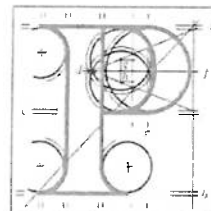


Our Case Number: ABP-317742-23

Your Reference: Circle K Bray



**An
Bord
Pleanála**

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

Date: 11 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 note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

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

HA03A

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

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

Fw: Bray BusConnects.

Klaudia Wieszowska <klaudia.wieszowska@pleanala.ie>

Wed 10/11/2023 11:11 AM

To: Klaudia Wieszowska <klaudia.wieszowska@pleanala.ie>

From: Sarah Caulfield <s.caulfield@pleanala.ie>

Sent: Tuesday, October 10, 2023 3:38 PM

To: Alan O'Callaghan Coakley O'Neill <[REDACTED]>

Cc: Klaudia Wieszowska <klaudia.wieszowska@pleanala.ie>

Subject: RE: Bray BusConnects

Dear Alan,

The Board acknowledges receipt of your email and submissions on the above mentioned road scheme and CPO application on behalf of your client, Circle K Bray.

Kind Regards,
Sarah

From: Alan O'Callaghan | Coakley O'Neill <[REDACTED]>

Sent: Tuesday, October 10, 2023 11:24 AM

To: LAPS <laps@pleanala.ie>

Subject: Bray BusConnects

To whom it may concern,

I am writing on behalf of our client, Ard Services Ltd., (trading as Circle K) and wish to lodge the following submissions in relation to the Bray to City Centre BusConnects Scheme and associated CPO.

Please find attached 2 no. submissions in respect of same. 1 for the Scheme and 1 for the specific CPO concerning their Bray service station on the R761 Dublin Road. I would be grateful if you could confirm acceptance of same at your earliest convenience.

Thank you in advance.

Regards,

Alan O'Callaghan MPlan MIPi
Assistant Planner

Coakley O'Neill Town Planning Ltd

NSC Campus

Mahon

Coak

T12 XY2N



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

Strategic Infrastructure Department
An Bord Pleanála
64 Marlborough Street
Dublin 1

Our Ref: CON23145

10th October 2023

**RE: OBSERVATION ON STRATEGIC INFRASTRUCTURE DEVELOPMENT ABP REF: HA27.317742.
BUSCONNECTS BRAY TO CITY CENTRE CORE BUS CORRIDOR SCHEME AND ASSOCIATED
COMPULSORY PURCHASE ORDER APPLICATION.**

A Chara,

We, Coakley O'Neill Town Planning Ltd. of NSC Campus, Mahon, Co. Cork, are instructed by our clients, Ard Services Limited, of Circle K House, Beech Hill Road, Clonskeagh, Dublin to make this observation to An Bord Pleanála in relation to the proposed Bray to City Centre BusConnects Bus Corridor Scheme under the Strategic Infrastructure Development Process (Application Reference HA27.31742) which concerns lands at the Circle K Bray Service Station, on the Dublin Road, Bray, Co. Dublin.

We note the last date for an observation is the **10th October 2023**.

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

Firstly, we wish to highlight that our clients are not objecting to the scheme as a whole. They are very supportive of any scheme that promotes more sustainable forms of transport within Bray, which will alleviate the pressure placed on the surrounding area's roads by cars.

However, our clients cannot wholly accept the proposal in its current iteration owing to the potential significant harmful and detrimental impacts it may have on the continued day to day operation, and ultimately viability, of their Bray service station going forward.

Hereunder we set out their concerns in relation to the published scheme.

Introduction

Circle K Ireland is the country's largest fuel and convenience retailer with 420 employment locations across the country. They are owners (through subsidiary Ard Services Ltd.) and operators of the Circle K Bray service station on the R761 Dublin Road, which has been providing a local service in the area for over 20 years.

Site Location and Description

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

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

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

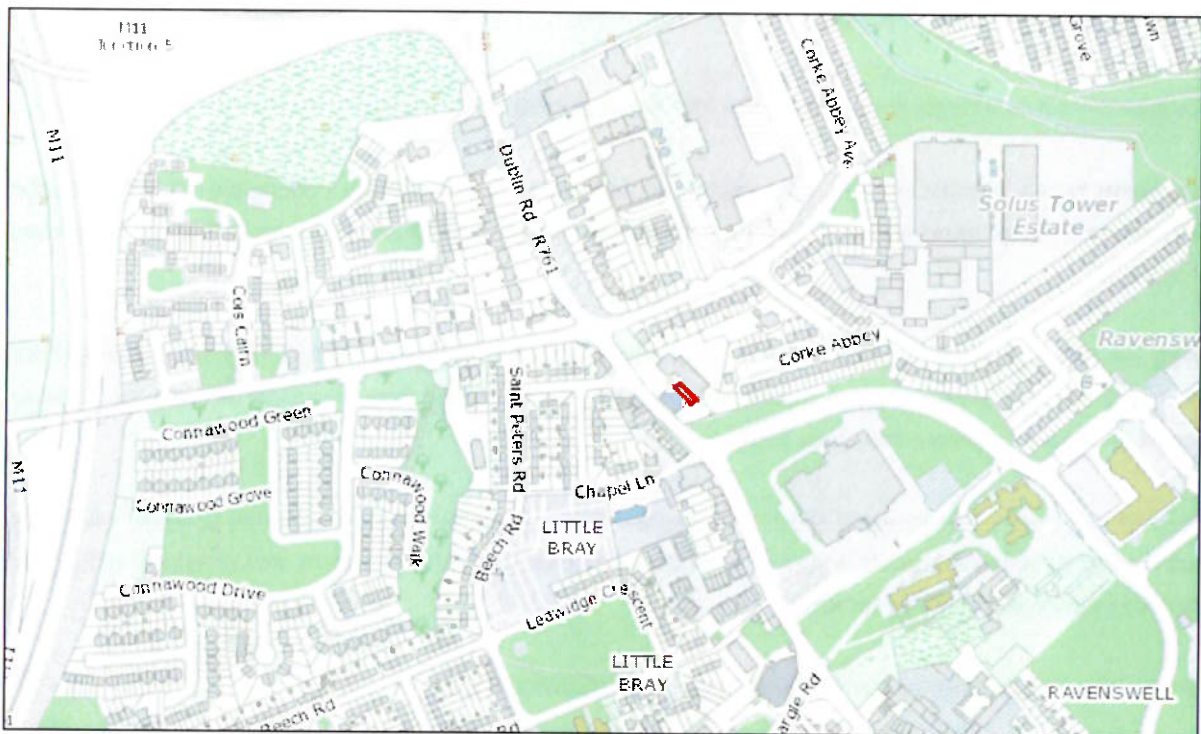


Figure 1 – Site location in context of surrounding area (Source: MyPlan.ie) (annotated by Coakley O'Neil Town Planning Ltd, 2022).



