved at the Circle K Service Station site on Dublin Road:

The construction activities at Section 4b will comprise reconstruction and resurfacing of the roads, footpaths, and cycle tracks, and new kerbs. Construction activities will also consist of additional signage, new road markings, new and amended traffic signal infrastructure, new street furniture and landscaping works. Considerable clearance works are required at Circle K Bray, including the demolition of the forecourt awning, demolition of four pumps, removal of the car wash area and removal of a number of underground tanks. The car park access and parking arrangement at Circle K Bray will be rearranged and a new kerb separation with railing will be constructed in front of the proposed property boundary. The forecourt canopy will be rebuilt over the operational pumps. Urban realm enhancement works will be carried out at the Dublin Road.'

The Circle K Service Station operation will be impacted during the construction works and will be **closed for business** during this period. Circle K will re-gain possession of the remaining site, which is reconfigured, re-instated with pumps re-commissioned and operational as a petrol station, on completion of the Bus Connects construction works.

We note the above acknowledgement from the NTA that the site will close and significant works are required prior to the facility being returned to our client, we would like to note the following and state that our client has **not agreed** to the changes and alterations to their Service Station.

- Removal of two Forecourt Fuel Dispensers and forecourt reconfiguration
  We acknowledge acceptance by the NTA that two fuel dispensing islands with 4
  fuelling locations will be removed permanently from the site and the site reconfigured
  with two rebuilt fuel island with 4 fuelling locations.
- 2) Impact on existing Underground Fuel Storage Tank
  We acknowledge acceptance by the NTA that the current tank farm will be
  permanently decommissioned and removed from site during works and replaced
  prior to client hand back. It should be noted that the site has a current nett
  underground fuel storage capacity of 105,000 litres of fuel. This underground storage
  capacity must be retained in any new tank farm replacement.



#### 3) Impact on Tanker Deliveries

The Fuel Tanker Deliveries currently, occur by offloading to the underground fuel tanks located to the South of the site. To comply with the Dangerous Substances Regulations a tanker must be parked during offloading operations entirely within the site boundary and positioned on a 15m x 5m impervious slab capable of draining and containing a fuel spill discharge of 2,000L/min to a total fuel volume of 7,600L. The tanker must be stationary and positioned so it may evacuate the site in a forward motion with no reverse movement required in the case of emergency.

Figure 2.129 of the NTA response shows several HGV swept path analysis at the Circle K, Bray Site. The swept path analysis shows how a HGV would traverse the site. It does not show or indicate where a Fuel tanker would park in order to off load fuel into the underground tank farm within the new site boundary in a regulatory compliant manner. In our opinion it will be impossible to provide a suitable tanker off loading location that will not require the site to close during fuel unloading operations. This site has the potential to receive 3 tanker fuel loads per week necessitating closure for three 1-hour periods each week.

Refer to drawing P2396.SK006 where we indicate the only reasonable location a fuel tanker can park in a regulatory manner to offload. NOTE that the truck is partially positioned in a regulatory unacceptable manner on the new public footpath.

#### 4) Impact on Underground Fuel Pipework Infrastructure

Although not explicitly stated the replacement of the two remaining fuel dispensers along with the replacement of the underground fuel tank farm will necessitate the replacement of the entire Underground Fuel pipework network.

#### 5) Forecourt Canopy

We acknowledge acceptance that the Forecourt canopy will require modification as part of the works. Given current structural configuration of the forecourt canopy and its interconnection with the facility building it is our opinion that the current forecourt canopy will be demolished in its entirety with a new canopy replacement installed over the two new forecourt fuel islands.

#### 6) Forecourt Stormwater and Contaminated Stormwater Drainage

As a result of the permanent land take the service station stormwater and contaminated stormwater systems will be located outside the service station site boundaries. This Dangerous Substances non-compliance created as a result of the Bus Connects CPO can only be rectified by demolishing and reinstalling the entire stormwater and contaminated stormwater system to include replacement of the current site fuel interceptor.

#### 7) Car Wash

The site car wash pad is located so vehicles enter from the rear and exit onto the forecourt area before the vehicle exits onto the Dublin Road. The permanent land take now relocates the site boundary to the car wash exit. This would have the effect of cars directly exiting the carwash onto the public footpath. A direct consequence of the permanent land take means that the car wash requires relocation.



