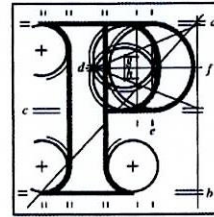


Our Case Number: ABP-314942-22



**An
Bord
Pleanála**

Chapelizod Residents Association
55 Saint Laurence Road
Chapelizod
Dublin 20
D20 HK40

Date: 12th July 2023

Re: BusConnects Lucan to City Centre Core Bus Corridor Scheme
Lucan to Dublin City Centre

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

If you have any queries in relation to the matter, please contact the undersigned officer of the Board.

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

Yours faithfully,

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

AA02

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Shaun McGee

From: Sarah Caulfield
Sent: Wednesday 12 July 2023 09:36
To: [REDACTED]
Cc: Shaun McGee
Subject: RE: ABP-314942-22

Dear J. Jerome,

The Board acknowledges receipt of your email and attached submission in relation to the above-mentioned application.

Kind Regards,
Sarah

[REDACTED]
Sent: Monday, July 10, 2023 7:47 PM

To: Bord <bord@pleanala.ie>

Subject: ABP-314942-22

fao Ms. Eimear Reilly, Executive Officer.

Dear Eimear,

I enclose comments fro Chapelizod Residents Association

Regards,

J. Jerome Casey

CHAPELIZOD RESIDENTS ASSOCIATION (Estd. 1942)

Chair: John Martin, Treasurer: Vincent Ferguson, Secretary: Jerome Casey

55 St. Laurence Road,
Chapelizod.
Dublin 20.
D20 HK40.

Final Comments to An Bord Pleanála

on

BusConnects6 Lucan to City Centre Bus Scheme

Ref. no. ABP – 314942 – 22

by

J, Jerome Casey, [address as above]

Hon. Secretary of

Chapelizod Residents Association [address as above]

7/7/2023.

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2.4. Overview: CRA's involvement with the Bypass:

Chapelizod has had a long and broadly beneficial relationship with its Bypass since its inception. Dublin Corporation's engineers estimated that *Anna Livia* bridge had run out of capacity to cope with western traffic in 1968. Peak-hour traffic tailbacks through the village were typical and getting longer. City engineers identified a route bypassing the village running over the old Longmeadows dump and the Californian Hills. However, the Second Oil Crisis drove the economy into recession: public investment was severely cut back. In 1982, CRA asked its Secretary, Jerome Casey (then working as Group Economist with C-RH) to undertake a Cost/Benefit study of the Bypass proposal. The results were astonishing: the Benefit/Cost ratio was 4.5 – 5.8 : 1.¹ In retrospect, this was not surprising. The entrance/exit to/from the city to the West would always have to be through the Liffey valley. The north was blocked out by the Phoenix Park and the south was blocked by the relatively new houses in Ballyfermot. And you were replacing a route whose bridge could accept c. 25,000 vehicles on a dry day with an urban motorway with a capacity within 20 years of up to 120,000 vehicles per day.

The results were presented to Dublin Corporation. The Asst. City Engineer was delighted, but the City Engineer demurred. The results were then presented to Mr. Paddy O'Duffy, Asst. Secretary Roads, Dept. of Local Government, and to his Principal Officer, Mr. John Carroll. They tested the results and agreed with them. The Dept. of Finance gave its approval and the Bypass was completed by 1986.

Both John and Paddy finished their careers in ABP. John served as ceo. Paddy was asked by his DG to serve as Executive Chairman of ABP, to deal with two people who had been appointed by Ray Burke T.D. as directors of ABP. Paddy quickly removed these two and one other person.² Until he retired in 2003, both Paddy and John ensured that no whiff of corruption could be leveled at ABP during the Celtic Tiger era. The same could not be said of DCC.

Not surprisingly, because of our *role* in its inception, CRA has maintained a strong proprietorial interest in the Bypass over the years.

- **Aesthetics:** Mr. Eddie Dowling was Project Engineer for DCC overseeing the construction of the Bypass. Eddie and his team were immensely proud, not only of the safety and efficiency of the Bypass³,

¹ v. p. 27 of CRA's initial submission to ABP. A ratio of between 1.0 and 2.0 : 1 is more usual for good, acceptable projects.