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

Planning History

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

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

Local Planning Policy

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

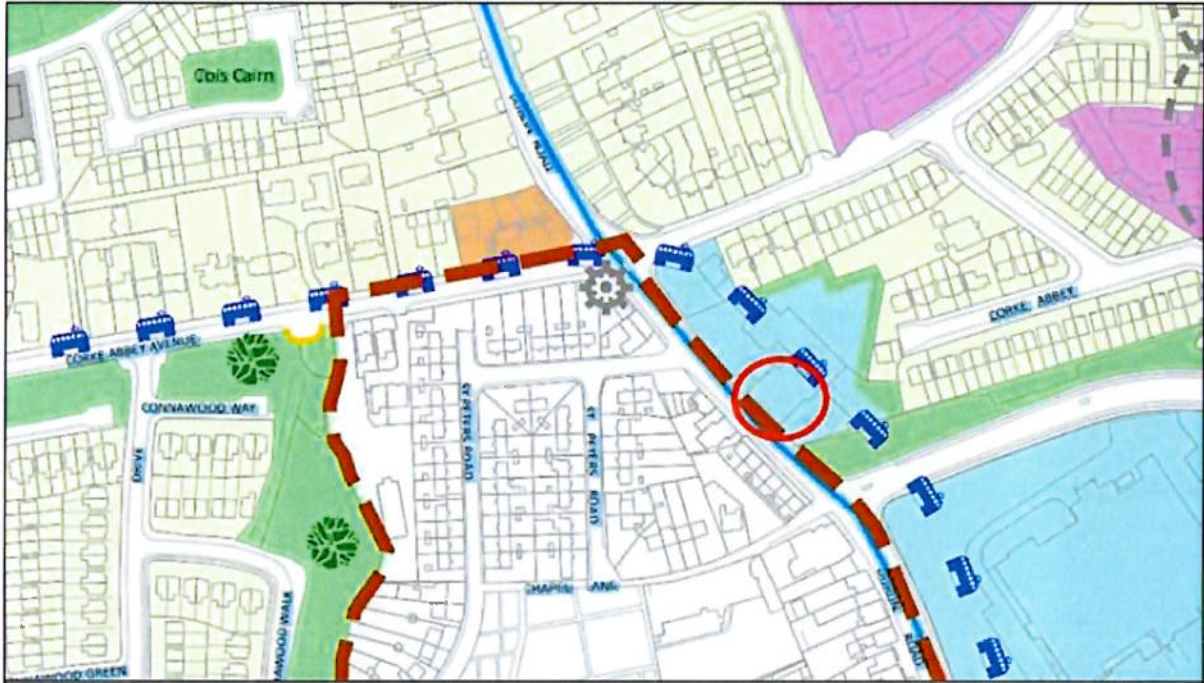


Figure 3 – Site zoning in context of Dun Laoghaire Rathdown County Development Plan, 2022-2028 (annotated by Coakley O’Neil Town Planning Ltd, 2023).

Observation

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

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

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

These proposals are shown below.

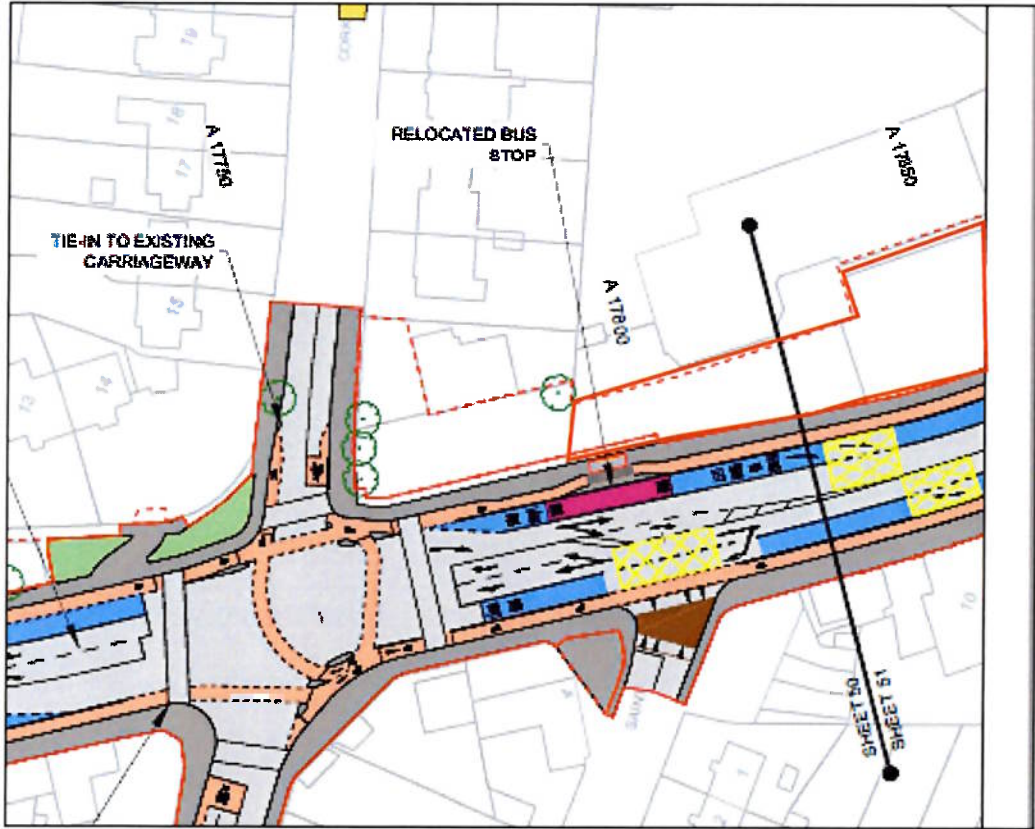


Figure 4 – Scheme Plan for Bray, subject site generally outlined in red - West Side - (Source: Jacobs, 2023).

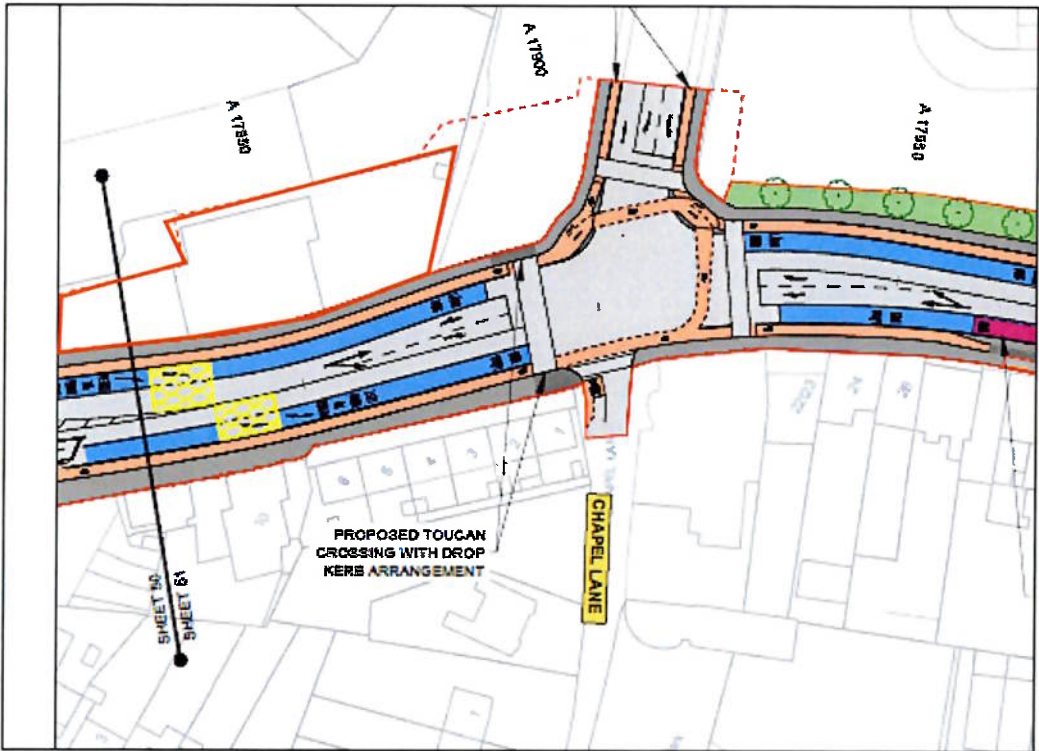


Figure 5 – Scheme Plan for Bray, subject site generally outlined in red – East Side - (Source: Jacobs, 2023)

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

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

Together, these cover the entire service station site.