The NTA response states that the car wash will be relocated as part of the Bus Connects works. On analysis of the site to be returned to Circle K there is no remaining space available to relocate the car wash to allow car turning movements to access the car wash or allow enough space to exit the carwash. The NTA must accept that the car wash and any future car wash use will be removed from the site as a result of the permanent land take.

#### 8) Service Station Convenience Store

The Service Station building is directly impacted by two elements of works which will be generated as a consequence of the permanent land take works.

- A) Existing Tank 5 and 6 which are compartments of the same tank structure are located within 2m of the Convenience store building foundations. As stated in Point 2, it is accepted that the entire tank farm will be decommissioned and removed as part of the Bus Connect works relating to the Permanent land take. There is a high probability risk that removal of these tanks which will require a 4m deep excavation which will undermine and structurally compromise the convenience store foundations without considerable sheet piling support works.
- B) The building structure also forms part of the Canopy structure which will be removed in its entirety as a result of the removal of the two roadside fuel islands. Refer to Point 5 above.

It is our opinion that the combination of structural impacts relating to tank farm removal and forecourt canopy removal will structurally compromise the convenience store building to the point where full demolition and reconstruction is required. This point has not been accepted or addressed in the NTA response.

#### Permanent works summary.

It is acknowledged and accepted that works relating the Tank farm, fuel pumps and canopy have been recognised by the NTA as requiring remedial work and replacement, other impacts to the site have not been addressed.

- Safe and regulatory compliant fuel tanker deliveries to the site have not been addressed.
- b) Tank removal will undermine the forecourt building foundations given the depth of excavation required to remove the existing tanks requiring facility building demolition.

The combination of the above issues and the nature of the interrelationship between all elements of infrastructure on the site, it is our opinion that the Bus Connect works in relation to the permanent land take will result in total demolition and reconstruction of the entire Service Station Facility.



## 4 Revised Forecourt Layout.

#### TWO WAY TRAFFIC FORECOURT

The NTA do not appear to have reviewed traffic movements within the revised forecourt layout containing two fuel islands. The service station access and egress arrangement shows the forecourt operating as two way traffic. We assume this is to cater for 'rights of way' that exist to other adjacent properties being served off the access / egress points to the Dublin Road. It is our opinion that the restricted geometry of the new two island forecourt arrangement will create an unsafe and chaotic operational environment for both car and pedestrian movements within the forecourt. This forecourt configuration will require planning permission and the submission of a Road Safety Audit. In our opinion this arrangement will inevitably fail a Road Safety Audit and therefore not be granted Planning permission.

It is our opinion that the proposed two fuel island forecourt cannot operate safely as a two way system.

Drawing P2396.SK004 shows the regulatory compliant location of the proposed two new fuel dispensing islands. Islands are located to ensure the fuel island hazardous zones are not compromised.

- The distance between the fuel island and shop building is 5.09m.
- Typically a customer will park their car between 0.6m and 1.0m from the fuel island.
- Given a car width of 2.20m, this will leave a clear space between the fuelling car and shop building wall of max 2.29m and min 1.59 min depending on how well the fuelling customer parks.
- In a two way system with two cars fuelling having approached from opposite directions, neither car will have enough space to traverse around the fuelling car in front to exit the forecourt. The same applies to the fuelling operations to the Dublin Road side of the forecourt.

This clearly creates a scenario where a customer finished their business on site and facing a fuelling car in front will attempt a dangerous reverse manoeuvre to exit the site from the same access/egress point they entered the site. Uncontrolled and dangerous traffic movement as described above create addition conflict and safety issues for pedestrians entering and exiting the shop building.

In the event that the forecourt was busy with cars queuing to enter all four fueling positions, there is no option for fuelling cars to reverse and the forecourt becomes grid locked.

Please refer to Dr No P2396.SK004 indicating unsafe traffic movements within the reconfigured forecourt.



#### **ONE WAY TRAFFIC FORECOURT**

All of the above traffic issues exist with a one way traffic system with the exception that forward movement for exiting cars is always maintained.

