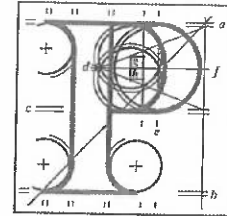


**Our Case Number:** ABP-317121-23

**Planning Authority Reference Number:**

**Your Reference:** Collinstown Caravans Limited



An  
Bord  
Pleanála

Hughes Planning  
85 Merrion Square South  
Dublin 2  
D02 FX60

**Date:** 20 September 2023

**Re:** BusConnects Swords to City Centre Bus Corridor Scheme  
Swords to Dublin 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 be advised that landowners listed on the Compulsory Purchase Order schedule associated with this application are not required to pay the €50 fee associated with this case. As your client is listed as a landowner, a refund of €50 will issue under separate cover.

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](mailto:laps@pleanala.ie)

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

Yours faithfully,

  
\_\_\_\_\_  
Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

HA02A

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



**HUGHES**  
**PLANNING**  
& DEVELOPMENT CONSULTANTS

**AN BORD PLEANÁLA**  
LDG- 066437-23  
ABP- \_\_\_\_\_  
12 SEP 2023  
Fee: € 50 Type: CHA  
Time: 17:14 By: Hand

# Swords to City Centre Core Bus Corridor Scheme Submission (Ref. No. 317121)

Submitted on Behalf of:  
Collinstown Caravans Limited  
Airport Road, Dardistown, Cloghran, Co. Dublin.

12<sup>th</sup> September 2023

85 Merrion Square, Dublin 2, D02 FX60  
+353 (0)1 539 0710  
info@hpdc.ie  
www.hpdc.ie

## 1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have been instructed by our client, Collinstown Caravans Limited, to make a submission in respect of the Swords to City Centre Core Bus Corridor Scheme currently being planned by the National Transport Authority (NTA).

This submission, which is accompanied by the relevant submission fee (€50), is made in response to a public notice, available at <https://swordsscheme.ie/>, inviting submissions, up until 12<sup>th</sup> September 2023, as part of a public consultation process on the route corridor (Ref. No. 317121). The purpose of this submission is to outline our client's concern to the intended route option.

We note the map which presents the location of the route corridor options as presented in Figure 1.0, below.

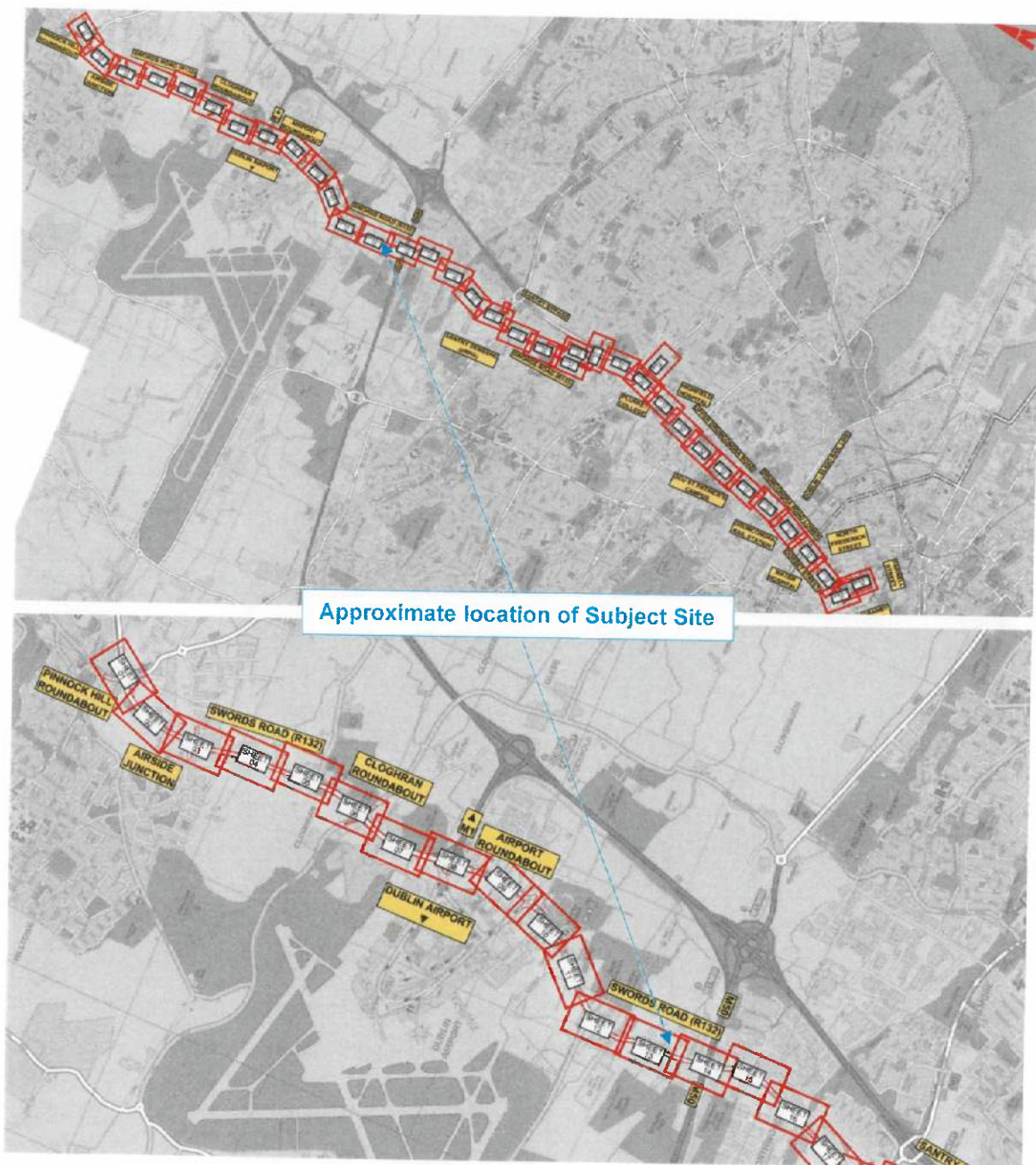


Figure 1.0 Extracts from the proposed scheme boundary illustrating the location of our client's site (blue outline) relative to the intended route option.

## 2.0 Subject Site

The site to which this submission pertains is located to the south/west of Dardistown Cemetery. The site fronts onto the Swords Road (R132) and extends eastwards for a distance of c. 140m, ultimately bounding Dardistown Cemetery. The site is occupied by a single residential dwelling accessible via the Swords Road and being served by an extensive rear garden.



Figure 2.0 Aerial images showing the immediate (top) and wider (bottom) locational context of the subject site (red outline).