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

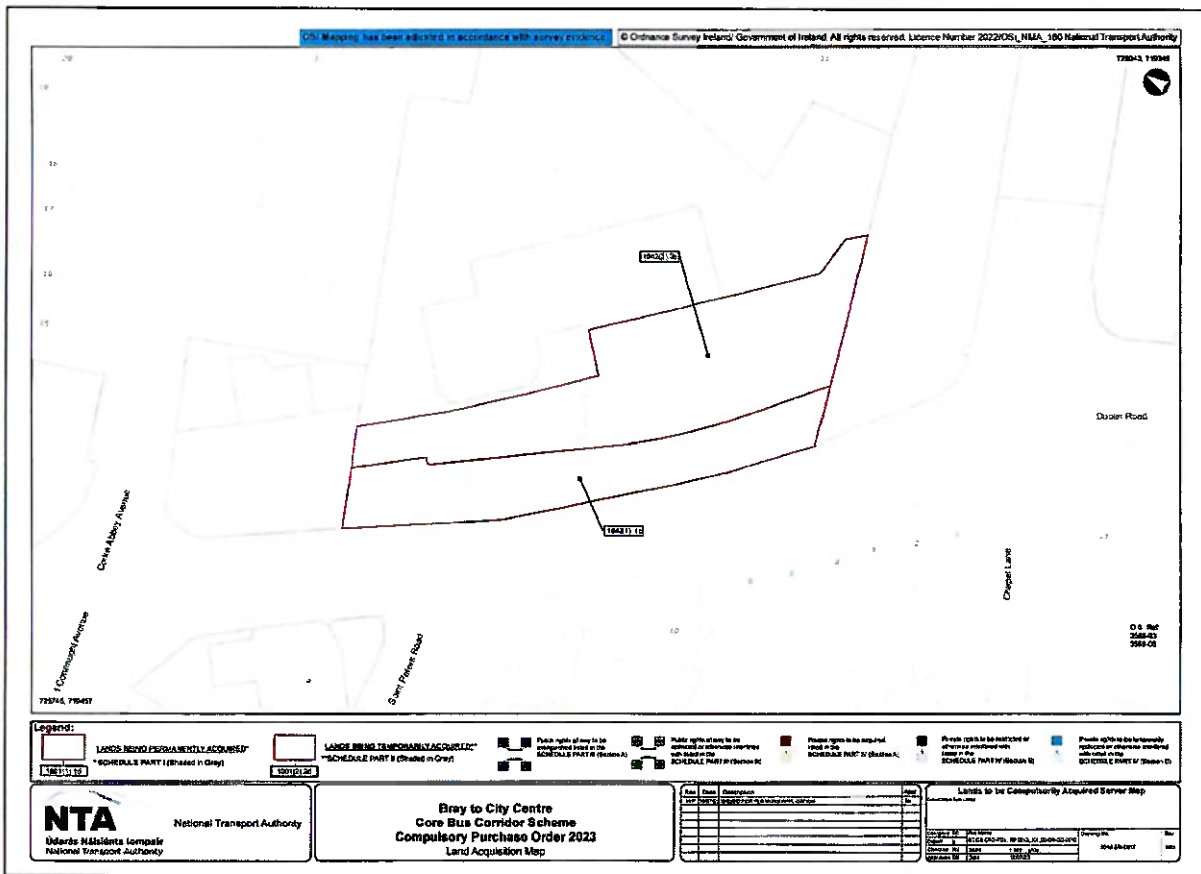


Figure 6 – Lands subject to permanent and temporary acquisition (Map source: Dun Laoghaire Rathdown County Council, 2023).

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

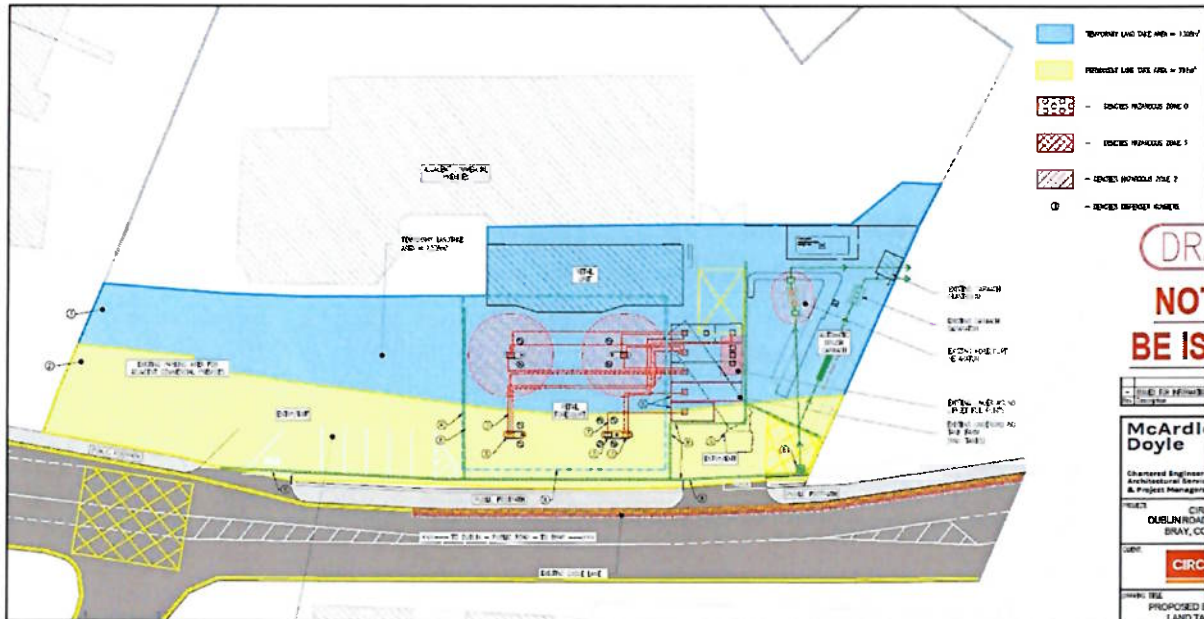


Figure 7 – Circle K Bray, highlighting areas that are set to be subject of a temporary and permanent CPO (source: McArdle Doyle, 2023)

In making this observation, our clients wish to highlight their concerns with respect to the proposed works to the front of their property, in addition to the CPO acquisition of these lands.

As a result of the planned scheme, the loss of land both permanently and temporarily to accommodate the BusConnects route will have serious implications for the overall business and its future viability.

In the first instance, it is understood that the temporary acquisition of the service station is premised on the risk associated with works involving the removal of the fuel dispensers and underground petrol tanks and pipes. It is further understood that the entire station is to be temporarily acquired and decommissioned during the works and that these works are to be carried out by a competent contractor.

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

The temporary closure also poses significant difficulties for our clients in respect of the length of time involved in the decommissioning works and their implications for the continued operation of the station. Indeed, it is a likelihood that the station may, as a result, have to be demolished and rebuilt.

Secondly, it is understood that the scheme will result in the loss of approximately 5no. parking spaces at the service station. Given the very small size of the site, the loss of these spaces is likely to be permanent as no other appropriate space will be available to accommodate same. The loss of circulation space within the station site will also impact on parking availability and safe and effective access and egress at the station.

A CPO Impact Report has been prepared by McArdle Doyle, our clients appointed architects and engineers. The report notes the following impacts on the service station, both temporary and permanent.

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

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

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

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

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

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

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

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


In this regard, two reasonable options present themselves immediately to us:

- The removal of both cycle lanes on either side of R761 will reduce the impact of the potential permanent CPO to our clients lands. As is common in other urban areas, cyclists can travel along the designated bus lanes and as a result, this would negate the need to provide a dedicated cycle lane along the frontage of our client's lands and the opposite side of the R761.
- The relocation of proposed bus shelter and associated bus stop at western entrance to service station. The location of these elements on the route are of utmost concern to our clients as they are located at the western entrance to their service station and the surrounding car dealerships within the site. They have concerns that their current location will create a conflict between pedestrians and motorist and leads to an inherent road safety hazard.

It is submitted that the exclusion of these elements of the scheme will have no material effect on the benefits of the overall proposed BusConnects scheme and would not in any way undermine its overall objective of facilitating sustainable transportation in the city, which, it must be pointed out, should be properly achieved without undue negative impacts upon businesses in this area and especially without impacts that will severely impact the viability of local businesses.