A significant issue with a one way system becomes queuing and potential queuing back onto the Dublin Road. Assuming a one way system exists for cars to enter from the Northern entrance and exit only from the Southern exit. If two cars are fuelling from the Southern fuel island. The forecourt geometry does not allow queuing cars to bypass the Northern fuel islands to access the Southern Fuel islands. This issue will cause significant car queuing issues back towards the Southern site entry point with the potential for cars to que onto the Dublin Road Bus Lanes.

In our opinion the geometric layout of the proposed two island arrangement poses significant traffic congestion issues, traffic conflicts with pedestrians and provides an unsafe forecourt operational environment.

The revised Forecourt layout and configuration will require planning permission and will require a Road Safety Audit as part of the planning process. It is our opinion that the proposed layout will fail a Road Safety Audit leading to Planning refusal for the revised scheme.

Please refer to Dr No P2396.SK005 indicating unsafe traffic movements within the reconfigured forecourt.

#### 5 Conclusion.

We accept and acknowledge that the NTA will decommission and replace significant elements of the site infrastructure to include

- Tank removal and replacement.
- Fuel Dispenser relocation and replacement to include all associated fuel infrastructure pipework.
- Replacement of the forecourt canopy.
- Replacement of the site stormwater drainage network include contaminated storm drainage associated with fuel operations.

There remains significant elements of the proposal that remain unaddressed.

- The service station building will not survive the construction works due to interrelated impacts of the proposed refurbishment works.
- The geometry of the proposed relocated fuel forecourt dispensers will create significant internal road safety issues for both car and pedestrian movements.
- In our opinion the proposed new forecourt layout will not pass a Road Safet Audit and with resulting negative Planning Decision consequences.

In our opinion the proposed forecourt layout with two Fuel Islands is not a viable layout.