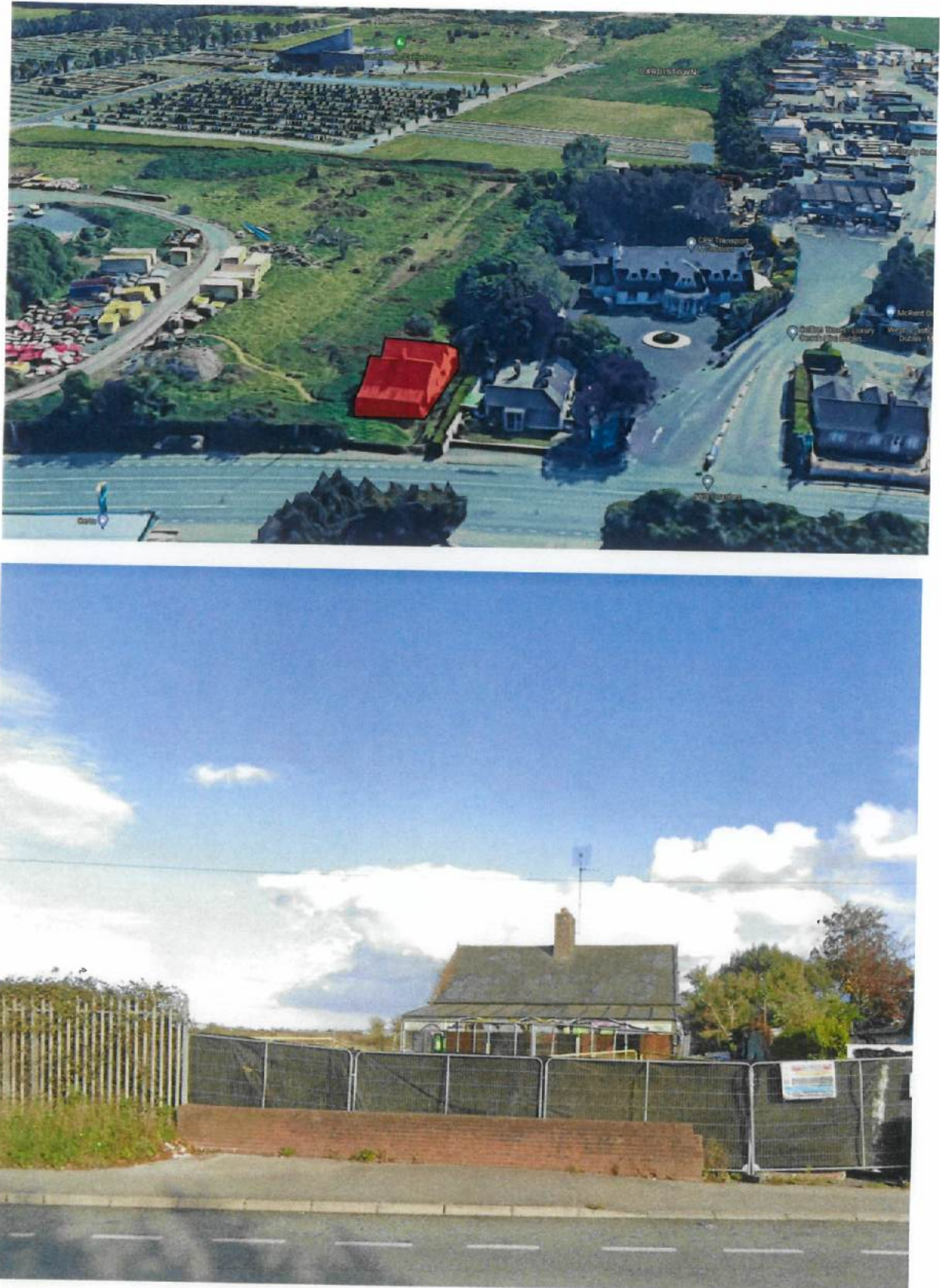


Figure 3.0 Aerial (top) and street-view (bottom) images of the existing residential dwelling on site.

### 3.0 Site Planning History

A review of the Fingal County planning register has identified the following historical planning applications relating to the subject site:

**Reg. Ref. F23B/0034** Planning permission refused by Fingal County Council on 4<sup>th</sup> August 2023 for (i) reconstruction of existing lean-to conservatory to front, (ii) internal and external elevation alterations, (iii) a single storey extension to the rear of existing (iv) ancillary works including new boundary treatment.

It is noted that planning permission was refused for the above application on the basis of 1 no. refusal reason, the wording of which is as follows:

1. *The subject site is within the General Employment 'GE' zoning objective under the Fingal Development Plan 2023 - 2029 the objective of which is to 'Provide opportunities for general Enterprise and Employment.' Residential development is 'Not Permitted' within this 'GE' zoning designation. On the basis of the information submitted, it is considered that the use of the dwelling house on the site has been abandoned for a considerable period of time. Therefore, the proposed extensions and alterations of the existing structure are not acceptable in principle as the use of the structure as a dwelling has ceased and the proposed development would be contrary to Sections 14.10.2, 14.10.2.1, 14.10.2.2, 14.10.2.3, Policy SPQHP41 and Objective SPQHO45 of the Fingal Development Plan 2023-2029 and would, be contrary to the provisions of the Fingal Development Plan 2023-2029. The proposal is also considered to be contrary to Objective DAO11 of the Fingal development Plan 2023-2029 which has the objective to actively resist new provision for residential development and other noise sensitive uses within Noise Zone A and would be seriously injurious to the residential amenities of any future occupiers of the building, if the proposal is permitted. The applicant has not demonstrated that they comply with the 'GE' zoning objective of the site as set out in the Fingal Development Plan 2023-2029. The proposal, if permitted, would, set an undesirable precedent for similar development in the area. It is considered that permitting the proposed development would contravene materially the 'GE' zoning objective of the Fingal Development Plan 2023 – 2029, which seeks to provide for general enterprise and employment, would be contrary to the land use zoning of the site in which residential is not permitted in principle and, would, therefore be contrary to the proper planning and sustainable development of the area.*