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

Is Mise le Meas,



Alan O'Callaghan
Assistant Planner
Coakley O'Neill Town Planning Ltd.

**SUBMISSION REGARDING BUS CONNECTS DUBLIN CPO
ON BEHALF OF CIRCLE K BRAY SERVICE STATION**

Project Title:	BusConnects Dublin: Bray to City Centre Scheme CPO
Author:	Mr. Conor O'Brien ME Eng. MIEI
Approved & Checked:	Mr. Brian Loughrey BE CEng. MIEI
Date:	02/10/2023
Subject:	Submission to An Bord Pleanála
MHL Document Ref:	23117TT-Doc01 R02



1. Introduction

MHL Consulting Engineers have been engaged by Circle K Ireland Energy Limited, owners of the Circle K Service Station on Dublin Road, Bray who are not opposed to the scheme in principle however, they are opposed to the current proposals of the 'Bus Connects Bray to City Centre Scheme, which greatly impacts their site and business. The specific section of the proposed scheme they are objecting to is Bray Road between Old Connaught Avenue and Upper Dargle Road. The roads authority proposed to acquire some of the Circle K property on a permanent basis and the entire property on a temporary basis via the Compulsory Purchase Order process, in order to facilitate the construction of their proposed BusConnects Scheme. This submission is being made to An Bord Pleanála in relation to the proposed Compulsory Purchase Order of plot numbers 1042(1).1c, 1042(2).2c.

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

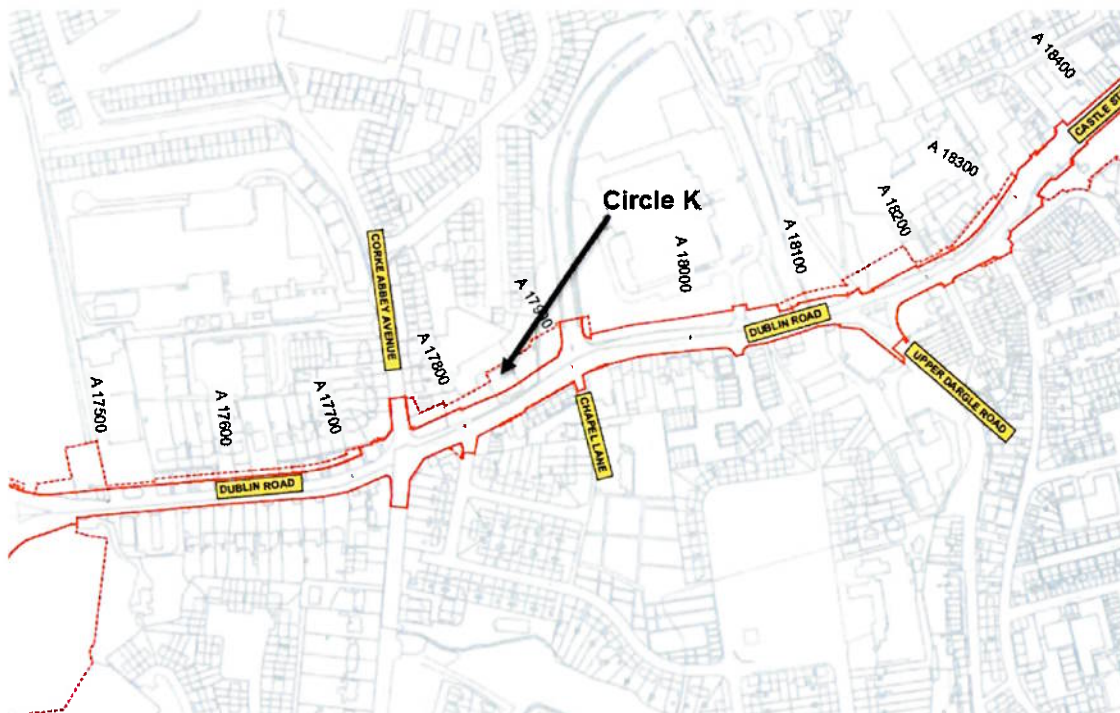


Figure 1: Site Location Map showing Circle K with the Dublin Bus Connects Bray to City Centre Scheme Extents outlined in Red.

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2. Existing Conditions

The impacted business is the Circle K Service Station, Dublin Road, Bray as shown in Figure 2 below. The service station consists of four fuel dispensing islands, a hardstanding forecourt covered with a canopy, six underground fuel storage tanks, a car wash unit and a convenience store. The business has been operating in this location for approximately 20 years providing a convenient refuelling and retail location for the local community.

The service station is located along Wicklow’s Dublin Road, the R761, approximately 1km northeast of Bray Town Centre. The service station is located just 100m southwest of the junction of the Old Connaught Avenue and Dublin Road. The service station site is accessed via two number, two-way entrances onto the Dublin Road, one of which is shared with Bright Ford car showroom. These entrances are used by pedestrians, cyclists, cars and all road vehicles including delivery tankers. The existing cross section of the road measures approximately 13.5m in width. Within this cross section are footpaths along both sides of the road which are approximately 2m wide, a south bound cycle lane and two No. traffic lanes.



Figure 2: Impacted Property Site Location Map

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3. Proposed Scheme

The proposed BusConnects Scheme at this location includes 2No. 3m wide bus lanes, 2No. 3m wide traffic lanes, 2No. 2m southbound cycle tracks and 2No. 2.0m footpaths. To accommodate this cross-section, it is proposed to set back the existing boundary of the service station by approximately 7.5-9.5m. This will impact on much of the existing infrastructure in the service station including the underground fuel tanks, three pumping stations, the existing car wash, the existing underground pipe network, the existing canopy over the forecourt and the existing display signage. The loss of this infrastructure will have extremely significant negative impacts on the operation of the business. Figure 3 below shows the proposed cross section of the scheme in the vicinity of the business while Figure 4 shows a plan view of the proposed scheme as it passes in front of the site.



Figure 3: Proposed Cross Section of BusConnects Route in Vicinity of Property

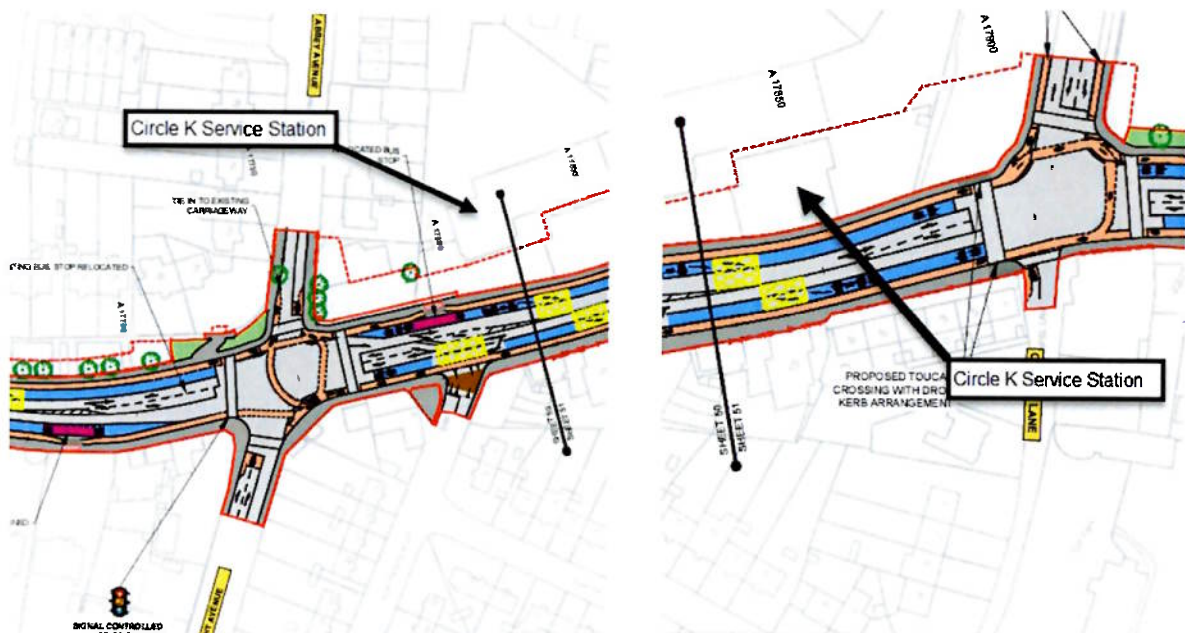


Figure 4: Plan View of Proposed BusConnects Scheme in the vicinity of Circle K Bray

