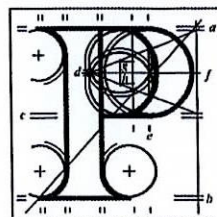


Our Case Number: ABP-316272-23

Planning Authority Reference Number:



**An
Bord
Pleanála**

Diarmuid McGuinness
2 Auburn Villas
Rathgar
Dublin 6
D06 EC91

Date: 16 August 2023

Re: Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Templeogue/Rathfarnham to City Centre

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above-mentioned proposed road development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

The Board has also received an application for confirmation of a compulsory purchase order which relates to this proposed road development. The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you in due course on this matter. The Board shall also make a decision on both applications at the same time.

If you have any queries in relation to this 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,


Eimear Reilly

Executive Officer
Direct Line: 01-8737184

HA02A

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 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

**To: An Bord Pleanála,
(Strategic Infrastructure Division),
64 Marlborough Street,
Dublin 1.
D01 V902**

**RE: TEMPLEOGUE/RATHFARNHAM TO CITY CENTRE
CORE BUS CORRIDOR SCHEME**

APPLICATION NO.: 316272

**SUBMISSIONS/OBSERVATIONS OF
DIARMAID MCGUINNESS,
2 AUBURN VILLAS, RATHGAR, DUBLIN 6, D06 EC91**

13th August, 2023.

APPLICATION NO.: 316272

**TEMPLEOGUE/RATHFARNHAM TO CITY CENTRE CORE BUS
CORRIDOR SCHEME AND AN APPLICATION TO AN BORD PLEANÁLA
(STRATEGIC INFRASTRUCTURE DIVISION)**

**SUBMISSIONS/OBSERVATIONS OF DIARMAID McGUINNESS OF 2
AUBURN VILLAS, RATHGAR, DUBLIN 6, D06 EC 91.**

1. Background:

- 1.1 I have participated in the Public Consultation in relation to the Bus Connects Project as it related to Route No. 10, Tallaght to Terenure Core Bus Corridor and Route No. 12, Rathfarnham/Terenure/Rathgar/Rathmines to Dublin City.
- 1.2 I made a Submission on the 30th of April, 2019 to the National Transport Authority in relation to this matter. The content of this is relevant and is accordingly now addressed to An Bord Pleanála in its consideration of the application made to it in relation to the Templeogue/Rathfarnham Core Bus Corridor application.
- 1.3 I made a further Submission on the 10th of December, 2019 to the National Transport Authority in relation to this matter. The content of this is relevant and is accordingly now addressed to An Bord Pleanála in its consideration of the application made to it in relation to the Templeogue/Rathfarnham Core Bus Corridor application.
- 1.4 I made a further Submission on the 16th of December, 2020 in connection with both routes to the National Transport Authority in relation to this matter. The content of this is relevant and is accordingly now addressed to An Bord Pleanála in its consideration of the application made to it in relation to the Templeogue/Rathfarnham Core Bus Corridor application.
- 1.5 These three Submissions are included as part of this Submission to An Bord Pleanála and are intended by me to be a Submission to the Bord and to be fully considered by the Bord in the exercise of its functions.

2. EU and National Law:

2.1 As is well known, the European Environmental Impact Assessment Directive (Directive 214/52/EC), and in particular Annex VI, governs the information which should be included in a report relating to the environmental impact assessment of a project such as this. In relation to road projects, this has been given effect to by the European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations, 2019 (S.I. 279/2019), which substitutes a new version of Section 50 of the Roads Act of 1993, as amended. Of crucial importance is paragraph 2 of Annex VI of the Directive, given effect to by the new Section 50(2)(b) of the Roads Act, 1994. Subparagraph (iv) requires “*a description of the reasonable alternatives studied by the Road Authority or the Authority, as the case may be, which are relevant to the proposed road development and its specific characteristics and indication of the main reasons for the option chosen taking into account the effects of the proposed road development on the environment.*” It may be noted also that Regulation 2(2) of the 2019 Regulations referred to above require the Regulations to be interpreted in relation to what the Directive Requires. In this regard it is pertinent to point out that Annex IV.2, which refers to the “*description of the reasonable alternatives*”, and concludes by requiring “*including a comparison of the environmental effects*”. This obviously means a comparison of the environmental effects of the chosen route vis a vis those studied as reasonable alternatives. It may be additionally noted that Section 50(2)(b)(vi) provides “*any additional information specified in Annex IV that is relevant to the specific characteristics of the particular proposed road development or type of proposed road development and to the environmental features likely to be effected*”.

3. Legal Consequences:

3.1 It follows, in my submission, that the proposer of any road development that comes within the scope of requiring an EIA to be done and reported upon and must:

(a) Identify reasonable alternatives;

- (b) Study those reasonable alternatives;
- (c) Report upon such alternatives studied in conjunction with the proposed road development;
- (d) Include in such report a comparison of the environmental effects of the proposed road development with the alternatives studied, and including an indication of the main reasons for selecting the chosen option.

4. Failure to Comply with the Requirements of Annex VI.2 of the EIA Directives and/or Section 50 of the Roads Act, 1993 as inserted by S.I. 279/2019:

- 4.1 In this instance, in my submission, the Bord can only conclude that the proposing authority here initially identified a reasonable alternative route. It failed to consider properly, or at all, and wrongfully excluded it from its consideration and wrongfully failed to study it as a reasonable alternative, and also failed to report on any comparison of the environmental effects vis a vis the chosen route.

5. The Reasonable Alternative:

- 5.1 Route 10, Tallaght to Terenure Core Bus Corridor, and Route 12, Rathfarnham to Dublin City Core Bus Corridor, were the subject of separate public consultations by the NTA at all times, and has been noted by a number of parties are only now joined together as both corridors for the purpose of the application to An Bord Pleanála for its approval in this regard. For myself I wish to reserve my right to challenge the legality of this on the basis of project splitting and inadequacy of public consultation in relation to both routes as a combined unit.

6. The Exclusion of the N81 and R137 Harold's Cross Road from (a) Consideration, (b) Study, (c) Assessment and (d) Comparison of Environmental Effects with the Chosen Route:

- 6.1 Taking Route 10, from Tallaght/Templeogue, there are two alternatives for traffic reaching the village of Terenure. Bus traffic could turn left in Terenure Village along Terenure Road North leading to Harold's Cross Road onwards to the canal.

This is a reasonable alternative route for such traffic with potentially there for three further sub-options for such traffic reaching the city:

- (a) When it reaches the Grand Canal it turns right down the Grand Canal without crossing it;
- (b) It crosses the Grand Canal at the Robert Emmett Bridge, proceeds to the junction with the South Circular and turns right down the South Circular Road, as buses do at present; or
- (c) It proceeds down Clanbrassil Street and then accesses the City crossing the junction of Kevin Street and Dean Street up Patrick Street.

6.2 Another alternative route for such traffic (or a portion of it) is to take it across the Terenure Road junction, down Terenure Road East, Rathgar Road and through Rathmines.

7. Rathfarnham Bus Connects Traffic:

7.1 At present bus traffic from Rathfarnham goes through Terenure Village from the Rathfarnham Road onto Terenure Road North onto Harold's Cross Road. This is a QBC corridor with a number of routes on it (known as R137) and was identified as a QBC because it is shorter, more direct, unconvoluted and a wider route to the City Centre. The NTA published, in December, 2017, the CBC Feasibility Study and Options Assessment Report for the Rathfarnham to City Centre Core Bus Corridor (hereinafter referred to as the "FSAOAR Report"). In Section 2 of this, which describes all the roads within the study area, it identifies the Harold's Cross Road as single carriageway three lane road for most of the route varying between 10.6 to 11.6 metres wide (page 53), and between Leinster Road and Harold's Cross Park again it is a single carriageway road with two to three lanes across the route approximately 9 to 12.6 metres wide (page 55). There is a pinch point present approaching the existing junction with Leinster Road. On the eastern side of Harold's Cross Park it changes into four lanes, two general traffic lanes and two bus lanes, to a three lane road (page 56) but between Our Lady's Hospice and the canal turns into a four lane road for the majority of the route (page 57).

7.2 At paragraph 6.1 the report says (at page 144) *“When assessing route options for Section 2 of the study area generally there are two principal routes which converge/diverge at Terenure Cross, namely via Harold’s Cross and via Rathgar/Rathmines, as illustrated in figure 6.1 below.”* At paragraph 6.1.3 it says *“The Clongriffin/Tallaght BRT is of particular relevance to Section 2 of the Rathfarnham CBC route. The CBC route should complement BRT service but not duplicate a potential routing of the Clongriffin/Tallaght BRT route, which is likely to travel via the Harold’s Cross Corridor as per the transport study for the GDA (2016 to 2035 and identified in figure 1.2 of this report).”* The TSGDA in referring to shortcomings in the existing bus network stated *“At present the GDA is heavily reliant on the bus network. The regions existing bus infrastructure consists of a network of bus lanes of varying standards and of varying levels of continuity while in certain locations relatively competitive journey speeds and journey time reliability can be achieved. The network is generally characterised by discontinuity whereby bus priority is provided only along certain sections of each corridor. This has a major impact on the attractiveness of the bus as a mode of transport, as the delays caused by even a small number of pinch points in specific places can have a significant negative impact on the performance of the affected services as a whole and discourage people from using the bus”.* (Section 3.2.3)

7.3 It is appropriate also to give further consideration to what the NTA said in its report relating to Bus Rapid Transit/Core Dublin Network (October, 2012). There the BRT studies selected a single route for appraisal which was predominantly based upon the existing QBC network. The BRT report acknowledged the purpose of the study was not to identify the preferred route for the BRT system on a particular corridor, nor was it to suggest the preferred design on any section or alignment considered. That report envisaged that there would be alternatives and that such alternatives for the BRT would be examined in greater detail. If a decision was to be made to proceed with further work on the scheme, such alternatives would necessarily be examined during the route options phase of future BRT project. The BRT report expressly states that *“It is important to note that these route alignments chosen for this assessment do not reflect what a final route might be for a BRT line along these corridors.”* In my submission, the BRT

route in the TSGDA should not have been taken in the current CBC study as a fixed and final route at that time in 2017.

- 7.4 The Harold's Cross route, despite having satisfied the Stage 1 assessment in the Feasibility Report, did not progress beyond Stage 1 because of this adoption of an objective not to duplicate the bus rapid transit corridor. This bus rapid transit scheme is not proceeding along the corridor identified in the TSGDA and it is clear that the BRT indicative route and the BRT scheme as set out in the TSGDA has been abandoned. The Harold's Cross route never got a proper Stage 2 assessment and the methodology put forward by the Feasibility Report, at page 146, whereby the first sift of route options involved in a Stage 1 assessment meant that Harold's Cross Road, despite having satisfied this, did not get through to the multicriteria assessment of route options envisaged by Stage 2, as set out in figure 6.2 at page 146.
- 7.5 See, for example, Table 6.1 reporting on the route option sifting of Stage 1 where it identifies Harold's Cross Road as SW50 and records a "pass" in the table, at page 150. Despite this, at Stage 2, Section 2 option assessment, paragraph 6.3.1, at page 158 of the report, states "*following the Stage 1 sift for the Section 2 study areas, the remaining 19 (12 excluding Harold's Cross route) route options were combined to form seven cohesive route options between the Dodder River and La Touche Bridge (via Rathmines Village) as shown in figure 6.5 below*". It went on to state the route options which run through Harold's Cross Road (SW50, SW56, SW57, SW62, SW61, SW64) were also discounted as the Rathfarnham to City Centre CBC is to serve Rathmines for the reasons outlined in Section 6.1. Section 6.6.1 therefore identifies seven principal route options for Section 2 between the Dodder River crossing and the Grand Canal. These are, in reality, the same road route for each of the options and cannot, under any scheme of things, be regarded as alternative routes in terms of the roads chosen. The routes put forward as CB1 to CB7 are identical as far as the road chosen are concerned. It is to be noted that CB4, which was the preferred route in the Feasibility Report, envisaged the maintenance of two-way general traffic on Rathgar Road.

8. The Reasonable Route Options that were Open:

- 8.1 The Tallaght/Temploege traffic turns left at Terenure Cross and goes in via Harold's Cross Road. **(Not studied or reported upon.)**
- 8.2 The Rathfarnham traffic coming from Rathfarnham Road goes through the Terenure Road Crossroads and continues on the Harold's Cross Road into the City. **(Not studied or reported upon.)**
- 8.3 The Tallaght/Temploege traffic goes straight through Terenure Cross, down Terenure Road East, through Rathgar and Rathmines, and in to the City. (While the Rathfarnham traffic goes straight through Terenure Cross and on into the City through the Harold's Cross Road.) **(Not studied or reported upon.)**
- 8.4 The Rathfarnham traffic comes from Rathfarnham Road, turns right at Terenure Road East, down through Rathgar, while the Tallaght/Temploege traffic turns left at Terenure Cross and goes in through Harold's Cross Road into the City. **(Not studied or reported upon.)**
- 8.5 The traffic from Tallaght/Temploege and Rathfarnham join each other by going through Terenure Cross and down Terenure Road East through Rathgar and into Rathmines and the City. **(Studied and reported upon but without any comparison as to the environmental effects vis a vis the other options listed above as reasonable alternatives.)**

9. A Significant Error of Law and Judgement:

- 9.1 It seems unbelievable that because of the existence of an aspiration in relation to BRT in respect of which no steps were taken to progress it and which had in fact been superseded by the Core Bus Connects Project, that its legacy would lie like a dead hand and impede the National Transport Authority from fulfilling its mandate under European and national law to identify an alternative route and to study it in accordance with the legal regime applicable. At least when it became clear after the Feasibility Report in 2018 that the BRT scheme had been abandoned, it ought to have, at an early stage of the consultation process in 2018 or 2019, to have remedied the matter by requiring the consultants to progress the

Harold's Cross route which had survived Stage 1 sifting and to give it a full Stage 2 assessment under all of the appropriate multicriteria assessment stages. The consequences, however, of not doing so, in my submission, at this stage are fatal to the application, both as a matter of law but also as a matter of coming to a strategic planning judgement on the facts. In the absence of significant demolition at the pinch points, both in Terenure Village, Rathgar Village and the additional pinch points identified at the junction of Lower Grosvenor Road, bottom of Rathgar Road and Rathmines Road at the junction of Leinster Road, Rathmines Library and Rathmines Town Hall, these pinch points remain an insuperable objective of achieving the journey times or the alleged saving in journey times predicted. For example:

- (a) Under the proposed route option, Route 10 traffic from Tallaght/Temploege cannot have priority at the same time as Route 12 Rathfarnham traffic at Terenure Road crossroads. One must wait at the traffic lights while the others proceed, or vice versa, whereas if Tallaght/Temploege traffic were able to turn left and go up Terenure Road North, both could use the junction at the same time taking different routes.

- (b) Thereafter, on the proposed preferred route, they each still remain competing for priority on the road at each bus priority traffic light and each junction traffic light at every stage of the way down Terenure Road East, Rathgar Road and through all the junctions in Rathmines and at the La Touche bridge at Portobello and at every junction thereafter into the City. In short, they cannot both exercise exclusive control over the road at any part having regard to all of the traffic lights and pinch points. Has any of that been taken into account or modelled for?

9.2 I would wish to adopt and to endorse paragraphs 5.32 to paragraph 5.45 (pages 24 to 27) of the report commissioned from Kieran O'Malley & Company Limited (dated the 30th of April, 2019) and submitted to the National Transport Authority in relation to route options assessments issue and also the summary contained at paragraphs 8.7 to 8.9 (pages 34 to 35) thereof as my own and ask the Bord to consider them.

10. Justification Offered for the Exclusion of Consideration and Study of the Harold's Cross Route:

10.1 Notwithstanding the fact that none of the BRT routes had been progressed in terms of any feasibility study, any planning application, it became evident to the NTA that the BRT route was no longer being proposed but was abandoned. It included this fact in the draft Preferred Route Options Report dated November, 2020 (although it must have known of this for some considerable period beforehand). It blandly stated, in paragraph 5.4.1, at page 36, "*notwithstanding the fact that the BRT route is no longer currently being progressed, the Rathgar/Rathmines corridor remains the preferred corridor for the CBC*". Five facts may be noted here:

- (i) It is asserted to be the still preferred route without any attempt at reappraisal of the Harold's Cross route or any Stage 2 MCA assessment of either Route 10 or Route 12 separately or Route 10 and Route 12 being considered together on that reasonable alternative route.
- (ii) An explanation is then put forward in the Draft Preferred Route Options (November, 2020) by reference to figure 5.4 and figure 5.5. (These are replicated as figures 4.27 and 4.28. In the actual Preferred Route Option Report published February, 2023 in paragraph 4.3.4.1.1 these figures are again replicated in Chapter 2 of Volume 2 of the main report, that is the Environmental Impact Assessment Report, as figures 3.18 and 3.19.)