Circle K, Dublin Road, Bray, Co Wicklow

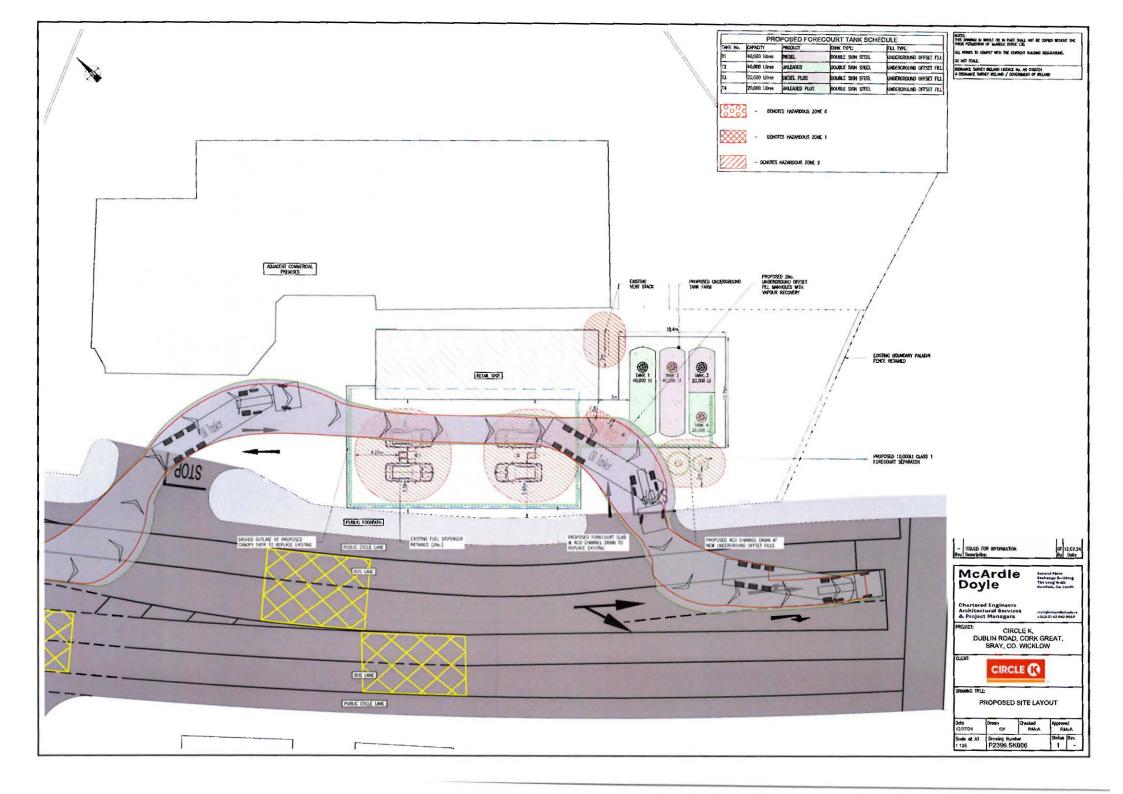
## McArdle Doyle

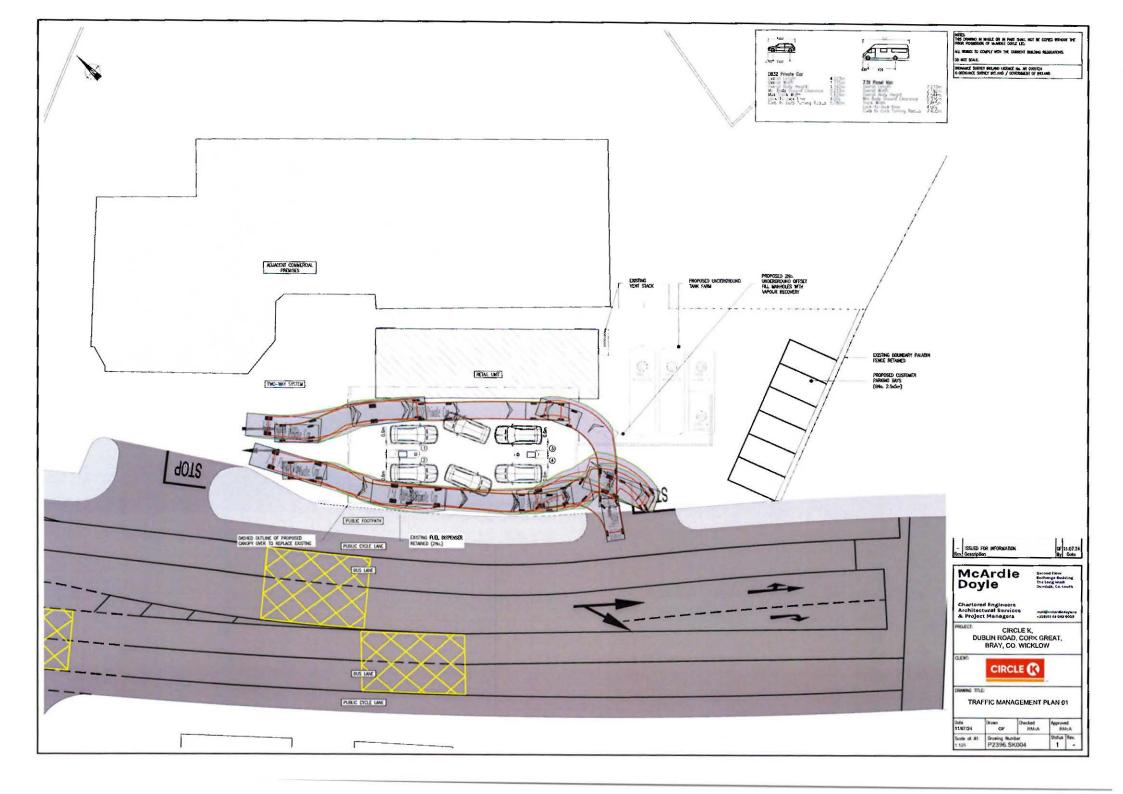
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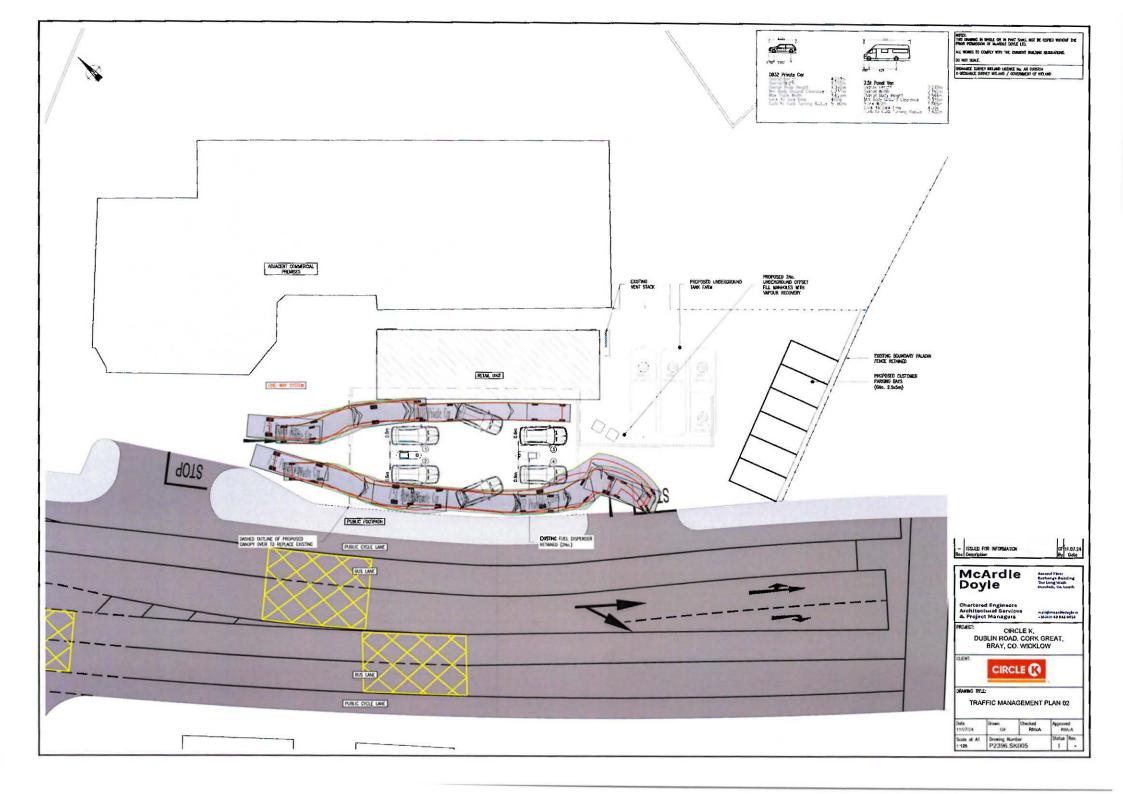
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Ronnie McArdle Msc, BEng, CEng, MIEI