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4. Proposed BusConnects Scheme Impacts & Issues

The following are a number of concerns our client has raised in relation to the published CPO associated with the Dublin BusConnects Bray to City Centre Scheme. The CPO seeks to permanently acquire a strip of land between 7.5m and 9.5m wide at the front of the property resulting in a total of 772.3m² area of land take. It is also proposed to temporarily acquire the entire service station site during the works, a total area of 1289.7 m² of land take. See Figure 5 below which shows an extract from the CPO Serve Map which was issued by the NTA to Circle K Ireland.

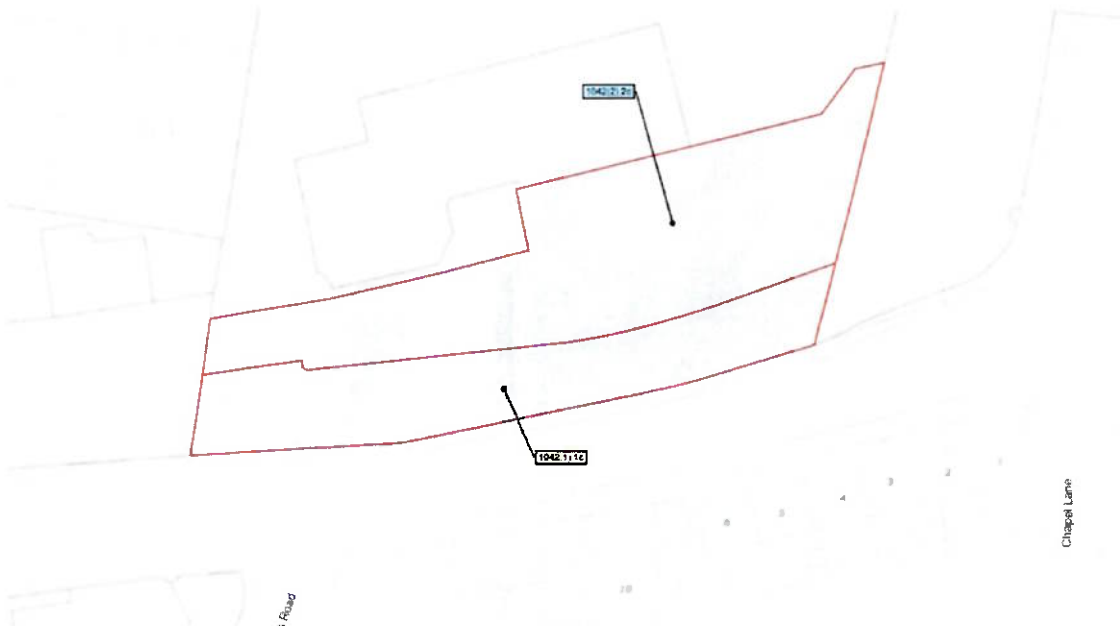


Figure 5: Serve Map Extract showing Proposed CPO Areas

4.1 Access and Egress to the Site Issues

The service station site currently benefits from 2 number entrance/exit points along the Dublin Road, one of which is shared with Bright Ford, Bray car showrooms. These entrances are integral to the operation of the business as it allows vehicles to enter in one side of the site and exit through the other side. This removes the requirement for vehicles to turn in the forecourt where space is limited. It is also a requirement for the fuel tanker making deliveries to the site to use both entrances as there is no space for a vehicle of that size to turn within the site.

The current road layout also allows for the right turn movement for northbound vehicles into the site at one of the entrances. It is not clear whether this movement is retained in the proposed layout. A continuous white line is shown in the centre of the road meaning vehicles cannot cross from the northbound lane into the service station. The proposed access arrangement can be seen in Figure 6 below. If this right turn movement is not retained, it will have a significant negative impact on the operation of the service station business. A large proportion of business will be lost as northbound traffic will not be able to use the service station. There are also no yellow box road

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markings shown at the entrances meaning traffic will queue across the junction blocking traffic from entering and exiting the site.

The existing entrances to the service station are not marked on the proposed layout drawings and thus it is unclear how they will operate in the future. The entrance arrangements should be clearly marked on the drawing in order to show how they will integrate with the proposed design. It is also unclear if the proposed bus stop on front of the car showroom will partially or fully obstruct the entrance to the service station in its current location.

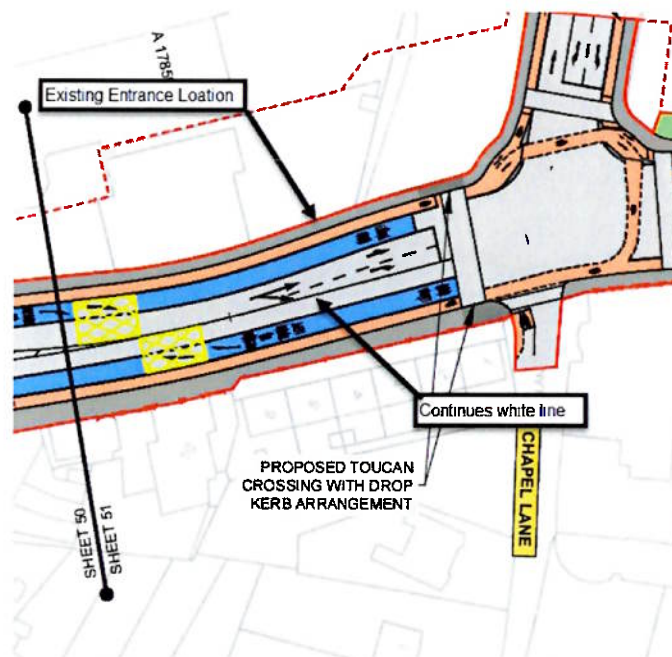


Figure 6: Proposed Access Arrangement

4.2 Loss of Parking Issues

The site currently has five car parking spaces available in the forecourt area of the service station. These spaces are vital for customers paying for fuel, using the convenience store and for staff parking. The parking is essential for the smooth operation of the business and efficient turnover of the fuel pumps. The proposed CPO will result in the loss of all of these spaces. There will be very little space left for customers to park safely and use the convenience store or park after refuelling. This may result in illegal parking on the street partially on footpaths on both sides with motorists having to walk across the road to use the convenience store. This is a multifaceted safety hazard for pedestrians and may lead to traffic congestion for vehicles trying to avoid the parked/queuing cars within the station and avoid pedestrians or cyclists using the premises. This loss of parking could have a very detrimental impact on the business as clients would be lost due to the lack of parking in the vicinity of the service station. The facility would no longer be an attractive location for customers.

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4.3 Road Safety Issues

- **Lack of Tactile Paving Across Entrance**


There is no tactile paving shown at the entrance junctions to the service station on the proposed general arrangement drawings. This could lead to visually impaired pedestrians crossing the entrances without being aware of the conflict with vehicles. This poses a severe safety risk to these vulnerable pedestrians. Buff coloured tactile paving slabs at least two tiles deep should be provided at both sides of each entrance.

