



An  
Bord  
Pleanála

## Inspector's Report ABP-317682-24

### Nature of Application

Kimmage to City Centre Core Bus  
Corridor Scheme Compulsory  
Purchase Order

### Location

Kimmage to City Centre Core Bus  
Corridor Scheme

### Planning Authority

Dublin City Council.

### Applicant

National Transport Authority

### Objectors

See Appendix 1

### Date of Site Inspection

14<sup>th</sup> & 15<sup>th</sup> November 2024, 2<sup>nd</sup>  
February 2025.

### Inspector

Fiona Fair

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## 1.0 Introduction

### Overview

- 1.1 This is an application by the National Transport Authority for confirmation by the Board of a Compulsory Purchase Order ('CPO'), entitled "Kimmage to City Centre Core Bus Corridor Scheme".
- 1.2 The Compulsory Purchase Order relates to the compulsory acquisition of rights over various lands along the R817 Kimmage Road Lower and the R137 Harold's Cross Road, Clanbrassil Street Upper and Lower and New Street South, with other elements between Sundrive Road and Mount Argus View, at the junction of Harold's Cross Road with Kenilworth Park, at the junction of Ravensdale Park and Poddle Park, and at the junction of Derravaragh Road and Corrib Road, all in the County of Dublin and within the Dublin City Council (DCC) administrative area, for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith.
- 1.3 The Route has an overall length of approximately 3.7 km consisting of three sections:

**Section 1** - Lower Kimmage Road from Kimmage Cross Roads (KCR) to the Junction with Harold's Cross Road, (at the northern end of Harold's Cross Park).

**Section 2** - Harold's Cross Road from Harold's Cross Park to Grand Canal; and

**Section 3** - Clanbrassil Street Upper and Lower and New Street from the Grand Canal to the Patrick Street Junction.

- 1.4 The proposed scheme commences at the Kimmage Cross Roads junction (Terenure Road West / Fortfield Road / Kimmage Road West) and proceeds along Kimmage Road Lower to Harold's Cross Park, Harold's Cross Road, crossing the Grand Canal at the junction with Parnell Road / Grove Road, continuing along Clanbrassil Street, and New Street South as far as the St Patrick's Street Junction.

- 1.5 The proposed scheme includes a parallel quiet street cycle route from Ravensdale Park to Mount Argus to the west of Kimmage Road Lower.
- 1.6 The CPO is made pursuant to the powers conferred on the National Transport Authority which is a designated road authority under Section 2(1) of the Roads Act 1993, as amended.
- 1.7 14 no. third party submissions and a submission from Dublin City Council were received after the first consultation period and 7 additional submissions were received after the second round of consultation which related to the NTA's response to submissions to the CPO.

## **2.0 Purpose of CPO**

- 2.1. The purpose of the CPO is to facilitate the undertaking of the development referred to as the 'Kimmage to City Centre Core Bus Corridor (CBC) Scheme'. It has an overall length of approximately 3.7km from end to end online with additional offline upgrades and quiet street treatment of approx. 1.1km.
- 2.2. The Quiet Street Cycle Route is proposed along Ravensdale Park, Poddle Park Road, Bangor Road, Blarney Park, Mount Argus Way, and Mount Argus View where it will re-join R817 Kimmage Road Lower.
- 2.3. The lands are located within Dublin City Council (DCC) administrative area. It is noted that a portion of the Kimmage Cross Roads (KCR) is located adjoining the administrative area of South Dublin County Council (SDCC).
- 2.4. The overall need for the proposed scheme is to respond to current deficiencies in the transport system. The population in Dublin is expected to rise by 25% by 2040 and the proposed project will cater for more sustainable travel patterns within the city. Without such interventions traffic congestion will lead to longer and less reliable bus journeys throughout the region and will affect the quality of people's lives. It is stated that the proposed scheme is needed because it will provide enhanced walking, cycling and bus infrastructure on this key access corridor in the Dublin region, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor.
- 2.5. The NTA have sent notices to affected Landowners, Lessee and Occupiers along the proposed route. Landowners, Lessee and Occupiers include: Dublin

City Council, Waterways Ireland, ESB, Eircom Limited, Ervia, Focus Ireland Housing Association CLG and private landowners. Some landowners are joint owners of a singular parcel of land, some are singular owners of multiple parcels of lands and some are joint/multiple owners of multiple parcels. All owners and associated parcels to be acquired are detailed in the document titled 'Kimmage to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order', submitted with the application.

## **2.6. Accompanying documents**

The application was accompanied by the following:

- Compulsory Purchase Order and Schedule thereto, dated 25<sup>th</sup> July 2023.
- Application cover letter.
- CPO Maps.
- Newspaper notices dated the 27<sup>th</sup> July 2023, the 14<sup>th</sup> of September 2023 and the 26<sup>th</sup> October 2023, Dublin Gazette and Irish Independent.
- Copy of site notices erected and details of specific locations erected along the route.
- Copy of notice sent to Landowners, Lessees and Occupiers.
- Copy of registered postal receipt for service of each CPO notice.

## **2.7. Format of CPO and Schedule**

The CPO states that the lands are required for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith.

- The lands described in Part I of the Schedule is land being permanently acquired,
- Lands described in Part II of the Schedule is land being temporarily acquired,
- Lands described in Part III (A) describe public rights of way to be extinguished,
- Lands described in Part III (B) describe public rights of way to be restricted or otherwise interfered with.
- Land described in Part IV (A) provide a description of private rights to be acquired.

- Land described in Part IV (B) provides a description of private rights to be restricted or otherwise interfered with,
- Land described in Part IV (C) describe private rights to be temporarily restricted or otherwise interfered with.

Temporary land takes are required to facilitate construction of the proposed scheme and will be returned to the landowner on completion of the scheme.

The lands described in the Schedule are stated to be lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.

The Schedule and all relevant Parts as aforementioned assigns an identification number to each plot of land and describes the quantity, type, townland, owner or reputed owner, lessee or reputed lessee and occupier of each plot, as relevant.

### **3.0 Site Location and Description**

3.1. The proposed scheme submitted under this application will comprise the construction of the Kimmage to City Centre Bus Corridor which has an overall length of approximately 3.7 km from end to end online with additional offline upgrades and quiet street treatment of approx. 1.1Km. The Proposed Scheme will be comprised of three sections, as set out above.

3.2. The Lower Kimmage Road from KCR to the Junction with Harold's Cross Road section is approximately 2.2km long and commences on Kimmage Road Lower at the KCR Junction with Kimmage Road West, Fortfield Road and Terenure Road West running in a north-easterly direction. Priority for buses will be provided along the entire length of this section of the Proposed Scheme. A secondary cycle route is also designated, running parallel to Kimmage Road Lower, along Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, a new cycle connection to Mount Argus Way and Mount Argus View where a steel boardwalk structure is proposed beside the River Poddle at the Stone Boat feature.

3.3. From Harold's Cross Road and Harold's Cross Park the route proceeds towards the Grand Canal at Robert Emmet Bridge for a distance of 400 metres. Priority

for buses will be provided along the entire length of this section of the Proposed Scheme, with retention and minor extension of the existing dedicated bus lanes along Harold's Cross Road. New segregated 1.5m wide cycle tracks are proposed in both directions along Harold's Cross Road. At the Grand Canal the route proceeds from Robert Emmet Bridge over the Grand Canal on Clanbrassil Street Upper and through to the Leonard's Corner Junction at South Circular Road, and then along Clanbrassil Street Lower and New Street South, until it reaches the junction with Kevin Street Upper and Patrick Street. At Robert Emmet Bridge over the Grand Canal, two new cycle/pedestrian bridge structures are proposed on either side of the existing arch bridge to provide footpaths and the northbound cycle track outside of the narrow bridge width. Priority for buses will be provided. New segregated cycle tracks will be provided in both directions along the full length of this section of the Proposed Scheme.

**Key improvements and Specific works include:**

3.4. The proposed scheme will make significant improvements to pedestrian and cycling facilities and to bus priority. Key changes that will be made to the existing corridor are the following:

- The proportion of segregated cycle facilities will increase from 3.2Km on the existing corridor to 4Km on the proposed scheme.
- The proportion of the route having bus priority measures will increase from 18% on the existing corridor to 100% on the Proposed Scheme.
- 7.4 km (two-way) of bus priority infrastructure and traffic management.
- Increase in bus priority from approximately 24% (citybound) and 6.5% (outbound) to 100% bus priority.
- 8.0 km (total both directions) of cycling infrastructure and facilities.
- No segregated cycling facilities are currently provided along the Proposed Scheme. This will increase to 100% in both directions with 47% being fully segregated, and the remainder on quiet streets, both within the Bus Gate section along Kimmage Road Lower, and along the parallel Poddle Cycleway.

- Two new footbridges over the Grand Canal in Portobello.
- A new pedestrian/cyclist boardwalk structure over the River Poddle in Kimmage between Sundrive Road and Mount Argus Way.
- Provision of new/refurbished pedestrian facilities and footpaths along the scheme and associated ancillary works.
- Provision of 12 junction upgrades and associated ancillary works.
- Provision of 29 new/refurbished raised table side entry facilities.
- Reconfiguration of existing bus stops resulting in 23 number new bus stop facilities.
- Public realm works including landscaping, planting, street furniture, street lighting, retaining walls, boundary walls and sustainable urban drainage (SUDs) measures.
- A total loss of 46 net parking / loading spaces.
- The benefits resulting from the 2028 AM Peak Hour people-movement assessment shows that there is an increase of 80% in the number of people travelling by bus, an increase of 8% in the number of people walking or cycling, and a reduction of 50% in the number of people travelling by car along the route of the Proposed Scheme.

3.5. The proposed scheme is broken into the following geographical sections:

- Section 1: Lower Kimmage Road from Kimmage Cross Roads to the Junction with Harold's Cross Road
- Section 2: Harold's Cross Road from Harold's Cross Park to Grand Canal
- Section 3: Clanbrassil Street Upper and Lower and New Street from the Grand Canal to the Patrick Street Junction.

**Section 1: Lower Kimmage Road from Kimmage Cross Roads to the Junction with Harold's Cross Road**

3.6. This section of the Proposed Scheme will be approximately 2.2km long and will commence on R817 Kimmage Road Lower at the KCR Junction with R818 Kimmage Road West, R817 Fortfield Road and R818 Terenure Road West. The Proposed Scheme will proceed along R817 Kimmage Road Lower in a north-eastern direction generally and will conclude at the junction with R137 Harold's Cross Road at the northern end of Harold's Cross Park.

Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with dedicated bus lanes in either direction over a length of 260m northbound, and 200m southbound from the KCR Junction to where a southern Bus Gate is proposed just north of the R817 Kimmage Road Lower and Ravensdale Park Junction. This Bus Gate will operate in tandem with Bus Gates at Harold's Cross Park to preclude through-traffic over the intervening 2km length of this section, to R137 Harold's Cross Road at Harold's Cross Park. The Bus Gates will operate at peak times to secure bus priority by deflecting through-traffic off this route, while ensuring enhanced amenity for local residents with the development of a quieter street (with existing parking arrangements unchanged) than currently exists. Local traffic access will be diverted via Sundrive Road on the western side or Larkfield Avenue on the eastern side.