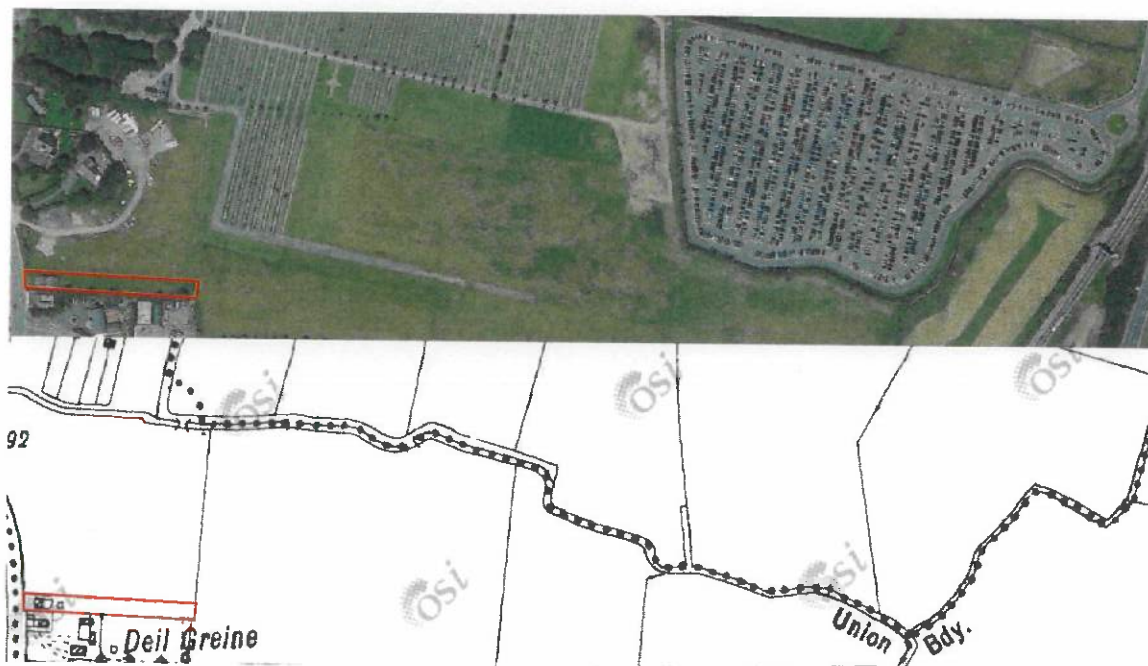


Figure 4.0 Extracts from OSi.ie showing the subject site (red outline) on modern and historical mapping.

First and foremost, we would state that the lodgement, by our client, of the above application indicates a direct intention to resume the residential use of the existing property upon the subject site. Moreover, we would herein confirm that our client only purchased the subject property in 2021 with the property specifically purchased with the intent to make good and continue the existing residential use.

Notwithstanding the fact that residential use is not permitted upon lands zoned 'GE', we would note that the residential property is identified on historical OSI mapping and, as such, is representative of a pre-1963 building and is thus an authorised residential use. Furthermore, we note that no works have been carried out on site which would prevent the property from fulfilling its historically authorised use.

With regards to the reference to 'abandoned' contained within Fingal's refusal reason for the identified planning application, we would note that The Planning and Development Act 2000 (as amended) does not provide a definition for abandonment, so when considering whether a use has been abandoned, it is pertinent to review the relevant case law on the matter as well as previous cases before An Bord Pleanála. The Supreme Court defined the concept of "abandonment of use" in the decision of Kildare County Council v. Goode [1999] 2 I.R. 495, where Barron J. held that:

*"Abandonment is the objective sign of a decision not to continue further with the development."*

Case law on the matter suggests 4 no. tests of abandonment as listed in 'Environmental and Planning Law in Ireland' (Yvonne Scannell, 1995) as follows:

- The intention of the owner and/or occupier to abandon or not abandon.
- The period during which the use was discontinued.
- Whether or not there have been any intervening uses.
- The physical condition of the land or structure

The following sections will assess the subject site against each test:

#### ***Period of Disuse***

As stated above, our client purchased the subject property in 2021. The house was advertised and purchased on the basis of being a residential dwelling. From the perspective of our client the property has been in active use in the context of progressing plans for its refurbishment and revision to provide a modern standard of accommodation.

#### ***Intentions of Owner***

Again, we note the fact that our client has owned the property for two years, within which a planning application has been lodged to refurbish and extend the property to provide a modern standard of accommodation. Our client has considered the various housing refurbishment and renovation grants/schemes available in Ireland which have been designed to enhance the quality, energy efficiency, and overall sustainability of properties across the country whether vacant, derelict or simply outdated. These grants are not limited to:

- Vacant Property Refurbishment Grant
- Repair and Leasing Scheme
- Home Renovation Incentive (HRI) Scheme
- Energy Schemes
  - Better Energy Home Scheme
  - Better Energy Warmer Homes Scheme
  - National Home Energy Upgrade Scheme
  - Solar Electricity Grant
- Domestic Lead Remediation Grant
- Housing Adaptation Grant for People with a Disability
- External Wall Insulation Grant (The Wrap)

### **Intervening Uses**

A site inspection was carried out on the 4<sup>th</sup> of September 2023 to ascertain the current condition of the building and grounds. Upon entry to the building, it is clear from the outset that the property operated as a residential dwelling and that the continuation of residential use on the site would be a natural conclusion. The interior is in good condition considering the length of time it has been vacant and the original features of the house are in great condition. No intervening uses have taken place at this property.

In ABP. Ref. 31.RL.2146, and backed up by *Meath County Council v Daly*, the Inspector found that the introduction of a new use in the intervening period was grounds for abandonment stating:

*'It is argued by the Planning Authority, and in my view reasonably, that this intervening use is an indication that the owners did not intend to resume the car sales use.'*

As noted, the subject property was not used for anything other than a house since its construction

### **Physical Condition**

In ABP. Ref. 309873-21, which related to the resumption of a guesthouse use, the An Bord Pleanála Inspector stated:

*"As previously outlined, the long-stay residential use appears to have predominantly retained the room layout of the previous guesthouse use. Having inspected the property, I can confirm that the property (currently vacant) is mainly comprised of en-suite bedrooms, along with shared kitchen/dining/living areas at ground floor level. Accordingly, it would appear to me that the physical condition of the structure has been maintained in a state that is consistent with the permitted guesthouse use."*

The physical condition of the house can be described as good whilst obviously in need of modernisation and improvement. Furthermore, we note that our client engaged a structural engineer to consider the physical condition of the property prior to purchase before subsequently engaging a design team to consider the renovation of the property by way of planning application. In this regard, the limited nature of the works shown under the planning application is considered directly relevant to discard the thought of the dwelling as having been abandoned.

Further to the above tests, it is considered prudent to note that whilst the house has been unused for c. 15 no. years, this can be considered a short period in the context of the house which is identifiable on historical OSI maps.

Upon review of relevant case law and cases determined by An Bord Pleanála, the intentions of an owner are at the crux of this issue of abandonment. In this case, the intentions of our client clearly demonstrate that it is intended to refurbish the existing property for continued residential use.

### **4.0 Bus Connects Proposal Relative to Subject Site**

As per the documentation available at <https://swordsscheme.ie/>, the Swords to City Centre Core Bus Corridor Scheme will have a significant impact upon our client's site as follows:

1. The extant residential dwelling will be rendered inaccessible with no pedestrian and/or vehicular access to the Swords Road; and,
2. Direct impacts to the residential amenity of the property including visual impact, noise, light pollution and vibrations.