Figure 3.18:

At the end of paragraph 3.4.1.1.3 the first Figure 3.18 is claimed to relate to significant stronger demand for a bus along the Rathgar Road/Rathmines Road when compared to Harold's Cross Road. It is stated that this route corridor serves the urban village of Rathmines, which is a significant trip attractor on the southern side of the city and that the strength of the high demand for a bus in Rathmines compared to Harold's Cross Road is clearly evident from the extracts from the Dublin Area Bus Network Redesign revised proposal (October, 2019). However, the image simply shows colour coding in the Rathmines area which is similar to colour coding in the

Terenure Crossroads area and does not show the bus demand as claimed anywhere on the Rathgar Road. The source for this is said to be the National Transport Authority, Dublin Bus (21st to 24th of November, 2016). Subject to hearing evidence as to the interpretation of this, it does not demonstrate such bus usage, whether by commencement of origin or terminus, in relation to any existing bus service or from which direction it has come. Secondly, it seems to show equally strong bus patronage demand in areas that are served by buses that travel on the Harold's Cross Road, both around Terenure and at the canal at Harold's Cross and at its junction with the South Circular Road. Thirdly, the data appears to be almost seven years old at this point in time.

(iii) More importantly and crucially this was not relied upon in the Feasibility Report as a reason for excluding the Harold's Cross route.

(iv) Figure 3.19:

Figure 3.19 is described as "*a combined activity density map*", its source being Dublin Area Bus Network Redesign Revised Proposal (October, 2019) with the proposed CBC highlighted in yellow. "*The image itself states Combined activity density (population, employment and student enrolment density) and indicates the total level of daily activity in an area as most trips begin or end at a residence, workplace, commercial or educational establishment.*" A number of comments may be made about this.

(a) Firstly, the colour coding showing an increase in population density around the Rathmines and the canal area is something in respect of which no inference can be made as regards bus journeys, where people have come from, where they have got on the bus, where they have got off the bus, if they have been on the bus at all, and seems to have no direct relationship with any particular bus journey believed to have been taken.

(b) Secondly, and unbelievably, the source for the data is in fact the 2011 census whereby it has published small area population statistics relating

to this area. This data is twelve years old and despite the fact that there have been two subsequent censuses taken since.

- (c) Thirdly, it fails to take into account significant population growth along the Harold's Cross route. Since the 2011 census there has been significant residential development along the route, including significant apartment building at the old Light Industrial Complex at the junction of Mount Tallant Avenue and Harold's Cross Road, the residential redevelopment of the old Classic Cinema site near the Kennelworth junction, the very large development of apartments next to that called Elmville, the development of the site at the Poor Claire's Monastery and other miscellaneous smaller developments. These have not just resulted in a greater combined activity density in the area, but also a significant need for access to a CBC route along the Harold's Cross Road.

- (v) **More importantly and crucially this was not relied upon in the Feasibility Report as a reason for excluding the Harold's Cross route.**

Summary:

In short, the proffering of these Figures are a belated and transparent fig leaf to cover up the fact that the justification for not considering the alternative route at Harold's Cross disappeared a number of years ago and what is being advanced is a tenuous and insubstantial basis for not having done what was required by law in the circumstances. The Bord is also respectfully referred to paragraph 2 of my Submission of the 30th of April, 2019 in relation to this issue and also paragraph 13 of my Submission of the 16th of December, 2020.

11. Vagueness, Uncertainty and Inconsistency in Relation to the Proposal as far as Rathgar Road is Concerned:

11.1 Chapter 3 of the Environmental Impact Assessment Report, Volume 2 of 4, at page 47, sets out the five options, RG1 to RG5. In describing RG2 (which is the one then actually preferred), it states at the top of page 48 "*A one way inbound traffic arrangement would be provided on Rathgar Road with outbound traffic*

diverted to alternative routes”, however, it says the opposite further down the page when considering option RG 2 “*the provision of bus lanes and general traffic lanes on Terenure Road East a one way outbound regime on Rathgar Road and alternative cycle facilities on Terenure Road North/Harold’s Cross Road and Bushy Park Road, Wasdale Park, Wasdale Grove, Victoria Road, Zion Road and Orwell Road was identified as the preferred option as it best aligned with the objectives of the proposed scheme*”, etc., etc. There appears to be a clear inconsistency whereby on the same page it is described as a one way inbound traffic arrangement on Rathgar Road, whereas further down it is described as a one way outbound regime on Rathgar Road. The proposal here, therefore, is misleading, inconsistent, vague and uncertain and ought to be rejected on that ground alone insofar as the status or designation of Rathgar Road is concerned as being in some way one way.

12. Journey Times and Proposed Savings in Bus Times:

12.1 I repeat what I said at paragraphs 3 and 4 of my Submissions of the 30th of April, 2019 to the National Transport Authority and also at paragraphs 14 and 15 of my Submission of the 16th of December, 2020. Suffice it to add that when considering journey times outside of the core journey hours, the Feasibility Report, at page 22, states “*as such the journey times outside of these hours when traffic volumes and passenger volumes are lower are more reflective of the journey times which could be achieved through a combination of proposed bus priority infrastructure improvements, better enforcement of bus lanes and the introduction of cashless fares. In other words, the proposed infrastructure would effectively create an uncongested network for buses.*” The naivety of this paragraph fully justify the comments I have made in my previous Submissions, which I would ask the Bord to have regard to.

13. Data Collection and Collation:

13.1 This is described in general in Volume 2 of the main Environmental Impact Assessment report, pages 14 to 18, the summary of which can be found in Appendix A6.1, Volume 4. More specific data is in Appendix A6.2 in Volume 4 (pages 18 to 24). Paragraph 5.3.2 (page 18) refers to automatic traffic counts

(ATC's) and says that these were surveyed from the 18th of November to the 5th of December, 2019. Locations are provided and identified in Diagram 5.1 at page 20, which shows that ATC 12.5 was located on the main Rathgar Road, just south of Auburn Villas, which was located right beside the street light at the top of my laneway where this joins Rathgar Road and between the house of Mr. and Mrs. Ray and Paula Moore of 124 Rathgar Road. This was the only ATC on the Rathgar Road.

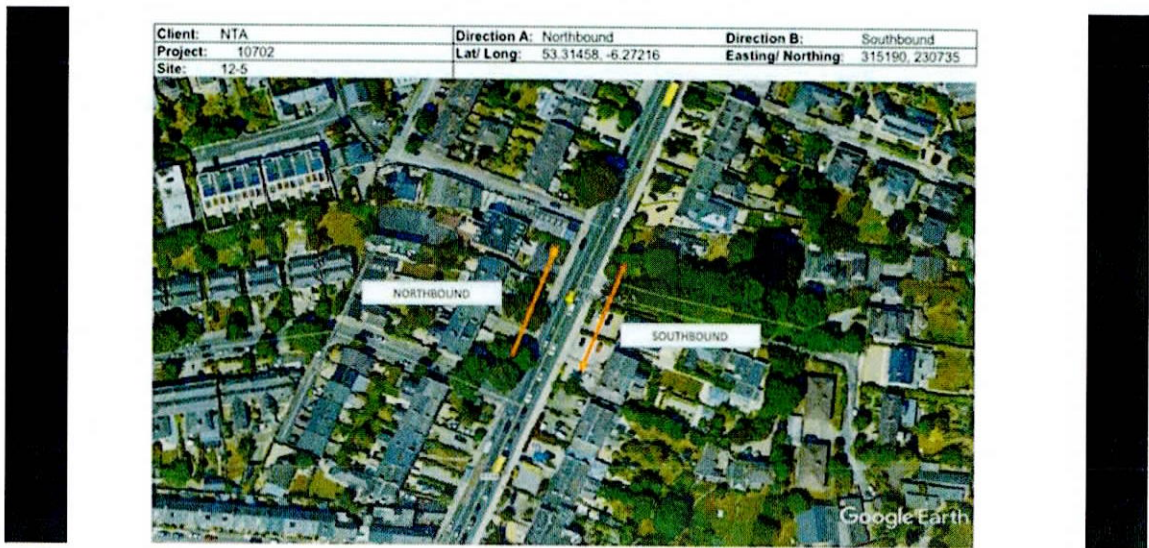


Table 5.3, at page 24, gives two readings for the ATC located there. The first is 12-5A, which is said to be the northbound direction and is indicated by a red arrow going down Rathgar Road towards the City. This gives AM movements of 358 and PM movements of 750 and at 12.5B, which is said to be the southbound direction, gives AM movements of 710 and PM movements of 393. It is important to understand what these figures are. They are not the traffic flows for any particular day, they represent an average flow for a day, said to be a weekday, representing the AM period between 7.00 and 8.00 a.m. and PM period between 5.00 and 6.00 p.m.

They have, however, been transposed in that they are wrong, because the figure attributed to the inbound flow is in fact the outbound southbound flow, and vice versa. The larger figure of the PM flow at 750 is in fact the traffic going in in the morning and the figure at AM 358 is the traffic going out in the morning. The same goes for the southbound flow recorded in that table for the

traffic recorded there as going out southbound at 710 is in fact the figure coming out in the evening at PM and the figure recorded as coming out in the evening at PM as 393 should be that recorded as going out in the morning in a southbound direction.

All of the raw data relating to this ATC is on the Bus Connects website portal and includes an aerial photograph of the location of the ATC counter on Rathgar Road at Auburn Villages at location 12.5 and also on the site is an excel sheet showing the entire ATC count for this location between the 21st of November, 2019 commencing at midnight and ending on the 30th of November, 2019 at 7.30 a.m. There are a total of 4,095 entries for this period. There are three entries recorded for the type of vehicles passing in every fifteen minute period. Accordingly, there are 1,365 entries relating to each fifteen minute period during the dates in question. The peak periods in the morning from 7.00 a.m. to 9.00 a.m. or from 5.00 p.m. to 7.00 p.m. in the evening can be seen on the excel sheet and it is quite clear that for each day, both morning and evening, the figures for ingoing traffic and outgoing traffic has been misattributed one to the other in that the ingoing morning traffic figure is recorded as in fact outgoing southbound traffic in the PM and vice versa. This has enormous consequences for the decision to allow ingoing general lane traffic down the Rathgar Road in a northward direction towards the City and, more importantly, consequentially for prohibiting outgoing southbound traffic from going up the Rathgar Road at all. An examination of the Figures by the Bord will show that it undermines the case completely for requiring a one way ban on outgoing traffic by making Rathgar Road exclusively a bus lane going southward up towards the village of Rathgar, apart from all other considerations which will be addressed further below.

14. Extinguishment of Public Rights of Way and of Private Rights of Way:

14.1 I note that under the proposed Scheme the only extinguishment of any public rights of way or private rights of way are those as proposed in the Schedule, Part III (Section A or Section B) attached to the Compulsory Purchase Order accompanying the Scheme. Accordingly, no public right of way currently enjoyed by me or any other resident of Rathgar to pass and repass on the Rathgar

Road and from one side of the Rathgar Road to the other is affected by the Proposal.

15. Not a Bus Only Street:

15.1 I note that the Proposal involved does not seek to have Rathgar Road, or any part of it, made a bus only street pursuant to Regulation 16(a)(ii) of the Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations, 2012 (S.I. 332/2012) and that, in any event, such designation would not prevent entry to a street or portion of a street for access that is required. See also Regulation 32(4) of the Road Traffic (Traffic and Parking) Regulations, 1997 (S.I. 182/1997).

16. Bus Lane:

16.1 Insofar as it is proposed that Rathgar Road in the southbound outwards direction heading up the Rathgar Road towards Rathgar (or anywhere in its environs) will be a bus lane, the Bord is referred to paragraphs 3, 4, 5, 7, 8, 9 and 10 of my Submissions of the 16th of December, 2020 as being particularly relevant in this regard. Insofar as I am concerned, I believe that I am entitled to enter the bus lane and/or cross the bus lane for the purposes of entering or leaving premises or property, including my house and laneway, adjacent to the bus lane pursuant to Article 32(5)(a) of the Road Traffic (Traffic and Parking) Regulations, 1997 (S.I. 182/1997). I also believe that any other resident on or adjacent to the Rathgar Road, whether on the southbound or the northbound side of such road, is similarly entitled to drive in, enter and/or cross the bus lane for the purpose of entering or leaving premises or property adjacent to such bus lane.

17. Prohibitory Traffic Signs:

17.1 The proposed Scheme and the drawings attached thereto envisaged the erection of traffic signs designed on each of the adjoining roads to Rathgar Road. On the one side of the Rathgar Road heading inwards in a northerly direction, these are intended to prohibit traffic from turning right onto and across the Rathgar Road by means of a sign RUS012 and on the other side of the Rathgar Road, by prohibiting traffic from turning left onto the Rathgar Road going in a southward

direction with a sign prohibiting no left turn RUS013. In my respective submission these do not apply to any resident on or adjacent to the Rathgar Road where they are doing so to enter or leave a premises or property adjacent to such bus lane.

17.2 Insofar as these signs might be argued to be applicable to a person in my position, or to any resident on the Rathgar Road on either side, so as to prohibit them from turning onto or driving in the bus lane, I respectively ask An Bord Pleanála not to endorse the adoption of such a proposal with the imposition of a one way bus lane up Rathgar Road. The consequences, on any analysis of the issue, is unthinkable. The two Bus Connects routes, if joined together and forced down through Terenure Village, Rathgar Village and down towards Rathmines, will (if that proposal for a bus lane with the traffic prohibitory signs erected, or a ban applicable to all residents on the Rathgar Road from similarly turning left or right) cause all traffic on the Rathgar Road to be involuntarily conscripted into joining the Bus Connects traffic flow in the town-ward direction. This requires crossing the road, attempting to join traffic going in that direction and, for the traveller then who wishes to divert off the road, he has to engage in further turning movements across another lane of bus traffic and across another lane of bike traffic to exit the road down which he does not wish to travel. This is so irrespective of whether he can turn left off the road or right off the road to make the journey he would have originally intended. It is hard to think of a more bizarre proposition than this which would add unnecessary traffic to a road, the purpose for which is to attempt to lessen journey time for bus services. Nothing could be more calculated than to prevent this objective than by injecting unwilling and involuntary traffic from each side of the road from all of the side roads abutting onto Rathgar Road. It is notable that Table 5.2 in Volume 4 of 4, providing the JTC locations and junction identifiers, that there are incredibly limited junction data for any of the roads leading onto Rathgar Road (namely Garville Road and Frankfort Avenue based on 2019 data).

I set out below here an extract from my Submission of December, 2020.

Consequences of the Current Proposal:

Under the current proposal, as I understand it, it is intended that I will be legally constrained from turning left onto the Rathgar Road and, as I understand it, if the current Auburn Villas bus stop is moved from fifty yards north of the entrance to fifteen yards south of the entrance, I and every other resident of Auburn Villas will be constrained involuntarily to cross the cycle lane, cross the bus lane and turn right into the citybound traffic lane and merge with that traffic and, if our journey destination is elsewhere, would be compelled to divert off that, whether left or right, and, if diverting left, will cross the citybound bus lane and cycle lane, or, if diverting right, will again cross the southbound bus lane and cycle lane. The same course of action will be forced on every other resident of the cul de sacs, every other resident of the flats identified and every other resident who actually lives on Rathgar Road itself, and will be similarly constrained to only join in the citybound traffic and then divert off it. It is not my function to have to quantify the number of unnecessary and dangerous turning movements required and unnecessarily generated by the proposal. Its danger is obvious to me but obviously not to the planners of this scheme. If you identify all the likely traffic emerging from all the cul de sacs, all the large flats and all the residents on Rathgar Road, whether from one side or another, if none of this traffic is to be permitted to turn onto the Rathgar Road and proceed in the direction of the village, it has only one place to go, it has to go onto Rathgar Road in the cityward direction, join it and then either continue that way or divert off because in fact there is intended to take them somewhere else. How many extra hundred thousand dangerous turning movements are generated by this? Across and into the bus corridors and the cycle lanes and then in or out of it again to get away from that unwanted journey direction, and also repeated on each homeward bound journey for all of these residents. The consequences for road safety are unthinkable for all road users and are obviously unthought out by the persons who have planned this. The solution is simple, however, there are two options – wholly abandon the attempt to make southbound traffic up the Rathgar Road only accessible to buses and cyclist and all risk identified in the previous paragraphs is eliminated. Alternatively, allow local and only local traffic to access the Rathgar Road in this direction. This would have to include all the residents of the identified cul de sacs as well as the residents of Rathgar Road and could also embrace the residents of the roads that join Rathgar Road. This could easily be done by a permit system and/or buttressed by number plate recognition technology. This is in place on the M50 Toll Scheme (which I did the public hearing for on behalf of the NRA in Croke Park). Or photographic technology which is used in every respectable car park.

The draft Traffic Modelling Report is wholly inadequate and a failure to properly identify, assess or model the scale and nature of traffic movements caused by the proposal, modelling the diversions of the Rathgar Road, the dangers to all traffic users and the consequences for all local roads. In particular, the proposed diversion of traffic from Lower Rathmines Road onto Upper Rathmines Road and via Highfield Road is completely unsustainable and unworkable and has not been modelled to any acceptable degree required.