3.7. The provision of the southern Bus Gate at the Ravensdale Park Junction will be complemented by a number of traffic management measures on adjoining residential streets to prevent through-traffic or 'rat-running' as follows:

- Near the southern Bus Gate, Poddle Park to the west will be closed to through traffic, except for cyclists, at the junction with Ravensdale Park.
- To the east of the southern Bus Gate, Derravaragh Road will be closed to through-traffic, except for cyclists, at the southern side of the junction with Corrib Road; and
- For southbound traffic diverted by the proposed southern Bus Gate, improvements will be made to the junction of R137 Harold's Cross Road and Kenilworth Park by way of the provision of a southbound right-turn to facilitate local access to R817 Kimmage Road Lower from the north. This will require adjustment to the junction for efficient traffic operation, and a westbound Bus Gate from Kenilworth Square will simplify the signal staging.

- 3.8. Segregated cycle tracks will be provided in either direction along the southern sub-section of the Proposed Scheme that precedes the Bus Gate at the Ravensdale Park Junction. After this point, the existing advisory cycle lanes will be retained and not altered, as the road conditions will be much enhanced as a result of the reduced general traffic restricted by the Bus Gate.
- 3.9. A secondary cycle route will also be designated, in parallel to R817 Kimmage Road Lower, along Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, cyclists will be able to proceed via a new connection to Mount Argus Way and Mount Argus View where a proposed steel boardwalk structure will be provided beside the River Poddle at the Stone Boat feature (as outlined in Section 4.6.8 and in Chapter 15 (Archaeological & Cultural Heritage)).
- 3.10. At Harold's Cross Park south, it will be necessary to remove the existing footpath on the northern side of the street adjoining the park over a length of 50m so as to accommodate road widening for two-way traffic on the access route between the proposed Bus Gates to Mount Jerome Cemetery and Mount Argus Road. Most pedestrians walk through the park when it is open during the day. At other times there is the alternative footpath along the southern side of the street. The alternative to this proposal would be to remove the five on-street parking spaces in front of houses for which there is no other parking available nearby.
- 3.11. Within the Bus Gates section along the R817 Kimmage Road Lower, the existing advisory cycle lanes will be retained, which is a deviation from the design guide that proposes segregated cycle tracks to be provided generally. In this context, the traffic volumes will be very low due to the Bus Gate and a 30 km/h (kilometres per hour) speed limit will apply, which will provide a context in which advisory cycle lanes are appropriate.

## **Section 2: Harold's Cross Road from Harold's Cross Park to Grand Canal**

- 3.12. This section of the Proposed Scheme will commence at the junction of R817 Kimmage Road Lower and R137 Harold's Cross Road at the northern end of Harold's Cross Park and will proceed north for a distance of 400m, to the Grand Canal at Robert Emmet Bridge.
- 3.13. Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with retention and minor extension of the existing dedicated bus lanes along R137 Harold's Cross Road. In the northbound direction, the existing bus lane will be extended by 60m to the stop line at the junction with R111 Parnell Road at the northern end. Left-turning general traffic will not be permitted in the bus lane, and there will be a separate signal stage for the bus only before the general traffic lane green signal. This will avoid any conflicts between left turning traffic from the right-hand lane that will cross in front of the bus lane. To accommodate this revised signal control arrangement, the existing right-turn movement into R111 Grove Road will be prohibited and all general traffic will use the right-hand lane only. The number of right-turning vehicles is low, and these can instead turn right at Leonard's Corner into R811 South Circular Road, 300m further north. It is likely that traffic from the Kimmage direction and further south will change route away from R817 Kimmage Road Lower due to the proposed Bus Gates and may instead join the orbital route along the Grand Canal further west at Clogher Road.
- 3.14. In the southbound direction, the existing bus lane will be extended by 35m at the northern end, and by 95m at the southern end so that there will be a continuous bus lane over the full 400m length.
- 3.15. New segregated 1.5m wide cycle tracks will be provided in both directions along R137 Harold's Cross Road. Wider 2m cycle tracks are not feasible in the constrained context of the street.
- 3.16. Between Harold's Cross Park and the entrance to Our Lady's Hospice (a distance of 85m) there is on-street parking in indented bays with 10 spaces on the western side in front of No. 66 to 84 Harold's Cross Road, and seven spaces on the eastern side in front of No.75 to 85 Harold's Cross Road. The existing 10 parking spaces on the western side of the street will be removed to accommodate the proposed northbound cycle track. The existing seven parking

spaces on the eastern side of the street will be retained. To compensate for the loss of the 10 on-street parking spaces, it is proposed to provide a new public car park with 22 spaces on the grounds of Our Lady's Hospice where there is a lawn area just inside the entrance. There will be a net additional 12 parking spaces available in this car park for the other residents along R137 Harold's Cross Road where there is a general shortage of parking in the local area.

- 3.17. To accommodate the proposed cycle tracks, road widening will be required of typically 2m over a length of 120m from the entrance to Our Lady's Hospice on the western side to the junction of Mount Drummond Avenue on the eastern side. There is a pinch-point between the hospice entrance and the gate of St. Clare's School on the opposite eastern side, where the distance between buildings is just 19m, and the public road width is 17.2m wide at the narrowest point. The proposed road cross-section will be 18m wide to include two 3m bus lanes, two 3m traffic lanes, two 2m footpaths and two 1.5m cycle tracks. Widening of approximately 0.8m will be required on the eastern side to achieve the 18m width. This will involve encroachment into a garden area at the front of a sheltered housing development operated by Focus Ireland, that is 2.6m wide at that location. It will also be necessary to set back the most northerly of the four gate pillars at the entrance to Our Lady's Hospice, which will be re-erected with the existing cut granite stone materials.
- 3.18. The proposed road widening will be on the eastern side of the street, north of St. Clare's School, with encroachment into the front gardens of 15 houses at No. 33 to 61 Harold's Cross Road and at the entrance to St. Clare's School. These houses are arranged in three terraces of four houses at each end, and a middle terrace of six houses, with the fifteenth property on the corner of Mount Drummond Avenue. The front gardens of the northern and southern terraces of houses are 5.5m long, and these will be reduced by the proposed 2m road widening to 3.5m long. The houses are set at a higher level at about 0.6m above the street level with a short set of steps on the path to the front door. There are no driveways, and residents with cars park on side streets nearby. Accommodation works will be required in the gardens behind the new boundary wall to provide replacement steps or ramps.

- 3.19. There is no on-street parking along this section of R137 Harold's Cross Road, north of Our Lady's Hospice, and this gives rise to difficulties for the residents to receive deliveries or for loading and unloading activities. To address this problem, it is proposed to provide an indented parking bay with four spaces in front of the middle terrace of houses at No. 43 to 53 Harold's Cross Road, which is setback from the adjoining terraces by an additional 3.5m, with 9m long front gardens. The parking bay will encroach by a further 2.5m into these gardens, which will be shortened by 4.5m to 4.5m long.
- 3.20. Four small street trees will be removed in the road widening on the eastern side and these will be replaced by a larger number of new trees at the proposed parking bay, and at the junction of Mount Drummond Avenue which will be narrowed at the corners to provide a shorter crossing for pedestrians, where four new on-street parking spaces will be provided in a revised junction layout with R137 Harold's Cross Road.
- 3.21. North of Mount Drummond Avenue, the existing road is wider at typically 20m wide between boundaries, which can accommodate the proposed 18m wide cross-section, with wider footpaths of up to 3m. This additional space will enable an Island Bus Stop to be provided.
- 3.22. The street width reduces to 18m at the junction of Armstrong Street, 60m south of the junction with the R111 on Parnell Road and Grove Road at the Grand Canal. It narrows further to less than 18m over the final 20m to the corner of R111 Parnell Road, where road widening is proposed with encroachment into the garden space at the Fottrell House office building on the south-western side of the junction.
- 3.23. The Proposed Scheme has been designed in accordance with the PDGB (NTA 2021) (refer to Appendix A4.1 in Volume 4 of the EIAR) and the TII publications referenced within the PDGB. However, at a number of constrained locations across the Proposed Scheme, the width of the cross-sectional elements has been designed below the desirable minimum identified in the PDGB (as outlined in Section 4.6.1). Most notable, the width of cycle tracks on the R137 Harold's Cross Road have been reduced to 1.5m generally and 1.2m over short lengths to fit within the constrained road width.

### **Section 3: Clanbrassil Street Upper and Lower and New Street from the Grand Canal to the Patrick Street Junction**

3.24. Section 3 of the Proposed Scheme will be approximately 1km long and will commence at Robert Emmet Bridge over the Grand Canal on R137 Clanbrassil Street Upper and will proceed through to the Leonard's Corner Junction at R811 South Circular Road, and then along the R137 on Clanbrassil Street Lower and New Street South, until it reaches the junction with R110 Kevin Street Upper and R137 Patrick Street.

3.25. At Robert Emmet Bridge over the Grand Canal, two new cycle / pedestrian bridge structures are proposed on either side of the existing arch bridge to provide footpaths and the northbound cycle track outside of the narrow bridge width.

3.26. Priority for buses will be provided mainly with dedicated bus lanes for most of the length, apart from short sections where bus lanes cannot be accommodated within the narrow street and signal controlled bus priority will be provided at the key junction of Leonard's Corner on R811 South Circular Road.

3.27. New segregated cycle tracks will be provided in both directions along the full length of this section of the Proposed Scheme.

3.28. The proposed scheme has been designed in accordance with PDGB (NTA 2021) and the TII publications referenced within the PDGB. However, it is notable that cycle tracks are reduced to 1.5m wide over 500m length from the Grand Canal to St. Patrick's Court / Lombard Street West (R137 Clanbrassil Street Road Upper and Lower) to fit in the constrained space available in the street.

#### **Construction Phase**

3.29. The Construction Phase for the Proposed Scheme is anticipated to take approximately 18 months to complete. It will be constructed based on individual sectional completions that will individually have shorter durations typically ranging between 3 to 15 months. Various amounts of third-party lands will be required to be compulsorily acquired along the entirety of the route to facilitate the proposed development. Three Construction Compounds for the Proposed Scheme will be located at the following sites:

- Construction Compound K1 at Sundrive;
- Construction Compound K2 at Our Lady's Hospice; and
- Construction Compound K3 at St. Patrick's Court on Clanbrassil Street Lower.

3.30. Construction Compounds will be used as the primary location for the storage of materials, plant and equipment, site offices, worker welfare facilities and limited car parking. The Construction Compounds will be secured to ensure the safe storage of all on-site materials and machinery. Temporary fencing will be erected, and site security will be employed.

#### 4.0 Planning History

4.1. There are a significant number of planning applications along the route which include large residential, domestic residential such as alterations to existing houses, commercial development and telecommunication infrastructure etc, a full list is provided by the applicant within Appendix 2 of the Planning Report document submitted with the application. Of relevance to this scheme and including a number referred to by Dublin City Council within their submission to the application is the following:

**ABP Ref. 311691/ Reg. Ref 2769/21 - 348 Harold's Cross Road, Dublin 6W, formerly known as 'Kenilworth Motors, Permission Granted on 01/07/2022 for Demolition of buildings and certain boundary walls, construction of building comprising 52 apartments, communal residential amenities, alterations to the layout of Laundry Lane and associated site works.**

**Reg. Ref. 2825/17 / PL29S.30031 (SHD) Former Saint Clares Convent and nos. 115-119 Harolds Cross Road, Dublin 6. Permission Granted on 12/04/2018** for an increase of no. of apartment units from 156 to 172 via internal reconfiguration with balcony relocation, extra parking, bicycle spaces & all associated site works. The application lodged with the planning authority indicates proposals for three replacement apartment blocks for the three previously permitted blocks (E, F and G) (P.A. Reg. Ref. 2085/15 /PL 29S 245164 refers.) These three permitted blocks within the site subject of the application are four storey apartment blocks located in the north east, east and southern areas the existing buildings being in clustered in the west and north west within the site.