McArdle Doyle 12th July 2024









#### **APPENDIX 3: MHL & ASSOCIATES REPORT**

Infrastructure Develo	ray to City Centre Core Bus Corridor Strategic opment Compulsory Purchase Order K BRAY SERVICE STATION	
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
MHL Document Ref:	23117TT-Doc02 R01	

#### 1. Introduction

MHL Consulting Engineers have been engaged by Circle K Ireland Energy Limited, owners of the Circle K Service Station on Dublin Road, Bray to make observations on the Design Team response to the objection raised by Circle K on the NTA's proposed Bray to City Centre Core Bus Corridor Scheme, which greatly impacts their site and business. The specific section of the proposed scheme they are objecting to is Bray Road between Old Connaught Avenue and Upper Dargle Road. The roads authority proposed to acquire some of the Circle K property on a permanent basis and the entire property on a temporary basis via the Compulsory Purchase Order process, in order to facilitate the construction of their proposed BusConnects Scheme. This observation is being made to An Bord Pleanála in relation to the proposed Compulsory Purchase Order of plot numbers 1042(1).1c, 1042(2).2c.

See Site Location Map of the Circle K service station in Figure 1 below, with the proposed extents of the scheme outlined in red colour.

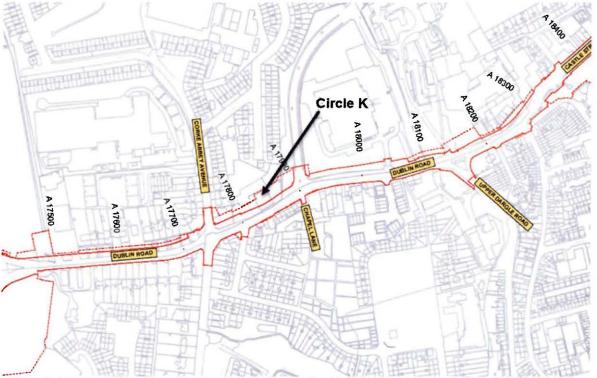


Figure 1: Site Location Map showing Circle K with the Dublin Bus Connects Bray to City Centre CBC Scheme Extents outlined in Red.