18. Consequences for the Multicriteria Assessment of Route RG2:

18.1 See Table 4.12 at paragraph 4.4.2.1.9 containing the Route Multicriteria Assessment Summary and its subsequent much more general table 4.13. Options RG1, RG4 and RG5 have a common features of maintaining a two way general traffic arrangement to be provided on Rathgar Road. In this scenario there is no bus lane, no enforced traffic diversion joining the traffic flow into the City in an inbound direction and consequential diversion thereof, yet RG2 and RG3, which have such features as the bus lane, are equated as the same as RG1, RG4 and RG5 under the headings "Road Safety and Pedestrian Safety". This is simply not possible with the threat to vehicular traffic, cyclists and pedestrians, which would inevitably accrue from the mandatory diversion on the inbound section of Rathgar Road and that section of Rathgar Road if the outgoing section were to be made a bus lane. Similarly, under the heading "Transport Quality and Reliability" RG2 and RG3 in this Table have given a higher status despite what will inevitably be the addition of large amounts of unnecessary traffic diverting onto and then off the route. Indeed, it is stated "*all options rank equally under safety as they would all require the same number of turning movements at junctions and footpath widths would be the same throughout*". With respect, that statement cannot be accurate and it follows that the reasons for adopting RG2 as the preferred route option must be wrong. It may be noted that it is also stated thereunder in relation to RG2, at paragraph 4.4.2.1.10 "*while it would have an impact on traffic movements in the area, suitable diversion routes exist and the length of diversions is reasonable (increase of up to .5 kilometres for through traffic)*." This is to wholly misunderstand the combined effect of the traffic prohibitory signs on all the side roads in Rathgar and the ban on outgoing traffic proceeding up Rathgar Road.

18.2 None of this has been calculated or modelled in any form or fashion and on these grounds alone An Bord Pleanála should rejected the proposal as being unsafe, unnecessary, ill thought out and also unworkable. Any person familiar with the local road network knows that no increased diversion of traffic off the main Rathgar Road or from Rathmines is capable of being dealt with by the local road network, nearly all of which have on street parking on both sides, have very narrow passageways suitable normally for the passage of one vehicle only and the

displaced volumes of traffic in respect of which there has been no attempt at any calculation are likely to cause chaos on the whole of the surrounding road network in Rathmines, Dartry, Rathgar and as far as Harold's Cross.

19. The Bus Gate:

19.1 I refer the Bord to paragraph 11 of my Submission of the 16th of December, 2020. The only possible solution here would be to provide a limited number of exclusive hours for bus passage while maintaining still local access for all persons resident and working in that area and including churchgoers.

20. Oral Hearing:

20.1 I respectfully ask the Bord to exercise its discretion to order an oral hearing in relation to this project.

20.2 In my submission, it is necessary and desirable that the public should have a final opportunity to have an input at a public hearing into the Bord's decision making to add a layer of transparency and confidence in the ultimate outcome of the process. An oral hearing would give an opportunity for the proposer of the Scheme to stand over each and every element of it, to explain it and defend it in a way which has not yet proved possible in public. I say this bearing in mind that a lot of the consultations in the process happened at a stage where Covid restrictions were in place and online consultation was only possible for a large period of that time.

20.3 I am also acutely aware of the wide range of people that will be affected by the proposal, many of whom don't live in the area and who are unaware as to how it may well affect them.

20.4 The publicity given to a decision to hold a public hearing will also give the opportunity for those who have participated in the process to date, including myself, and would wish to have an opportunity to explore the rationale or lack of it for various elements of the project concerned. I myself have appeared for many public authorities and had the responsibility of presenting such cases at public

inquiries, including the Dublin Port Tunnel Scheme, the Second Calatrava Bridge Crossing (now the Samuel Beckett Bridge), the N25 Second Suir Riving Crossing (now the Thomas Meagher Bridge), numerous toll scheme hearings for the NRA, Service Scheme hearings for all of the motorways.

20.5 Ultimately, in my submission to the Board, it will find that it is required to exercise a discretion only one way in the matter having regard to all of the public and private interests concerned, the nature of the Scheme, the scale of the objections to it, the issues that are raised within those objections and the public cost involved in ensuring that if such schemes are authorities, that they are examined in full detail in public before any question of a development consent can be considered. I should say that I reserve the right to appear on my own behalf and, if necessary, on behalf of others, to seek copies of any relevant documentation to be relied upon and to be provided in good time and to examine any witnesses called subject only to the issue of relevancy.

Diarmaid McGuinness S.C.

13th August, 2023.

APPENDIX 1

WRITTEN OBJECTION 30TH APRIL, 2019

Bus Connects Project – Route No. 12 – Rathfarnham to Terenure to Rathgar to Rathmines to Dublin City

cbc@busconnects.ie

[Subject:] For the Attention of: National Transport Authority - Bus Connects Project – Route No. 12 – Rathfarnham to Terenure to Rathgar to Rathmines to Dublin City

Dear Sir,

I wish to submit the following by way of a written objection to the Proposal in respect of Route No. 12, which is undergoing a process of consultation at present.

I live at No. 2 Auburn Villas, Rathgar, Dublin 6, with my wife and family. This is a small cul de sac off the main Rathgar Road. I have lived there for over thirty-five years. I both drive and take public transport into Dublin City in roughly equal measures and I am familiar with my neighbourhood, the environs and I am familiar with public transportation and road projects. I am a signatory to the online petition raised by the Rathgar Committee in relation to this and I support the Submission made on behalf of the Rathgar Committee and wish to adopt as part of my Submission the architectural Heritage Report prepared and submitted on behalf of the Committee by Deirdre Conroy and also the Traffic and Transportation Assessment carried out by John O'Malley et alia. I wish to make the following observations of my own under the following headings:

1. Collation of Necessary Information by Research and Surveys:

The feasibility study and proposal to date in my view lack the following:

- (i) No reliable survey of actual bus timings related to each bus on an hour per hour basis during peak times on the inward or outward journey over any sustained period have been provided in the study.

- (ii) Origin and destination surveys of the passengers using the buses on the existing routes, including those on Route 10 as this merges into Route 12 at Terenure Village have not been conducted.
- (iii) There is no survey on the adequacy or otherwise of the existing bus service.
- (iv) No numerical survey of passenger numbers per individual route and including, in particular, the numbers lighting or alighting at any bus stop on the inbound or outbound routes.
- (v) No origin or destination survey on the other vehicular traffic travelling on the proposed route.
- (vi) No origin or destination survey on the vehicular traffic emerging onto the proposed route, in particular from side roads and cul de sacs on the incoming or outgoing sections of the route from Terenure, Rathgar and Rathmines.
- (vii) No traffic modelling plan to deal with any changes in driver behaviour resulting from possible or proposed changes in the direction of traffic, whether by virtue of restricting traffic one way from Templeogue through Terenure or, as recently been orally suggested, making Terenure Road East one way.
- (viii) No consideration is given to reversible traffic direction flows at different hours of the day on some or all portions of the roads (reversible counterflows).
- (ix) No traffic modelling concerning the interaction of increased traffic flows of buses on the proposed route with the new cycle lanes.
- (x) No pedestrian safety modelling on any of the entire route, in particular having regard to the fact that the proposal does not apparently contain any plan to divert traffic from any contributing roads or to cul de sac them, nor to include any additional traffic lights on any portion of the proposed six lane road.

2. Fundamental Flaws in the Feasibility Study:

A fundamental flaw in the feasibility study emerges by reason of the omission to consider adequately or at all alternate route plans as an option. This is not a luxury or something that may be chosen as a necessary component of a feasibility study but arises as a matter of law in any process of preliminary scoping/route selection/environment impact assessment. Here it is patently obvious that the feasibility study which resulted in the proposal of Route 12 is not only methodically flawed, but legally irregular as it fails to consider the most obvious alternative route option for both catchment areas emerging from Rathfarnham and Tallaght but it appears to have been expressly predicated upon either an assumption or an instruction that the designers could not or should not duplicate

the BRT Bus Rapid Transit which apparently seems to have been regarded as a proposed plan for the N81/R137 Route carrying traffic into town through Terenure but on the Harold's Cross Road, crossing the Grand Canal on a different route into the City. A number of important points may be made in relation to this. Firstly, the failure to consider it as an alternative route is negligent and inexcusable. Secondly, an instruction, however conveyed, not to consider it goes beyond that and is unlawful insofar as it apparently restrained the designers from considering that option, as is legally required. Thirdly, although it is hard to see an alternative in that regard, any misunderstanding as to the status of the BRT on that Harold's Cross route is concerned should have led to an immediate modification of the scoping/feasibility study when the BRT was abandoned, as it indeed is and has been for quite some time.

The following leads to an important question which any rational adviser or statutory body charged with examining this issue must take cognisance of and can only answer one way when it has considered all of the submissions in this regard. I accept that the population served by the Route 10 population area in Tallaght and its environs and Templeogue and its environs and the population served in Rathfarnham and its environs, both coming in through Terenure, are entitled to a reasonable bus service for those who wish to or need to access the City Centre in as quick a time as possible consistent with road safety, good planning and environmental considerations being adequately considered. There are many important factors to be considered in this regard, including what is naturally the most direct route? Which route is shorter and potentially faster? And what are the environmental considerations on that route in terms of the number of properties affected, the number of possible CPO's, the consideration of the existing road network, and other heritage concerns? The route from Terenure through Harold's Cross into the City Centre is a shorter route, is a wider road, has significantly less property on it that might be needed to CPO or otherwise interfered with and requires, by reason of its width, less construction work to adapt it to the purpose proposed.

The net question is, therefore, what justifications can there be for choosing, as the proposal does, a longer, more indirect, narrower, more expensive and more destructive route than the one already available through Harold's Cross?

The answer is clear under two headings – 1, there is no such justification and, 2, that alternative has neither been considered or assessed to date in this regard.

Any proposal, therefore, to proceed with existing proposed Route 12 is factually methodically and legally flawed and is otherwise unjustifiable in terms of any comparison of the interference with property rights, heritage and environmental concerns. I look forward to hearing what answer, if any, may be given on behalf of the designers or the NTA to this question.

3. A False Premise to the Suggested Proposed Savings in Bus Timing:

The feasibility study sets out what, in my opinion, is a false comparator by attempting to equate saved journey time during peak hours with the journey time in off peak hours. This is, in my view, a wholly illogical thing to do. The journey time of any bus rattling along its route with few passengers in off peak time (obviously picking up or discharging fewer passengers along its whole route) at a time when there is obviously considerably less traffic on the route cannot and should not be regarded as a target time for servicing the needs of passengers on the route during peak hours when the service is doing what it should do best, i.e. moving large numbers of passengers at the required time. It can and should never be expected to provide the service in the same time with a different need and in wholly different conditions.

4. Illusory Improvement:

Regrettably the proposed Route 12 holds out the illusion of improvement, which appears to be wholly unjustified by the feasibility study in that

- (a) on the inward journey from Rathfarnham through Terenure, Rathgar, Rathmines, no actual additional road space is being created for the bus traffic. There are existing bus lanes on these roads in use at the only points where they exist and when they can exist. The proposal does not result in the creation of any actual increase in bus road space and the existing pinch points on the route are not proposed to be removed. These occur at the village of Terenure, where all the traffic is to go through the junction there without any increase in road space. The position is similar both at Rathgar Village and at the junction of Rathgar Road where it joins the lower Rathmines Road. The study itself admits that the delays at these junctions cannot and will not be improved. The aspiration is that traffic light changes can provide an improvement.
- (b) The hoped for improvement in journey time appears to be assessed without regard to the fact that the bus traffic is intended to be able to cut across a whole new dedicated cycle lane which is intended to attract cyclists to use it as their main route into the City Centre for both Routes 10 and 12. There appears to be no traffic modelling as to (a) how much extra induced pedestrian traffic might be attracted onto the new bus route, and, (b) no timing predictions as to how the buses will interact with the new cycle lane to collect either the existing or the extra induced traffic to be served by the buses, or, (c) how workable road safety can be achieved for this dedicated cycle lane in addition to the fact that there are no planned diversions of private traffic from the approximately four dozen public roads and cul de sacs that will be accessing the route across each of the two new cycle lanes in the proposal (and again noting no existing new proposed traffic lights are to be included in the scheme).

The predicted savings in bus time, the order of seven or eight minutes, appears wholly speculative, illusory and unlikely to be achieved. I do not see anywhere in the feasibility study how the calculation of seven or eight minutes is reached

by reference to any particular stretch of road over which it is said to be achievable, or, where it is picked up or improved upon, bearing in mind the existing statutory speed limits in question.

5. Church Property:

I support the Kirk of the Presbyterian Church of Christ the King in Rathgar Village in its opposition to the plan, and particularly in relation to the removal of part of its historic church grounds at the top of Rathgar Road. Apart from all other considerations, the location of the Church in this place was carefully and deliberately chosen as a point of focus and significance for the Church, in particular its junction in the village with Highfield Road and Rathgar Road, giving it a significant presence and a balanced appearance in the community, which it has maintained obviously since its erection in the nineteenth century. The acquisition of church property has a special constitutional protection under Article 44.6, which puts it in a position which is different to that of an ordinary private property holder. It is apparent that this is not either a matter which is known to the design team or had been considered by it in any special way in formulating its proposal. Still less has it been the focus of any proper consultation, heritage consideration, having regard to all relevant matters.

6. The Built Heritage of Rathfarnham, Terenure, Rathgar and Rathmines:

These, whilst they might be considered separately, ought to be considered together. The planning and development of the City from Rathmines out through Rathgar and into Terenure provides a significant built heritage which has been maintained from the early to mid nineteenth century onwards. This contains many protected structures, including their curtilage which will be affected by the proposal. The road design, the house design, including gardens attached, are based upon a natural symmetry, the destruction of which has no justification. The proposal to acquire property on one side of the road then switching to the other side as it does from Terenure Road East onto one side of Rathgar Road and onto then the other side of the Lower Rathgar Road is extraordinary in its capacity to destroy the historic context of the road out from the City to the suburbs. This will not to achieve any extra road space for the bus corridors on the inward journey, its proposal is, it would appear, designed to achieve the creation of the two dedicated cycle lanes, which will be essentially the only justification offered for the destruction. The cost of this is to expose these two cycle lanes to the traffic proposed by the route without in any way mitigating that substantial risk and continuing to expose it to all local traffic on the whole route. This is a recipe for danger and death to cyclists, pedestrians and other road users who actually use the road or are intended to use it in whatever way remains possible. Insofar as the destruction of the properties are concerned, though I have not yet been served with any relevant notice to date, I will not be subject to a CPO Order, unless it is intended to take the entrance to Auburn Villas, which is in private ownership of the property owners, I object strongly to the proposal by reason of its destructive quality, including its effect on the tree line and the protected vistas up and down Rathgar Road. It is akin to deciding to take a knife to an old lady and scar her on

one side of her face high on her cheek and then to do the same on the opposite side of her face on the lower side of her cheek. This is something which should not be permitted to occur under any circumstances.

7. The Necessity for the Proposal:

I enclose herewith a number of photographs taken at peak hours on random days, both before and after I have got onto the bus to the City Centre or alighted when coming home in the evening. These show a comparatively empty road at what you would in fact expect to be peak hours. In my experience, the peak inward journey time is between 7.45 and 9.00 a.m. and outward from 4.45 to 6.15 p.m. It does not extend to a peak journey time of three hours either way, either between 7.00 to 10.00 a.m. or 4.00 to 7.00 p.m.

8. Alternative Proposal:

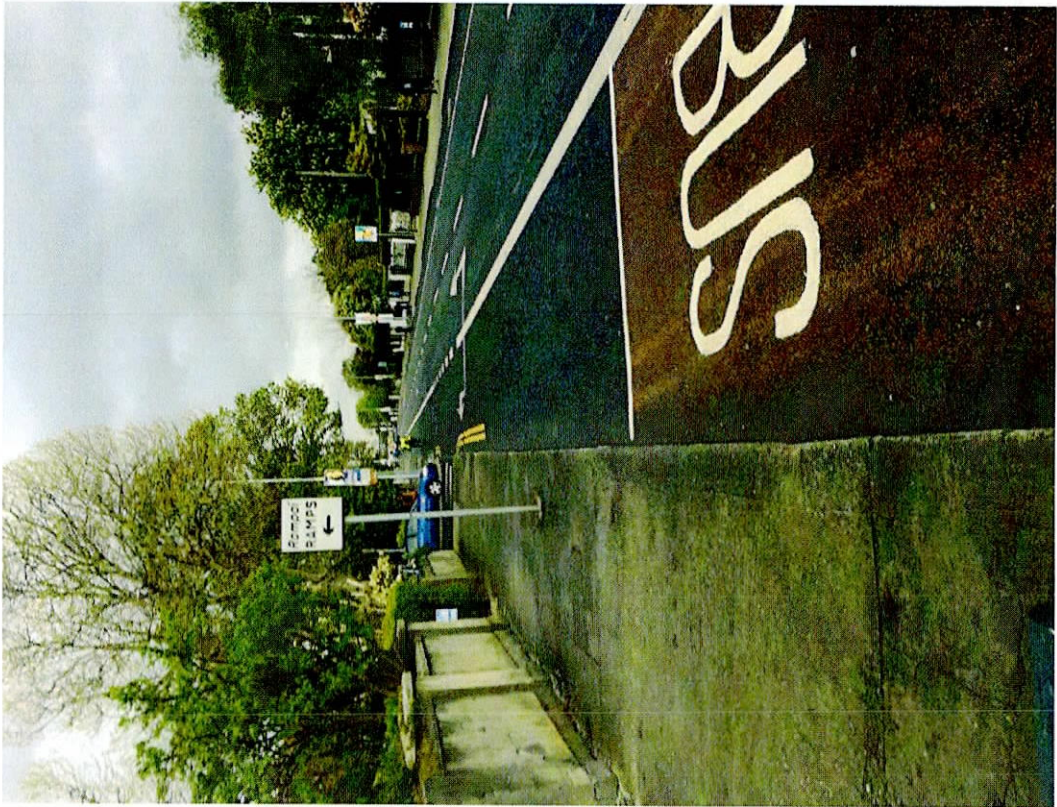
I do not accept that either these submissions or the consultation process itself represents the discharge of the duty cast upon the proposers to properly identify and assess all other reasonable alternatives or to identify the best proposal. In my view however, the proper and only proposal that ought to be put forward is reverting to the Harold's Cross route and separating the cycle lanes for the Terenure, Rathgar, Rathmines route into the City Centre. This is not to say that a local bus service should not also be maintained on this route to the fullest extent possible. The benefits of such a proposal are immediately apparent to anyone who would be prepared to consider it in a fair and reasonable manner.