**ABP Ref. 305695-19 / Reg. Ref. 3026/19 Classic Cinema Site, at Harolds Cross Road, Dublin 6W. Permission Granted on 02/03/2020** for Demolition of buildings on site, construction of a mixed-use development of retail, offices and 91 dwelling units.

**Reg. Ref. 4735/18 126-128 Harold's Cross Road, Dublin 6W Planning**

**Permission granted on 20 August 2019** for the demolition of existing buildings and structures on site, with the exception of the front facade of no. 126 Harold's Cross Road; Construction of an infill residential development of 34 no. apartments with associated balconies/terraces comprising 18 no. 2 bedroom units, 11 no. 1 bedroom units and 5 no. studio units in 2 no. blocks (Block 1 & Block 2). Basement level to accommodate 30 no. car parking spaces, bicycle parking, refuse store and plant; Landscaped courtyard at ground floor podium level; Vehicular access from Harold's Cross Road, via 2 no. mechanised car lifts located in Block 2; All ancillary site development works, boundary treatment works and services.

**Reg. Ref. 4729/18: Site at no. 280-288 Harold's Cross Road. Permission granted on the 30.08.2019 for demolition of all buildings on site** including the 3 storey public house and single storey retail units; Construction of a 3-6 storey over basement mixed use building to accommodate a ground floor retail unit (c. 339m<sup>2</sup>) fronting Harold's Cross Road and 74 no. apartments at ground to fifth floors with associated balconies, comprising 5 no. studios, 29 no. 1-bed, 31 no. 2-bed and 9 no. 3-bed units; Ramped vehicular access from Harold's Cross Road; Basement level accommodating 35 no. car parking space, bicycle parking, refuse stores and plant rooms; Landscaping, boundary treatments, retail signage, bicycle parking and all associated works.

**Reg. Ref. 3420/21 126-128 Harold's Cross Road, Dublin 6W Planning Permission granted on 09/02/2023** for modifications to the previously approved permission DCC Reg Ref. 4735/18 - ABP 304552-19. Modifications are to include the addition of 6 no extra units achieved by way of an additional floor to the previously granted block 1, bringing the proposed height of the building from 5 storey to 6 storey and increasing the total units in the proposed development from 34 no. units (4 no. studio, 14 no. one bed, 13 no. two bed) up to 40 no. apartment units (4 no. studio, 17 one bed, 16 no. two bed). No modifications to block 2 are proposed from the scheme outlined in DCC Reg. Ref. 4735/18 - ABP-304552-19. No modifications to the no. of bicycle parking spaces (70 no.) and car parking spaces (30 no.) or basement layout are proposed. All associated signage, site works, drainage, street lighting and landscaping are as per the previously granted scheme.

**Reg. Ref. 2851/21 / ABP-311174-21 Former Harold's Cross Greyhound Stadium, Harold's Cross, Dublin 6. Planning Permission Granted on 30/03/2022 for** Demolition of existing stand, pavilion building, other outbuildings and entrance gates from Harold's Cross Road. New school campus consisting of

- 1 no. 2 storey, 16 classroom primary school and 2 no. classroom Special Education Needs Unit, general purpose hall and ancillary facilities. The building is to have a stated gross floor area of 3308 sq. m

- 1 no. part 4 storey 1000 pupil post primary school with 4 no. classroom Special Education Needs Unit. The building is to have a stated gross floor area of c.11,576 sq.m including a P.E. Hall, general purpose hall and ancillary facilities.
- 1 no. single storey bin storage.
- Ancillary works and facilities.

**Reg. Ref. 2712/21 / ABP 310947-21 153-155, Harold's Cross Road, Dublin 6W (formerly known as Michael Grant Motors) Permission Granted on the 23/05/2022 for** demolition of former car showroom and garage and construction of 38 no. build to rent apartments.

**Reg. Ref. 3619/20 Site at 39, 40, 41, 42 & 42A, Clanbrassil Street Upper, Dublin 8 Planning permission granted** for 1.) The demolition of existing buildings, structures and hardstanding areas on site except for the existing front part of the 2-storey take-away restaurant building (vacant) at 39 Clanbrassil Street Upper; 2.) The construction of a mixed-use development of 28 no. apartments with associated balconies/terraces comprising 17 no. 1 bedroom units & 11 no. 2 bedroom units and 2 no. commercial units located in 2 no. blocks (Block 1 & Block 2); Landscaped courtyard at ground floor level and roof terrace above third floor level in Block 2; Construction of new surface finishes and hard and soft landscaping to increased width Garden Terrace pedestrian laneway to the north; All ancillary site development works, plant areas, refuse storage areas, bicycle storage areas, boundary treatment works and services.

## **Reg. Ref. 4249/22 Site at 39 Clanbrassil Street Upper, Dublin 8 Planning**

**permission granted** for change of use for the front part of the existing 2 storey take-away restaurant building (vacant). The application seeks modifications to Block 1 of the previously granted permission DCC Reg. Ref. 3619/20 {ABP-309667-21}. Block 1 comprised of a part 2 storey/ part 2 storey plus pitched roof building at 39 Clanbrassil Street Upper accommodating 1 No. take-away restaurant unit at ground & 1st floor level {including existing structure fronting onto Clanbrassil Street Upper} and 4 No. apartments (4 No. 2 Bedroom 2 storey own-door duplex apartment units) extending along Orr's Terrace. The modifications seek change of use of previously granted take-away restaurant use to residential use to provide 1 No. Duplex Studio over ground and first floor. The proposed works include removal of existing signage and provision of a new entrance door to the front. All with associated bin store, bicycle store, and associated site works

### **5.0 Overview of submissions**

5.1. Fourteen no. third party submissions have been received in relation to the CPO of lands and a submission was also received from Dublin City Council. They are summarised hereunder in Appendix 1 of this report, 2 of which requested an Oral Hearing.

5.2. In relation to the content of the submissions it is of note that many issues raised are common to all of the submissions. Individuals do not wish to have road infrastructure brought closer to their properties, loss of on street parking for both private residences and businesses is a concern. Impact upon trees, impact of bus gates, impact to biodiversity. Individuals are concerned that the proposed development will materially alter how their property functions, loss of privacy and will be exposed to higher levels of both noise and air pollution. Two submissions raise concern with respect to relocation of a bus stop on Greenmount Close, two submissions are concerned with respect to CPO of lands at the entrance to our Lady's Hospital, the location of construction compounds is raised, as is bridge widening works to facilitate new pedestrian and cycling structures at Robert Emmet Bridge. Concern is raised to the proposed cyclepath from Sundrive Road through Mount Argus Square / estate over the River Poddle. Concern is raised with respect to impact upon Dawn Lane Limited / Mullen Scrap at 31 Upper

Clanbrassil Street and Gordon Fuels 32A Upper Clanbrassil Street – front of No. 29,30, 31 and 32 Clanbrassil, concern centers on impact upon properties and access, lack of detail incl. design, drawings, detailed plans, elevations and levels. See summary set out in Appendix 1 of this report.

5.3. All such matters have been examined in detail within the planning application report ref: ABP317660-23 and I refer the Board to this report. I will examine the relevant concerns raised in relation to the assessment of the CPO in terms of community need, compliance with the development plan, proportionality and necessity of level of acquisition proposed, alternatives and suitability of lands.

5.4. I note that the NTA responded to the issues raised and such responses will be examined in the context of submissions within the assessment section of this report hereunder. However, it is important to note that this response was then recirculated to third parties and an additional seven responses were received. Responses related to impact upon Mount Argus Square and the proposed Boardwalk, constitutional property rights of Dawn Lane Limited and access and impact upon Mullen Scrap recycling business, impact upon Gordon's Fuel's business at Clanbrassil Street Upper, Bus gate hours of operation and number, cycle paths, footbridges and drainage, impact upon Our Lady's Hospice and Religious Sisters of Charity lands on Harolds Cross Road, construction compound locations and conflict between cars and cyclists. The additional observations are summarised in Appendix 1 of this report under the relevant observer.

## **6.0 Policy Context**

### **European**

#### **6.1. Sustainable and Smart Mobility Strategy 2020 (EU Commission 2020)**

The Smart and Mobility Strategy is part of the EU Green Deal and aims to reduce transport emissions by 90% until 2050. The Commission intends to adopt a comprehensive strategy to meet this target and ensure that the EU transport sector is fit for a clean, digital and modern economy. Objectives include:

- increasing the uptake of zero-emission vehicles
- making sustainable alternative solutions available to the public & businesses

- supporting digitalisation & automation
- improving connectivity & access.

## **6.2. European Green Deal (EDG) 2019**

The European Commission has adopted a set of proposals such as making transport sustainable for all, to make the EU's climate, energy, transport and taxation **policies fit for reducing net greenhouse gas emissions by at least 55% by 2030**, compared to 1990 levels.

## **6.3. Towards a fair and sustainable Europe 2050: Social and Economic choices in sustainability transitions, 2023.**

This foresight study looks at sustainability from a holistic perspective but emphasises the changes that European economic and social systems should make to address sustainability transitions. The EU has committed to sustainability and sustainable development, covering the three dimensions (environmental, social and economic) of sustainability. Transport is identified as an area of opportunity to increase the speed of a cultural shift towards sustainability. The provision of well planned, affordable or free public transport system and bicycle lanes are encouraged.

## **National**

## **6.4. National Sustainable Mobility Policy, 2022**

The purpose of this document is to set out a strategic framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in carbon emissions by the end of this decade.

A key objective of the document is to expand the bus capacity and services through the BusConnects Programmes in the five cities of Cork, Dublin, Galway, Limerick and Waterford; improved town bus services; and the Connecting Ireland programme in rural areas.

## **6.5. National Sustainable Mobility Policy Action Plan 2022-2025**

BusConnects is identified as a key project to be delivered within 2025.

## **6.6. Permeability in Existing Urban Areas Best Practice Guide 2015**

Among the priorities of the National Transport Authority (NTA) are to encourage the use of more sustainable modes of transport and to ensure that transport considerations are fully addressed as part of land use planning. This guidance demonstrates how best to facilitate demand for walking and cycling in existing built-up areas.

#### **6.7. Department of Transport National Sustainable Mobility Policy on 7th April 2022.**

The plan, prepared by the Department of Transport, includes actions to improve and expand sustainable mobility options across the country by providing safe, green, accessible and efficient alternatives to car journeys.

- United Nations 2030 Agenda

#### **6.8. Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020**

This is a government document that was prepared in the context of unsustainable transport and travel trends in Ireland. The overall vision set out in this policy document is to achieve a sustainable transport system in Ireland by 2020.

To achieve this the government set out 5 key goals

- (i) to reduce overall travel demand,
- (ii) to maximise the efficiency of the transport network,
- (iii) to reduce reliance on fossil fuels,
- (iv) to reduce transport emissions and
- (v) to improve accessibility to transport.