- **Lack of Space in Forecourt**

The reduction in the area of the forecourt due to the 7.5-9.5m boundary setback will greatly reduce the open space available for vehicle and pedestrian movements within the forecourt. The lack of space will increase the conflict probability between vehicles and pedestrians attempting to navigate the forecourt, which is a serious safety concern. The reduction in formal parking areas will also exacerbate this issue. Cars are likely to park in unsuitable areas reducing the visibility of pedestrians by drivers and increasing the likelihood of a collision. The lack of space will be even further apparent during fuel delivery periods. There will be insufficient space for the tanker to navigate in and out of service station safely. The proposed CPO could render the entire service station unsafe to operate as well as rendering it unviable as a profitable business operation.

- **Right Turning Vehicles Crossing Three Lanes of Traffic**

In the current situation vehicles turning right from the Dublin Road into the service station must only cross a single traffic lane to enter the forecourt. However, in the proposed layout they will also have to cross part of the right turn lane as well the proposed bus/cycle lane, ie. cross essentially three lanes of opposing traffic to enter the forecourt. The proposed bus lane will be used frequently by a number of bus routes including the E1 spine route (10 minute frequency) and the L11 route (20 minute frequency). If there is queuing in the two southbound traffic lanes, in particular HGVs, the view of the bus lane may be blocked for right turning traffic. This is a serious safety concern and could lead to collisions between vehicles using the service station and buses travelling along the bus lane especially considering the frequency of the bus service along the route. There is also a significant hazard for cyclists inside the proposed bus lane, not being visible to right turning traffic, hidden behind high sided queuing vehicles in the traffic lanes.

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- **Sightlines Obstructed by Bus Stop**

It is proposed to relocate one of the bus stops along the Dublin Road in very close proximity to one of the entrances to the service station. When this bus stop is in use the sightlines from this junction will be impeded by the bus. This could lead to collisions between vehicles exiting the service station and southbound traffic on the road. This is a serious safety concern with the proposed layout. 49m uninterrupted sightlines should be provided at priority junctions for a design speed of 50 km/hr in accordance with DMURS. This will not be achieved if the proposed bus stop is constructed in the location where it is currently shown.

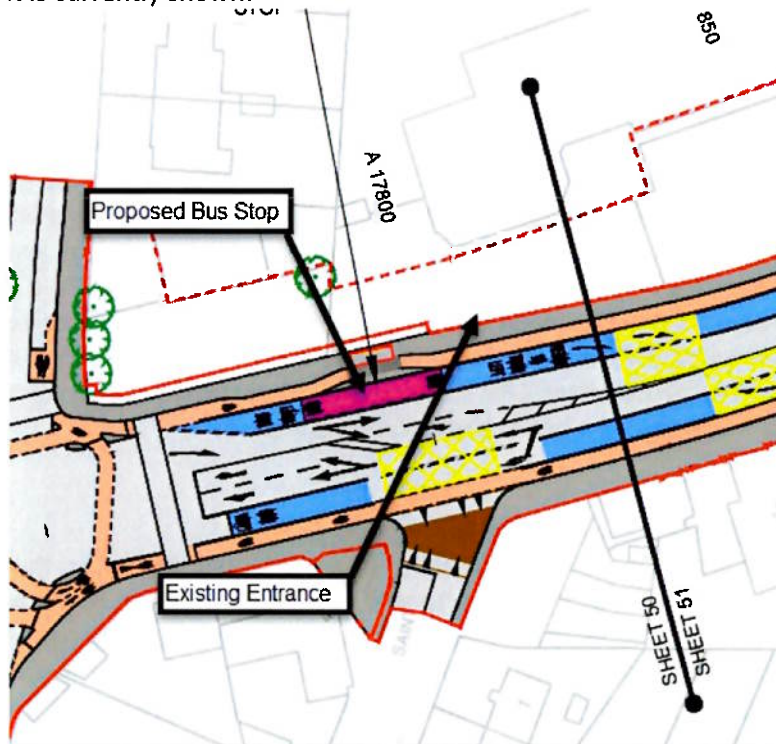



Figure 6: Proposed Bus Stop

4.4 Loss of Existing Infrastructure Issues for Business Viability

The Circle K Service Station currently has significant infrastructure located within the 772.3m² to be permanently acquired as part of the BusConnects Scheme. This infrastructure will be lost and will have to be relocated if the scheme is to go ahead in its current form. The infrastructure to be removed includes underground fuel storage tanks, three existing fuel pumps, the existing canopy over the forecourt, the existing car wash, the existing display signage, underground fuel pipes and underground storm network pipes. The reduction of the fuelling locations by 50% will have major implications for the operation of the business. The fuelling capacity will be incapable of keeping up with the demand and will lead to queuing in the forecourt which is already lacking space. This queuing could extend onto the road and could block the bus lane causing delays and congestion on

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MHL Document Ref:	23117TT-Doc01 R02



the network. There is also no space on site to relocate the effected pumping stations and thus the capacity of the service station is greatly reduced.

Underground fuel storage Tank 1 is approximately 7.5m from the existing site boundary and within the permanent land take area. Following the CPO this tank will have to be permanently decommissioned and removed. Tank 1 forms part of an overall tank farm of 6 no. tanks. These tanks are located within 150mm of each other and are encased in concrete. The removal of Tank 1 will inevitably compromise the integrity of Tanks 2 and Tank 3. It is also likely that the integrity of the remaining three tanks will be compromised. It is probable that the entire tank farm will require permanent decommission and replacement on project completion.

The site car wash pad is located so cars enter from the rear and exit onto the forecourt area. However, as a result of the CPO cars would now exit the car wash directly onto the public footpath and subsequent carriageway as a result it will be necessary to relocate the existing car wash. Given the existing site constraints and the fact that the site area will be significantly reduced due to Bus connect there is no available space onsite to relocate the carwash. The carwash facility would need to be removed from site due to the permanent land take.

4.5 Closure of the Business During Construction Stage

It is proposed to temporarily acquire the entire site during the construction stage. The reason for this is due to the fact that the fuel tanks and pipework, carrying large quantities of flammable substances would be too close to construction activity under Safety & Health legislation (publication APEA, 2011). It is predicted by the Designers that this phase of the works, from Old Connaught Avenue to Upper Dargle Road would be 9 months (ref. Chapter 5 EIAR). This is an extremely long period of time for the service station to be out of use. The closure of the service station will have a significant negative impact on the business in both the short and long term. The closure of the site will result in the diversion of trade to other businesses in the locality and some of these customers may never return.

**SUBMISSION REGARDING BUS CONNECTS DUBLIN CPO
ON BEHALF OF CIRCLE K BRAY SERVICE STATION**

Project Title:	BusConnects Dublin: Bray to City Centre Scheme CPO
Author:	Mr. Conor O'Brien ME Eng. MIEI
Approved & Checked:	Mr. Brian Loughrey BE CEng. MIEI
Date:	02/10/2023
Subject:	Submission to An Bord Pleanála
MHL Document Ref:	23117TT-Doc01 R02



5. Conclusion

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

- It is not clear if vehicles will be allowed to turn right into the service station as they currently do, following the completion of the scheme.
- The proposed land take will result in a significant loss of parking at the site which may lead to customers parking illegally and blocking the forecourt or carriageway.
- The permanent land take will greatly reduce the amount of open space available in the forecourt which presents a serious safety hazard in an area which is shared by both pedestrians and vehicles.
- Right turning vehicles into the site must now cross three lanes of opposing traffic and a footpath to access the site. This could lead to collisions between buses and traffic if visibility is impaired and between traffic and cyclists.
- The proposed bus stop in its current location will block sightlines for vehicles exiting the service station. This is a significant safety concern and could lead to collisions between vehicles exiting the service station and traffic on the road.
- The proposed permanent land take will result in the loss of significant infrastructure which is integral to the operation to the business. The infrastructure to be removed includes underground fuel storage tanks, three of the six existing fuel pumps, the existing canopy over the forecourt, the existing car wash, the existing display signage, underground fuel pipes and underground storm network pipes.
- It is proposed to temporarily acquire the entire site during the construction phase which is set to last for 9 months and therefore force a business closure. It may be difficult to recover this business post construction. A completely reconfigured site layout would be required, including reconfiguration of the building footprint.