Further to the above, the scheme will also provide for a significant revision of existing boundary treatments/planting between the subject site and the adjoining road network along its western boundary.



Figure 5.0 Extracts from Sheet 13 of the General Arrangement drawing illustrating the proposed works relative to our client's site (purple fill/black outline).

Whilst we would confirm our client's support for the subject proposal, in the context of improving the immediate area's access infrastructure together with associated improvements to the visual amenity of the immediate area, it is considered that the above concerns together present a material rationale for the seeking of compensation in the event that the National Transport Authority does not see fit to make appropriate amendments to the subject scheme to ensure no detrimental impact to our client's residential property and the associated monetary value of same.

## 5.0 Impact of Bus Connects Proposal on Subject Site

Having regard for the nature of the proposed works and the proximity of these works to our client's site, we would consider the Swords to City Centre Core Bus Corridor Scheme to present direct impacts to the residential amenity of our client's property and, by association, the value of this property.

The following sections of this report will expand upon the impacts which will occur because of the aforementioned scheme.

### 5.1 Dwelling Rendered Inaccessible

As identified in Figure 5.0, above, the ancillary works provided under the Swords to City Centre Core Bus Corridor Scheme will render the existing dwelling on our client's site as inaccessible with the existing pedestrian/vehicular access replaced with a new grass verge. Indeed, review of the general arrangement drawing would suggest that there will be no new boundary treatment provided and, as such, the existing dwelling will be separated from the roadway by a grass verge adjoining its front garden. The provision of the grass verge is not considered to represent any significant improvement of the visual amenity of the area.

Without a means of accessing the subject site, whether for pedestrians or vehicles, this would effectively necessitate the abandonment of the subject property for which, as per the recent planning application on site, the residential use was intended to be maintained. Moreover, without a means of accessing the site, the subject property would not be able to be removed and would remain as a blemish on the local landscape.

The purpose of a boundary wall is, in the first instance, to demarcate the boundaries of the property and protect the site and home from animals, thieves, and others. Given the location of the subject site on a busy road proximate to the airport and multiple large scale commercial operations, the lack of a boundary wall represents a serious health and safety hazard by removing any barrier to prevent vehicular crashes from encroaching on to the subject site. With no discernible boundary to the roadway, our client will suffer a direct compromise to the financial value of their property and we would appeal to the NTA to consider the impact of the provision of a grass verge at this location.

Further to the above, we would ask that the NTA have due regard for the enclosed letter, as prepared by Stephen Reid Consulting, which is included in Appendix A of this report.

The letter considers the impact of the proposed scheme on the subject residential dwelling and we would note and agree with the following commentary from this letter:

*'It is disingenuous for the NTA Bus Connects promoters to claim plot 1090(2).2d is a temporary acquisition when they are proposing wholesale changes to the lands in question including setting back the boundary and are not reinstating the existing arrangements before returning the lands to the permanent owners.'*

## 5.2 Visual Impact

Given the limited nature of the general arrangement drawings available for review in connection with the subject scheme, our client has concerns in relation to the visual impact of the scheme arising both in relation to the extended Swords Road roadway and the new pedestrian, cyclist and bus infrastructure. With regards to visual impact, the primary impact relates to the reduced separation distance between the western boundary of our client's property and the Swords Road.

Due to the position of the roadway relative to our client's site, it is assumed that the boundary treatment, which effectively doubles as a noise barrier, will be constructed to match the height of the existing fence. Simply put, the relocated vegetation and boundary fence will be situated approximately 3m closer to our client's property than at present thus resulting in an oppressive aspect when viewed from our client's property. Moreover, it is considered that the relocated boundary treatments will present an undue overbearing impact which will make the front garden appear more cramped and less open than at present.

In the absence of more detailed drawings, our client would retain concerns in relation to the visual impact of the subject infrastructure as seen from their property.

## 5.3 Noise

Increased noise levels are considered to represent a direct impact arising as a result of the subject scheme. In this regard, it is unclear whether internal and external noise levels at our client's property will remain compliant with the relevant standards set out in BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and the associated provisions of both ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development (2017) and the Dublin Agglomeration Environmental Noise Action Plan (2018 – 2023).

The key objective of the Noise Action Plan is to avoid, prevent and reduce where necessary on a prioritised basis the harmful effects including annoyance due to long term exposure to environmental noise. Noise is characterised as 'unwanted sound' or 'sound that is loud, unpleasant or unexpected' and that can eventually cause disturbance, impairment or damage to health.

Activity	Location	07:00 to 23:00 Hrs	23:00 to 07:00 Hrs
Resting	Living Room	35 dB LAeq, 16 hour	-
Dining	Dining Room/Area	35 dB LAeq, 16 hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hour	30 dB LAeq, 8 hour
Working	Office	40 dB LAeq, 16 hour	-

Figure 6.0 Internal noise criteria for residential buildings as set out in BS 8233:2014.

Desirable & Undesirable Sound Levels for External Amenity Spaces	
Desirable	Undesirable
< 50 dB(A) L <sub>night</sub>	> 55 dB(A) L <sub>night</sub>
< 55 dB(A) L <sub>day</sub>	> 70 dB(A) L <sub>day</sub>

Figure 7.0 Desirable and undesirable sound levels for external amenity spaces as per the Dublin Agglomeration Noise Action Plan 2018 – 2023.

As stated previously, the relocated boundary fence will be situated approximately 3m closer to our client's property than at present. This factor, in conjunction with the traffic level of the Swords Road relative to our client's site, will result in a permanently heightened noise impact to which, in the absence of a dedicated and site-specific comparative noise assessment, the rise in noise levels relative to the long-standing situation on site cannot be pre-determined.

In any case, it is considered reasonable to assume that existing noise levels arising due to the site's proximity to the Swords Road will be exacerbated to a degree that could compromise the health and wellbeing of our client and we would ask that this be taken into account.

#### 5.4 Lighting

While adequate lighting is essential for a safe and secure environment, light spillage from excessive or poorly designed lighting is increasingly recognised as a potential nuisance to surrounding properties and a threat to wildlife. Insensitive lighting can cause what is termed "light pollution". Light pollution is essentially wasted light.

Light pollution can have a negative impact on biodiversity by affecting the normal diurnal patterns of plants and animals. Whilst we note no change in the quantum/type of street lighting infrastructure within the immediate vicinity of our client's site, it is submitted that this property will be impacted by severe light pollution in the interim period between the removal of existing vegetation and the planting/growth of replacement vegetation to mature stage where it can again provide similar screening from lighting on the Swords Road. The resulting light pollution will be a nuisance to all surrounding properties and could prove detrimental to local wildlife.

In similar manner to the above conclusion in relation to noise impacts, it is considered that the extent of light pollution arising as a result of the necessary works could compromise the health and wellbeing of our client and we would ask that this be taken into account.