To achieve these goals and to ensure that we have sustainable travel and transport by 2020, the Government sets targets, which include the following:

- 500,000 more people will take alternative means to commute to work to the extent that the total share of car commuting will drop from 65% to 45%

- Alternatives such as walking, cycling and public transport will be supported and provided to the extent that these will rise to 55% of total commuter journeys to work.

## **6.9. National Planning Framework Project Ireland 2040**

The National Policy Position establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050,

Managing the challenges of future growth is critical to regional development. A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.

### National Strategic Outcome 4

- NSO 4 - Dublin and other cities and major urban areas are too heavily dependent on road and private, mainly car based, transport with the result that our roads are becoming more and more congested. The National Development Plan makes provision for investment in public transport and sustainable mobility solutions to progressively put in place a more sustainable alternative. For example, major electric rail public transport infrastructure identified in the Transport Strategy for the Greater Dublin Area to 2035, such as the Metro Link and DART Expansion projects as well as the BusConnects investment programme, will keep our capital and other key urban areas competitive.
- Deliver the key public transport objectives of the Transport Strategy for the Greater Dublin Area 2016-2035 by investing in projects such as New Metro Link, DART Expansion Programme, BusConnects in Dublin and key bus-based projects in the other cities and towns.

## **6.10. National Development Plan 2021-2030**

The NDP Review contains a range of investments and measures which will be implemented over the coming years to facilitate the transition to sustainable mobility. These measures include significant expansions to public transport options, including capacity enhancements on current assets and the creation of new public transport links through programmes such as Metrolink.

The NDP recognises Busconnects as one of the Major Regional Investments for the Eastern and Midland Region and this scheme is identified as a Strategic Investment Priority within all five cities.

Over the next 10 years approximately €360 million per annum will be invested in walking and cycling infrastructure in cities, towns and villages across the country.

Transformed active travel and bus infrastructure and services in all five of Ireland's major cities is fundamental to achieving the overarching target of 500,000 additional active travel and public transport journeys by 2030. BusConnects will overhaul the current bus system in all five cities by implementing a network of 'next generation' bus corridors including segregated cycling facilities on the busiest routes to make journeys faster, predictable and reliable.

Over the lifetime of this NDP, there will be significant progress made on delivering BusConnects with the construction of Core Bus Corridors expected to be substantially complete in all five cities by 2030.

#### **6.11. National Investment Framework for Transport in Ireland, 2021**

One of the key challenges identified within this document relates to transport and the ability to maintain existing transport infrastructure whilst ensuring resilience of the most strategically important parts of the network. Population projections are expected to increase into the future and a consistent issue identified within the five cities of Ireland is congestion. Given space constraints, urban congestion will primarily have to be addressed by encouraging modal shift to sustainable modes.

Within the cities, frequent and reliable public transport of sufficient capacity and high-quality active travel infrastructure can incentivise people to travel using sustainable modes rather than by car.

Bus Connects is identified as a project which will alleviate congestion and inefficiencies in the bus service. The revised NDP 2021- 2030 sets out details of a new

National Active Travel Programme with funding of €360 million annually for the period from 2021 to 2025. A new National Cycling Strategy is to be developed by the end of 2022, and will map existing cycling infrastructure in both urban and rural areas to inform future planning and project delivery decisions in relation to active travel.

#### **6.12. Design Manual for Urban Roads and Streets, 2019**

This Manual provides guidance on how to approach the design of urban streets in a more balanced way. To encourage more sustainable travel patterns and safer streets, the Manual states that designers must place the pedestrian at the top of the user hierarchy, followed by cyclists and public transport, with the private car at the bottom of the hierarchy. The following key design principles are set out to guide a more place-based/ integrated approach to road and street design.

- To support the creation of integrated street networks which primate higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.
- The promotion of multi functional, placed based streets that balance the needs of all users within a self regulating environment.
- The quality of the street is measured by the quality of the pedestrian environment.
- Greater communication and communication and cooperation between design professionals through the promotion of a plan-led multidisciplinary approach to design.

The manual recommends that bus services should be directed along arterial and link streets and that selective bus detection technology should be considered that prioritises buses. It is noted that under used or unnecessary lanes can serve only to increase the width of carriageways (encouraging greater speeds) and can consume space that could otherwise be dedicated to placemaking /traffic calming measures.

#### **6.13. Climate Action Plan 2024**

- The Climate Action Plan (CAP24) sets out a roadmap to halve emissions by 2030 and reach net zero by 2050. CAP24 is the third annual update to Ireland's Climate Action Plan 2019 and the second to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. These national targets align with Ireland's obligations under EU and international treaties, most notably the Paris Agreement (2015) and the European Green Deal (2020)
- Citizen engagement and a strengthened social contract between the Government and the Irish people will be required around climate action. Some sectors and communities will be impacted more than others. A just transition is embedded in CAP24 to equip people with the skills to benefit from change and to acknowledge that costs need to be shared. Large investment will be necessary through public and private sectors to meet CAP24 targets and objectives.
- The electricity sector will help to decarbonise the transport, heating and industry sectors and will face a huge challenge to meet requirements under its own sectoral emissions ceiling. CAP24 reframes the previous pathway outlined in CAP21 under the Avoid-Shift-Improve Framework to achieve a net zero decarbonisation pathway for transport. This is a hierarchical framework which prioritises actions to reduce or **avoid** the need to travel; **shift** to more environmentally friendly modes; and **improve** the energy efficiency of vehicle technology.
- Road space reallocation is a measure outlined under both 'avoid' and 'shift' to promote active travel and modal shift to public transport. It is recognised that road space reallocation can redirect valuable space from on-street car-parking and public urban roadways to public transport and active travel infrastructure (such as efficient bus lanes, and more spacious footpaths and segregated cycle-lanes), whilst also leading to significant and wide-scale improvements in our urban environments. A National Demand Management Strategy is being developed with the aim of reducing travel demand and improving sustainable mobility alternatives.
- The major public transport infrastructure programme set out in the NDP sets out significant investment in new public transport infrastructure is required to deliver on our carbon emissions reduction targets, and to provide people with the sustainable alternatives to private car usage. Major public transport projects and programmes that are being progressed under the National Development Plan

include MetroLink, DART+, BusConnects programmes in all five cities and commuter rail programmes in Cork and Limerick, which have been progressing through major delivery milestones.

- With respect to BusConnects Dublin, the programme as well as the procurement strategy for Next Generation Ticketing has significantly advanced, with five phases of the Network Redesign now live, with significant uplift in passenger numbers observed on these routes. Twelve planning applications have been lodged with An Bord Pleanála since April 2022 in respect of the Core Bus Corridor infrastructure to be delivered in the course of subsequent phases.
- Meeting our 2030 transport abatement targets will require transformational change and accelerated action across the transport sector. Key targets to remain within the sectoral emissions ceiling include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fossil fuel usage, a significant behavioural shift from private car usage to increase the total share of journeys undertaken by walking, cycling or public transport, and continued electrification of our vehicle fleets. While fleet electrification and the use of renewable transport fuels will continue to provide the greatest share of emissions abatement in the medium term, we will continue to expand our walking, cycling and public transport networks in order to reorient our transport systems to a more sustainable basis and to facilitate widespread behavioural change to a healthier, safer, and more people-focused vision for transport. We will continue to pursue policy measures that promote greater efficiency in our transport system, allied with significant investment in sustainable alternatives, incentives and regulatory measures to promote the accelerated take-up of low carbon technologies.

#### **6.14. Climate Action and Low Carbon Development Act 2015 (as amended)**

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade.

Section 15(1) of the 2015 Act (as substituted by section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021 (the “2021 Act”)) provides that:

*“A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*

- (a) the most recent approved climate action plan,*
- (b) the most recent approved national long term climate action strategy,*
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- (d) the furtherance of the national climate objective, and*
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.”*

## **Regional**

### **6.15. Regional Spatial Economic Strategy for the Eastern and Midlands Region**

- Chapter 5 Dublin Metropolitan Area Strategic Plan (MASP)
  - The MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area that sets out a vision for the future growth of the metropolitan area and key growth enablers.
  - Section 5.3 Guiding Principles for the growth of the Dublin Metropolitan Area - Integrated Transport and Land use which seeks to focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘**BusConnects**’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.
  - MASP Sustainable Transport RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
  - RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling)

and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

- Section 5.6 Integrated Land use and Transportation-
  - Key transport infrastructure investments in the metropolitan area as set out in national policy include:
  - Within the Dublin Metropolitan Area, investment in bus based public transport will be delivered through BusConnects, which aims to overhaul the current bus system in the Dublin metropolitan area, including the introduction of Bus Rapid Transit.
- Chapter 8 Connectivity
  - Section 8.4 Transport Investment Priorities:
    - Within the Dublin Metropolitan Area, investment in bus infrastructure and services will be delivered through BusConnects.
  - Section 8.5 International Connectivity:
    - RPO 8.18: Improved access to Dublin Airport is supported, including Metrolink and improved bus services as part of BusConnects, connections from the road network from the west and north. Improve cycle access to Dublin Airport and surrounding employment locations. Support appropriate levels of car parking and car hire parking.

## **Transport Strategy for the Greater Dublin Area 2022-2042**

6.16. The 2022-2042 Transport Strategy sets out a framework for investment in transport infrastructure and services in the Greater Dublin Area (GDA) up to 2042. The Transport Strategy recognises a wide range of challenges for transport underpinned by climate change; the Covid 19 pandemic; servicing the legacy development patterns; revitalising city and town centres; transforming the urban environment; ensuring universal access; serving rural development; improving health and equality; fostering economic development; and delivering transport schemes.

6.17. The overall aim of the Transport Strategy is “to provide a sustainable, accessible and effective transport system for the Greater Dublin Area which

meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.”

- 6.18. Chapters 10, 11 and 12 of the Transport Strategy address walking, accessibility, and the public realm; cycling and personal mobility vehicles; and public transport respectively, and these sections relate both directly and indirectly to the proposed BusConnects programme.
- 6.19. Chapter 12 sets out the strategy for an overall public transport system for the region, central to which is the delivery of a comprehensive bus network, based on enhanced level of service and much greater on-street priority. Section 12.2.2 of the Transport Strategy notes that BusConnects Dublin comprises a range of elements including approximately 230km of radial bus priority and 200km of cycle routes, a new bus service network, new bus stops and shelters, low/zero emissions bus fleet, new park and ride interchanges, and a revised fare structure. The Proposed Scheme is one of 12 radial schemes being brought forward under this programme to facilitate faster and more reliable bus journeys on the busiest bus corridors in the Dublin region. Key elements of the Cycle Network Plan will also be delivered along these corridors. The following measures in the Transport Strategy relate to the roll out of BusConnects:
- 6.20. BUS1 – Core Bus Corridor Programme: Subject to receipt of statutory consents, it is the intention of the NTA to implement the 12 Core Bus Corridors as set out in the BusConnects Dublin programme.
- 6.21. BUS2 – Additional Radial Core Bus Corridors: It is the intention of the NTA to evaluate the need for, and deliver, additional priority on radial corridors.
- 6.22. BUS3 – Orbital and Local Bus Routes: It is the intention of the NTA to provide significant improvements to orbital and local bus services in the following ways:
- 6.23. Increase frequencies on the BusConnects orbital and local bus services; and
- 6.24. Providing bus priority measures at locations on the routes where delays to services are identified.
- 6.25. A new Dublin area bus service network will be arranged on the basis on spines radiating from the city centre, orbitals around the city, other city bound routes, local routes, peak only services, and express routes. Periodic review will

take place to implement appropriate additions or adjustments to the overall bus system.