McArdle Doyle

Chartered Engineers
Architectural Services
& Project Managers

Observation on Strategic
Infrastructure Development
Bray to City Centre Core Bus
Corridor Scheme and
Associated Compulsory
Purchase Order 2023

Circle K Service Station
Dublin Road
Bray,
Co Wicklow.

McArdle Doyle Ltd
Second Floor, Exchange Building

CONTENTS

1 Introduction 2

2 Regulatory Instrument..... 2

3 Objection to Permanent Land Take..... 2

4 Objection to Temporary Land Take..... 5

5 Conclusion..... 6

1 Introduction

Circle K, Bray Service Station is located on Dublin Road, Bray, Co Wicklow. The service station comprises of Four (4) fuel dispensing islands with five (5) fuel dispensers covered with a typical forecourt canopy, six (6) underground fuel storage tanks, car wash unit and retail facility building with convenience store. The service station has existed and traded in its current format for approximately 20 years. This report will set out the rationale behind our clients objection to take possession of lands on a permanent basis and temporary basis under CPO Order 2023 relating to Plot list: 1042(1).1c, relating to lands being permanently acquired and plot 1042(2).2c, being temporarily acquired.

2 Regulatory Instrument

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

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

3 Objection to Permanent Land Take

The permanent land take proposed under CPO Plot list 1042(1).1c will take between approximately 11m off the Northern road frontage of the site and 8.6m off the Southern road frontage with Dublin Road, Bray. The area of the permanent land take is 772.3m² or 37.4% of the effective service station land area. This land take will have considerable negative impact on the site as outlined below.

1) Removal of two Forecourt Fuel Dispensers

The three roadside fuel dispensers on enclosed drawing P2396.SK.01, are currently located 6.25m off the Dublin Road boundary within the permanent land take. The permanent land take will have the effect of removing the three roadside dispensers from the site. The site is too small to safely relocate these three fuel dispensers within the revised site boundary. The result of reducing the service station from five fuel dispensers to two fuel dispensers will reduce the service stations vehicle fuelling capacity by 60%. The result of forcing the sites current fuel sales through two fuel dispensers as opposed to the current configuration of five fuel dispensers will cause significant increased traffic congestion resulting in fuelling vehicles queuing back onto Dublin Road.

Reference Point 3, on accompanying drawing no. P2396.SK.001

The resultant traffic congestion will cause an unacceptable traffic hazard by generating queuing traffic onto the Dublin Road creating conflict and delay to both car vehicles and the proposed Bus Traffic which Bus Connects is designed to improve.

2) Impact on existing Underground Fuel Storage Tank

The current location of underground fuel storage Tank 1 (14,500L fuel capacity) is approximately 7.5m from the existing site boundary and within the permanent land take. To comply with the Dangerous Substances Regulation SI 630 this tank will have to be permanently decommissioned and removed. Tank 1 forms part of an overall tank farm of 6 no. tanks. These tanks are located within 150mm of each other and due to their installation date (in excess of 20 years) are encased in concrete. Due to this method of installation, it is our opinion that the removal of Tank 1 will inevitably

compromise the integrity of Tanks 2 (22,500L Unleaded Petrol) and Tank 3 (22,500L Unleaded Petrol). It is also our opinion that there is a very high probability that the integrity of the remaining three tanks i.e., Tank 4 (22,500L Unleaded Petrol), Tank 5 (13,700L Diesel) and Tank 6 (8,800L Diesel) will be compromised.

It is our opinion that the probability that the entire tank farm will require permanent decommission and replacement on project completion is very high.

Reference Point 6, on accompanying drawing no. P2396.SK.001

In our opinion it will be extremely difficult, if not impossible, to supply and install a new tank farm replicating the current fuel storage volume of 104,500L within the remaining site area in compliance with the current Dangerous Substances Regulation SI 630, 2019.

3) Impact on Tanker Deliveries

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

Reference Point 5, on accompanying drawing no. P2396.SK.001

As a result of the permanent land take boundary and on review of the site geometry that will exist post installation of the Bus Connect scheme we can find no design options where a fuel tanker can enter the site, park in a compliant manner and offload to the a new tank farm arrangement as is our opinion from Point 2 above.

4) Impact on Underground Fuel Pipework Infrastructure

The site utilises a suction type fuel pipe system. Fuel is drawn from pumps located at the base of the dispenser through a continuous pipe from the fuel tank. Each dispenser fuel grade is served by a 50mm internal diameter underground fuel pipe with one fuel pipe for each fuel grade at each dispenser.

Reference Point 7, on accompanying drawing no. P2396.SK.001

As a result of the permanent land take and considering Points 2 and 3 above the entire fuel pipe infrastructure for the site to include Fuel Tank vent pipework, Vapour Recover Stage 1b pipework, fuel lines, offset tank fill lines will all require replacement as a result of the works.

5) Forecourt Canopy

The existing forecourt canopy offering rain cover to fuel customers is supported by six columns located at each of the four fuel dispensers and the final two columns forming part of the service station building structure and Fabric. The current footprint of the forecourt canopy extends up to the existing site boundary. The required removal of the two roadside fuel islands will necessitate the demolition and removal of the

entire forecourt canopy as the current canopy is structurally dependant on the six stanchions.

Reference Point 4, on accompanying drawing no. P2396.SK.001

As a result of the permanent land take the entire forecourt canopy will require demolition and replacement. As the forecourt canopy and service station building and structurally interdependent, removal of the forecourt canopy will create significant structural impacts on the service station building.

6) Forecourt Stormwater and Contaminated Stormwater Drainage

The existing stormwater and contaminated stormwater system main drainage lines are routed through the proposed CPO permanent land take. Under the Dangerous Substances Regulations all contaminated Stormwater generated from the Service Station Forecourt and Tanker offloading area must drain through a 10,000L Class 1 interceptor located within the service station boundary. As a result of the permanent land take the main stormwater and contaminated stormwater main drainage lines will be *located* outside the site under the proposed footpath created as a result of the Bus Connects project.

Reference Point 8, on accompanying drawing no. P2396.SK.001

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

7) Car Wash

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

Given the existing site constraints and the fact that the site area will be significantly reduced '37%' due to Bus connect there is no available area onsite to relocate the carwash. The carwash facility will need to be removed from site due to the permanent land take.

8) Service Station Convenience Store

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

- A) Tank 5 and 6 which are compartments of the same tank structure are located within 2m of the Convenience store building foundations. As stated in Point 2, it is our opinion that the entire tank farm will be decommissioned and removed as part of the Bus Connect works relating to the Permanent land take. There is a high probability and risk that removal of these tanks which will require a 4m deep excavation which will undermine and structurally compromise the convenience store foundations without considerable sheet piling support works.

- B) The building structure also forms part of the Canopy structure which will be removed in its entirety as a result of the removal of the two roadside fuel islands. Refer to Point 5 above.

It is our opinion that the combination of structural impacts relating to tank farm removal and forecourt canopy removal will structurally compromise the convenience store building to the point where full demolition and reconstruction is required.

Permanent works summary.

It is our considered opinion that the following works are required as a consequence of the permanent works required to facilitate construction of the Bray Bus Connect project.

- a) Removal of three roadside dispensers.
- b) Removal of the forecourt canopy which will involve removal of the remaining two fuel pumps. Canopy removal will compromise the forecourt building structure.
- c) Decommission and removal of two underground fuel tanks, a consequence of which will be the removal of all tanks due to proximity and their interrelationship due to their concrete surround.
- d) Tank removal will undermine the forecourt building foundations.
- e) Forecourt Building will require demolition due to points 'b' and 'd' above.
- f) Total replacement of both the stormwater and contaminated stormwater sewer system.