#### 5.5 Vibrations

It is considered that the extended Swords Road will impact our client by virtue of vibrations arising from vehicular movements. With vehicular movements taking place in closer proximity, c. 5m closer, to our client's property it is submitted that such vibrations, in conjunction with increased noise levels and light pollution, could further compromise the health and wellbeing through loss of sleep and we would ask that this be taken into account.

#### 6.0 Development Plan Policy

Having regard for the previous sections of this report, it is considered clear to see that the subject proposal will compromise the residential amenity of our client. In this respect we would note that our client's site is zoned, under the current Fingal Development Plan 2023-2029, GE 'General Employment. This zoning provides the following objective which must be considered for any development on/adjoining such sites:

*'Provide opportunities for general enterprise and employment.'*

The Development Plan outlines uses that are permitted in each Zoning Objective. This is to ensure that lands are used suitably as it promotes the sustainable development and proper planning of an area. Uses deemed as 'permitted in principle' are uses which the Council finds appropriate for the area. Uses permitted in principle for areas zoned as Objective 'GE' include:

*'Builders Provider/Yard, Civic Waste Facility, Enterprise Centre, Food, Drink and Flower Preparation/Processing, Fuel Depot/Fuel Storage, High Technology Manufacturing, Industry – General, Industry – Light, Logistics, Office Ancillary to Permitted Use, Open Space, Petrol Station, Research and Development, Restaurant/Café, Retail – Local < 150 sqm nfa, Road Transport Depot, Sustainable Energy Installation, Telecommunications Structures, Training Centre, Utility Installations, Vehicle Sales Outlet – Small Vehicles, Vehicle Sales Outlet – Large Vehicles, Vehicle Servicing/ Maintenance Garage, Warehousing, Waste Disposal and Recovery Facility (Excluding High Impact), Wholesale'*

Uses not permitted for areas zoned as Objective 'GE' include:

*'Aparthotel, Abattoir, Aerodrome/Airfield, Agri-Tourism, Air Transport Infrastructure, Amusement Arcade, Bed and Breakfast, Betting Office, Boarding Kennels, Burial Grounds, Caravan Park – Holiday, Caravan Park – Residential, Concrete/Asphalt, Cultural Facility, Dancehall/Nightclub, Education, Exhibition Centre, Farm Shop, General Aviation, Golf Course, Guest House, Health Practitioner, Holiday Home/Apartments, Hospital, Hostel, Hotel, Industry – Extractive / Quarrying Office  $\geq 1,000$  sqm, Place of Worship, Public House, **Residential**, Residential Care Home/ Retirement Home, Residential Institution, Retail – Comparison  $\leq 500$  sqm nfa, Retail – Comparison  $> 500$  sqm nfa, Retail – Supermarket  $\leq 2,500$  sqm nfa, Retail – Superstore  $> 2,500$  sqm nfa, Retail – Hypermarket  $> 5,000$  sqm nfa, Retail – Factory Outlet Centre, Retail Warehouse, Retail – Warehouse Club, Retirement Village, Sheltered Accommodation, Traveller Community Accommodation, Waste Disposal and Recovery Facility (High Impact).'*

Whilst we note that the existing use on site is not permitted upon lands zoned GE, this use is a pre-63 use with the extant building on site identifiable on historical mapping as previously presented.



Figure 8.0 Extract from Sheet 11 of the Fingal Development Plan 2023 - 2029 showing the site (dashed red line) situated within lands subject to the zoning objective 'GE'.

## 6.1 Relevant Policy

It is considered, as presented above, that the Swords to City Centre Core Bus Corridor Scheme will have significant impact on the existing residential amenity of our client by virtue of undue visual impact, noise and light pollution and vibration effects. It is thus considered that the subject scheme neither protects nor improves the residential amenity of our client's property and, as such, is incompliant with the provisions of the RS 'Residential' zoning objective. As a final point for assessment, we would consider the subject scheme to be incompliant with the following objectives of the Fingal Development Plan 2023-2029:

- Objective LP01** Require that the design of lighting schemes minimises the incidence of light spillage or pollution into the surrounding environment. New schemes shall ensure that there is no unacceptable adverse impact on neighbouring residential or nearby properties; visual amenity and biodiversity in the surrounding areas.
- Objective DMS86** Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.
- Objective NP03** Require all developments to be designed and operated in a manner that will minimise and contain noise levels. Objective NP04 Ensure that future developments are designed and constructed to minimise noise disturbance and take into account the multi-functional uses of streets including movement and recreation as detailed in the Urban Design Manual (2009) and the Design Manual for Urban Roads and Streets (2013). Objective NP05 Ensure that development complies with the NRA's design goal for sensitive receptors exposed to road traffic noise or as updated by any subsequent guidelines published by Transport Infrastructure Ireland.

## 7.0 Alternative Design Option

It is considered appropriate to suggest an alternative design option for review by the NTA. In this regard we would herein confirm our client's willingness to facilitate the provision of a left-in left-out entrance/exit arrangement. It is considered that such an arrangement is appropriate in the context of facilitating safe entry and exit to the subject site whilst without having any undue impact on pedestrian, cyclist and bus infrastructure.

## 8.0 Mitigation & Compensation

Having regard, for the identified issues which will compromise the accessibility of our client's property on the Swords Road, it is considered reasonable that the National Transport Authority (NTA) engage directly with our client in relation to identifying appropriate mitigation measures to ensure the safeguarding of the residential amenity of their property. In the absence of comprehensive mitigation measures to prevent undue accessibility impacts arising as a result of the subject scheme, our client would seek compensation to offset potential impacts to the monetary value of their property.

## 9.0 Conclusion

In conclusion, the undue visual impact, the vibrations, the significant increase in noise pollution and light pollution when combined all clearly render the Swords to City Centre Core Bus Corridor Scheme as non-compliant with the proper planning and sustainable development of the area as it relates to our client's property on the Swords Road. Furthermore, and notwithstanding the extent of these impacts which are considered significant, the subject proposal will also render our client's property as being inaccessible with the long-standing vehicular/pedestrian access to the Swords Road extinguished.

It is considered, for the above reasoning, that the subject scheme will be detrimental to both the accessibility of our client's residential dwelling and the residential amenity offered by this dwelling. We would reiterate that our client only purchased the property in 2021, in good faith, with the intent to refurbish and extend the property to provide living accommodation to modern standards.

In this regard, we would herein confirm our client's willingness to engage with the National Transport Authority (NTA) to identify suitable mitigation measures to ensure both the accessibility of our client's property and the adequate protection of the residential amenity of the existing property. In the absence of comprehensive mitigation measures to avoid the identified impacts, it is considered reasonable that appropriate compensation be afforded to our client.

We trust that the Board will have regard to the contents of this submission in relation to the wider public consultation process on the Swords to City Centre Core Bus Corridor Scheme.