6.26. With respect to walking, accessibility, and the public realm, it is recognised in the Transport Strategy that better urban design and placemaking will encourage more people to walk, cycle or use public transport. Specific measures are outlined to incorporate a high standard of urban design and placemaking into major public transport infrastructure schemes and walking and cycling projects, taking account of architectural heritage (PLAN14 and PLAN15 of the Transport Strategy refer). Furthermore, measure PLAN16 seeks the reallocation of road space to prioritise walking, cycling and public transport use and the placemaking functions of the urban street network. Other specific measures relating to walking, accessibility and public realm include Measure WALK2 – Improved Footpaths; Measure WALK4 – Improved Junctions; Measure WALK6 – Crossing Points; Measure WALK8 – Traffic-Free Streets and Pedestrianisation; and Measure WALK9 – regarding those with disabilities or mobility impairments.

6.27. In terms of cycling and personalised mobility vehicles, it is the intention of the NTA and the local authorities to deliver a safe, comprehensive, attractive, and legible cycle network in accordance with the updated Greater Dublin Area Cycle Network (Measure CYC1 of the Transport Strategy refers). It is noted that some of the cycle provision included in BusConnects schemes examines the appropriateness of emerging international approaches to design standards. As the number of cyclists grows, the requirement to ensure that cyclists can travel unimpeded along their entire journey becomes critical and this needs to be reflected in how cycle infrastructure and other traffic is managed. This is reflected in the Transport Strategy through Measure CYC2 – Cycle Infrastructure Design; Measure CYC3 – Extended Hours of Operation of Cycle Infrastructure; and Measure CYC4 – Maintenance of Cycle Infrastructure.

6.28. Chapter 17 provides the outcomes and how the Strategy contributes to an enhanced natural and built environment (consolidated development, public realm and placemaking, reduced impacts of traffic, improved air quality and noise levels); how the Strategy leads to more connected communities and better quality of life (enhanced community interaction, high quality public transport coverage); how the Strategy contributes to a strong and sustainable economy;

and how the Strategy fosters an inclusive transport system (equality, health and access to jobs).

### **Greater Dublin Area Cycle Network Plan**

6.29. The updated Greater Dublin Area Cycle Network Plan, 2022, is published alongside the Transport Strategy. Cycle facilities proposed under BusConnects will contribute towards the intention of the NTA and local authorities to deliver a safe, comprehensive, attractive and legible cycle network in accordance with the updated Greater Dublin Area Cycle Network.

6.30. The 2013 Greater Dublin Area Cycle Network Plan included one primary cycle route along the Proposed Scheme (Cycle Route 9A (Harolds Cross Road from south of Kimmage Cross Roads (KCR) to the Grand Canal). In terms of the need to improve facilities for cyclists, as referenced in Section 2.2.1.4, as part of the GDACNP 2013, there are two primary radial cycle routes (radial cycle routes 9 and 9B) and one primary orbital cycle route (N10), as well as three secondary orbital cycle routes (including S01, S02, S03) along the route of the Proposed Scheme.

6.31. The updated 2022 GDA Cycle Network Plan shows the CBC as a primary radial cycle route from south of KCR along Harolds Cross Road to city centre and a secondary route along Kimmage Road Lower. A number of feeder routes intersect with the CBC at Leinster Road, Mount Drummond Avenue, Mount Argus Road, Aideen Avenue and Poddle Park.

6.32. The Proposed Scheme will help to deliver the Cycle Network through installation of cycle tracks and safer junctions, many of which are located at intersections with other routes in the network e.g. the proposed scheme crosses and will tie in with the Dodder Greenway cycle route at Robert Emmet Bridge. In addition to the above, an alternative cycle facility identified as a 'Feeder' Route in the 2022 GDA Cycle Network Plan – Dublin City Centre will be provided along Poddle Park and Via Mount Argus Way and Mount Argus View. As stated above the main cycle route proposed along Kimmage Road Lower is a 'Secondary' Route.

## **Cycle Design Manual, September 2023**

- 6.33. The Cycle Design Manual 2023 replaced the previous 2011 National Cycle Manual and draws on the experience of cycle infrastructure development over the past decade and international best practice to help deliver safe cycle facilities for people of all ages and abilities. The Manual is intended as a live document that will be updated to reflect emerging best practice.
- 6.34. Chapter 2 of the Manual sets out the five main requirements (safety, coherence, directness, comfort, and attractiveness) that designs should fulfil to cater for existing cyclists and to attract new cyclists to the network. Key design principles include a network approach, segregation, and inclusive mobility. Information is also provided on the types of cycle vehicles, cycle links, appropriate facilities, and width calculations.
- 6.35. Chapter 3 of the Manual addresses cycle network planning, as well as the planning of cycling in private developments and public infrastructure projects. Designing for cycling is covered in Chapter 4,
- 6.36. The Manual makes a single reference to BusConnects under protected junctions, where it is noted that a small number of such junctions have been implemented in Ireland and many more are currently being planned under active travel schemes around the country and on BusConnects corridors in Dublin and regional cities. The Manual anticipates that the continued rollout of protected junctions will improve junction consistency and coherence on the cycle network.

## **Design Manual for Urban Roads and Streets, 2019**

- 6.37. This Manual provides guidance on how to approach the design of urban streets in a more balanced way. To encourage more sustainable travel patterns and safer streets, the Manual states that designers must place the pedestrian at the top of the user hierarchy, followed by cyclists and public transport, with the private car at the bottom of the hierarchy. The following key design principles are set out to guide a more place-based/ integrated approach to road and street design.

- 6.38. To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.
- 6.39. The promotion of multi-functional, place-based streets that balance the needs of all users within a self-regulating environment.
- 6.40. The quality of the street is measured by the quality of the pedestrian environment.
- 6.41. Greater communication and cooperation between design professionals through the promotion of a plan-led multidisciplinary approach to design.
- 6.42. The Manual recommends that bus services should be directed along arterial and link streets and that selective bus detection technology should be considered that prioritises buses. It is noted that under used or unnecessary lanes can serve only to increase the width of carriageways (encouraging greater speeds) and can consume space that could otherwise be dedicated to placemaking /traffic calming measures.

## Local

Inspectors Note: The Proposed Scheme will have an overall length of approximately 3.7km (kilometres) and will be routed along Kimmage Road Lower, Harold's Cross Road, Clanbrassil Street Upper and Lower, and New Street South from the Kimmage Cross Roads to the Patrick Street Junction, predominantly in the Dublin City Council (DCC) administrative area. However, a portion of the Kimmage Cross Roads is located adjoining the administrative area of South Dublin County Council (SDCC). The Proposed Scheme will involve works on existing streets to facilitate pedestrian, cyclist and bus priority as well as the widening of Robert Emmet Bridge over the Grand Canal with the construction of shared user bridges.

### Dublin City Development Plan 2022-2028

6.43. The main strategic approach of the Dublin City Development Plan 2022-2028<sup>1</sup> (DCDP) is to develop a city that is low carbon, sustainable and climate resilient. Chapter 8 of the DCDP relates to sustainable movement and transport, and highlights that the sustainable and efficient movement of people and goods is crucial for the success and vitality of the city, along with the need to move away from private car and fossil-fuel-based mobility to reduce the negative impacts of transport and climate change. Towards this end Objective SMTO01 states: *“To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the development plan, in line with the city mode share targets of 26% walking/cycling/micro mobility; 57% public transport (bus/rail/Luas); and 17% private (car/van/HGV/motorcycle)”*.

6.44. Table 8.1 of the DCDP sets out current and target mode share with cycling expected to increase by 7% by 2028 and public transport (bus, rail, and Luas) by 3% in the same timeline. It is stated that the modest increase in public transport mode share anticipates the construction of major public transport infrastructure that is proposed to occur over the lifetime of the plan, and accordingly the impact of public transport infrastructure projects on modal share is more likely to come into fruition during the lifespan of the following City plan.

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<sup>1</sup> DCDP Adopted on the 2<sup>nd</sup> of November 2022, came into effect 14<sup>th</sup> December 2022.

6.45. Key strategic transport projects such as the proposed Metrolink, DART+, BusConnects programme and further Luas line and rail construction and extension will continue the expansion of an integrated public transport system for the Dublin region and have the potential for a transformative impact on travel modes over the coming years. Dublin City Council actively supports all measures being implemented or proposed by other transport agencies to enhance capacity on existing lines/services and provide new infrastructure. In this regard SMT22 - Key Sustainable Transport Projects, seeks *“to support the expeditious delivery of key sustainable transport projects so as to provide an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city and region and to support the integration of existing public transport infrastructure with other transport modes. In particular the following projects subject to environmental requirements and appropriate planning consents being obtained: DART +, Metrolink from Charlemount to Swords, BusConnects Core Bus Corridor projects, Delivery of Luas to Finglas, Progress and delivery of Luas to Poolbeg and Lucan”*.

6.46. Section 8.5.3 of the DCDP notes the importance of reducing car dominance and that encouraging walking, cycling and use of public transport as sustainable travel modes requires improving the attractiveness of the environment and public realm within the city and urban villages. It is recognised that there are opportunities for developing the public realm around the city and in the urban villages where new public transport proposals are being developed. The following policies are relevant in this regard:

- Policy SMT12 – Pedestrians and Public Realm: To enhance the attractiveness and liveability of the city through the continued reallocation of space to pedestrians and public realm to provide a safe and comfortable street environment for pedestrians of all ages and abilities.
- Policy SMT13 – Urban Villages and the 15-Minute City: To support the role of the urban villages in contributing to the 15-minute city through improvement of connectivity in particular for active travel and facilitating the delivery of public transport infrastructure and services, and public realm enhancement.
- Policy SMT14 City Centre Road Space: To manage city centre road-space to best address the needs of pedestrians and cyclists, public transport, shared modes, and the private car, in particular, where there are intersections between DART, Luas and Metrolink and with the existing and proposed bus network.
- SMT22 - Key Sustainable Transport Projects: To support the expeditious delivery of key sustainable transport projects so as to provide an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city and region and to support the integration of existing public transport infrastructure with other transport modes. In particular the following projects subject to environmental requirements and appropriate planning consents being obtained:
  - DART +
  - Metrolink from Charlemount to Swords
  - BusConnects Core Bus Corridor projects
  - Delivery of Luas to Finglas
  - Progress and delivery of Luas to Poolbeg and Lucan

6.47. The DCDP acknowledges that kerbside space is being continually reduced in favour of transport infrastructure and public realm improvements, and as such, there is very limited capacity on street to meet the servicing requirements of developments. Policy SMT15 – ‘Last-Mile’ Delivery seeks to “...*achieve a significant reduction in the number of motorised delivery vehicles in the City through supporting and promoting the use of the ‘last-mile’ delivery through the development of micro hubs and distribution centres.*”

6.48. Other transport policies of relevance to the proposed scheme include the following:

SMT25 – On-Street Parking: “To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.”

SMT33 – Design Manual for Urban Roads and Streets: “To design new streets and roads within urban areas in accordance with the principles, approaches and standards contained within the Design Manual for Urban Roads and Streets (DMURS) and to carry out upgrade works to existing road and street networks in accordance with these standards where feasible.