I look forward to receiving an acknowledgement to my submission in due course.

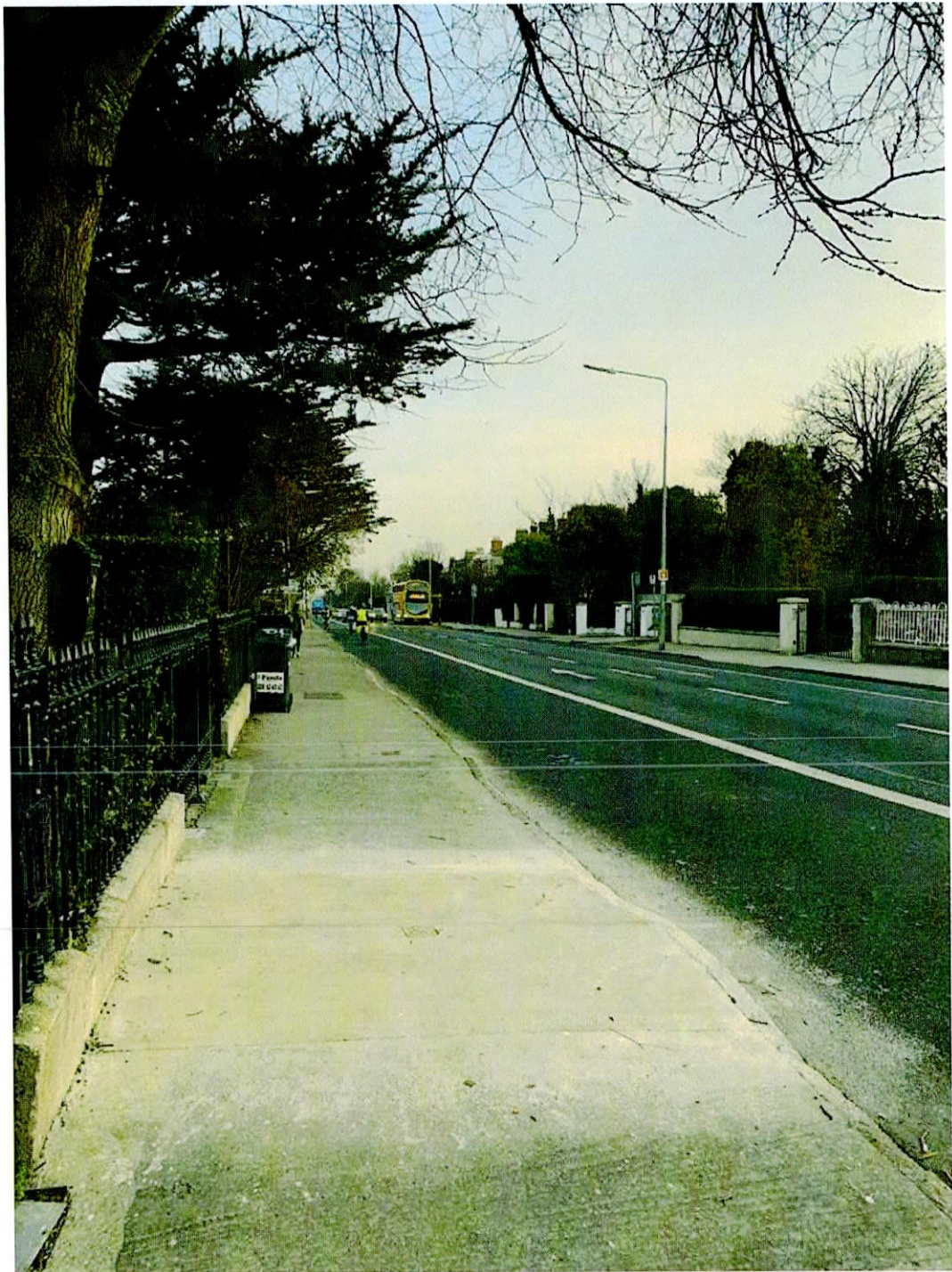
Yours sincerely,

Diarmaid and Anne McGuinness

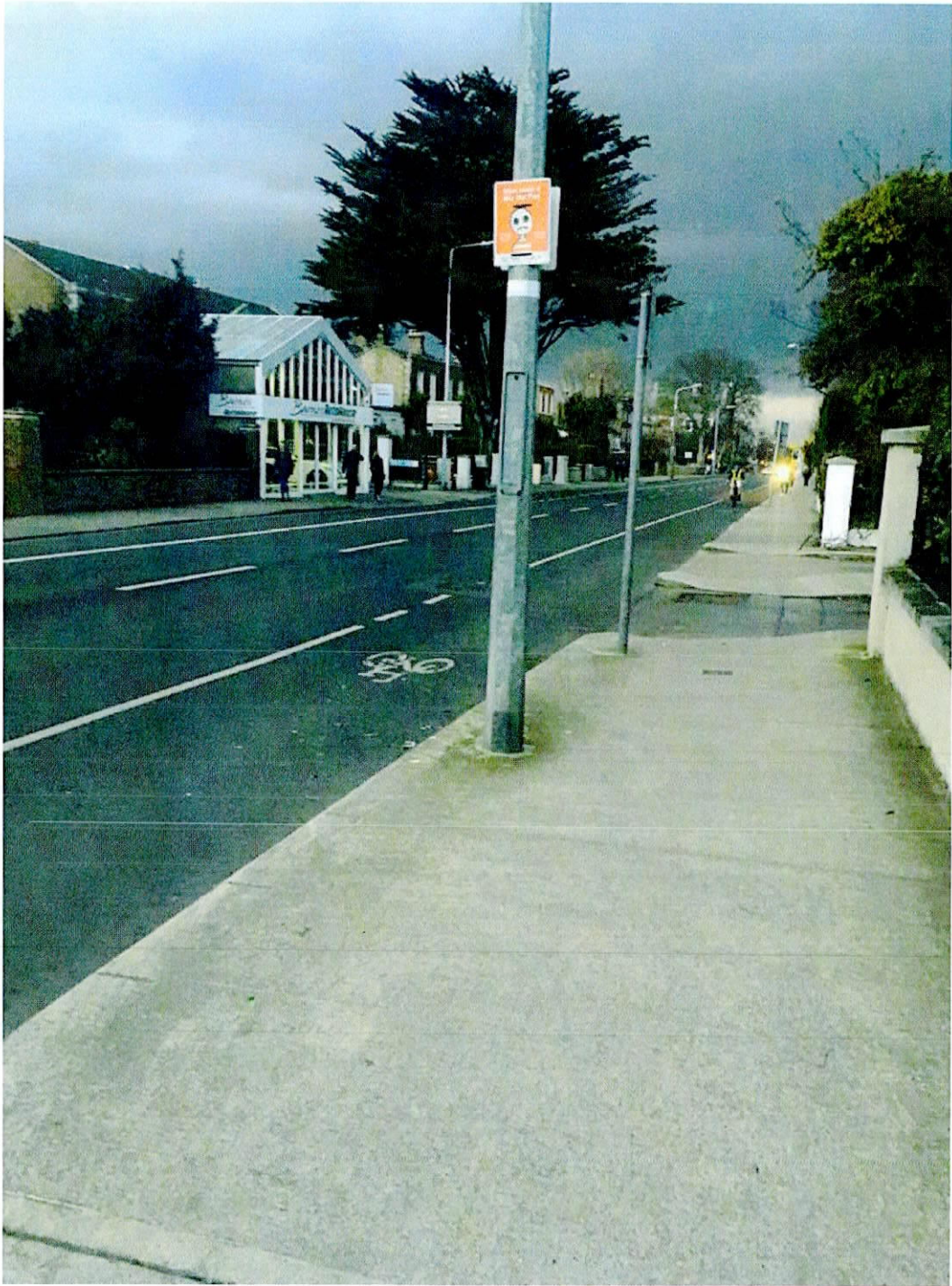
8.49 a.m. 14/2/19



9.55 a.m. 14/2/19



17.40 15/2/19



9.55a.m.

14/2/19



17.40

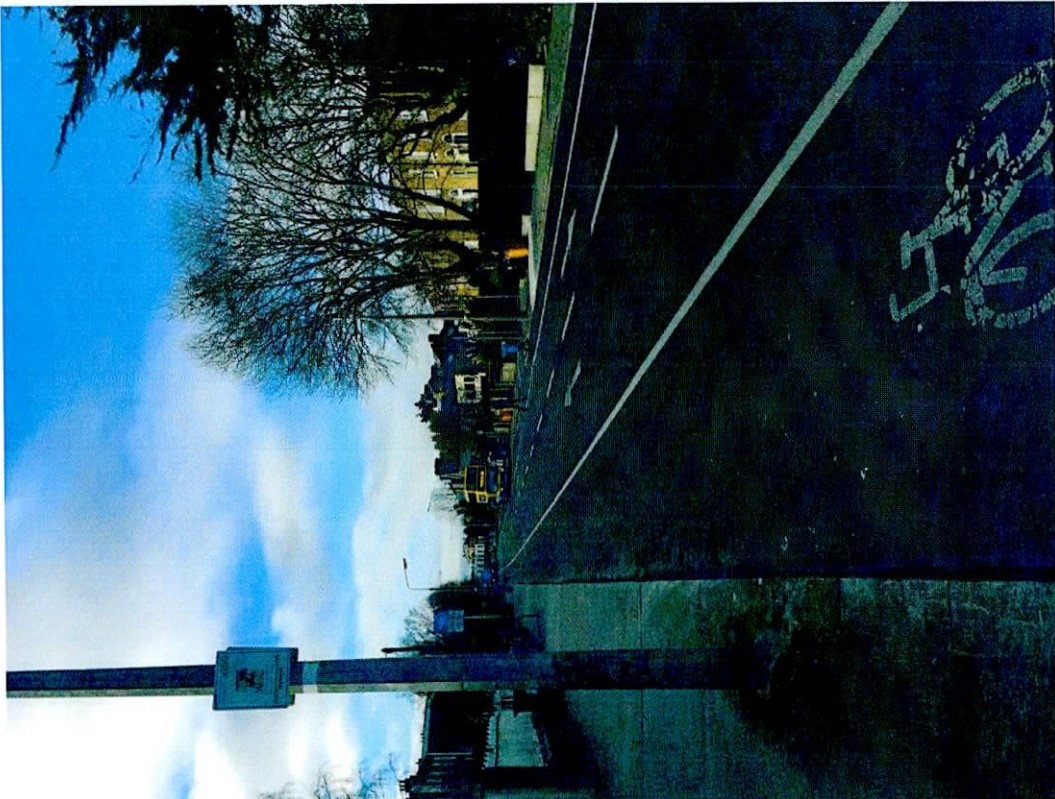
15/2/19



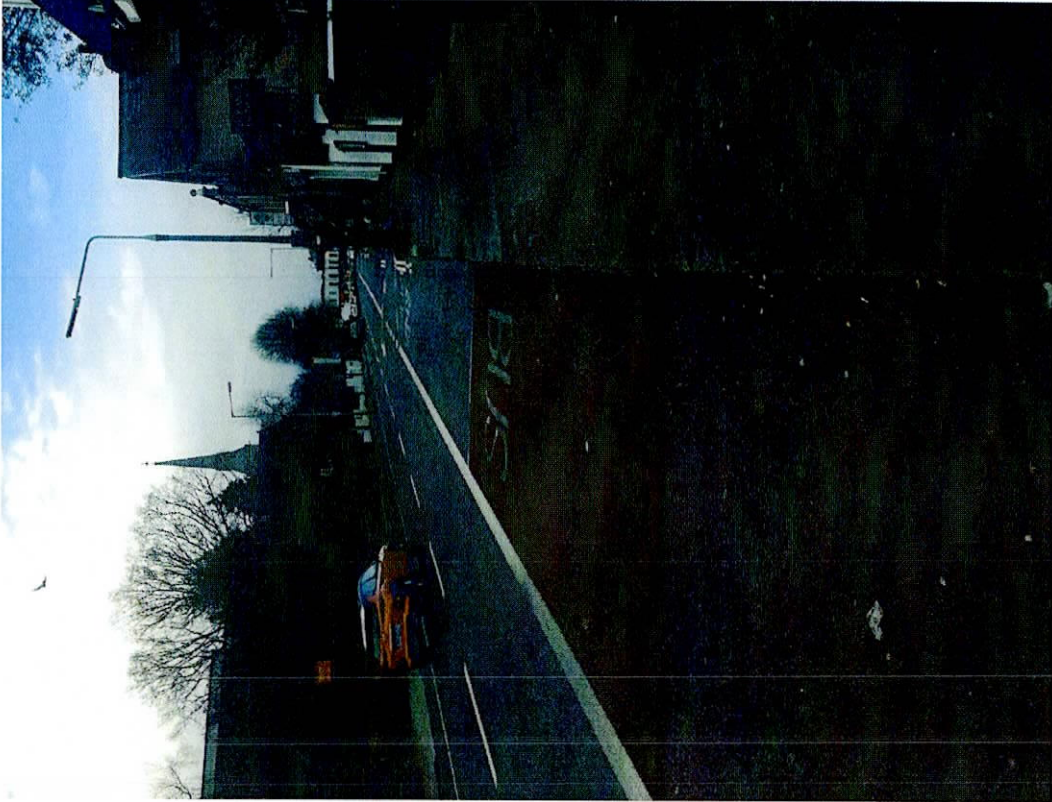
9.00 18/2/19



9.23 a.m. 18/2/19



9.18 a.m. 19/2/19



9.18 a.m. 20/2/19



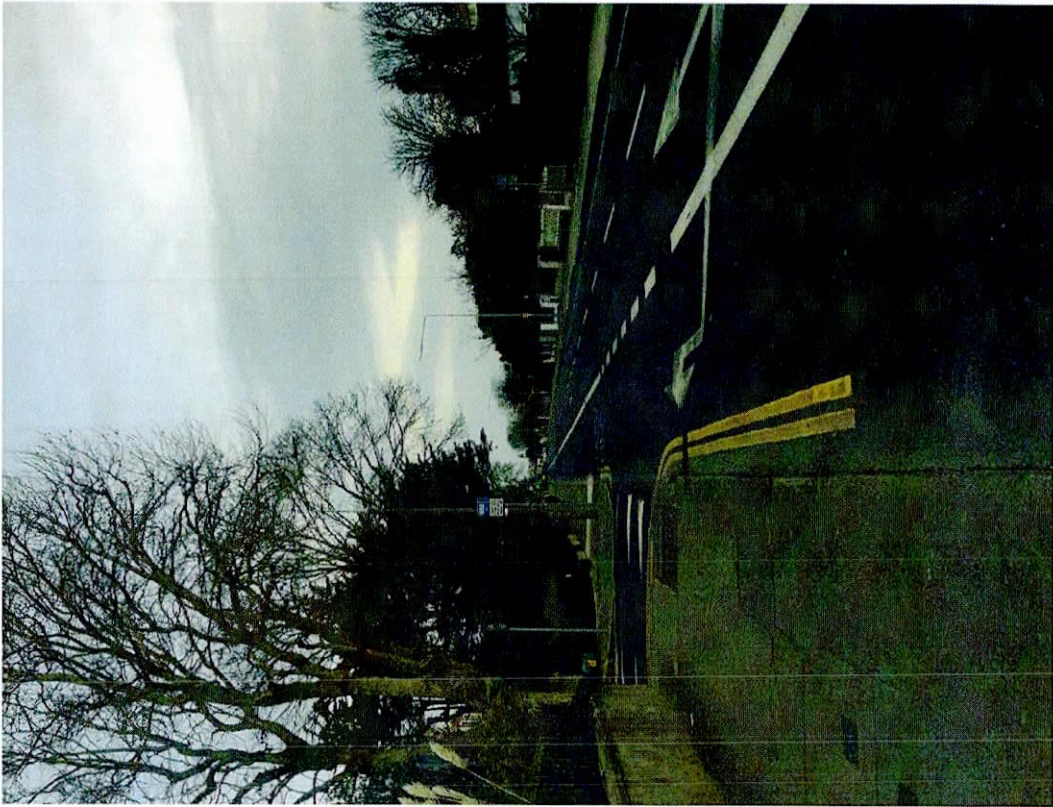
8.55a.m.