² As we have seen recently, ABP will be faced every 30 or 40 years with a senior executive who chooses personal gain over public duty. Given that ABP's decisions can substantially increase the value of private property, this is probably unavoidable. What is heartening however, is that, on both occasions, the Customs House moved speedily and effectively to resolve the issue.

³ Not an easy task, as the footprint of the Bypass was narrow in its width and undulating in its going.

but also of its aesthetics. They considered that the Bypass equaled the best of Italian *autostradas* in its aesthetics i.e. it is the finest entrance into the city with its rolling rural-aspect views (particularly towards the Phoenix Park) continuing until its exit onto the SCR. The shrub and tree planting have amplified this *rus in urbe* aspect over time.

- **Bus Lane:** The Bypass was designed and built as a two lane urban motorway. Some two decades ago, DCC added a buslane. There was no traffic reason for this. Traffic (both cars and buses) flowed freely at up to 80 kph for 90% of its length until it stalled close to either exit – typically 50 – 100m. from an exit during non-peak hours and 300 – 450 m. from an exit during peak hours. The effect of the bus lanes was to reduce the safety and carrying capacity of the now-constricted two car lanes. No Cost/Benefit study was published by DCC to measure the effect of this constriction on Bypass capacity.⁴ The solution to traffic jams at the exits should have been to improve permeability through those exits. We shall consider this in the following section .
- **Lack of Investment:** Since it was built c. 37 years ago, there has been virtually⁵ no investment in the Bypass to maintain or increase its capacity. This is inexcusable. The original funding for the Bypass was scraped together when the State was experiencing its longest and deepest recession during the past 60 years. In comparison, in current times, the Exchequer is running a surplus, in part because of a claimed shortage of viable investment projects. Here are two – to improve the permeability of traffic exiting at Palmerstown and the SCR, so as to maintain/improve the Bypass' carrying capacity.

The exit to Palmerstown is blocked by traffic lights at the garage: these were installed at the request of the then P.P. who sought a second crossing of the Bypass to allow the quicker dispersion of cars from large gatherings (weddings, funerals) at the local church. The traffic lights at the garage should now be removed. Further on, the traffic lights at the main junction in Palmerstown should be removed and replaced with grade separation similar to the underpass/overpass on the Lucan Bypass.

Secondly, from the exit onto the SCR the late Tom Roche Sr. proposed a tunnel under John's Road and the Liffey, emerging in the north inner city past Benburb Street. This was given scant

⁴ We shall discuss later the much more serious omission of the NTA to carry out a C/B study comparing the Bypass Option with CRA's Improved Route Through the Village, as required by law under the Public Spending Code.

⁵ A small project c. 7 years ago smoothed bus progress towards the Palmerstown exit

consideration then by DCC. And currently, in its submission to ABP⁶, DCC Traffic Division gives no consideration to grade separation. Instead it argues for further restriction on the two lanes exiting the Bypass viz.

"It is proposed that during the design stage, options for tightening up the John's Road inbound approach to the junction are explored such that two straight ahead general traffic lanes are merged to one prior to the junction. This will relieve pressure on the junction and allow for better cycling and walking facilities"

This will not *relieve pressure on the junction*. It will increase it.

In the short-term, this junction must be improved, not disimproved, initially to maintain the utility of citizens commuting from the West, but subsequently because of the immanent opening of the National Children's Hospital. The vast majority of ill patients coming from outside Dublin to the Hospital will come by road (car, taxi, ambulance). They will circulate on the M50 and come down Chapelizod Bypass. For critically ill patients, speed is of the essence. The traffic pyramid normally deployed by Traffic Dept. puts pedestrians on top and cars on the bottom. It is suggested that, in order to speed patient access to the Hospital, that cars (taxis, ambulances) should be given top place within a 1.5km. distance from the Hospital. This would require the removal of the recently-installed cycling lane from the SCR. This covers c. one third of the distance from the Bypass exit to the Hospital. While it is virtually unused by cyclists, it has already seriously decreased traffic speed and capacity on the SCR. It might also need overhead pedestrian crossings at junctions (which would represent a significant contribution by DCC to reducing obesity among its citizens), rather than at grade.⁷

⁶ DCC submission to ABP -314942-22, sec. 2.4.7.2. Traffic Division, Specific Comment, Sheet of 28 of 31

