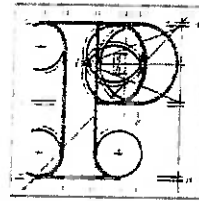


Our Case Number: ABP-317742-23



**An
Bord
Pleanála**

Brendan Heneghan
88 Parkmore Drive
Terenure
D6W X657

Date: 09 October 2023

Re: BusConnects Bray to City Centre Core Bus Corridor Scheme
Bray to Dublin City Centre.

Dear Sir / Madam,

An Bord Pleanála has received your recent 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.

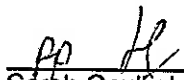
Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

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,



Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

HA02A

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

BRAY SCHEME No 317742

An Bord Pleanála

6 October 2023

64 Marlborough Street

Dublin 1

Dear Bórd

The following is an observation on the above bus corridor scheme.

I object to two aspects of the scheme being

1 the bus gate at Lower Leeson Street

2 the entire scheme at Shankill village

I also believe you should entirely reject the scheme for a number of procedural reasons, remit it to NTA and let them re-submit when they have remedied these issues.

PROCEDURAL ISSUES

Aarhus Convention

I believe the Aarhus Convention applies to the scheme as it manifestly has a significant effect on the environment. I believe this has not been complied with as all options were not open to public participation (the M11 option for the corridor was never put), there were inadequate (in length of time) meetings for an almost 20km corridor, length of notice was inadequate and due regard was not paid to the submissions, all contrary to Article 6. This really requires an oral hearing to point out all the deficiencies.

As I have observed in another application, I have raised this with the Aarhus authorities, but they seem to feel that a judgment on this issue by them cannot be processed until the Bórd have considered the issue. Obviously were the Bórd to exercise its discretion to hold an oral hearing (which I specifically request) that might address the blatant disregard of Aarhus by NTA. However I believe a better course would be that you remit the matter to them and direct them to conduct a proper consultation with adequate time.

There is a very lengthy document in two parts called Public Consultation Parts 1 and 2 (337 and 366 pp in total). The only purpose of this in my view is to give a misleading impression to the Bórd that proper consultation has taken place. The comment by Senator Michael McDowell (already furnished

to you) about a pretence at consultation is close to the reality. The dissatisfaction with consultation is evident on comments on other corridors.

Procedural errors in application

I hear anecdotally that there may be procedural errors in terms of site notices in this case. I restate my position that particularly given the sheer number of errors on a range of the elements of this project, that you should reject the affected applications and that allowing more time is not sufficient.

I cannot understand why NTA have failed to get the application process right in so many of the parts of this scheme. I have experience of cross checking paperwork, notices etc in important matters and this would ordinarily be checked by a very senior person. For example if they clearly say that notices will be put up in 30 paces on 6 lampposts, 10 railings etc, it is very easy for a senior person to walk the route and check all this. Such an inspection would also have picked up date discrepancies. I also fail to understand why the Bórd simply does not reject defective applications; effectively if my position is upheld by a court, it is the Bórd which takes the rap for the neglect of the NTA.

This is all one scheme

BusConnects has always been presented as one scheme and it is absolutely clear that all schemes are inter related. In particular the Blackrock scheme and the Bray scheme have significant effects on each other and meet close to UCD. I believe it is unfair that I have had to pay a total of €500 to make submissions on ten different aspects (including my planned submission re Kimmage) of the same BusConnects scheme and I am asking the Bórd to refund €450 of the amount I have paid on what is the one scheme. I believe that the imposition of fees is unfair where a representative of the Minister responsible for NTA publicly indicated they were not payable and where in the few meetings that happened NTA indicated that people could make submissions at planning stage, with no mention of a fee. I note a lot of rejected submissions on one case, which I suspect are related to the actions of the Minister and of NTA.

It is also frustrating that I have to make the same general points every time I make a submission. I am requesting that you look at points of general application to all corridors I have made in nine other submissions on the same project. These include issues about roundabouts and traffic modelling.

Discrimination against the southside

I submit that there are two aspects of severe discrimination against the southside of Dublin (as opposed to the northside) namely

The severing of most of the main roads in south Dublin for motorists (not a feature of north Dublin). This affects Mount Brown, Clogher Road, Lower Kimmage Road, Lower Rathmines Road and now Lower Leeson Street.

The provision of wholly unintelligible traffic count and other data prepared by Nationwide Data Collection, whereas northside corridors have easily accessible IDASO data. I would note that the Commissioner for Environmental Information has concluded that environmental information should be comprehensible, accurate and comparable and that "this cannot be said of the Excel relating to the relevant bus corridors". I have already sent you this information in Appendix 3 of my observation on Templeogue Rathfarnham 316272. This data has been a huge obstacle to making a proper submission on this corridor. I ask that you request NTA to provide it in "IDASO" format and allow observations based on it.

Material omissions from the documents submitted to you.