Infrastructure Develo	ray to City Centre Core Bus Corridor Strategic opment Compulsory Purchase Order K BRAY SERVICE STATION	
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
MHL Document Ref:	23117TT-Doc02 R01	West of the state

#### 2. Previous Submission - October 2023

The Circle K Service Station, Dublin Road, Bray is shown in an aerial view in Figure 2 below. The service station consists of four fuel dispensing islands, a hardstanding forecourt covered with a canopy, six underground fuel storage tanks, a car wash unit and a convenience store. The business has been operating in this location for approximately 30 years providing a convenient refuelling and retail location for the local community.

MHL provided a submission in objection to the scheme in October 2023 which concluded that the scheme design presented will have major negative impacts on our client's business both during the construction phase and long term. While our client realises the importance of sustainable travel schemes such as this one and the associated benefits for the greater community, they believe the proposed design will have a number of significant negative impacts on the operation of the business.



Figure 2: Impacted Property Site Location Map

The NTA Design Team have produced a response to the objections raised acknowledging that during the operational stage this commercial "receptor" is "expected to experience Negative, Significant and Long-Term impact by permanent land take."

During the scheme's construction Circle K will lose possession of the site completely for 9 months it is estimated. At the end of the construction stage it is proposed that a new modified, reconfigured and reconstructed operating service station will be handed back to Circle K. MHL have reviewed the NTA's DT Response and make the following observations.

	opment Compulsory Purchase Order K BRAY SERVICE STATION	
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
MHL Document Ref:	23117TT-Doc02 R01	

#### 3. Observations on the Design Team Response to the Objections Raised

## 3.1 Impact to Business Due to Temporary Land Take/Closure of Business Dufring Construction

The service station site will be completely shut, partially demolished with extensive ground excavation to remove and decommission the old fuel tanks. The forecourt canopy and fuel pumps will all be demolished. IT is highly likely that the extensive excavation works in such a tight site will result in undermining of the building foundations and ultimately demolition of the existing service station building. The response states that the construction period for section 4b will be 9 months. No guarantee or commitment is even considered to accelerate this time frame, which is a long time for a commercial operation such as this Circle K. The NTA acknowledge that compensation will be paid for the loss to the business, if the CPO is confirmed by An Bord Pleanála.

#### 3.2 Long Term Future Viability of the Operation of the Circle K Business

The DT state that the bus corridor is the Optimum Required for the operation of the proposed public transport scheme. However this "optimum required", which greatly impacts the long term viability of the service station, and as stated in chapter 10 of the EIAR that this commercial "receptor" is "expected to experience Negative, Significant and Long-Term impact by permanent land take." This optimum scheme cross section is as shown in Figure 3 below.

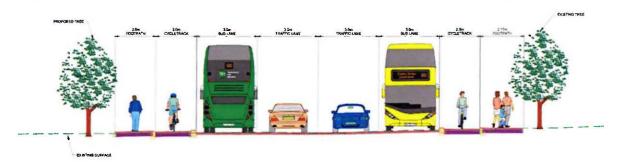


Figure 3: Optimum Scheme Cross Section at Dublin Road, Bray

However on inspection of the various scheme drawings it is noted that this "optimum required" is compromised in certain locations such as DonnyBrook Road, where a Bus lane is dropped or Leeson St. Upper where the cycle track widths are reduced. See Figure 4 below.



Infrastructure Develo	ray to City Centre Core Bus Corridor Strategic opment Compulsory Purchase Order K BRAY SERVICE STATION	
Project Title:	BusConnects Dublin: Bray to City Centre Core Bus Corridor Scheme CPO	MLII
Author:	Mr. Brian Loughrey BE CEng. MIEI, FConsEl	
Date:	09/07/2024	
Subject:	Observation to An Bord Pleanála on DT Response	
MHL Document Ref:	23117TT-Doc02 R01	