⁷ Lest pedestrian/cycling bridges be seen as too radical by DCC Traffic Dept. one could point to two such constructs provided on the on the Chapelizod Bypass 37 years ago – one over to Liffey Valley Shopping Centre and the second at the junction of Kennelsfort Road and the R146 Bypass. The latter bridge has changed attitudes: virtually no pedestrian is now heroically foolish enough to cross at grade. This will no longer stand if a recommendation to the NTA is adopted [Accessibility Audit. Appendix 1 of the Preliminary Design Report included as part of the Supplementary Information provided with ABP application 314924 – 22 p. 8, AECOM/In association with Mott MacDonald, June 2022]. The consultants consider that *"the steep curved ramps (of the bridge) would not meet good practice standards, although these are likely to have met the design standards when constructed"*. Accepted. But the consultants go on to recommend as an alternative, *"a new at grade pedestrian crossing"* This is regressive and would certainly increase mortality. It would put another nail in the coffin of efforts to improve permeability for traffic exiting the Bypass. . If the consultants considered that the cycle/pedestrian bridge was below standard, they should have made recommendations to bring it up to standard – and not effectively abandoned it for a much inferior solution.

In the longer-term, grade separation at the John's Road and SCR junction is essential to avert the progressive collapse of the carrying capacity of the Bypass.

- **A Bus Station on a Motorway?** : Imagine CRA's astonishment when first we learned that the NTA intended to build a bus station on the Bypass above Chapelizod Hill Road. A bus station on a motorway? It goes against all the principles of good transport planning. The Bypass was planned and built as a motorway, although it has since, inexplicably, been administratively re-classified as a regional road. Motorways are high-speed, high-capacity, limited-access roads. They ban pedestrians, cyclists, and motorcycles with small capacity engines because they would be endangered by high-speed traffic. And no motorway authority would ever authorise bus stations to collect passengers on a motorway for the same reason – that careless or mentally disturbed passengers could and might step from the bus platform and, avoiding retaining barriers, step into the path of oncoming, speeding traffic, with catastrophic results for life and limb. In addition, the stop – go nature of a bus station runs completely counter to the high-speed, continuous travel nature of a motorway: with such an intervention, a reduction in the Bypass' carrying capacity is inevitable.⁸

CRA will consider how particular aspects of this station (e.g. on accessibility) breach planning standards later. At this stage we want to consider the general point of the advisability of considering building a bus station on a motorway. We conducted an internet search for bus stations on motorways and any associated injuries or deaths therefrom. We found no evidence of either of these events. We consider that the NTA's persistence in putting forward this highly dangerous proposal to be unconscionable, and destructive of their *role* as a public body to improve the public good.

⁸ As mentioned before, a Cost/Benefit study is an appropriate means of measuring such a reduction in capacity.

2. Objections

CRA has four objections to the NTA's application in ABP – 314942 – 22. It would request An Bord Pleanála to reject this application as being contrary to proper planning and development for Chapelizod and its surrounds. The reasons for rejection are as follows viz.

2.1. A Bus Station on a Motorway?

Who in the NTA thought it was a good idea to build a bus station on an erstwhile motorway? From this initial conceit, all subsequent difficulties flow e.g. accessibility, overshadowing and overlooking etc.).

As part of its application to ABP in 2022, the NTA commissioned a Road Safety Audit.⁹ In the Introduction, this claimed (p. 5),

"This Safety Audit represents the response of an Independent Audit Team to various aspects of the scheme"

The Audit Team comprised Mr. Rowan Lyons, Team Leader, from AECOM's Belfast office and Mr. Brian McMahon from AECOM's Dun Laoghaire office. On p.45 they signed off on the report and said

"No one on the audit team has been involved with scheme design".

Admirable, but irrelevant. AECOM has been the major engineering consultant to the NTA on the BusConnects' project. The Audit Review Team was not Independent i.e. a review by one's peers. It was dependent, because its authors, however intellectually or morally independent, were employees of AECOM.¹⁰ How could the NTA have commissioned such a report from AECOM, and not instead from an academic or commercial peer of AECOM? It confirms CRA's fears that the NTA suffers from a collective *hubris* which renders them **very sure of their errors**, as Umberto Eco described the Paris theologians in the Middle Ages.¹¹

Moving on from its putative independence, the Road Safety Audit recommends six improvements for cyclists along the Old Lucan Road and the Lucan Road:

⁹ AECOM/in association with Mott MacDonald, (June 2022), Appendix M Road Safety Audit.