SMT34 – Street and Road Design: To ensure that streets and roads within the city are designed to balance the needs and protect the safety of all road users and promote place making, sustainable movement and road safety providing a street environment that prioritises active travel and public transport whilst ensuring the needs of commercial servicing is accommodated.

6.49. The Proposed Scheme, for the most part, will comprise lands within the existing public road and pedestrian pavement area where there is no specific zoning objective.

6.50. Zoning objectives that are affected by the proposed scheme include:

- Zone Z1 – Sustainable Residential Neighbourhoods To protect, provide and improve residential amenities.
- Zone Z2 – Residential Neighbourhoods (Conservation Areas) To protect and/or improve the amenities of residential conservation areas.
- Zone Z3 – Neighbourhood Centres To provide for and improve neighbourhood facilities.
- Zone Z4 – District Centres To provide for and improve mixed-services facilities.
- Zone Z6 – Employment / Enterprise To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.
- Zone Z9 – Recreational amenity and open space To preserve, provide and improve recreational amenity and open space and green networks
- Z10 - Inner Suburban and Inner City Sustainable Mixed Uses)
- Z14 - Strategic Development and Regeneration Areas (SDRAs)
- Zone Z15 – Institutional and Community To protect and provide for institutional and community uses.

The corridor for the proposed Kimmage to City Centre scheme runs from the Kimmage Cross Roads (KCR) to the junction of New Street South and Kevin Street Upper. The scheme runs adjacent to the River Paddle for much of its length and passes through a number of Zones of Archaeological Potential for Recorded Monuments which are listed on the Record of Monuments and Places (RMP) and are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. The scheme will also impact sites listed on the Dublin City Industrial Heritage Record. Archaeological mitigation in these areas will be required where subsurface excavation is proposed.

The proposed construction of a boardwalk along the River Paddle will have a direct and permanent impact on the setting of Recorded Monument DU018-043003---, known as the 'Tongue' or 'Stoneboat'.

In total the EIAR identifies impacts on one site designated as a National Monument, eight sites listed on the Records of Monuments and Places (RMP),

and five sites listed on the Dublin City Industrial Heritage Record (DCIHR). There is also a potential impact on one non designated cultural heritage site.

Several Protected Structures are included on the subject map sheets.

Robert Emmet Bridge (NIAH 50080983) Clanbrassil Street Upper will be directly and indirectly impacted by the proposed scheme. A new independent cycle/pedestrian bridge is proposed to the west side of the bridge. The cycle/pedestrian bridge will be 24m in length and 6m in width and will include glass panels to provide edge protection. A section of the existing parapet wall adjacent to Parnell Road will be removed to allow access onto the cycle/pedestrian bridge.

A new pedestrian bridge is proposed to the east side of the bridge. The new pedestrian bridge will be 25m in length and 3m in width. A section of the retaining wall adjacent to Grove Road/Windsor Terrace will be demolished to facilitate construction. An ancillary ramp structure is proposed on the north-eastern side of the bridge at Windsor Terrace.

The proposed route does not run through any Architectural Conservation Areas (ACA) identified in the Dublin City Development Plan 2022-2028. The proposed scheme runs through Harold's Cross which has been identified as a priority ACA project during the lifetime of the current development plan.

The route will cross a red hatch Conservation Area (CA) at the Grand Canal. Robert Emmet Bridge is located within the red hatch Conservation Area. The scheme maps indicated a proposed new pedestrian/cyclist bridges on the east and west sides of the bridge and significant land acquisition within the red hatch Conservation Area.

The route will run along the boundaries of a number of areas zoned Z2 including Terenure Road West, Poddle Park, Kimmage Road Lower, Harold's Cross Road, Clanbrassil Street Upper, South Circular Road; and Malpas Place. The route will not run along the boundaries of any areas zoned Z8 – Georgian Conservation Area.

6.51. Policy BHA9 refers to development in conservation areas and requires, inter-alia that development in such areas must contribute positively and take opportunities to enhance and protect the character and appearance of the area

and it's setting wherever possible. BHA10 presumes against demolition or substantial loss of a structure that contributes to the character of a conservation area. As stated, the proposed scheme passes a number of protected structures, Policy BHA2 of the DCDP relates to development of protected structures and requires that development will conserve and enhance protected structures and their curtilage, and inter-alia:

- Protect structures included on the RPS from any works that would negatively impact their special character and appearance,
- Ensure that any modification affecting a protected structure and/or its setting is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
- Ensure that the form and structural integrity of the protected structure is retained.
- Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers etc.
- Ensure historic landscapes, gardens, and trees (in good condition) associated with the protected structures are protected from inappropriate development.

### **South Dublin County Development Plan (SDCCDP) 2022-2028<sup>2</sup>**

6.52. The proposed scheme boundary abuts and is adjacent to the South Dublin County Council Administrative Boundary at Kimmage Cross Roads (notably the junction of Kimmage Road Lower, Terenure Road West, Kimmage Road West, Fortfield Road)

- Chapter 7 Sustainable Movement: Policy SMI: 'Promote ease of movement within, and access to South Dublin County, by integrating sustainable land-use planning with a high-quality sustainable transport and movement network for people and goods'.
- SMI Objective 1: 'To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the County Development Plan, in line with the County mode share targets

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<sup>2</sup> SDCCDP 2022 – 2028 was adopted on 22/06/2022 and came into effect on 03/08/2022.

of 15% Walk; 10% Cycle; 20% Bus; 5% Rail; and 50% Private (Car/Van/ HGV I Motorcycle)'.

- SMI Objective 3: 'To support the delivery of key sustainable transport projects including DART and Luas expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network in accordance with RPO 5.2 of the RSES / MASP'.
- SMI Objective 4: 'To ensure that future development is planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe and attractive street environment for pedestrians and cyclists, in accordance with RPO 5.3 of the RSES / MASP'.
- Policy SM2: Walking and Cycling 'Re-balance movement priorities towards sustainable modes of travel by prioritising the development of walking and cycling facilities and encouraging a shift to active travel for people of all ages and abilities, in line with the County targets'. SM2 Objective 8: 'To work with the NTA to acquire funding and secure full implementation of the Cycle South Dublin programme and actions which may arise from the sustainable movement studies carried out to inform the plan'.
- SM2 Objective 9: 'To work with the NTA to review the feasibility of implementing additional cycling facilities within the major urban and recreational areas of the County'.
- Policy SM3: Public Transport 'Promote a significant shift from car-based travel to public transport in line with County targets and facilitate the sustainable development of the County by supporting and guiding national agencies in delivering major improvements to the public transport network'.
- SM3 Objective 1: 'To achieve and monitor a transition to the County mode share targets of 20% Bus and 5% Rail'.
- SM3 Objective 3: 'To ensure that future development is planned in such a manner as to facilitate a significant shift to public transport use through pursuing compact growth policies, consolidating development around existing and planned public transport routes and interchanges, and maximising access to existing and planned public transport services throughout the network'.

- SM3 Objective 4: ‘To optimise accessibility to public transport, increase catchment and maximise permeability through the creation of new and upgrading of existing walking and cycling routes linking to public transport stops’.
- Policy SM3: Public Transport - Bus
- SM3 Objective 11: ‘To facilitate the delivery of the BusConnects Core Bus Corridors and seek additional bus corridor and orbital routes to serve the County by securing and maintaining any required route reservations and to ensure the BusConnects Corridors do not adversely affect the village life and livelihoods of any of our County Villages’.
- SM3 Objective 12: ‘To work with the NTA to secure the expansion of the bus network, including distinct new bus networks as necessary, to serve new development and regeneration areas within the South Dublin County area including Tallaght, City Edge, Adamstown, Clonburris, Fortunestown, Ballycullen and Newcastle’.
- SM3 Objective 17: ‘To work with the NTA and other state agencies to facilitate the delivery of the Kennelsfort Road-R148 grade separated junction or an equivalent solution to maximise the efficacy of the BusConnects Project’.
- SM3 Objective 18: ‘To liaise with bus service providers where new bus stop infrastructure is proposed in order to ensure facilities such as shelters and bins are included, where appropriate’.

## **Greater Dublin Area Transport Strategy – 2022-2042**

6.53. This strategy replaces the previous GDA Transport Strategy 2016-2035.

Busconnects is identified as a major project which is provided for within this strategy. The NTA has invested heavily in the renewal of the bus infrastructure, including bus stopping facilities, Real Time Passenger Information and fleet improvements and has commenced the largest ever investment programme in our bus network under BusConnects Dublin.

The Strategy recognises the government’s commitment to sustainable mobility as outlined in NSO 4 of the National Development Plan 2021-2030.

Busconnects is identified as an essential to protecting access to Dublin Airport, ensuring that the Airport will operate in a sustainable fashion in terms of landside transport.

- Measure INT2 – International Gateways

It is the intention of the NTA, in conjunction with public transport operators, TII, and the local authorities, to serve the international gateways with the landside transport infrastructure and services which will facilitate their sustainable operation. Throughout the lifetime of the strategy, the NTA will continue to work with Dublin Port Company, other port and harbour operators and DAA in respect of Dublin Airport, in monitoring, assessing and delivering these transport requirements.

6.54. Major transport interchanges are recognised as an integral part of the bus connects project.

- Measure INT5 – Major Interchanges and Mobility Hubs

It is the intention of the NTA, in conjunction with TII, Irish Rail, local authorities, and landowners to deliver high quality major interchange facilities or Mobility Hubs at appropriate locations served by high capacity public transport services. These will be designed to be as seamless as possible and will incorporate a wide range of facilities as appropriate such as cycle parking, seating, shelter, kiosks selling refreshments plus the provision of travel information in printed and digital formats.

6.55. The NTA recognises that the construction of major projects including bus connects will cause disruption and it will seek to minimise such impacts through up-to-date travel information.

- Section 11.4 Cycle Infrastructure Provision and Management
- Section 12.2 Bus
- Measure BUS1 – Core Bus Corridor Programme

Subject to receipt of statutory consents, it is the intention of the NTA to implement the 12 Core Bus Corridors as set out in the BusConnects Dublin programme

- Measure BUS2 – Additional Radial Core Bus Corridors

It is the intention of the NTA to evaluate the need for, and deliver, additional priority on radial corridors.

- Measure BUS3 – Orbital and Local Bus Routes

It is the intention of the NTA to provide significant improvements to orbital and local bus services in the following ways: 1. Increased frequencies on the BusConnects orbital and local services; and 2. Providing bus priority measures at locations on the routes where delays to services are identified.

- Section 12.2.4 Zero Emissions Buses

The transition to a zero emissions urban bus fleet for the State operated bus services has begun under BusConnects. Under the BusConnects Dublin programme, the full Dublin Area urban bus fleet will have transitioned to zero or low emission vehicles by 2030 and will have been converted to a full zero emission bus fleet by 2035.

- Measure BUS6 – Higher Capacity Bus Fleet

In the later phases of the Transport Strategy period, it is the intention of the NTA to introduce higher capacity bus vehicles onto select appropriate BusConnects corridors in order to increase passenger carrying capabilities in line with forecast demand.

- 12.2.8 New Bus Stops and Shelters

Bus shelter provision will be significantly expanded as part of the BusConnects Dublin programme and Connecting Ireland (section 12.2.7).