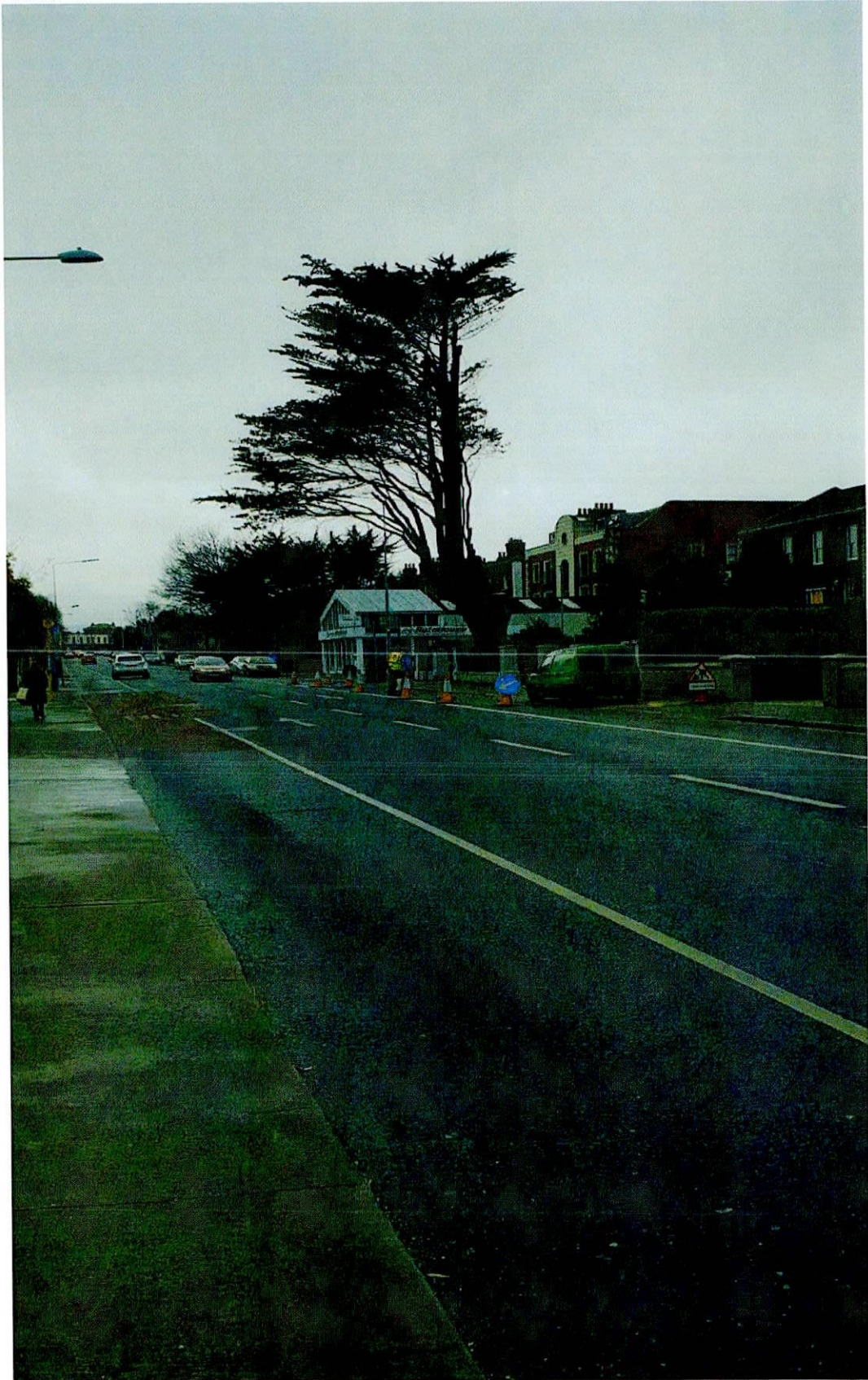
22/2/19



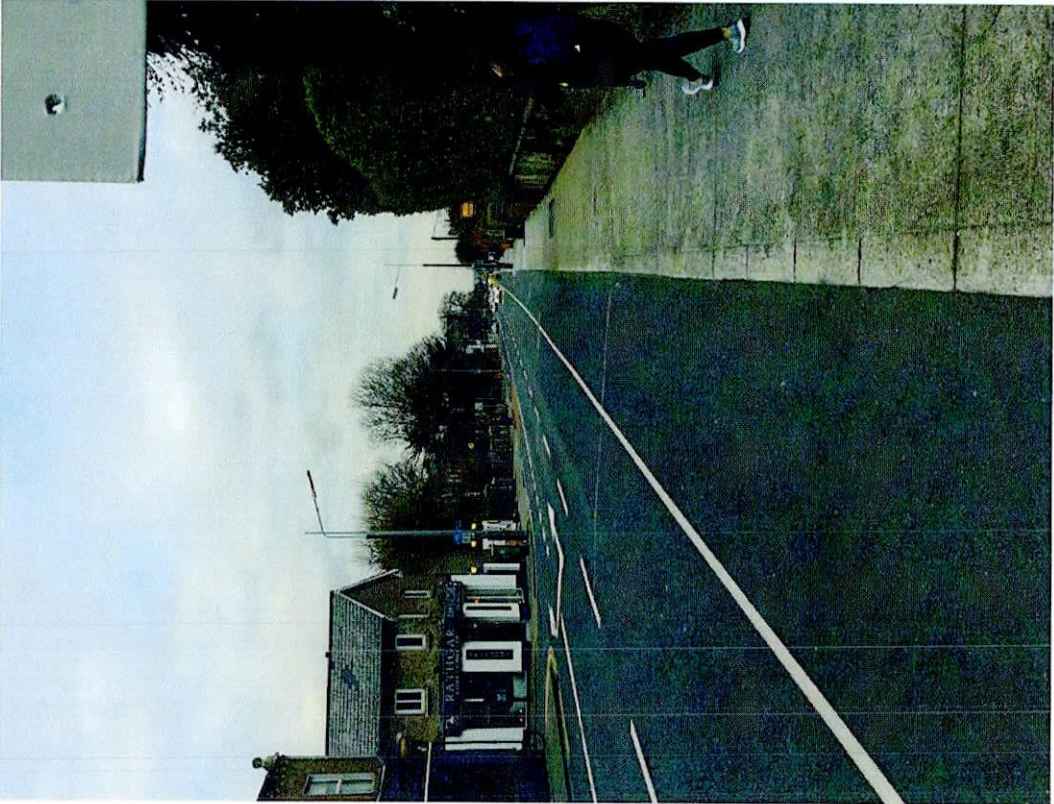
8.55a.m.

22/2/19

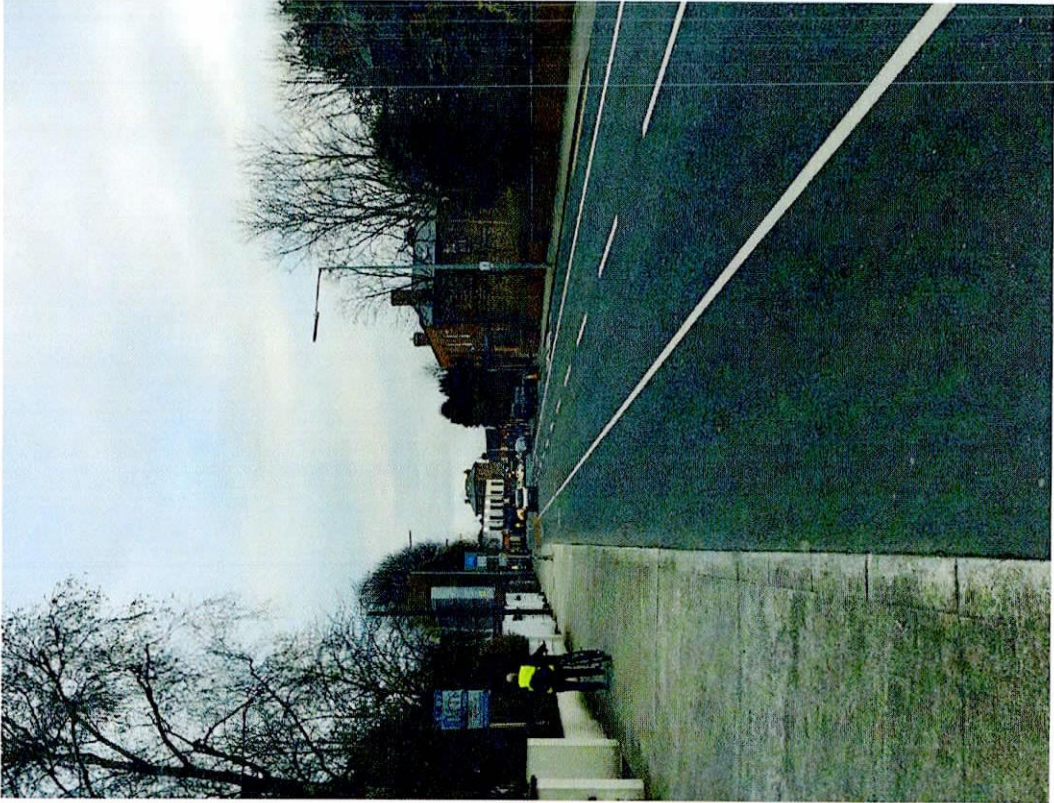




18.05 25/3/19



18.05 25/3/19



APPENDIX 2

SUBMISSION – 10TH DECEMBER, 2019

From: Diarmaid Mcguinness <dmacgmac@me.com>

Date: 10 December 2019 at 16:02:45 GMT

To: consultations@busconnects.ie

Subject: Rathgar submission

Rathgar Road and Terenure Road East BusConnects Network redesign submission

1. Rathgar is home to a vibrant community, from families with small children to residents who have lived on in the area all of their lives. Rathgar Road is lined on both sides by residential properties including 124 buildings listed on the Dublin City Council's Register of Protected Structures. The road and the surroundings lands are mainly designated Z2 Conservation Area with very limited potential for additional housing or population growth. Similarly, Terenure Road East is designated Z2 and is almost entirely residential with the majority of homes and buildings being protected structures (circa 79), as admitted in the NTA feasibility study. Both roads have multiple private driveways and many quiet residential side streets, roads and lanes. These are tree-lined roads and have not been the main route to the city centre (as evidenced by road signs at Terenure Cross which direct traffic to the city centre via Harold's Cross).
2. The National Transport Authority's proposed BusConnects Programme, which the NTA has split into what it is calling the Network redesign and the Core Bus Corridor (CBC) projects, impacts negatively on Rathgar Road, Terenure Road East and on Rathgar Village and environs, placing a huge burden on its residents and environment. This is not consistent with the NTA's Greater Dublin Area Transport Strategy 2016-2035 or indeed with the Strategy's Strategic Environmental Assessment. **Both** the proposed **BusConnects Network and Core Bus Corridor** designs will negatively alter the character and environment of this heritage area and as such, are opposed in their current form by the Rathgar Road Residents and the Terenure Road East Residents' Group. It is a given that Rathgar residents appreciate that public transport has to be improved and that congestion caused by private cars has to be reduced. We are also very supportive of efforts to protect cycling and indeed to increase its popularity as a mode of transport. We are also, however, very keen to protect pedestrians and especially more vulnerable pedestrians.
3. The BusConnects Network and Core Bus Corridor designs include numerous inconsistencies and deviations from the NTA's Greater Dublin Area Transport Strategy 2016-2035 which result in an unsustainable intensification of buses through the Rathgar area, particularly through Rathgar Village, with 72 buses per

hour proposed to travel through the village at peak time. It also results in a doubling of the number of buses along Terenure Road East compared to current bus numbers. In contrast, there will be a halving of the number of buses travelling along the N81/R137 between Terenure Cross and the Grand Canal, leaving more than a two kilometre stretch of mainly Z1 zoned land to either side of Harold's Cross Road devoid of a core bus corridor despite being the existing route of the Rathfarnham to City Centre bus corridor for many decades.

4. The route for the network redesign is predicated on a significant error. The feasibility study for Corridor 12 includes the following:

*"3.4.2 The Clongriffin – Tallaght BRT is of particular relevance to the Rathfarnham CBC route. The CBC route should complement the BRT service but **should not duplicate the potential routing of the Clongriffin – Tallaght BRT route which is possibly via Harold's Cross as per the Transport Strategy for the GDA (2016 – 2035) and as illustrated in Figure 1.2 of this report.**" <https://busconnects.ie/media/1447/162061-rep-006-cbc-main-report-final-rev-b-25062018.pdf>*

BRT - which means Bus Rapid Transit - is not now going ahead. So the route through Terenure Road East and Rathgar Road is built on a basic error and the Network is tainted by the same flaw.

5. Some of the negative impacts on Rathgar and surrounding area due to those deviations from the NTA's GDA Transport Strategy include:

a) **Environmental impacts** due to increased emissions from the proposed greater volume and frequency of bus numberstravelling though Rathgar than at present, many of which will be diesel-only buses that will remain as part of the Dublin Bus fleet for over another decade. The NTA does not currently plan to use electric buses. Proposed replacement diesel hybrid buses will still continue to emit Nitrogen oxides (NOx), Particulate matter (PM) and Carbon monoxide (CO). The volume and frequency of buses proposed to travel through Rathgar under the Busconnects Network Design would directly impact on emission levels in the area;

b) Environmental impacts due to increased fuel consumption, hence emissions, as a result of the bus fleet having to travel alonger route to the city centre via Rathgar compared to staying on the N81/R137. The distance between Terenure Cross and the Grand Canal is 0.5 kilometres longer via Rathgar and has a greater number of pinch points requiring longer bus priority distances which results in more stop/starting and idling of buses, which in turn increases emissions. Indeed, the huge volume and frequency of buses proposed along the routewould inevitably cause buses to become 'bunched' and create their own congestion. All of the above also results in increased commuting times for bus commuters from Rathfarnham and Tallaght traveling to/from the city centre;

c) This "bunching" of buses will cause increased emissions (air pollution) at bus stops and in the village itself and wherever buses are stopped in traffic or at traffic signals. With a proposed 72 buses per hour at peak times through Rathgar Village

there will be a huge increase in idling and in bus congestion and a corresponding increase in air pollution and loss of amenity in general;

d) **Increased noise pollution** in Rathgar associated with increased volume and frequency of buses. The intensity of buses will increase noise levels, Many of the protected properties on Rathgar Road are required to have single glazed windows for conservations reasons, with limited capacity to block out noise;

e) **Heritage impacts** to Rathgar associated with increased volume and frequency of buses. Many of the protected properties on Rathgar Road have no dug foundations, making the buildings more vulnerable to vibrations and consequent structural issues;

f) **Character (streetscape and visual) and community impacts** to Rathgar associated with the intensification of buses and road-widening and consequent tree-felling along Terenure Road East. The network and corridor plans will bisect and sunder the communities on Rathgar Road, Rathgar Village and Terenure Road East. A network of 72 buses per hour will rupture the village and its approach roads permanently;

g) **Safety impacts** in Rathgar associated with increased volume and frequency of buses (pedestrians crossing, cyclists, safe ingress and egress from residential driveways and side roads). Rathgar Village itself will be inexorably changed due to the planned routing of the S4 and 14 routes along Highfield Road. Those buses will have to cut through the village at Highfield Road and yet proposed plans for "public realm" outside SuperValu show a narrowing of the traffic lanes on Highfield Road. (This is a further example of the importance of recognising that the Network and CBC plans are inextricably linked.)

h) **Traffic impacts** along Rathgar Road and its side streets as a result of the intensification of buses, none of which has yet been modelled or trialled;

i) **Bus service impacts** in Rathgar. Despite the huge increase in the volume and frequency of buses through Rathgar, the proposed number of direct destinations served will decrease with this network redesign;

j) The huge reduction of bus service along Harold's Cross Road between Terenure Cross and the Grand Canal is entirely contrary to best practice planning principles of aligning transport projects with housing and commercial growth potential as per the National Planning Framework. Harold's Cross Road has several large on-going housing and school construction sites, as well as superior future housing and commercial planning potential compared to Rathgar.

k) **Cycling:** Rathgar Road and Terenure Road East were identified by the NTA in the Cycle Network Plan for the Greater Dublin Area (2013) as a primary cycling route, which the plan described as a "main cycle arteries that cross the urban area and carry most cycle traffic". Rathgar Road and Terenure Road East formed part of Radial Cycle Route 10 from Portobello Bridge on the Grand Canal along Rathmines Road and Rathgar Road and Terenure Road East to Terenure Cross. Now it is being turned into high speed high frequency bus corridor in a **network** plan that the NTA

does not intend to have assessed either for environmental or planning issues. Who approved this variation to a primary cycling route?