Kevin Hughes MIPI MRTPI  
Director for HPDC Ltd.

**Appendix A Letter prepared by Stephen Reid Consulting Traffic and Transportation Limited**



Stephen Reid Consulting

Traffic and Transportation

21 The Oaks, Ridgewood, Swords, Co Dublin, K67 WK79

tel: [REDACTED] email: [REDACTED]

web: [www.stephenreidconsulting.com](http://www.stephenreidconsulting.com)

13 July 2023

William Fry LLP  
2 Grand Canal Square  
Dublin 2  
D02 A342

Ref: Projects/Collinstown, Swords Road – Bus Connects

By email

Dear Sirs

**Traffic Consultant Review of NTA Bus Connects Project Proposals, Swords to City Centre and Impact on:  
Plot List: 1090(1).1d, 1090(2).2d – Collinstown Caravans Limited**

## 1. Background

Stephen Reid Consulting Traffic & Transportation Ltd (SRC) have been retained by our mutual client Collinstown Caravans Limited to undertake a review of the NTA Bus Connects Core Bus Corridor Scheme - Swords to City Centre, and with reference to the roads and traffic aspects of the Environmental Impact Assessment Report (EIAR) and associated General Arrangement drawings, pertaining to the vicinity of the above referenced plot which can be described as the footpath, boundary wall and part of the front garden and entrance to a dwelling on the Swords Road, located to the north of the Collinstown Business Park access junction.

Our client welcomes the general proposals to improve bus, cycling and walking infrastructure bus has raised serious concerns with the currently proposed scheme plans in the vicinity of the dwelling frontage and the impact on the dwelling and its access.

## 2. Current BusConnects Proposals

The current Bus Connects proposals are illustrated in a series of drawings for this section of the route. General Arrangement Sheet 13 of 37 illustrates this section of the Swords Road. An extract of Sheet 13 of 37 is illustrated in the following Figure 1 (relevant area is circled blue) and the full Sheet 13 of 37 is appended to this document for your information.

There is a solid red line referenced in the drawing legend as the 'Site Boundary Line' which generally follows the back of footpath/property boundary interface, while a dashed red line extends eastwards into the frontage of the dwelling (to the rear of the solid red line, encompassing an area approximately 3m deep across the entire road frontage from the existing back of footpath/property boundary interface. This area is hatched green on the drawing and the legend on the General Arrangement drawing Sheet 13 of 37 refers to hatched area this as "grass area/verge".

The area encompassed between the solid red line and the dashed red line is a 'Temporary Land Acquisition' and this appears to match the plot list red line on the proposed CPO maps, which are called up as 'Lands Being Temporarily Acquired'.



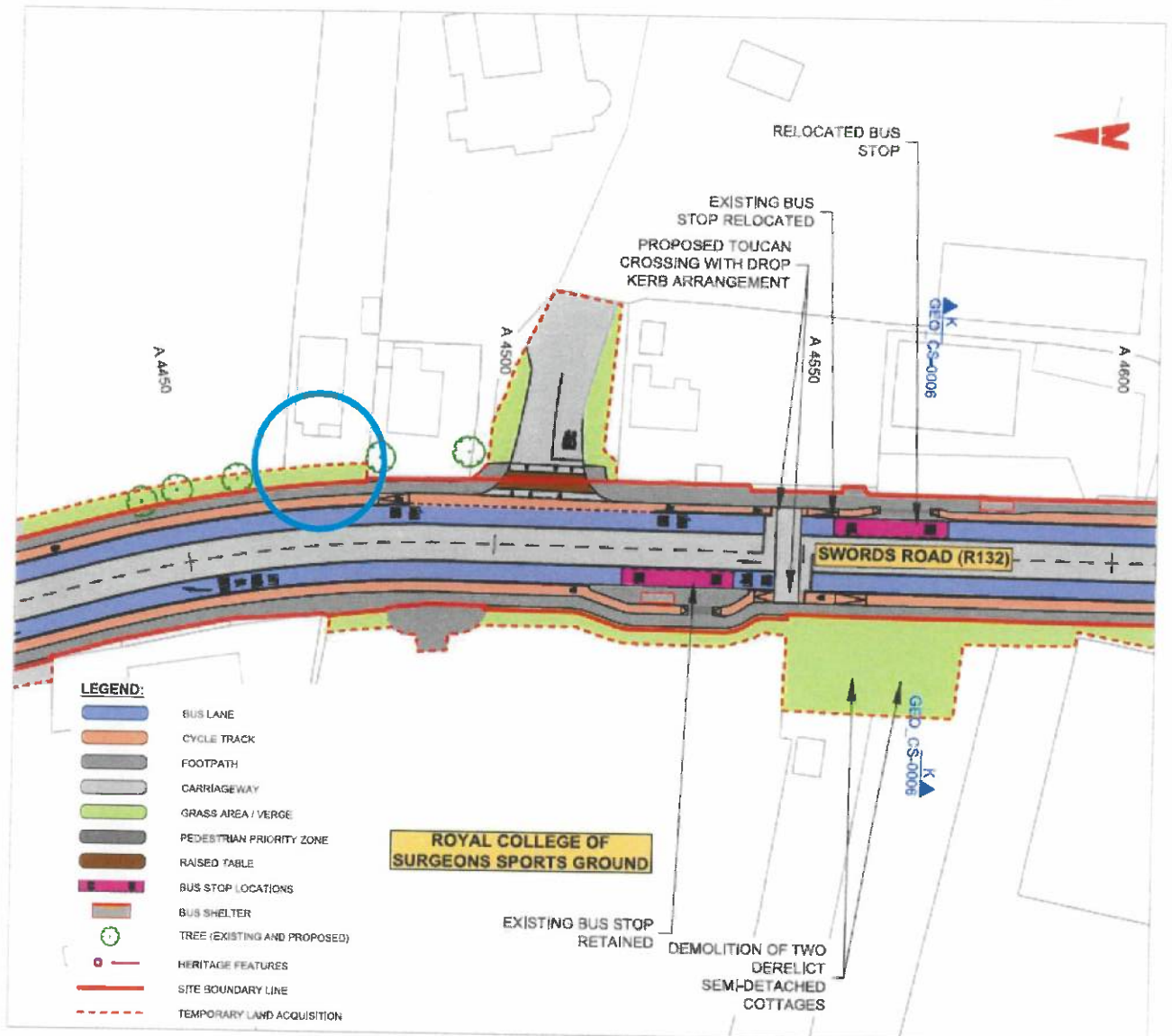
## Stephen Reid Consulting

Traffic and Transportation

21 The Oaks, Ridgewood, Swords, Co Dublin, K67 WK79

tel: [REDACTED] e-mail: [REDACTED]

web: [www.stephenreidconsulting.com](http://www.stephenreidconsulting.com)



**Figure 1: Extract of Sheet 13 of 37 'Swords to City Centre Core Bus Corridor Scheme - General Arrangement' (source: [www.busconnects.ie](http://www.busconnects.ie), downloaded July 2023)**

From a review of the EIAR documents and associated drawings the reference to lands being "temporarily acquired" is widely utilised within these documents and drawings.