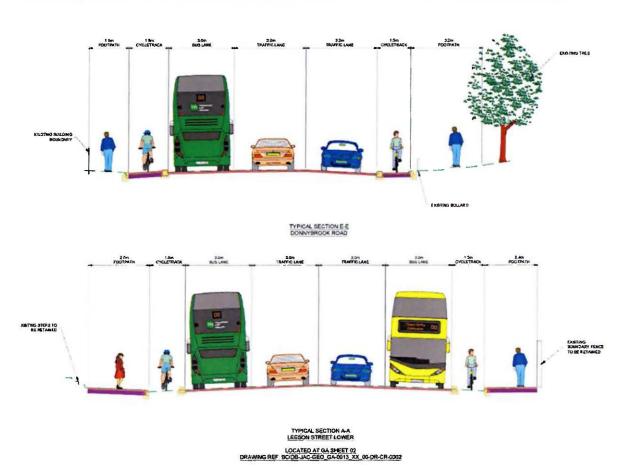


Figure 4: Scheme Cross Sections at Donnybrook and Leeson St. Lower

Given the long term viability for the service station being under severe pressure by this scheme proposal Circle K would urge the NTA to reconsider the "optimum requirement" at this location on the Dublin Road in Bray.

#### 3.3 Loss of Parking Issues

The notion that customers of the business could park at locations along side roads within 200-250m of the proposed scheme is ludicrous. Customers who buy fuel will not fill up, then park 250m away, only to return to pay their fuel cost. Likewise customers using the convenience store will not park away from the site. If the customers cannot park on site they will park on the footpaths and cycle tracks fronting the site. This will create a whole new problem for the scheme itself in the long term if service station customers have nowhere to park.



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#### 3.4 Bus Stop Locations block Sight Lines for vehicles Egressing the Development

Figure 2.127 demonstrates availability of sight lines behind the bus stop. However when the bus stop is in use the sightlines from the access junction will be impeded by the bus. Given that it is a CBC bus route it will therefore be a high frequency bus route. It is likely that buses will be stopping within 5 to 10 minutes of each other, with dwell times of a few minutes. This could lead to collisions between vehicles exiting the service station and southbound traffic on the road.

#### 3.5 Lack of Space in Forecourt

The reduction in the area of the forecourt due to the 7.5-9.5m boundary setback will greatly reduce the open space available for vehicle and pedestrian movements within the forecourt. The lack of space will increase the conflict probability between vehicles and pedestrians attempting to navigate the forecourt, which is a serious safety concern. The reduction in formal parking areas will also exacerbate this issue. Cars are likely to park in unsuitable areas reducing the visibility of pedestrians by drivers and increasing the likelihood of a collision. The lack of space will be even further apparent during fuel delivery periods. There will be insufficient space for the tanker to navigate in and out of service station safely. The proposed CPO could render the entire service station unsafe to operate as well as rendering it unviable as a profitable business operation. Figure 2.129 of the DT Response shows a swept path which appears very tight, with vehicle passing very close to the pumps and kerb lines. The lack of space in the proposed forecourt area again leaves us questioning the long term viability of this site as a profitable service station.



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#### 4. Conclusion

It is our opinion that the scheme design presented will have major negative impacts on our client's business both during the construction phase and operationally more long term. While our client realises the importance of sustainable travel schemes such as this one and the associated benefits for the greater community, they believe the proposed design will have a number of significant negative impacts on the operation of the business. The main arguments expressed by our client are as follows:

- The proposed land take will result in a significant loss of parking at the site which may lead to customers parking illegally and blocking the forecourt or carriageway.
- The permanent land take will greatly reduce the amount of open space available in the forecourt which presents a serious safety hazard in an area which is shared by both pedestrians and vehicles.
- The proposed bus stop in its current location will block sightlines for vehicles exiting
  the service station, when a bus is loading or unloading passangers. This is a significant
  safety concern and could lead to collisions between vehicles exiting the service station
  and traffic on the road.
- The proposed permanent land take will result in the loss of significant infrastructure
  which is integral to the operation to the business. The infrastructure to be removed
  includes underground fuel storage tanks, two of the four existing fuel pump islands,
  the existing canopy over the forecourt, the existing car wash, the existing display
  signage, underground fuel pipes and underground storm network pipes.
- It is proposed to temporarily acquire the entire site during the construction phase which is set to last for 9 months and therefore force a business closure. It may be difficult to recover this business post construction. A completely reconfigured site layout would be required, including reconfiguration of the building footprint.