¹⁰ The accountancy profession has greatest experience of auditing. Because of basic conflict of interest considerations, there is no way that, for example, Deloitte employees would be allowed audit the accounts of Deloitte Ltd.

¹¹ CRA original submission to ABP, p.23

these seem worthy, but are unlikely to cause serious injury if they were not adopted. In contrast, this audit has only one entry for Chapelizod Hill Road.¹²viz.

“Under the R148 Chapelizod Bypass, the Chapelizod Road is one-way northbound. This road is quite steep..... A uni-directional cycle track is proposed on the western side of the Chapelizod Hill Road to accommodate northbound cyclists.”

To avoid conflicts between fast-moving, descending cyclists and slow-moving, ascending cyclists, road markings and direction signage are recommended for cyclists. All well and good

But the dog then fails to bark. There is no mention or appraisal of the danger to life and limb (as mentioned on p.6) during the construction and operational stages of building a bus station on a motorway. One amendment is required to p.6, which was prepared earlier. We had stated,

“careless or mentally disturbed passengers could ...step from the bus platform and, avoiding retaining barriers, step into the path of oncoming....., traffic.”

Subsequent scrutiny of a drawing¹³ for Chapelizod Hill Road shows that there are no retaining barriers between the outside bus lane at the station and the two car lanes adjacent to it. These car lanes handle 65,000 – 85,000 vehicles per day at speeds of up to 80 kph. The State would be liable if it exposed careless or confused passengers to such dangers.

There may be an explanation, if not an excuse for such a dangerous design. The DTTS has published a Design Manual for Urban Roads and Streets.¹⁴ In their Environmental Impact Assessment Report (EIAR)¹⁵ Jacobs *et al.* stated

“The principles, approaches and standards set out in this Manual apply to the design of all urban roads and streets (with a speed limit of 60 kph or less), except

- a) *Motorways*
- b) *In exceptional circumstances, certain urban roads and streets with the written consent of the Sanctioning Authorities”.*

¹² Pp. 38 – 39.

¹³ General Arrangement drawing BCIDA-ACM-STR-GA-0006-DR-CB-0101

¹⁴ Dept. of Transport, Tourism and Sport (DTTS) (2019), Design Manual for Urban Roads and Streets.

¹⁵ Jacobs, Arup, Systra, (2022), Environmental Impact Assessment Report (EIAR) Volume 2 of 4 pp. 6, 7.

And finally, Jacobs *et al.* (p. 7) states

"The Proposed Scheme has been designed and assessed with reference to these guidelines"

So instead of applying the design standards appropriate for high-speed motorways to the bus station on the Bypass, the standards used for low-speed urban roads and streets were applied. How could this error have been initially made by the NTA and subsequently repeated by their consultants?

CRA would ask ABP to dismiss the applicant's request for permission for a bus station on the Bypass, as it is impossible to guarantee the safety of passengers from such an unguarded and unguardable platform.

2.2. Overshadowing and Overlooking:

Some changes appear to have been made to the proposed scheme at Chapelizod Hill Road in an attempt to mitigate overshadowing.¹⁶ The original parapet was c. 3.0m. tall and it is being replaced with a 1.25m. tall concrete parapet (topped with a 550mm. mesh infill fence). As against that, the new parapet is 6.4m. ¹⁷closer than before to the gardens below in Chapelizod Court, Chapelizod Hill Road and Knockmaree apartments. An overshadowing exercise should be carried out to determine the net effect of these changes

The situation in relation to overlooking remains unchanged. It is against good planning to allow passers-by to overlook private properties for c. 17 hours per day, when those properties had not been so overlooked for 37 years previously. We would ask ABP to dismiss the planning application on this ground as well.