SRC would submit that it is commonly and generally understood that a temporary acquisition for an infrastructure project would mean the requirement for the land by the scheme promoter is temporary in nature and solely for the purpose of construction works (such as safe working room, site compounds or marshalling areas, or for temporary diversion of utilities, roads or footpaths or in order to build structures such as boundary treatments or retaining walls which require ingress into the lands to the rear of the finished scheme. After these construction works are completed and the area of the construction site is demobilised the land would have to be reinstated to its former condition and returned to the owner of the land.



**Stephen Reid Consulting**

Traffic and Transportation

21 The Oaks, Ridgewood, Swords, Co Dublin, K67 WK79

tel: [REDACTED]

e-mail: [REDACTED]

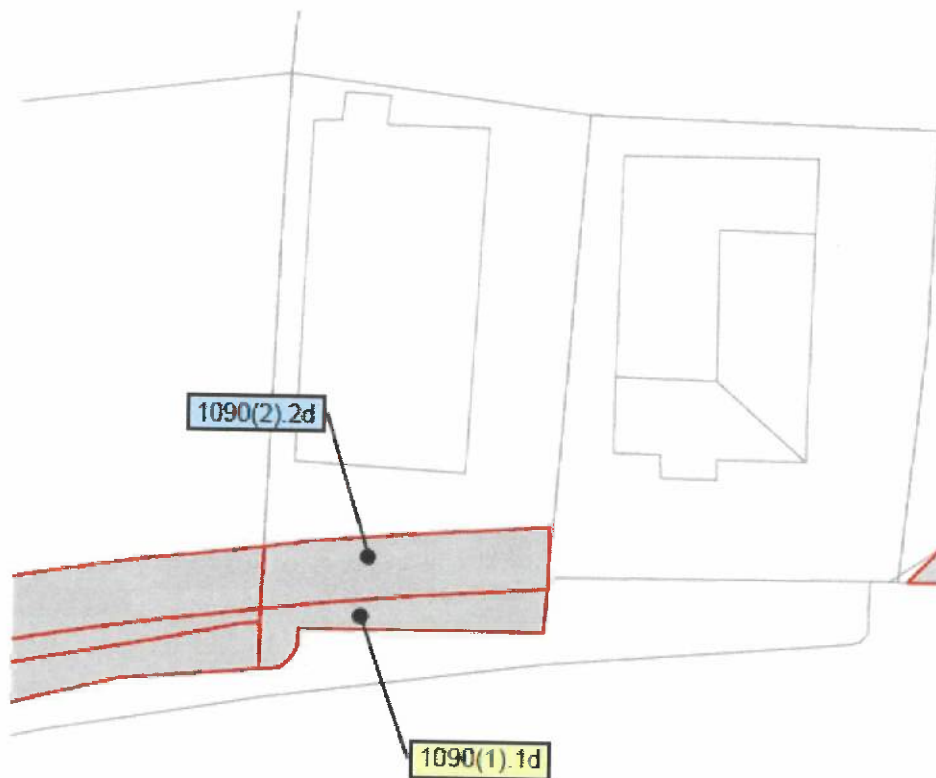
web: [www.stephenreidconsulting.com](http://www.stephenreidconsulting.com)

What is illustrated on the drawing Sheet 13 of 37 is the omission of any access - vehicular or pedestrian - to the property due to a setback of the existing boundary wall to accommodate a grass landscaping verge area to the rear of the footpath and extending across the entire Swords Road frontage.

Note below that the plot referenced in the NTA correspondence, schedule and mapping identified as permanent land acquisition with plot reference 1090(1).1d is a portion of the existing public footpath and therefore there would be no issue with this part being acquired permanently as it is part of the de facto public footpath and within the taken in charge area.

However, from a cross referencing of the plot reference 1090(2).2d (identified as a temporary land acquisition) and the proposal on General Arrangement Sheet 13 of 37, it is clear that the introduction of a setback boundary to accommodate a grass verge would result in that plot being on the road side of the property boundary feature and therefore unusable to the property owner, and as such if it is to be subject to a CPO it would have to be a permanent acquisition.

Notwithstanding the impact of the proposal and the resultant setback of the boundary to accommodate the landscaping/verge area on the frontage private garden area of the dwelling impact due to reduced space to accommodate a vehicle entering/exiting and parking within the curtilage of the dwelling, the NTA have acted improperly by proposing to extinguish all access to the dwelling from the public road and footpath.



**Figure 2: Extract of Sheet 13 of 29 Land Acquisition Map**  
**'Swords to City Centre Core Bus Corridor Scheme – Compulsory Purchase Order 2023'**  
(source: [www.busconnects.ie](http://www.busconnects.ie), downloaded July 2023)



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It is disingenuous for the NTA Bus Connects promoters to claim plot 1090(2).2d is a temporary acquisition when they are proposing wholesale changes to the lands in question including setting back the boundary and are not reinstating the existing arrangements before returning the lands to the permanent owners.

From a review of the EIAR documents, it is noted that this section of the Swords Road is identified as Section 2.c (extending southwards from Collinstown Cross to the Northwood Avenue junction, with a total length of 1.62 kilometres).

Clearly a construction start date is subject to the planning and tendering periods, so this is currently unknown. The overall project programme for the Swords to City Centre Coe Bus Corridor is given in the EIAR at Section 5.4 'Construction' in Volume 2 of the EIAR as 36 months (3 Years) and the Section 2.c works are programmed for an 18-month period within that, starting at Q3 in Year 2 and ending at the end of Q4 in Year 3.

### 3. Summary and Conclusions

SRC have carried out this review of the NTA BusConnects proposals for the Swords to City Centre Core Bus Corridor on behalf of Collinstown Caravans Ltd (the owner of the plots in front of the dwelling house located to the north of the Collinstown Business Park on the east side of the Swords Road).

SRC submit that the current Bus Connects proposals on General Arrangement Sheet 13 of 37 are unacceptable as these will have a significant and detrimental impact on the dwelling, and will not only extinguish all access from the Swords Road, but the proposed setback of the frontage boundary to accommodate a verge (which should have been presented as a permanent acquisition) would result in a significant impact on the ability to drive into the site and turn a vehicle so that the vehicle can exit in forward gear across the footpath, cycle path onto the public road.

SRC would welcome the opportunity to meet with the NTA Bus Connects Project Team to discuss the impact on our client and consider alternative solutions to address his concerns and mitigate possible impacts on the dwelling frontage.