I would once again submit that there is no place in this set of documents where the works to be permitted by the Bord are clearly identified. I am a lawyer and former partner in a large law firm. I have never seen applications where I (as an experienced reader of complex documents) find it impossible to say what works permission is being applied for.

The documents only disclose the gross area of lands to be cpo'd and not the dimensions making it difficult to assess the depth of take from the road.

They also omit the material fact of a diminution of the bus service on the road. Effectively four of the current buses in Shankill (7b, 45, 84 and 145) will be re-numbered but with identical routes locally, but the useful 155 service from Bray railway station is to be abolished with the loss of four buses hourly. This of course is the bus with terminus closest to Shankill and therefore most likely to have capacity for Shankill passengers. This is a very material omission from the document, which I believe they had a duty to draw to the attention of the Bórd. This reduction of service is also a feature of the entire corridor as the 46A will reduce in frequency from every 8 minutes to every 10 minutes.

SPECIFIC OBJECTIONS

Leeson Street

A bus gate is proposed at the end of Lower Leeson Street where it joins St Stephen's Green prohibiting any traffic into either part of St Stephen's Green between 6am and 10am morning and 4pm and 8pm afternoon. I note the permitted traffic here does not include taxis. See map 01 of 54. The exclusion of taxis (which I probably support in principle) is different from other gates, which undermines the very weak justification for all gates having similar hours and terms ventured by NTA.

precise impact of the felling of so many trees on this bat population. This seems to be the largest concentration of bats over a length of road in the entire scheme; the only other place of note is the Dodder at Rathfarnham Road, where the concentration is much higher but in a very small area. I note also the presence of black headed gull and herring gull, amber listed species at one site that I believe is subject to substantial tree felling, but I cannot see any analysis of its impact. I note also that there is very little discussion (I cannot find any) of a substantial river which flows under the road to the north of Woodbrook College.

I believe no tree felling should be permitted in Shankill and that any cpo which is proposed to facilitate felling trees should be refused. I expect people living in Shankill will address this issue fully with you.

Roundabout

It is my understanding that there is a lot of local opposition to the removal of the roundabout at St Anne's Church (sheet 43 of 54). No doubt DMURS will be trotted out as the excuse for this. It is my clear reading of DMURS at page 105 that it has no application to small roundabouts nor does it apply where there are low pedestrian volumes. I quote "Where **large** roundabouts exist, road authorities are encouraged, as part of any major upgrade work, to replace them with signalised junctions or **retrofit** them so that {they} are more compact **and/or** pedestrian and cycle friendly, as is appropriate". I would like to give a fuller analysis but again the work required because of the poor presentation of traffic counts renders this impossible. Again this would be easy to assess if "IDASO" form prevailed. NTA have completely ignored the words I have highlighted. Undoubtedly if the signals are green, traffic will speed though the junction, whereas this roundabout forces it to slow down at the entrance to the village. An oral hearing would be useful on this topic.

Cyclists

It is disappointing that the scheme fails to provide a continuous cycle track and that in two locations there is a combined track on the outbound side. Therefore inbound cyclists have to cross the road four times, which is not safe. I believe that the minimal works which might be allowed should focus on the possibility of providing continuous cycle lanes.

Alternative assessment

It is clear from Chapter 3, Consideration of Reasonable Alternatives, that in coming down to a conclusion that Shankill village is the preferred route option, consideration was to be given to five factors (page 20)

1 economy

2 integration

3 accessibility & social inclusion

4 safety

5 environment

It seems that physical activity was excluded . I note also from a document included in Supplementary Information Preferred Route Option Report page 63 that “accessability and social inclusion” seems to refer to key trip attractors and to deprived geographic areas – this has zero application to Shankill.

It seems to me that the colour charts in that Preferred Route Option document where green is good, yellow is middling, orange is a bit bad and red is bad (see page 53) are very dubious when it comes to Shankill. I believe pages 102 onwards are the bits assessing the “main street” option. I think any objective person would have lots of red against safety and lots of red in the environmental section. It is particularly difficult to see how there could be any rating other than a very deep red against road safety, architectural heritage, flora and fauna and landscape and visual for any project using the route applied for. By contrast putting the corridor on the motorway would seem to be “green all the way” on those factors. Further the level of cpos involved must render questionable any other mark other than red against the capital cost item. It is difficult to reconcile a green score on transport quality against the serious reduction in level of service, which means that Shankill customers might not be able to access already full buses.

It is very difficult from an objective stance to understand how the route through Shankill village could score highly on these criteria. If this were a Leaving Certificate, it would be on the F minus end of the scale or a deep red on their scale. I wholly disagree with the assessment on page 30 of Chapter 3 that what is there termed 2B is most advantageous due to” its comparatively lower cost, significant benefits in terms of integration, accessability and social inclusion as it serves the catchment of Shankill, integrates with the DART and provides continuous cycle facilities and it would deliver a high level of service for bus passengers” The following factors seem relevant

A a three lane four lane highway will split the village in two which seems to be a big negative for integration. Such a wide highway will encourage speeding, and therefore is a safety hazard. Widening highways seems contrary to DMURS.