6. We call on the NTA:

- ✓ **To reconsider the proposed disproportionate increase in volume and frequency of buses planned to go through Rathgar under this Network redesign**
- ✓ **To reverse the decreased volume and frequency of buses along the Harold's Cross Road**
- ✓ **To ensure consistency with the Transport Strategy as is required under the Dublin Transport Authority Act 2008**
- ✓ **To lessen impacts of overburden on Rathgar and underservicing of the Harold's Cross Road and to ensure alignment with the National Planning Framework.**

7. Due to the environmental and planning impact of the proposed network redesign on Rathgar, the NTA must seek approval from An Bórd Pleanála for what constitutes the single biggest development in recent history in this area. It is a network development which will see the change in the prioritisation of routes into the city centre and is contrary to the NTA's own Greater Dublin Area Transport Strategy Plan 2016-2035. The new network design must be subjected to a process of examining the environmental effects of the project in the same way that the Core Bus Corridor project will be. An independent review through an Environmental Impact Assessment must be done on the proposed new network. The NTA has to date refused to undertake an environmental assessment of the network changes which are as significant if not more so than the CBC project. Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU requires the protection and promotion of the environment and of cultural heritage comprising urban historical sites and landscapes, which are an integral part of the cultural diversity that the Union is committed to respecting and promoting in accordance with Article 167(4) TFEU. Rathgar is not a "green field" site; it is a historical residential area. The Network redesign constitutes an intervention in the natural surroundings and landscape and as such qualifies as a development. The size and design of the whole Network redesign project – citywide – ought to be looked at in that regard.

8. The Rathgar Road Residents and Terenure Road East Residents' Group fully support the Rathgar Residents Association BusConnects Network Submission.

9. As the BusConnects network and Core Bus Corridors are intrinsically linked, this submission should be read in conjunction with the BusConnects Corridor submissions previously submitted by the Rathgar Road Residents (including individually) and the technical reports submitted by Julian Keenan (Traffic and Safety Consultant) and John O'Malley (Town Planning Consultant) on behalf of the Rathgar Road Residents as well as the submission of Tom Phillips and Associates which was submitted on behalf of the Terenure Road East Residents Group together with the individual submissions made by Terenure Road East residents. The submission of Professor Jennifer McElwain, Professor of Botany at Trinity College, and her colleagues is also to be

considered in relation to the network changes given the tree felling which is still proposed along Terenure Road East and at the Rathmines end of Rathgar Road. The intensity of the network redesign is simply too great for Rathgar. The alternatives, including underground metro, have not been properly explored.

Signed:Diarmaid McGuinness

Date:10/12/2019

APPENDIX 3

SUBMISSION – 15TH DECEMBER, 2020

NTA Reference No. 618507 as per phone call of 15/12/20 - For the Attention of: National Transport Authority - Bus Connects Project – Route No. 10 – Tallaght to Terenure Core Bus Corridor – Route 12 – Rathfarnham to Terenure to Rathgar to Rathmines to Dublin City

Dear Sir,

I wish to submit the following by way of a written objection to the Proposal in respect of Route No. 10 and Route No. 12, which is undergoing a process of consultation at present.

I live at No. 2 Auburn Villas, Rathgar, Dublin 6, with my wife and family. This is a small cul de sac off the main Rathgar Road. I have lived there for over thirty-five years. I both drive and occasionally take public transport into Dublin City. I am familiar with my neighbourhood, the environs and I am familiar with public transportation and road projects. I wish to make the following observations of my own under the following headings:

1. Pause and Consider:

I am, of course, conscious that all major infrastructural projects take some considerable time to plan, design, consult about, and refine before they are turned into a concrete proposal which is the subject of an EIA and submitted then for statutory development permission, which is often then succeeded by a long lead in period for authorization of the expenditure required and the completion of a project. I am conscious too and in my view the NTA should be especially conscious of this, which is that the proposal under consideration in many cases makes reference to census data from 2011 and 2016 and is also based on a lot of data, assessments, predictions, etc., (together with large black holes of information required) that are now largely irrelevant, or at least extremely questionable from the point of view of providing a safe secure basis upon which to seek statutory consent for the project in question.

The consequence of the Covid pandemic and the cycle of lockdowns and restrictions has, over the past year and for the foreseeable future, changed everything about the environment in which the project is to take place. Unfortunately, it has taken Covid-19 to achieve what urban planners/traffic planners/traffic modelers have failed to do, which is bring about the modal shift. It is a simple truth to say that work patterns have changed, travel patterns have changed, traffic has changed, our social relations have changed, and numbers of persons travelling on buses in particular has changed. It is also, I think, a simple truth to say that the future is uncertain, in particular as to whether people will ever

return to work in Dublin City in the same numbers and will ever return to buses in the same numbers. It would be a foolish and erroneous assumption to think, or even entertain the possibility that things will return to the way they were. In this sense the old order has changed. The push for a submission of this project for statutory permission next Easter against this background and in the context of the, in truth, largely unestimated cost of completion of the project, must be regarded as premature and ill-advised at the present.

This is not a call or a plea at this stage for cancellation or withdrawal of the project, but rather for the NTA itself to take the opportunity to consider more fully the implications of the events of this year and the coming year in consultation with the people of Dublin who will be most affected by the project and who are intended to be served by the project.

It would be interesting to see surveys or polls of both the people in Dublin generally and people on the proposed bus routes (including adjacent roads) to see what their views and attitudes and intentions were in relation to matters central to this project. In that regard, everybody knows many people who say they will not get back on buses. Everybody knows people who have taken to bikes, including the surge in electric bike ownership, scooters, and who have returned to walking and find all of these methods quick, convenient, healthy and direct as a way of going about their life. For them also there is no going back. As for work, many people who were the victims of long hours of commuting to and from work have a clear view. Many others for whom commuting was not a great inconvenience, if not demanding it, may well be facilitated to a very large degree to continue to work from home as the increase in technological means and connectivity enables this. Does the NTA know how many workers who were attending in the city of Dublin are not now working therein or are likely to return? The question as posed, or any similar question, is at present unanswerable. Patterns of driving, traffic, car ownership and volumes of traffic flows are all in flux and remain unpredictable.

It is respectfully suggested that the above merit the NTA at the moment staying its hand and pausing to consider:

- (i) The extent of its consultation to date and the extent to which those affected have been impacted in their response to the proposals (or are in many cases on adjacent roads relative to the routes unaware of any possible impact of the proposals).
- (ii) Wait for the outcome of the greater Dublin area Transport Strategy Review, which will be looking at the plan adopted by the Government for the period 2016 to 2035. This is out for public consultation at the moment with what is, in the circumstances, a ridiculously short deadline for submissions of the 22nd of January, 2021.
- (iii) Wait for the outcome of the consideration of the new Draft Dublin Development Plan for 2022 to 2028.
- (iv) Conduct an audit of the possible consequences of Covid-19 for the short, medium and long term insofar as it relates to the proposed bus routes and the implications therefor.

- (v) Conduct a meaningful "black box" audit of all data, information, etc., contained or relied upon in the draft Preferred Routes Options Report in the Report and the Information on the Proposed Approach to the Environmental Assessment of the Routes and in the draft Transport Model Report with a view to assessing itself and identifying for the public thereafter what material information, data, etc., may now no longer be relevant or reliable as a result of our changed circumstances.

2. Buses: Do nothing versus do something Scenario:

The old fashioned comparative scenario where doing nothing is compared against doing something is no longer a relevant or adequate criteria because neither present an acceptable binary choice. If you shouldn't do nothing, it doesn't mean you should do the something that is proposed. Conversely, if you don't do what is proposed, it doesn't mean you should do nothing. Here the object is to, as a matter of principle, provide a better and efficient and reliable bus service. A very strong argument exists and has been put forward for identifying elements which can be achieved relatively speedily and with minimal comparative cost to improve the current bus service. These are identified themselves within the Objectors' Submissions and within the project documents and are mixed into the argument and designed to support the proposition that the project rather than these specific improvements will result in the seven/eight minute improvements in peak journey time travel along Route 12. The issue is, particularly in the light of the observations at 1 above, why not try them now. These have been identified by many parties, by the NTA itself, by Dublin Bus, and includes:

- (a) Implementing priority signaling along the route at any stage where this is possible;
- (b) Making buses cashless, which would inevitably speed up the boarding of passengers;
- (c) Provide or assist in providing park and ride facilities with free local link up buses to strategic routes;
- (d) Introduce congestion charges, either per specific entry points through the canal cordons or otherwise, or by flat rate charge;
- (e) Otherwise controlling entry times for private and non-commercial traffic;
- (f) The more radical but much less costly step would be to follow in the wake of other cities in other countries by making public transport free of charge, or, alternatively, subsidized by a single standard fare applicable to all routes and journeys.

The above could lead to an even more seismic modal shift in bus use, diminution of private car usage and could obviate the necessity for the Bus Connects project.

All of these changes above can and should be implemented in advance of considering whether or to what extent a new Bus Connects project is desirable or necessary, whether in part or in whole, particularly as to whether the bus service

so improved can in fact be then radically further improved in the way envisaged by the proposed projects.

3. The Proposal to Turn Rathgar Road into a Dedicated Bus Lane in the Rathgar Direction 24/7:

This is a proposal which is unnecessary, unworkable and dangerous. It is unnecessary because traffic flows proceeding in direction towards Rathgar Village at any time of the day do not justify its dedication of use to buses to the exclusion of all local residents. Any traffic build ups in fact build up on Terenure Road East as a result of the junction in Terenure Village. Rathgar Village has only in the last few months since Covid-19 started seeing any traffic build up. This, however, is due to traffic light and pedestrian light sequencing in the village whereby in any ten minutes there are four green pedestrian light cycles interspersed by three vehicular traffic cycles of different durations. The traffic data and modelling for the flows on Rathgar Road are flawed.

The proposal is unworkable from the point of view of accessibility of persons on the Rathgar Road, including cul de sacs and local roads joining onto the Rathgar Road. Vehicular access and egress is an absolute necessity on both sides of the road for residents, relatives, other visitors, shop and other deliveries, servicemen, binmen, local business, and in particular deliveries.

The consequences for residents such as myself are further set out in detail below and can be extrapolated upon in relation to all other residents on the road, in local cul de sacs and other local roads.

Were the Rathgar Road in this direction to be closed to all traffic bar buses, this would require the diversion of all such traffic onto all adjacent local roads, none of which could bear this added burden of traffic. Anyone familiar with the area, the local driving and parking patterns, the location of shops, schools, services, sports facilities, clubs, etc., and the local population, would know instantly the chaos, confusion and danger that this would pose.

4. Rights of Access and Egress:

As Auburn Villas is a cul de sac with no rear vehicular access to any of the sixteen dwellings therein, all residents are compelled to use the narrow access in and out of Auburn Villas onto the Rathgar Road. There are sixteen dwellings in Auburn Villas with twenty-two cars which use this access point. I believe that I have a constitutional right of reasonable access to my house, which right also extends to others, whether invited socially or for commercial or other purposes related to services, goods, etc. Also, as a member of the public, I have the right to pass and repass on the public road, which includes public rights of way from one side of the road to another unless lawfully extinguished, such as by a motorway scheme or otherwise in accordance with law.

I work principally in Dublin, have a office in the Dublin 7 area adjacent to the Courts, I also maintain two desks in Court buildings in the Four Courts and in the Criminal Courts of Justice, I have a sparking space for which I pay rent and rates along with my office, and, being self-employed, and do work from home and since the onset of the Covid crisis have been working principally from home where

possible. We are a two car family with my son also licensed to drive and is insured on my car. My wife principally uses her car in a professional context in connection with her work as a psychotherapist and a Feldenkrais practitioner, in addition to all the other normal social uses.

View of Entrance to Auburn Villas with the middle of the Rathgar Road indicated in yellow (Ms. Paula Moore's house can be seen on the right of the photograph):



The purpose of identifying this spot is to demonstrate that each cul de sac, each block of flats and each house on the Rathgar Road has a similar spot where they will be involuntary constrained to cross one cycle lane, one bus lane and join a traffic stream which is not going in the direction that they wish and which they must therefore have to divert off, increasing local traffic problems and dangers.

5. Frequency of Use of Access, including the Rathgar Road:

I have attempted to review in a fair way the extent to which I use and need to use vehicular access to and from my house, including my wife's usage. I have attempted to reflect on and discount days of non-usage. It is actually very rare that I would stay at home and never go out. If I were to assume, for the purpose of this analysis, that I stayed at home one day a week, that would be 52 out of 365, even adding an extra 25% of days spent at home to that figure, i.e. 25% of 52 equals 13, this give a total of 65 days not using the access or egress to Rathgar Road. This could include theoretically holidays away, including weekends, out of Dublin. It is a gross over assumption. However, it is accepted to show that there are 300 days left in the year where the access is actively used. I am a popper out, both in the day time and the evening time, and almost inevitably take my car in preference to walking (as I have suffered from a previous broken ankle and have somewhat arthritic knees at present). I estimate that I would pop out three times during the course of a day or evening in my car and my wife probably twice. That makes five trips out and therefore five trips back through the entrance of Rathgar Road. That is ten access/egress journeys per day, multiplied by 300 days in the year, giving 3,000 approximately for my wife and myself combined, that's from two of the twenty-two cars in the cul de sac. That leaves twenty more cars whose use is to be considered or predicted. If it were of similar usage to our two, this would be ten times the figure above, i.e. 30,000. Even assuming, just for the purpose of argument, it was only half of that, it would still be 15,000. That, therefore, would be from this cul de sac alone a projected 18,000 ins and outs from the laneway onto Rathgar Road. You will see I go on to detail below the other cul de sacs on the road, the other flat apartments with multiple dwellings (and which contain many cars) which should be treated as if they were in fact cul de sacs, and indeed, for the purpose of this analysis, each house on Rathgar Road itself should be considered as a single unit cul de sac, as no houses on Rathgar Road have rear vehicular entrances or exits from another road.

6. Route 10 Joining Route 12:

Under the current proposal Tallaght bus traffic originating from Tallaght Route 10 will join Route 12 in Terenure Village where Route 12 will avail of a right turn onto Terenure Road East through priority traffic lights signaling. It is proposed that Route 10 would also have traffic light priority signaling to get onto Terenure Road East and proceed through Rathgar, Rathmines, etc. Obviously, both cannot have priority at the same time. What is proposed is self-defeating because of that and have consequences for journey time that are not taken into account in any way. More fundamentally, it ignores the availability of the Harold's Cross route for Route 10. If this were selected for the Route 10 traffic, it could enjoy traffic light priority by turning left into Terenure Village at the same time as Route 12 is enjoying its traffic light priority on the right turn. Alternatively, Route 10 and Route 12 could use the Harold's Cross corridor/South Circular Road or the Harold's Cross corridor/Carmassi Street Upper and Lower into Patrick Street by

going straight through Terenure Village rather than down Terenure Road East. What is impossible to understand or justify is the abandonment of this route as a viable or better alternative for either of the proposed routes.

7. Other Cul de Sacs:

Other cul de sacs on the Rathgar Road as such, in addition to Auburn Villas, are Belleville, Spireview Lane, Wesley Road, Garville Mews and Rathgar Place. I note that in none of documents published in November, 2020 is there any information related to the number of residents in these cul de sacs or the car ownership or car usage in terms of estimated or surveyed frequency of use. How many thousands or tens of thousands of access/egress movements occur from these properties?

8. Other De Facto Cul de Sacs:

Unfortunately, a number of the original houses on Rathgar Road have been demolished or converted into apartment blocks. In all of these there is multiple occupancy with private car ownership and parking. They all share the same characteristic as the cul de sacs identified above, in that they have no rear vehicular access to the property. These are Linden Court at 114 to 115, Grenville at 110 to 111, Madison House at 112 to 113, the four houses set back between the Butler's Pantry and the Bergman shop at 98 to 101 Rathgar Road, Hillcrest at 94 to 95, Sherborne at 96 to 97, Rathgar Court at 19 to 20, Sycamore Court at 75 and Albany House at 126. Again, I note that in none of the documentation published in November, 2020 is there any reference to the number of residents, their car ownership or usage, including frequency, whether by way of estimated or actual surveyed frequency of use. How many thousands or tens of thousands of access/egress movements occur from these properties?