- 13.8 Road space Reallocation

In line with transport policies and objectives to reduce car dependency and to favour sustainable modes over the private car, and as a means of achieving reductions in carbon emissions, it is the intention to reallocate roadspace from its current use for general traffic to the exclusive use by walking, cycling and public transport. This approach is applicable generally across the GDA, and in addition to the reallocation proposed under BusConnects.

- Measure Road 13 – Roadspace Reallocation

The local authorities and the NTA will implement a programme of roadspace reallocation from use by general traffic or as parking to exclusive use by sustainable modes as appropriate, as a means of achieving the following: y Providing sufficient capacity for sustainable modes; y Improving safety for

pedestrians and cyclists; and y Encouraging mode shift from the private car and reducing emissions.

### **Dublin City Biodiversity Action Plan 2021-2025.**

6.56. The Dublin City Biodiversity Action Plan 2021-2025 (DCC Biodiversity Plan) recognises that in addition to legally designated sites there are numerous habitats across the city that have conservation value for biodiversity, including public parks and open spaces, rivers, canals, and embankments. The DCC Biodiversity Plan sets out five themes supported by objectives and actions, these themes are set out below:

1. Maintaining Nature in the City.
2. Restoring Nature in the City.
3. Building for Biodiversity.
4. Understanding Biodiversity in the City
5. Partnering for Biodiversity.

The objectives of the DCC Biodiversity Plan include:

- Objective 4 – Monitor and conserve legally-protected species within Dublin City, particularly those listed in the annexes of the EU Birds and Habitats Directive,
- Objective 11 – Ensure that measures for biodiversity and nature-based solutions are incorporated into new building projects, retrofit and maintenance works, and
- Objective 12 which promotes net biodiversity gain.

### **Legislative Context**

6.57. Under Section 44(1)(c) of the Dublin Transport Authority Act, 2000 (as amended), the National Transport Authority (NTA) may acquire and facilitate the development of land adjacent to any public transport infrastructure where such acquisition and development contribute to the economic viability of the said infrastructure whether by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000.

6.58. The process of acquisition of is set out within the Planning and Development Act 2000, as amended, whereby the functions of such acquisitions are a matter for the Board. As follows:

6.59. Under Section 213(2)(a) of Part XIV of the Planning and Development Act, 2000 (as amended), a local authority may, for the purposes of performing any of its functions (whether conferred by or under this Act, or any other enactment passed before or after the passing of this Act), including giving effect to or facilitating the implementation of its development plan, acquire land, permanently or temporarily, by agreement or compulsorily.

6.60. Compulsory Purchase Orders are made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act, 1960, (as substituted by section 86 of the Housing Act 1966), as amended by section 6 and the Second Schedule to the Roads Act, 1993, and as amended by the Planning and Development Act, 2000 (as amended). Orders are served on owners, lessees and occupiers in accordance with Article 4(b) of the Third Schedule to the Housing Act, 1966.

## **7.0 Assessment**

### **7.1. Overview**

7.1.1. The National Transport Authority (“NTA”) is seeking confirmation of the Kimmage to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022 (“the CPO”). The purpose of the CPO is to facilitate the construction of the Kimmage to City Centre Core Bus Corridor Scheme (‘the Proposed Scheme’) to facilitate public transport and all ancillary and consequential works.

7.1.2. For the Board to confirm the subject CPO, it must be satisfied that the National Transport Authority has demonstrated that the CPO “is clearly justified by the common good”<sup>3</sup>. Legal commentators<sup>4</sup> have stated that this phrase requires the following minimum criteria to be satisfied:

- There is a community need that is to be met by the acquisition of the site in question,
- The particular site is suitable to meet that community need,
- Any alternative methods of meeting the community needs have been considered but are not demonstrably preferable, and
- The works to be carried out should accord with or at least not be in material contravention of the provisions of the statutory development plan.

7.1.3. Another test set out in “Planning and Development Law” (Garrett Simons – Second Edition) requires consideration of whether the proposed CPO measures will have a disproportionate or excessive effect on the interests of the affected persons. I will therefore address each of the four criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the submissions. In assessing the CPO I have considered throughout whether the lands/rights being acquired are necessary and suitable to facilitate the provision of the Kimmage to City Centre Core Bus Corridor Scheme. The Board should also note that a number of these issues (in particular, justification/need for the scheme, development plan compliance, and assessment of alternatives) have been discussed throughout the Planning Assessment of the Roads Scheme which runs concurrently with this CPO (317660-23) and EIA of my report in respect of 317660-23 and accordingly this CPO assessment should be read in conjunction with my assessment of 317660-23.

## **7.2. Community Need**

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<sup>3</sup> Para. 52 of judgement of Geoghegan J in *Clinton v An Bord Pleanála* (No. 2) [2007] 4 IR 701.

<sup>4</sup> Pg. 127 of *Compulsory Purchase and Compensation in Ireland: Law and Practice*, Second Edition, by James Macken, Eamon Galligan, and Michael McGrath. Published by Bloomsbury Professional (West Sussex and Dublin, 2013).

- 7.2.1. The proposed development is being developed in response to the need for a sustainable, reliable form of public transport along the main radial routes from the City Centre. Sustainable transport infrastructure is known to assist in creating more sustainable communities and healthier places to live and work while also stimulating our economic development and also contributes to enhanced health and well-being when delivered effectively.
- 7.2.2. According to the National Planning Framework, 2018, the population of the Greater Dublin Area is forecast to increase by 25% by 2040 and this growth will have associated travel demands, placing added pressure on the transport system. Significant congestion already occurs throughout the GDA from private car dependence and intervention is therefore required to optimise road space and prioritise the movement of people over the movement of vehicles.
- 7.2.3. At present, the reliability and effectiveness of existing bus and cycle infrastructure on key radial traffic routes into and out of Dublin city centre is compromised by a lack of bus lanes and segregated cycle tracks. Furthermore, existing bus lanes are often shared with parking and cyclist's and are not always operational on a 24-hour basis.
- 7.2.4. The overriding motivation for BusConnects is to reduce CO<sub>2</sub> emissions and this is critical from a global climatic perspective. The proposed scheme is specifically identified and supported within the Climate Action Plan 2024 and is seen as a key action under the major public transport infrastructure programme to deliver abatement in transport emissions. The scheme is also identified within the National Sustainable Mobility Policy document and the accompanying action plan as a key piece of infrastructure to be delivered to achieve reductions in emissions and provide for more efficient cities in terms of accessibility for all. The scheme is also seen as an economic driver within the cities which currently experience significant congestion and impediments to movement and accessibility.
- 7.2.5. At the local and shorter-term level, the issue of congestion is more obvious, and both congestion and CO<sub>2</sub> emissions are continuing to rise. Any further increases in traffic levels will see an exacerbation of congestion, CO<sub>2</sub> emissions and of all of the associated issues highlighted above. Private car dependence

will worsen unless there is intervention to optimise road space and prioritise the movement of people over the movement of vehicles.

7.2.6. When examining the functionality and capacity of road space to facilitate the movement of people it is important to consider the capacity of the space and how to optimise it. It is estimated that approximately 80% of road/ street space is dedicated to the car. A car travelling at 50kph requires 70 times more space than a pedestrian or cyclist. A double-deck bus takes up the equivalent spatial area of three cars but typically carries 50-100 times the number of passengers.

7.2.7. The prioritisation of buses over cars and the creation of more space for pedestrians and cyclists will therefore allow for increased people movement capacity along the core bus corridor. This is vital given the existing congestion and the forecasted growth in population, jobs and goods vehicle numbers by 2040. The proposed scheme is expected to see a reduction in car use along the route and an increase in cycling and walking in addition to an increase in bus use.

7.2.8. Having regard to the above, the proposed scheme is of critical importance to the transport network in Dublin to facilitate the actual movement of people and this can only be achieved through a realistic modal shift from the private car to sustainable modes. The proposed scheme allows for increased capacity for people moving and the best chance to avoid gridlock in future years as the population grows and the demand for travel increases. The proposed scheme also has the potential to reduce Ireland's greenhouse gas emissions significantly. The proposed scheme will therefore make a significant contribution to carbon reduction, the easing of congestion and the creation of more sustainable travel patterns for the growing population, therefore demonstrating a clear community need for the proposed scheme.

7.2.9. In terms of local transport along the proposed Kimmage to city centre scheme, bus priority infrastructure will increase from no segregated cycling facilities to 100% in both directions with 47% being fully segregated, and the remainder on quiet streets. There will be an increase in bus priority from approximately 24% (citybound) and 6.5% (outbound) to 100% bus priority. The scheme will facilitate 100% bus priority and complement the rollout of the Dublin

Area Bus Network Redesign to deliver improved bus services on the route. This will improve journey times for bus, enhance its reliability and provide resilience to congestion.

7.2.10. One of the key objectives of the proposed scheme is to enhance interchange between the various modes of public transport operating in the city and wider metropolitan area. The CBC Infrastructure Works, including the proposed scheme, are developed to provide improved existing or new interchange opportunities with other existing and planned transport services, including:

- DART stations;
- Existing Dublin Bus and other bus services;
- The Greater Dublin Area (GDA) Cycle Network Plan;
- Future public transport proposals such as the DART+ Programme and MetroLink; and
- Supporting the Dublin Bus Network Re-design

7.2.11. Currently cyclists must typically share space on bus lanes or general traffic lanes with 0% of the route providing segregated cycle tracks. It is stated that cycle facilities in both directions will increase to 8 Km (Total both directions 100%) with the proportion segregated comprising 47%. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.

7.2.12. The Kimmage Corridor serves some of the busiest bus routes in Dublin. Congestion is already a common experience along this route, and without appropriate intervention the additional population and forecasted economic growth will increase traffic volumes and potentially lead to gridlock becoming a common feature along the route. Planning and transport policy all clearly point to the need to provide a better alternative to facilitate increased people movement along transport corridors to reduce emissions and congestion which adversely effects the population, economy and climate.

7.2.13. Overall, the proposed scheme as facilitated by the CPO will deliver critical and necessary physical infrastructure which is required to sustain and

cater for the projected population growth. It will also provide more accessible, resilient, efficient and reliable public transport to the most disadvantaged and vulnerable in society, in a safer environment while also allowing travellers to benefit from better journey times and providing comfortable, predictable and attractive alternative to the private car. I also note that the private car will continue to be accommodated within the corridor albeit reallocation of road space will be in favour of public transport, cycling and pedestrian facilities.

7.2.14. The delivery of the Kimmage to city centre Busconnects scheme is welcomed by the majority of observations with reservations and a number of issues raised (as is evident from the submissions received). The demolition of a residence, the widening of Rober Emmett Bridge and knock on impact to adjoining properties at Clanbrassil Street Upper, is noted. There will be impact upon its urban setting with established street furniture, boundaries, gardens and trees. It will however be of benefit to the wider community. I acknowledge given the scale of the works that there will be disruption to residents, businesses and those who need to transit through this area during the construction phase, however, this will be finite, relatively short term, mitigated and managed. On balance, such inconvenience during the construction phase is necessary for any change and improvement to occur. From the above it is clear that there is distinct and obvious community need and justification for the proposed scheme, in the longer term, from a population growth and congestion perspective; through the provision of the necessary infrastructure to facilitate connections and connectivity throughout the corridor and the wider area. The infrastructure facilitated by the CPO will provide greater opportunities and enhanced connectivity for all sections of the local community (and those who need to transit through this area) and all will be able to enjoy the wider benefits arising in terms of modal shift, reduced congestion, and reduced emissions, as well as providing healthier and more sustainable transport options.