SRC trust this is all clear but if you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely

Stephen Reid CMILT

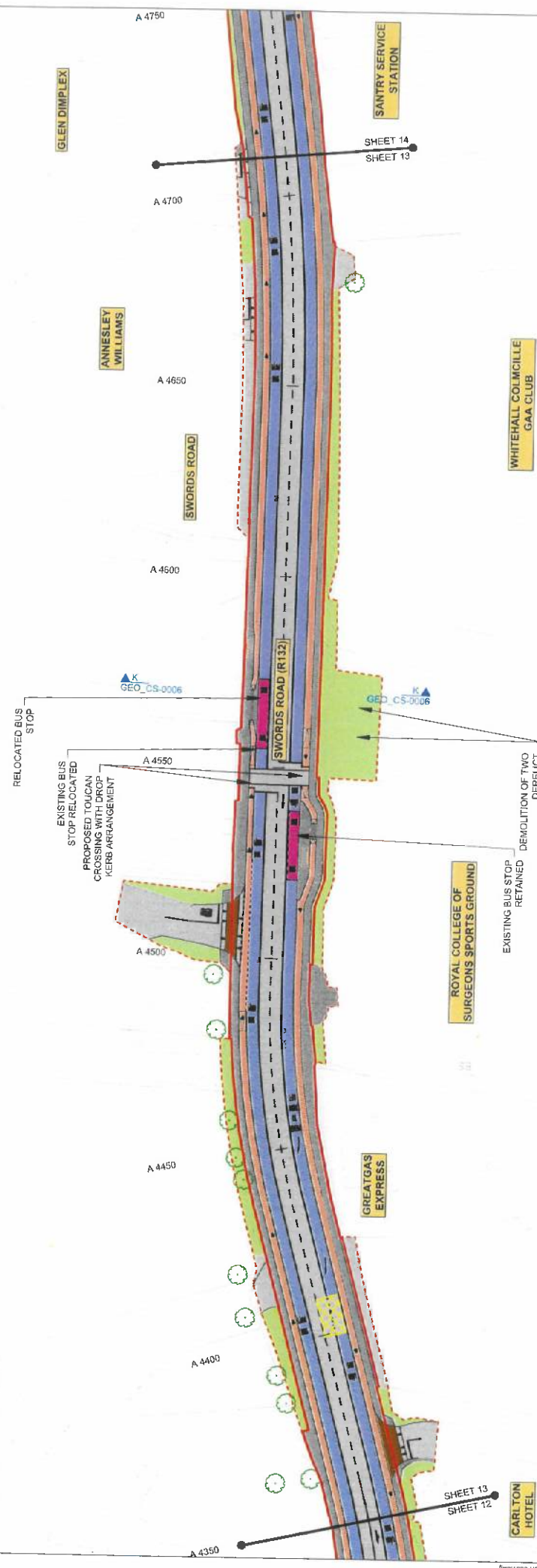
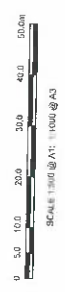
Managing Director

Stephen Reid Consulting Traffic and Transportation Limited

Appendix 1 - Copy of NTA Bus Connects – Swords to City Centre Core Bus Corridor General Arrangement Sheet 13 of 37

Appendix 2: Copy of NTA Bus Connects - Swords to City Centre Core Bus Corridor Scheme – Compulsory Purchase Order 2023 Sheet 13 of 29 Land Acquisition Map

- LEGEND:**
- BUS LANE
  - CYCLE TRACK
  - FOOTPATH
  - CARRAGEWAY
  - GRASS AREA / VERGE
  - PEDESTRIAN PRIORITY ZONE
  - RAISED TABLE
  - BUS STOP LOCATIONS
  - BUS SHELTER
  - TREE (EXISTING AND PROPOSED)
  - HERITAGE FEATURES
  - SITE BOUNDARY LINE
  - TEMPORARY LAND ACQUISITION



**NOTES:**

- ADDITIONAL PROPOSED SCHEME INFORMATION IS AVAILABLE ON THE PROJECT WEBSITE: <http://www.dublincity.ie/transport/buses>
- THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT III OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT III OF WHERE PROPERTY LINE ADJUSTMENTS ARE PROPOSED, NEW PROPERTY LINES SHALL BE DETERMINED BY THE LANDOWNER OTHERWISE DETERMINED IN CONSULTATION WITH THE LANDOWNER

**Project Ireland 2040**  
Building Ireland's Future

**Client:** NTA  
National Transport Authority  
Quanta Ireland, National Transport Authority  
Scale: 1:500 @ A1, 1:1000 @ A3  
Date: 08/04/2023  
Project Code: 60006

**Engineering Design:** Jacobs  
Scale: 1:500 @ A1, 1:1000 @ A3  
Date: 08/04/2023  
Project Code: 60006

**Programme Title:** BUSCONNECTS DUBLIN  
**Core Bus Corridors Infrastructure Works**  
SWORDS TO CITY CENTRE CORE BUS CORRIDOR SCHEME  
GENERAL ARRANGEMENT

**Revision:** Rev. 1  
Date: 08/04/2023  
By: M01  
Checked: M01  
Approved: M01

**Sheet Number:** 13 of 17  
**Sheet Title:** A  
**Scale:** 1:500 @ A1, 1:1000 @ A3  
**Project Code:** 60006

**DO NOT SCALE (USE EXISTING DIMENSIONS ONLY)**



O.S. Ref.  
3564-C

71 8975 742028

Legend:

- LANDS TO BE PERMANENTLY ACQUIRED - SCHEDULE PART I (land in GNY)
- LANDS TO BE TEMPORARILY ACQUIRED - SCHEDULE PART II (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART III (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART IV (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART V (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART VI (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART VII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART VIII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART IX (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART X (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XI (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XIII (land in GNY)
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- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XV (land in GNY)
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- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXI (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXIII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXIV (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXV (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXVI (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXVII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXVIII (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXIX (land in GNY)
- LANDS TO BE COMPULSORILY ACQUIRED - SCHEDULE PART XXX (land in GNY)

Printed at the scale of National Transport Authority maps  
Scale 1:50,000  
This map is for reference only and should not be used for legal purposes.  
The map is for reference only and should not be used for legal purposes.



National Transport Authority

Swords to City Centre  
Core Bus Corridor Scheme  
Compulsory Purchase Order 2023  
Sheet 13 of 29  
Land Acquisition Map

Map	Scale	Author	Year
Map 1	1:50,000	NTA	2023

Lands to be Compulsorily Acquired			
Deposit Map			
Sheet 13 of 29			
Drawing No.	Rev.	Author	Check
0001-04-0013	M01	0001-04-0013	0001-04-0013
0001-04-0013	M01	0001-04-0013	0001-04-0013