9. Access to my House:

When I go out and when I am returning home, depending on where I have been, how I assess traffic is flowing and because of my familiarity with every possible route home, can and actually do go home, depending on all the conditions, via the following way:

- (i) Accessing Rathgar Road from Rathmines;
- (ii) From the top of Grosvenor Road where it meets the Rathgar Road;
- (iii) From Leicester Avenue where it meets the Rathgar Road;
- (iv) From Garville Avenue where it meets the Rathgar Road;
- (v) From Winton Avenue where it meets the Rathgar Road;
- (vi) From Frankfort Avenue where it meets the Rathgar Road;
- (vii) From Garville Road where it meets the Rathgar Road; and

(viii) Rathgar Village at the top of the Rathgar Road (having come from either Highfield Road, Orwell Road, Terenure Road East or Rathgar Avenue).

At present all these different ways home are open to me and all the other residents of Auburn Villas, the other cul de sacs and the de facto cul de sacs (depending on course on their actual location on the road). Under the current proposal I will lose access to the entrance to Auburn Villas via numbers (i), (ii), (iii), (iv), (vi) and (vii) above and I will only be able to access my entrance from a position south of the entrance to Auburn Villas, i.e. either having reached the top of Winton Avenue or Rathgar Village from some other route. I regard this as an unconstitutional restriction of my reasonable right of access to my house and therefore unlawful.

10. Consequences of the Current Proposal:

Under the current proposal, as I understand it, it is intended that I will be legally constrained from turning left onto the Rathgar Road and, as I understand it, if the current Auburn Villas bus stop is moved from fifty yards north of the entrance to fifteen yards south of the entrance, I and every other resident of Auburn Villas will be constrained involuntarily to cross the cycle lane, cross the bus lane and turn right into the citybound traffic lane and merge with that traffic and, if our journey destination is elsewhere, would be compelled to divert off that, whether left or right, and, if diverting left, will cross the citybound bus lane and cycle lane, or, if diverting right, will again cross the southbound bus lane and cycle lane. The same course of action will be forced on every other resident of the cul de sacs, every other resident of the flats identified and every other resident who actually lives on Rathgar Road itself, and will be similarly constrained to only join in the citybound traffic and then divert off it. It is not my function to have to quantify the number of unnecessary and dangerous turning movements required and unnecessarily generated by the proposal. Its danger is obvious to me but obviously not to the planners of this scheme. If you identify all the likely traffic emerging from all the cul de sacs, all the large flats and all the residents on Rathgar Road, whether from one side or another, if none of this traffic is to be permitted to turn onto the Rathgar Road and proceed in the direction of the village, it has only one place to go, it has to go onto Rathgar Road in the cityward direction, join it and then either continue that way or divert off because in fact there is intended to take them somewhere else. How many extra hundred thousand dangerous turning movements are generated by this? Across and into the bus corridors and the cycle lanes and then in or out of it again to get away from that unwanted journey direction, and also repeated on each homeward bound journey for all of these residents. The consequences for road safety are unthinkable for all road users and are obviously unthought out by the persons who have planned this. The solution is simple, however, there are two options – wholly abandon the attempt to make southbound traffic up the Rathgar Road only accessible to buses and cyclist and all risk identified in the previous paragraphs is eliminated. Alternatively, allow local and only local traffic to access the Rathgar Road in this direction. This would have to include all the residents of the identified cul de sacs as well as the residents of Rathgar Road and could also embrace the residents of the roads that join Rathgar Road. This could easily be done by a permit system and/or buttressed by number plate recognition technology. This is in place on the M50 Toll Scheme (which I did the public hearing for on behalf of the NRA in Croke Park). Or photographic technology which is used in every respectable car park.

The draft Traffic Modelling Report is wholly inadequate and a failure to properly identify, assess or model the scale and nature of traffic movements caused by the proposal, modelling the diversions of the Rathgar Road, the dangers to all traffic users and the consequences for all local roads. In particular, the proposed diversion of traffic from Lower Rathmines Road onto Upper Rathmines Road and via Highfield Road is completely unsustainable and unworkable and has not been modelled to any acceptable degree required.

11. The Bus Gate at Lower Rathmines Road:

Route 10 and Route 12 are constrained by the existing built environment. Absent a Baron Houssmann style plan to demolish whole neighbourhoods by the removal of one or both sides of Terenure Village, Rathgar Village, Rathmines Road and the entirety of one side of Lower Rathmines Road, the canal crossing, Richmond Street, what the Bus Connects route is imposed on is a built environment with the following constraints, which include the Dodder River crossing, the slope on Rathfarnham Road, Terenure Village as is, Rathgar Village as is, Rathmines/Rathgar Road junction as is, Lower Rathmines Road as is, Canal Crossing at Portobello Bridge as is, Richmond Street as is, until the South Circular Road is reached. The traffic buildups such as it is and as it delays buses at present occurs almost entirely in the area between the top of Camden Street and the junction of Rathmines Road Upper and Lower and Rathgar Road. This layout cannot be changed. Unfortunately, the bus gate proposal here does not and cannot remedy the position as it is on the ground and the elements that lead up to the traffic buildup as it was pre-Covid.

This unfortunately is another unworkable proposal. The envisaged traffic diversions have not been properly modelled to any acceptable degree and will result in chaos, confusion and gridlock. No proper assessment has been given to in fact making Lower Rathmines Road one way unidirectional only towards the city between 7.00 a.m. and 10.00 a.m. each morning. This is where the real current gridlock occurs and could be dealt with by this proposal. Outbound city traffic at these hours between 7.00 a.m. and 10.00 a.m. can be naturally diverted by the existing road network out of town, which at present takes traffic around towards the Ranelagh Road, or, alternatively, straight up the South Circular Road and poses an easy and existing solution to the unidirectional flow on the Lower Rathmines Road at this time of the day.

12. Collation of Necessary Information by Research and Surveys:

The feasibility study/draft preferred route options and proposal to date in my view lack the following:

- (i) No reliable survey of actual bus timings related to each bus on an hour per hour basis during peak times on the inward or outward journey over any sustained period have been provided in the study.
- (ii) Origin and destination surveys of the passengers using the buses on the existing routes, including those on Route 10 as this merges into Route 12 at Terenure Village have not been conducted.

- (iii) There is no survey on the adequacy or otherwise of the existing bus service.
 - (iv) No numerical survey of passenger numbers per individual route and including, in particular, the numbers lighting or alighting at any bus stop on the inbound or outbound routes.
 - (v) No origin or destination survey on the other vehicular traffic travelling on the proposed route.
 - (vi) No origin or destination survey on the vehicular traffic emerging onto the proposed route, in particular from side roads and cul de sacs on the incoming or outgoing sections of the route from Terenure, Rathgar and Rathmines.
 - (vii) No traffic modelling plan to deal with any changes in driver behaviour resulting from possible or proposed changes in the direction of traffic, whether by virtue of restricting traffic one way from Templeogue through Terenure or, as recently been orally suggested, making Terenure Road East one way. Or, as is now proposed, banning all southbound traffic proceeding up the Rathgar Road.
 - (viii) No consideration is given to reversible traffic direction flows at different hours of the day on some or all portions of the roads (reversible counterflows).
 - (ix) No traffic modelling concerning the interaction of increased traffic flows of buses on the proposed route with the new cycle lanes.
 - (x) No pedestrian safety modelling on any of the entire route, in particular having regard to the fact that the proposal does not apparently contain any plan to divert traffic from any contributing roads or to cul de sac them, nor to include any additional traffic lights on any portion of the proposed six lane road.
13. Fundamental Flaws in the Feasibility Study/Draft Preferred Route Options for Routes 10 and 12:

A fundamental flaw in the feasibility study emerges by reason of the omission to consider adequately or at all alternate route plans as an option. This is not a luxury or something that may be chosen as a necessary component of a feasibility study but arises as a matter of law in any process of preliminary scoping/route selection/environment impact assessment. Here it is patently obvious that the feasibility study which resulted in the proposal of Route 12 is not only methodically flawed, but legally irregular as it fails to consider the most obvious alternative route option for both catchment areas emerging from Rathfarnham and Tallaght but it appears to have been expressly predicated upon either an assumption or an instruction that the designers could not or should not duplicate the BRT Bus Rapid Transit which apparently seems to have been regarded as a proposed plan for the N81/R137 Route carrying traffic into town through Terenure but on the Harold's Cross Road, crossing the Grand Canal on a different route into the City. A number of important points may be made in relation to this. Firstly, the failure to consider it as an alternative route is negligent and

inexcusable. Secondly, an instruction, however conveyed, not to consider it goes beyond that and is unlawful insofar as it apparently restrained the designers from considering that option, as is legally required. Thirdly, although it is hard to see an alternative in that regard, any misunderstanding as to the status of the BRT on that Harold's Cross route is concerned should have led to an immediate modification of the scoping/feasibility study when the BRT was abandoned, as it indeed is and has been for quite some time.

The following leads to an important question which any rational adviser or statutory body charged with examining this issue must take cognisance of and can only answer one way when it has considered all of the submissions in this regard. I accept that the population served by the Route 10 population area in Tallaght and its environs and Templeogue and its environs and the population served in Rathfarnham and its environs, both coming in through Terenure, are entitled to a reasonable bus service for those who wish to or need to access the City Centre in as quick a time as possible consistent with road safety, good planning and environmental considerations being adequately considered. There are many important factors to be considered in this regard, including what is naturally the most direct route? Which route is shorter and potentially faster? And what are the environmental considerations on that route in terms of the number of properties affected, the number of possible CPO's, the consideration of the existing road network, and other heritage concerns? The route from Terenure through Harold's Cross into the City Centre is a shorter route, is a wider road, has significantly less property on it that might be needed to CPO or otherwise interfered with and requires, by reason of its width, less construction work to adapt it to the purpose proposed.

The net question is, therefore, what justifications can there be for choosing, as the proposal does, a longer, more indirect, narrower, more expensive and more destructive route than the one already available through Harold's Cross?

The answer is clear under two headings – 1, there is no such justification and, 2, that alternative has neither been considered or assessed to date in this regard.

Any proposal, therefore, to proceed with existing proposed Route 12 is factually methodically and legally flawed and is otherwise unjustifiable in terms of any comparison of the interference with property rights, heritage and environmental concerns. I look forward to hearing what answer, if any, may be given on behalf of the designers or the NTA to this question.

14. A False Premise to the Suggested Proposed Savings in Bus Timing:

The feasibility study sets out what, in my opinion, is a false comparator by attempting to equate saved journey time during peak hours with the journey time in off peak hours. This is, in my view, a wholly illogical thing to do. The journey time of any bus rattling along its route with few passengers in off peak time (obviously picking up or discharging fewer passengers along its whole route) at a time when there is obviously considerably less traffic on the route cannot and should not be regarded as a target time for servicing the needs of passengers on the route during peak hours when the service is doing what it should do best, i.e. moving large numbers of passengers at the required time. It can and should never

be expected to provide the service in the same time with a different need and in wholly different conditions.

15. Illusory Improvement:

Regrettably the proposed Route 12 holds out the illusion of improvement, which appears to be wholly unjustified by the feasibility study in that:

- (a) On the inward journey from Rathfarnham through Terenure, Rathgar, Rathmines, no actual additional road space is being created for the bus traffic. There are existing bus lanes on these roads in use at the only points where they exist and when they can exist. The proposal does not result in the creation of any actual increase in bus road space and the existing pinch points on the route are not proposed to be removed. These occur at the village of Terenure, where all the traffic is to go through the junction there without any increase in road space. The position is similar both at Rathgar Village and at the junction of Rathgar Road where it joins the lower Rathmines Road. The study itself admits that the delays at these junctions cannot and will not be improved. The aspiration is that traffic light changes can provide an improvement.
- (b) The hoped for improvement in journey time appears to be assessed without regard to the fact that the bus traffic is intended to be able to cut across a whole new dedicated cycle lane which is intended to attract cyclists to use it as their main route into the City Centre for both Routes 10 and 12. There appears to be no traffic modelling as to (a) how much extra induced pedestrian traffic might be attracted onto the new bus route, and, (b) no timing predictions as to how the buses will interact with the new cycle lane to collect either the existing or the extra induced traffic to be served by the buses, or, (c) how workable road safety can be achieved for this dedicated cycle lane in addition to the fact that there are no planned diversions of private traffic from the approximately four dozen public roads and cul de sacs that will be accessing the route across each of the two new cycle lanes in the proposal (and again noting no existing new proposed traffic lights are to be included in the scheme).
- (c) The predicted savings in bus time, the order of seven or eight minutes, appears wholly speculative, illusory and unlikely to be achieved. I do not see anywhere in the feasibility study how the calculation of seven or eight minutes is reached by reference to any particular stretch of road over which it is said to be achievable, or, where it is picked up or improved upon, bearing in mind the existing statutory speed limits in question.

16. The Built Heritage of Rathfarnham, Terenure, Rathgar and Rathmines:

These, whilst they might be considered separately, ought to be considered together. The planning and development of the City from Rathmines out through Rathgar and into Terenure provides a significant built heritage which has been maintained from the early to mid nineteenth century onwards. This contains many protected structures, including their curtilage which will be affected by the proposal. The road design, the house design, including gardens attached, are

based upon a natural symmetry, the destruction of which has no justification. The proposal to acquire property on one side of the road then switching to the other side as it does from Terenure Road East onto one side of Rathgar Road and onto then the other side of the Lower Rathgar Road is extraordinary in its capacity to destroy the historic context of the road out from the City to the suburbs. This will not to achieve any extra road space for the bus corridors on the inward journey, its proposal is, it would appear, designed to achieve the creation of the two dedicated cycle lanes, which will be essentially the only justification offered for the destruction. The cost of this is to expose these two cycle lanes to the traffic proposed by the route without in any way mitigating that substantial risk and continuing to expose it to all local traffic on the whole route. This is a recipe for danger and death to cyclists, pedestrians and other road users who actually use the road or are intended to use it in whatever way remains possible.

17. The Necessity for the Proposal:

I enclose herewith a number of photographs taken at peak hours on random days, both in the morning and when coming home in the evening. These are all pre-Covid it might be noted. These show a comparatively empty road at what you would in fact expect to be peak hours. In my experience, the peak inward journey time is between 7.45 and 9.00 a.m. and outward from 4.45 to 6.15 p.m. It does not extend to a peak journey time of three hours either way, either between 7.00 to 10.00 a.m. or 4.00 to 7.00 p.m.

18. Bus Stop Relocation:

In my personal view and experience the volume of usage of the current Auburn Villas bus stop does not justify its retention. However, if it is to be retained, I object strenuously to its proposed relocation and wish to endorse complete the Submissions of Ms. Paula Moore of 124 Rathgar Road, at pages 8 to 15 of her Submissions, against the relocations proposed by the current proposal.

I wish to endorse and adapt the observations and Submissions of Deirdre Conroy B.L. insofar as they relate to Routes 10 and 12. I also wish to endorse and adopt the Submission of Helen Callanan of Terenure Road East as it relates to Route 12. I also wish to endorse and adapt the Submissions made on behalf of the Rathgar Residents' Association and the Community of Rathgar, and I also wish to endorse and adopt the Submission of Ms. Paula Moore of 124 Rathgar Road.

The above Submissions should be read in conjunction with my previous Submissions of the 30th of April, 2019 and my further Submissions of the 10th of December, 2019.

I look forward to receiving an acknowledgement to my submission in due course.