B the road is likely to be so dangerous that it can only be crossed at pedestrian crossings. This is a big negative for both integration and safety

C the cycle lane provision as described above seems very unsafe with cyclists required to cross and re-cross the road

D the economy of the proposal is undermined by the significant likely costs of CPOs

E I think it is blindingly obvious that the destruction of trees, the knocking of walls, the removal of the character of the village, the endangerment of wildlife is an F minus on environment

F the reduction in bus service through Shankill, with the only service coming from nearby (Bray station) the 155 abolished reduces accessability to buses

G it clearly does not integrate with the DART

I object to the prohibition on traffic driving into St Stephen's Green South at this point. This is an important cross city route from east to west to allow traffic cross the south side. It has no relevance to traffic accessing the areas to the east of Dawson Street.

I also believe there is zero justification for this ban to apply on either Saturday or Sunday. I think the explanation ventured in responses on this point in other corridors that motorists are too stupid to remember that they don't apply at all to Saturday and Sunday is in there with "the dog ate my homework" .

I favour the exclusion of taxis from any concession, as I think it is socially unjust that more affluent people who can afford taxis can sail through bus gates in their private taxis whereas the less affluent person has to take a much longer route.

Generally on bus gates

I do not think they should ever apply Saturday or Sunday. On Sunday they interfere with the rights of religiously observant people, many of whom have mobility issues.

They should largely be operated 6am to 10am Monday to Friday to stop commuting traffic coming into town.

They should be tweaked where they impede church or cemetery access for funerals.

While a slightly different issue, if bus lanes apply to longer periods, the current provision where they can usually be used 10am to 12 noon is an incentive for people to make trips at the quietest time of the day and should not be lightly removed.

If the access to St Stephen's Green South is not permitted at all times here, there is no indication in the documents of any alternative route. I suspect traffic will divert via Hatch Street Lower, Hatch Street Upper and Harcourt Street, which will cause conflict with the Luas. I don't see the point to the ban on the access to St Stephen's Green South. The poor traffic stats referred to above have prevented me from making a full submission on this aspect.

Shankill

I am familiar with Shankill and I think its leafy landscape, slightly meandering main road and distinctive walls are unique in County Dublin. This scheme will destroy these features.

Trees

I believe the proposal to remove perhaps 500 trees in Shankill is very destructive to the environment and should not proceed.

I note also that the documentation (Figures 12.1 to 12.8) discloses a significant concentration of three species of bats *nyctalus leisleri*, *pipistrellus pipistrellus* and *pipistrellus pygmaeus* at various locations in Shankill sheets 10, 11 and 12 . I think the document is gravely deficient in discussing the

I believe the Bórd needs to interrogate very thoroughly the scoring assessments of the through Shankill option and take particular account that there is now going to be a bus corridor on the motorway. It is very difficult to discuss these issues fully in written format and an oral hearing would be desirable to go through all the scoring and alternatives assessment.

It is my general impression that Shankill has among the lowest level of traffic daily in places where it is proposed to impose a bus lane. I think it is of the order of 6,000 each direction whereas the typical corridor section is closer to double that. For example on Clongriffin corridor it is easy to see that at site ATC 1-4 there were 12,198 vehicles northbound and 11,973 vehicles southbound on 5 February 2020, likely double the Shankill level and I think this is representative of more usual corridor levels. I think the level of disruption for a road with the Shankill volume of traffic is disproportionate. However again the hopeless presentation of traffic data on southside corridors impedes my ability to provide any comparators on this and I re-iterate my request that they be asked to supply "IDASO format " traffic information. If they did this, the issue could perhaps be teased out at oral hearing. Everyone in Shankill says there is really no delay issues most of the time; the data if it were accessible would likely confirm this.

I believe that a possible alternative is to run Bray buses on the motorway (the green line on page 19) but to run buses sufficient to service Shankill through the village sufficient to service its needs. It seems to me that the existing 155 service which starts at Bray Station and has limited Bray stops should be retained for this purpose. I think the people of Shankill should be consulted on this, particularly as it has now been decided to run a bus lane along the motorway.

Balance of factors

This scheme proposes massive destruction in Shankill. Against a background where

A Bus services in the village are reduced

B The admitted time savings in Chapter 6 are less than six minutes inbound (p129) and circa seven minutes outbound (p 133) , of which a mere fraction is achieved in Shankill (with the bus to navigate the city centre and then go to Ballymun/Finglas)

C There is a failure to achieve a satisfactory cycle lane

the balance seems to be heavily in favour of leaving Shankill alone and not permitting any of the measures proposed.

I attach you fee of €50 under protest, given that this is just a part of one scheme. As noted above an oral hearing is both desirable and requested.

Brendan Heneghan

88 Parkmore Drive

Terenure

D6W X657