2.3. Accessibility:

At last, a confession of failure by NTA. Prior to the CRA/NTA meeting on 13th June 2022, Mr. Colin Murdock, Project Engineer for BuisConnects6 had vehemently argued that the Bus Station on the Bypass was fully accessible to wheelchairs and that the NTA's Accessibility Audit would prove it was. Further, in response to CRA's referral of the matter to the Board of the NTA, Mr. High

¹⁶ General Arrangement drawing BCIDA-ACM-STR-GA-0006-DR-CB-0101

¹⁷ i.e. summing parapet width (1.25m.) to footpath (2.0m.) to bus lane (3.3m.) to trief kerb (0.6m). The proposed 1.25m. parapet looks a trifle low to intercept a crashing vehicle coming across the Bypass at speed, since the "new trief kerb" will probably tilt it upward slightly, It would then crash into the gardens below. Because of its heft and height, there was never any doubt that the old parapet could intercept a skidding, crashing vehicle.

Cregan, deputy ceo of the NTA, replied on behalf of his Board on 29th August 2022.¹⁸

“..any new infrastructure to be constructed under BusConnects proposals will comply with general accessibility requirements in terms of geometric standards”.

The NTA’s proposed bus station on the Bypass does not comply with the accessibility standards required of them by Part M of the Building Regulations. The NTA admits this, not once, but twice, in its response to submissions generally, and more specifically, probably in response to the very compelling arguments of the Irish Wheelchair Association (IWA) and Muscular Dystrophy Ireland (MDI), submitted on behalf of CRA.¹⁹ The NTA admits²⁰ that

- *“Submission 7 asserts that the proposed bus stop design breaches Document M of the Building Regulations **with regard to height and distance, specifically in relation to wheelchair users.** It notes that the maximum gradient allowed for wheelchair users under Building Regulations (Technical Guidance Document M) is 1 in 12. The submission also states that the gradient of the existing Chapelizod Hill Road is 1 in 12 close to the village, increasing to 1 in 10 at the location of the proposed ramps.*
- ***In relation to the scale and length of the proposed ramps, it is accepted that the existing gradient of Chapelizod Hill Road is steeper than is permitted under Building Regulations for wheelchair users.** This is noted in the Accessibility Audit.....(which notes the change in level between Chapelizod Hill Road and the R148 is significantly in excess of the 2m. maximum permitted for wheelchair use for any series of ramps... In these circumstances **it is accepted that the proposed bus stops are not accessible to wheelchair users as a result of the gradient of the existing Chapelizod Hill Road and the height change between the existing road and the proposed bus stops.**”*

After these admissions, the NTA sought to change policy, as the MPAG Report²¹ indicated it had done in the past, by claiming that the proposed steps and ramps “provide the optimum arrangement”.

In relation to the accessibility of the proposed project, CRA would ask ABP to consider one question viz.

¹⁸ v. p. 30 of CRA's original submission to ABP.

¹⁹ CRA original submission to ABP (2023) pp. 32 – 36.

²⁰ Lucan to city centre: (May 2023) NTA Observations on the proposed Scheme submissions pp. 84 - 85.

²¹ CRA original submission to ABP p. 8

Q. Under what circumstances can a public body in its design, construction and operation of a new infrastructural facility, funded by the Exchequer, seek a derogation from Section M of the Building Regulations.

A. None.

2.4. An Improved Route through the village:

Lastly, CRA would request ABP to select CRA's Improved Route through the village as a viable alternative to NTA's Bus Station on the Bypass. We reject the NTA's claim that CRA's route is similar to Route Option CZ01. CRA's route involves no tree felling and no land acquisition.²² Compared to the NTA's Preferred Route, CRA's Improved Route²³ is shorter, faster, quicker, has twice the patronage, has a tiny investment cost and will not involve village marginalisation - in part because it can be accessed by wheelchair users, women with buggies, the elderly and those generally less fit.

If, as CRA expects, the NTA's application does not find favour with ABP, some version of CRA's Improved Route will be the only alternative. We would ask ABP to direct the NTA to commission a Cost/Benefit study of this route, in consultation with CRA. The NTA are already compelled to do so under the Public Spending Code, but have so far refused to do so. Perhaps ABP will have better luck.

J. Jerome Casey,
Sec. CRA.
09/07/2023.

²² Jacobs *et al.* EIAR volume 2 of 4, chapter 03 Consideration of Reasonable Alternatives pp. 21 - 23.

²³ V. CRA's original submission to ABP