Yours sincerely,

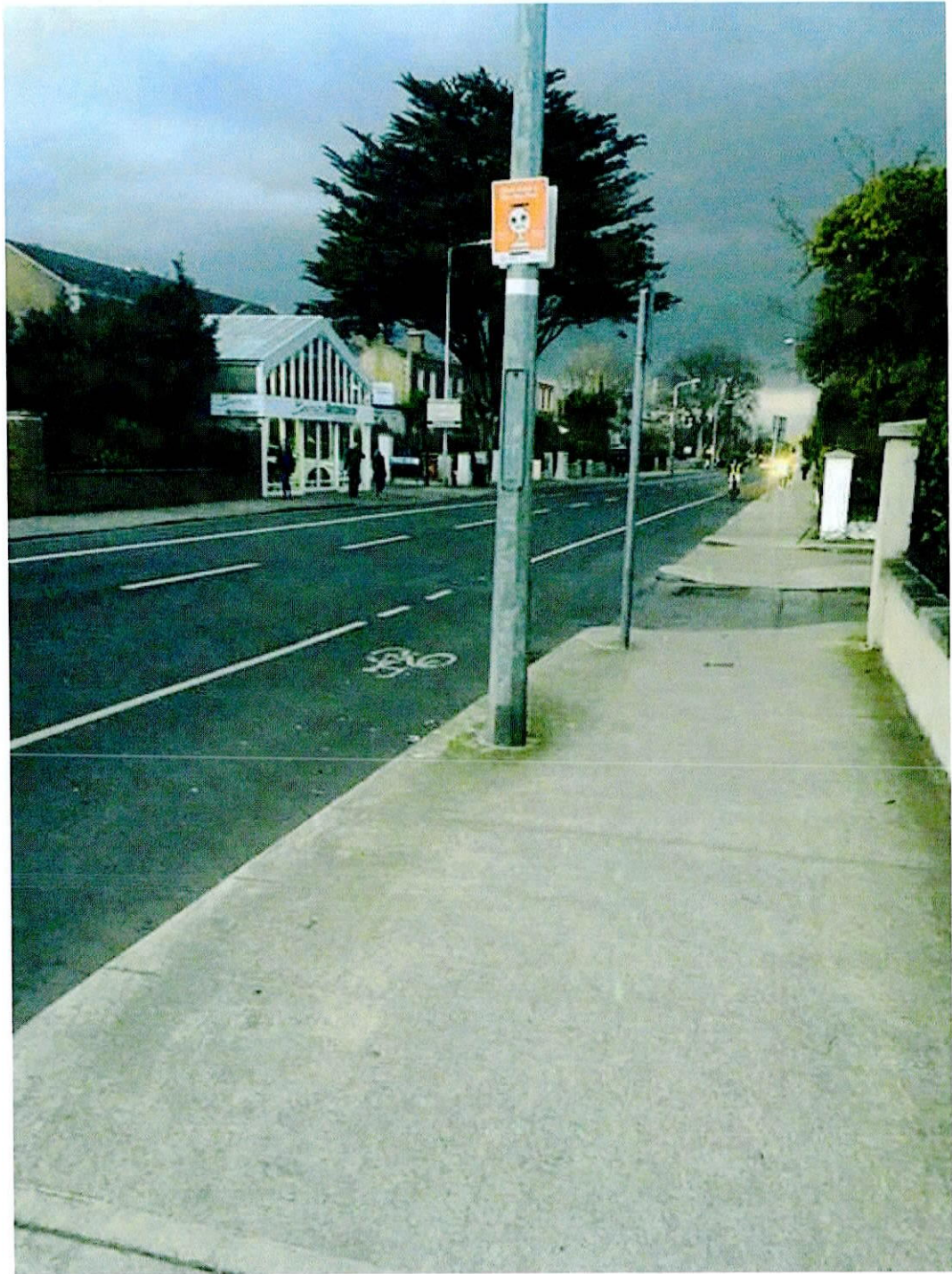
Diarmaid McGuinness
8.49 a.m. 14/2/19



9.55 a.m. 14/2/19



17.40 15/2/19



9.55a.m.

14/2/19

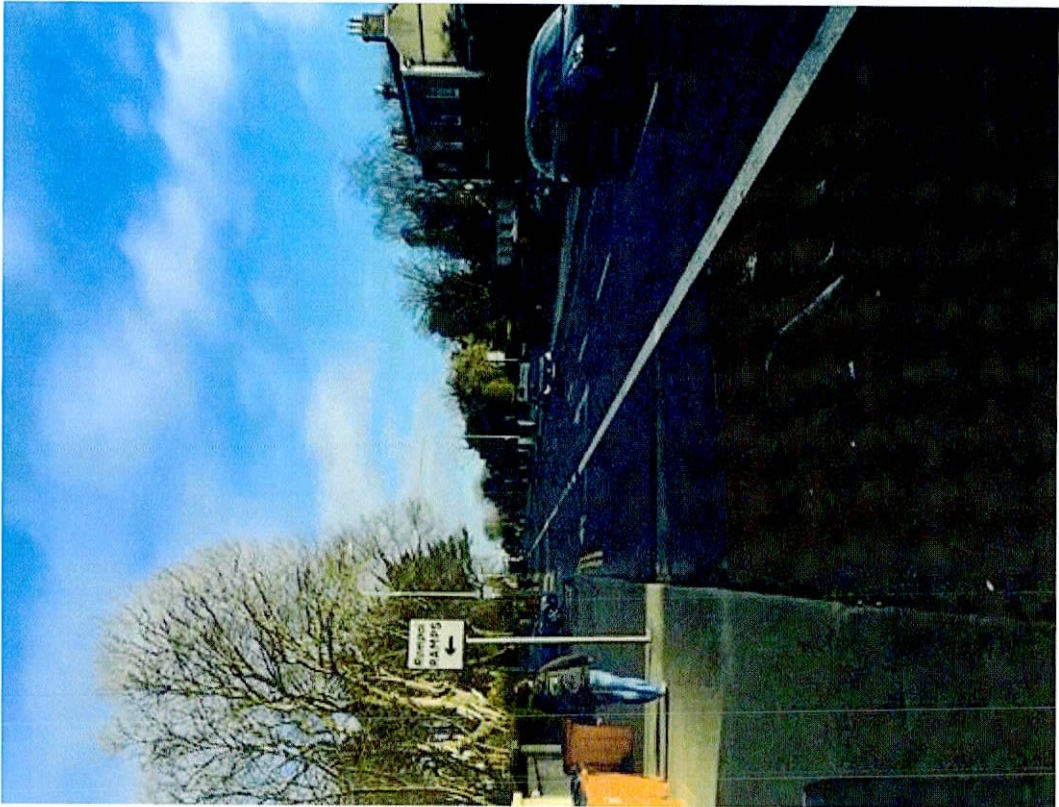


17.40

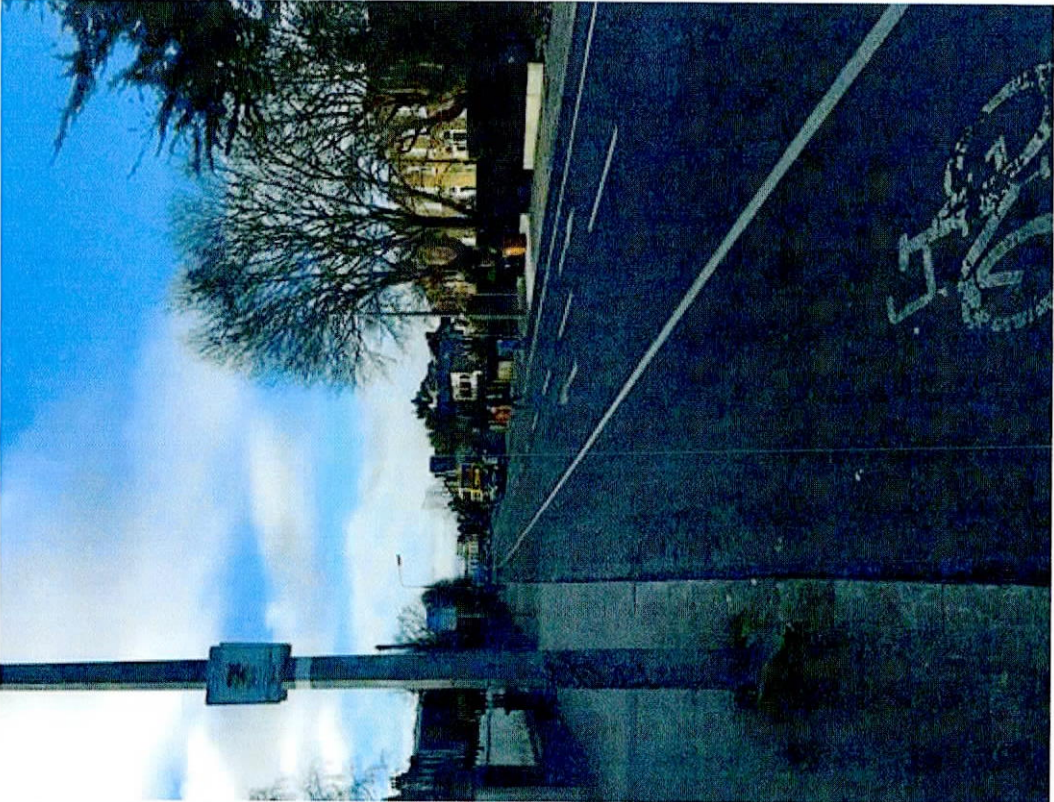
15/2/19



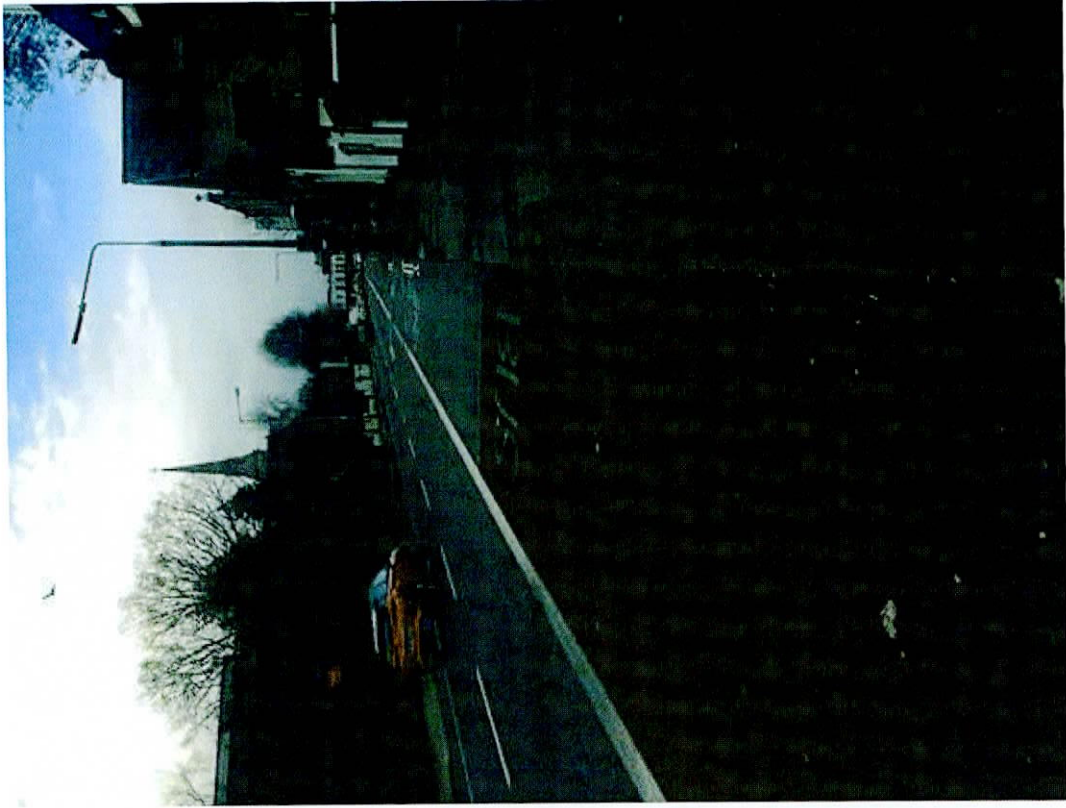
9.00 18/2/19



9.23 a.m. 18/2/19



9.18 a.m. 19/2/19



9.18 a.m. 20/2/19



8.55a.m.

22/2/19

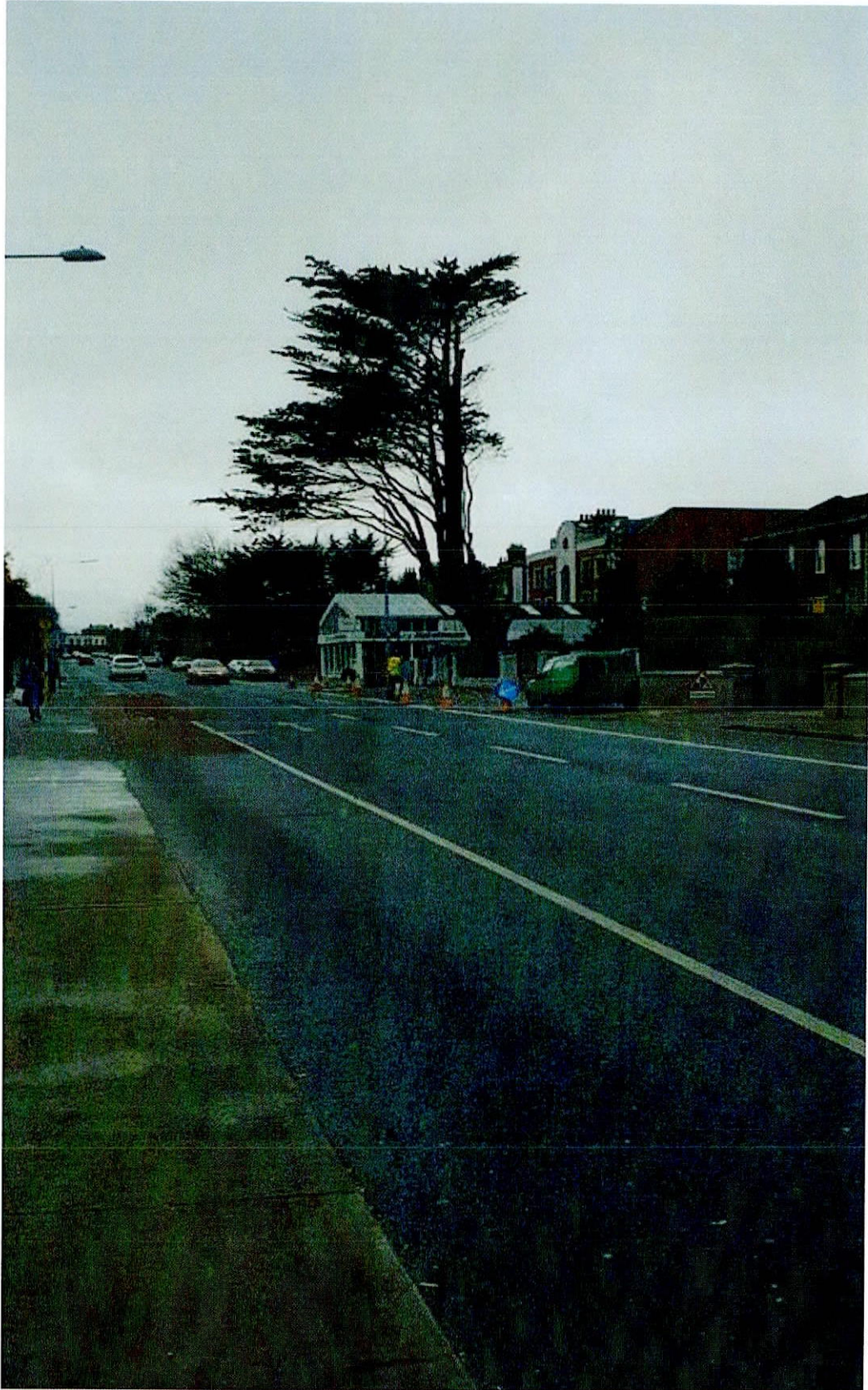


8.55a.m.

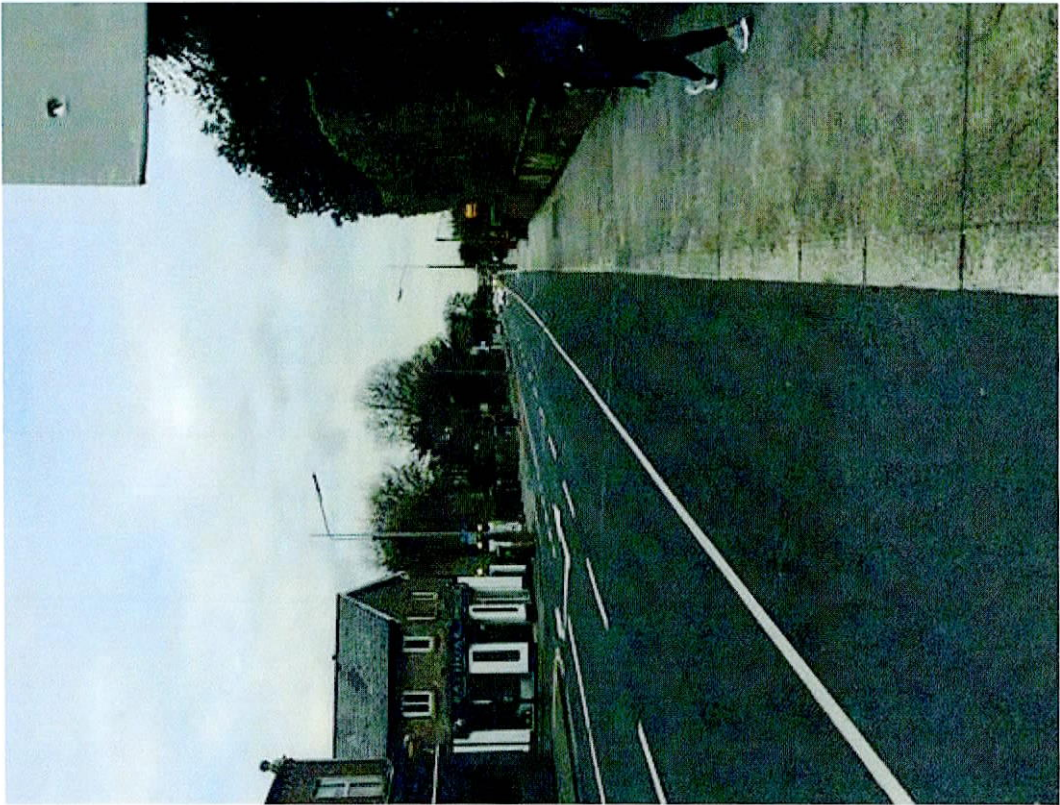
22/2/19



13.10
2/3/19



18.05 25/3/19



18.05 25/3/19