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

4 Objection to Temporary Land Take

The temporary land take under CPO plot 1042(2).2c shows the entire service station site including the convenience store building being occupied as part of Bus Connects construction works. Our client objects to the temporary land take as follows:

- 1) Tank Decommission

As per our opinions on the consequences of the permanent land take it is also our opinion that the underground fuel storage tanks will require decommission and removal as a consequence of the temporary land take provision as follows.

No indication has been offered on how long the lands will be occupied as part of the temporary land take. Under the Dangerous Substances Act underground fuel storage tanks may be temporarily decommissioned and then brought back into service as part of a service station refurbishment works or maintenance requirements. The period of temporary decommission is at the discretion of the local Fire Authority but typically does not extend beyond 3 months. Assuming the temporary land take will force the facility to close for a period in excess of 3 months and considerably longer we anticipate that the existing underground fuel storage tanks will require permanent decommission, removal from site and replacement with new tanks at the end of the temporary land take CPO period.

It is reasonable to assume that the temporary land take will accommodate building contractor activity, material storage and potential contractor staff welfare facilities for Bus Connects construction. It is reasonable to state that any Health and Safety risk assessment of this activity would necessitate the removal of fuel explosive hazardous zones. As a result, the underground fuel storage tanks will require permanent decommission, removal from site and replacement with new tanks at the end of the temporary land take CPO period.

Our client objects to the fact that the fuel tanks will require permanent decommission and replacement as part of the Bus Connects temporary land take.

2) Convenience Store Use

The temporary land take includes the entire building footprint and therefore the retail building will be closed during Bus Connect works. It is our considered opinion as set out in the permanent land take issues above that the building will require demolition. Should the building not be demolished during the permanent works all sensitive equipment housed within the building which requires continuous use, will require full replacement upon return to Circle K. This includes fixtures and fittings to include, refrigeration equipment, cooking equipment, display equipment, point of sales equipment, fuel infrastructure monitoring equipment.

It is our opinion that the building will require demolition as part of the Bus Connects works. In the unlikely event that the building survived the works the entirety of all building fixtures and fittings would require replacement.

5 Conclusion.

Our client respectfully objects to the Bus Connects permanent and temporary land take proposed in this CPO due to the following technical and regulatory reasons:

- 1) The removal of three roadside fuel dispensers will reduce the site from five fuel dispensers to two fuel dispensers.
 - This will fundamentally damage the existing commercial performance of the site.

- Reducing the site to two functioning fuel dispensers will create traffic congestion forcing vehicles to queue back out onto Dublin Road causing unacceptable Road Safety issues for both vehicles wishing to use the facility and for Bus Traffic which the Bus Connects project is designed to prevent.
- 2) Underground Tank Removal.
- It is our opinion that the probability of the entire tank farm will requiring permanent decommission and replacement on project completion is very high.
 - In our opinion it will be extremely difficult, if not impossible, to supply and install a new tank farm replicating the current fuel storage volume of 104,500L within the remaining site area in compliance with the current Dangerous Substances Regulation SI 630, 2019.
- 3) Fuel Tanker Deliveries.
- As a result of the permanent land take boundary and on review of the site geometry that will exist post installation of the Bus Connect scheme, we can find no design option where a fuel tanker can enter the site, park in a compliant manner and offload to the a new tank farm arrangement.
- 4) Existing Underground Fuel Pipework.
- Existing underground fuel pipework will be located under the proposed public footpath as a result of relocating the site boundary c. 10m into the site. Underground fuel pipework cannot be located outside the perimeter of the site creating a noncompliance with the Dangerous Substances Act.
- 5) Forecourt Canopy.
- Relocation of the site boundary and removal of two fuel dispensers will require full demolition of the current forecourt canopy and construction of a new canopy.
- 6) Service Station Drainage.
- The proposed Bus Connects permanent land take will require full removal and replacement of the site stormwater and contaminated stormwater drainage systems.
- 7) Temporary Land Take Impact.
- In our opinion the temporary land take will exist for a period considerably beyond 3 months and it is therefore reasonable to assume that a temporary underground fuel tank decommission will not be appropriate. This would require the existing underground fuel storage tanks being permanently decommissioned and then replaced at the end of the temporary CPO period.
 - Health and Safety considerations relating to site construction activity within the temporary land take area will necessitate permanent fuel tank

decommission and ultimately tank replacement at the end of the temporary CPO period.

- It is our opinion that the building will require demolition as part of the Bus Connects works. In the unlikely event that the building survived the works the entirety of all building fixtures and fittings would require replacement.

It is our opinion that the compounding effects of all of the direct impacts on the Service Station site will ultimately **result in a full raze and rebuild of the service station on Bus Connects completion**. The rebuilt service station will be smaller in scale as the overall site area will reduce by 772m² from the existing site area of c. 2100m² (a c. 40% site effective area reduction) with significantly less fuel dispensing capacity.

It is our opinion that reducing the fuel dispensing capacity of the site will generate unacceptable and potentially unsafe traffic queuing beyond the site and onto the proposed Bus Connect Lane creating new traffic congestion issues that Bus Connects has been designed to remove from Dublin Road, Bray

This report has been prepared without prejudice and excludes the temporary or permanent commercial damage to the service station.

Report prepared by:



Ronnie McArdle
Msc, BEng, CEng, MIEI
McArdle Doyle
06th October 2023



REF	LEGEND	DESCRIPTION OF AREAS
1	[Light Blue Box]	TEMPORARY LAND TAKE UNDER CO-104 (1)(c)
2	[Yellow Box]	PERMANENT LAND TAKE UNDER CO-104 (2)(c)
3	[Diagonal Hatched Box]	1 NUMBER TIE DISPENSERS TO BE REMOVED AS PART OF THE PERMANENT LAND TAKE
4	[Dotted Hatched Box]	FORWARD CANYON TO BE REMOVED DUE TO BUS CONNECT WORKS
5	[Red Dotted Hatched Box]	INDICATES TIE NUMBER RELATING TO THE ENCLOSING CONCRETE WORKS
6	[Red Dotted Hatched Box]	TANK OF 16 TO BE DECOMMISSIONED & REMOVED FROM SITE AS HAZARDOUS ZONE WITH BUS CONNECT WORKS UNDERGOING TIE WORK. THE BUS CONNECT WORKS REMOVED & SERVICES AS TIE WORK MUST BE WITHIN SERVICE STATION SITE BOUNDARY
7	[Red Dotted Hatched Box]	SITE STORM WATER CONTAMINATED FROM WATER & FUEL TO BE REMOVED & REPAIRED WITHIN SITE BOUNDARY
8	[Red Dotted Hatched Box]	ALL OF THE ABOVE WORKS LISTED CREATED AS PART OF BUS CONNECTS LAND TAKE

- [Light Blue Box] TEMPORARY LAND TAKE AREA = 1096m²
- [Yellow Box] PERMANENT LAND TAKE AREA = 781m²
- [Red Dotted Hatched Box] - DORMING HAZARDOUS ZONE 0
- [Red Dotted Hatched Box] - DORMING HAZARDOUS ZONE 1
- [Red Dotted Hatched Box] - DORMING HAZARDOUS ZONE 2
- ① - DORMING DISPENSER NUMBERS

NOTES:
 1. THIS DRAWING IS MADE ON THE ASSUMPTION THAT THE CURRENT BUILDING REGULATIONS WILL BE IN FORCE AT THE TIME OF CONSTRUCTION.
 2. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS.
 3. THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 4. CONSULT THE DESIGNER FOR ANY CHANGES TO THIS DRAWING.
 5. CONSULT THE DESIGNER FOR ANY CHANGES TO THIS DRAWING.

Mearlde Doyle
 Chartered Engineer
 Architectural Services
 & Project Managers

CIRCLE K
 DUBLIN ROAD, CORK, GREAT BRAY, CO. WICKLOW

CIRCLE K

PROPOSED BUS CONNECTS LAND TAKE IMPACT

DATE: 08/11/23
 DRAWN BY: [Name]
 SCALE: 1:1000

ISSUED FOR INFORMATION

10/11/23