7.2.15. I note, a recent High Court Judgement (2022) IEHC 7, Record No. 2020/816JR - Ballyboden Tidy Town Group V An Bord Pleanala regarding sufficient local public transport capacity in the context of urban development and I consider it of direct relevance to the subject project.

### **7.3. Suitability of lands/land to meet community need.**

7.3.1. Under the CPO it is proposed to acquire land (both on a permanent and temporary basis), restrict or otherwise interfere with public rights of way and private rights, acquire private rights, and temporarily restrict/interfere with private rights, all along and in proximity to existing roads and streets throughout the identified Kimmage transport corridor. A detailed description of the proposed scheme and its route has been provided previously in Section 3 above.

7.3.2. I highlight that construction of the proposed scheme will require land acquisition from 29 residential properties: a shared forecourt at Nos. 14 to 26 on the western side of Harold's Cross Road at Greenmount Close, Nos. 33 to 61 (odd numbers) on the eastern side of Harold's Cross Road, and No. 32A Clanbrassil Street Upper (residence adjacent to Gordon's Fuels). The houses (33 to 61) have mature established gardens with original boundary walls, entrance gates and stepped access paths. Construction works for widening of the road corridor will result in the removal of the existing boundaries including walls and entrance gates, portions of gardens, private property and associated plantings. The works will temporarily remove the railings and gravel area fronting Nos. 14 to 26 Harold's Cross Road. Access to properties will be retained. Construction works adjacent to and within these private and adjoining public areas will be openly visible from these properties. No 32A Clanbrassil Street Upper will be demolished to allow construction of the access ramp to Gordon's Fuels. The CPO also impacts Mount Argus Estate, 11 – 13 Sundrive Road, Our Lady's Hospice & Care Services on Harolds Cross Road, lands at Vincent Street apartments on Clanbrassil Street. The temporary CPO of lands for construction compounds relate to lands at three locations with K2 construction compound proposed at Our Lady's Hospice & Care Services, K1 proposed at a car park off Sundrive Road, adjacent to 11 – 13 Sundrive Road and K3 construction compound proposed to the front of Grenville Place and the Wine Pair at 79 Clanbrassil Street Upper currently in use as green space. The Board should note that the scheme for the most part will comprise lands within the existing public road and pedestrian area where there is no specific zoning objective, contained in the DCC Development Plan.

7.3.3. Section 15 & 16 of the EIAR submitted examines the potential for impacts to arise in relation to Archaeology & Cultural Heritage and Architectural Heritage. I

refer the Board to section 6.21 Built Heritage / Cultural Heritage / Archaeological Heritage of my assessment of 317660-23 and to Chapter 8.0 Environmental Impact Assessment, and my assessment of 'Archaeology, Cultural Heritage & Architectural Heritage'.

7.3.4. I will give a brief synopsis, however I do not intend to repeat the assessment here, both reports should be read in conjunction with one another. There are one hundred and four protected structures identified in the study area, as outlined in Section 16.3.1.3 of the EIAR. It is predicted that only one of the 104 protected structures identified in the study area will be directly impacted by the Proposed Scheme. Specifically land acquisition proposed to the north of the entrance to Our Lady's Hospice, Greenmount House, Harold's Cross Road (DCC RPS 3581). The land take will directly affect the rusticated granite north pier of the main entrance gates to the Hospice. The piers are protected structures of Regional Importance and Medium Sensitivity, as they are part of the curtilage of the Hospice. This land take will necessitate the removal and repositioning of the pier and part of the granite curtain wall. There is potential for damage to the remaining portion of the curtain wall from the removal of a gate pier and part of the curtain wall. The proposal will also impact the entrance gates visually. The pier and curtain wall will be reinstated on a like for like basis. A 22 space car park is proposed on these lands and this has been justified in terms of car parking replacement and need for residences and businesses, in the immediate area, on Harolds Cross Road.

7.3.5. The proposed Stone Boat Boardwalk, will be located at a regulating weir, the Stone Boat (RMP DU018-043003). Construction Compound K3, located on R137 Clanbrassil Street Lower, will have a temporary adverse and indirect visual impact on the setting of 29 Clanbrassil Street Lower (DCC RPS 1857) during the Construction Phase. Indirect physical Construction Phase impacts are anticipated in 100 locations, where protected structures of Regional Importance and Medium Sensitivity share a boundary with the Proposed Scheme. None of these features will be directly impacted by the Proposed Scheme, but there is potential for damage during construction. Only one ACA was identified in the study area. The southern end of the Thomas Street ACA abuts the study area but will not be directly impacted by the Proposed Scheme.

A review of the Dublin City Development Plan (DCC 2022) indicates that the Proposed Scheme will traverse through one Conservation Area and will terminate within another. The Grand Canal Conservation Area and Patrick Street Conservation Area are listed in Table 16.9 of the EIAR.

7.3.6. With respect to Policy BHA10 of the Dublin City Development Plan, it should be noted that there are demolition works proposed at Gordon's Fuels as part of the Proposed Scheme. The demolition works comprise the demolition of one residential cottage dwelling. However, this building (and its surrounds comprising fuel merchants and scrap yard businesses) does not have any architectural heritage merit or status and are not considered to contribute to the character or surrounds of the Grand Canal Conservation Area. I note also that the owners of 32A Clanbrassil Street Upper do not object to the principle of demolition of a dwelling, per se, but rather to the impact of the works to development potential of lands, access arrangements and use.

7.3.7. Potential direct impacts within the Grand Canal Conservation Area will include the repositioning of kerbs, the proposed new cycle / pedestrian bridges on either side of Robert Emmet Bridge (NIAH 50080983) and alterations to the end walls of the bridge itself which is of Regional Importance and Medium Sensitivity. The retaining walls on R137 Clanbrassil Street Upper (NIAH 50080982) are also partly located within the Grand Canal Conservation Area and are of Regional Importance and Medium Sensitivity. The proposed land take and road widening to accommodate the northbound bus corridor, a cycle track and footpath on R137 Clanbrassil Street Upper will result in the burial or removal of two cut limestone retaining walls on the west side of R137 Clanbrassil Street Upper. The walls and steps are part of a group of three walls which were built in 1790 and form part of an integrated group with Robert Emmet Bridge (NIAH 50080983) and the Grand Canal (CBC0011BTH042). The two walls will be replaced by a new modern wall with masonry facing and there will be a long-term impact on the character of R137 Clanbrassil Street Upper which will be visibly wider and also on the character of the Conservation Area.

7.3.8. As discussed in my report on 317660-23 five NIAH Structures or groups of NIAH structures of Regional Importance and Medium Sensitivity will front directly onto the Proposed Scheme. None of these features will be directly

impacted by the Proposed Scheme, but there is the potential for damage during construction. Cast iron post boxes, lamp posts or groups of lamp posts are described in detail in Appendix A16.2 Inventory of Architectural Heritage Sites in Volume 4 of the EIAR.

7.3.9. Proposed mitigation measures for architectural heritage features are outlined in this Section and detailed in Appendix A16.3 Methodology for Works Affecting Sensitive and Historic Fabric in Volume 4 of the EIAR.

7.3.10. The proposed mitigation is the recording of the existing boundaries in position prior to the works, labelling the affected masonry, brickwork, railings, gates, gate posts, capping stones prior to their careful removal to safe storage, and their reinstatement on new lines, which reinstate the existing details, and the relationships between the entrances and the historic buildings. Recording is to be undertaken by an appropriate architectural heritage specialist engaged by the appointed contractor. The architectural heritage specialist will oversee the labelling, taking-down and reinstatement of the affected gates, railings, piers, bricks and masonry. Works to historic fabric will be carried out in accordance with the methodology provided in Appendix A16.3 Methodology for Works Affecting Sensitive and Historic Fabric in Volume 4 of this EIAR.

7.3.11. Overall, it is considered that the proposed works are compatible with the relevant zoning objectives of the Development Plan and will not prevent or negatively impact the achievement of same. Zonings pertaining to the lands within Dublin City Council include the following:

- Zone Z1 – Sustainable Residential Neighbourhoods To protect, provide and improve residential amenities.
- Zone Z2 – Residential Neighbourhoods (Conservation Areas) To protect and/or improve the amenities of residential conservation areas.
- Zone Z3 – Neighbourhood Centres To provide for and improve neighbourhood facilities.
- Zone Z4 – District Centres To provide for and improve mixed-services facilities.
- Zone Z6 – Employment / Enterprise To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.
- Zone Z9 – Recreational amenity and open space To preserve, provide and improve recreational amenity and open space and green networks
- Z10 - Inner Suburban and Inner City Sustainable Mixed Uses)
- Z14 - Strategic Development and Regeneration Areas (SDRAs)
- Zone Z15 – Institutional and Community To protect and provide for institutional and community uses.

7.3.12. I note that the secondary elements of the proposed scheme, such as bus shelters and RTPI poles fall within the definition of Public Service Installations as defined within Appendix 21 of the Dublin City Development Plan. I am satisfied that these elements of the proposed works along with the proposed reallocation of road space and the provision of active travel infrastructure are compatible with the zoning objectives of the Development Plan.

7.3.13. As noted in Section 3.0 above, the corridor for the proposed Kimmage to City Centre scheme runs from the Kimmage Cross Roads (KCR) to the junction of New Street South and Kevin Street Upper. A secondary cycle route is also designated, running parallel to Kimmage Road Lower, along Poddle Park, Bangor Road, and Blarney Park to Sundrive Road. From Sundrive Road, a new cycle connection to Mount Argus Way and Mount Argus View where a steel boardwalk structure is proposed beside the River Poddle at the Stone Boat feature.

7.3.14. The scheme due to the restricted width of some sections of the existing carriageway encroaches on a number of third-party lands to allow for the proposed improvements which include a segregated cycle lane and bus stops. Larger areas of land will be temporally acquired, in some locations, to accommodate construction works and construction compounds. Such areas will be landscaped and returned to their original use once construction is complete. Other lands will be acquired on a permanent basis to facilitate new car parks, new cycle lanes and improved pedestrian connectivity and facilities.

7.3.15. The deposit map booklet identifies all lands that are being acquired on both a permanent and temporary basis and identifies lands on which public and private rights of ways will be altered or interfered with. I will deal with individual submissions separately below. Overall given the current use of lands and the minimal additional lands to be acquired which lie adjacent to the existing carriageway and footpath, with the exception of the lands within the boundary of Our Lady's Hospice and Care Centre and Mount Argus Estate, I am satisfied that the lands to be acquired are suitable for such use.

#### **7.4. Accordance with the Development Plan**

7.4.1. BusConnects is identified within both the Dublin City Development Plan and the South Dublin County Development Plan as being a key transport infrastructure project that will improve the viability, accessibility and economic competitiveness of Dublin City and suburbs. The project is specifically identified and supported at all levels of government policy as outlined above within the policy section of this report and is acknowledged within the Dublin City Development Plan as being a key strategic transport project for the city specifically supported by Dublin City Council under policy SMT22.

7.4.2. The scheme is also identified as a component of Strategic Investment Priority which has been determined as central to the delivery of the National Planning Framework. Given the abundance of policy documents and plans at both an EU, national and local level that support both specifically the proposed scheme and the type of scheme being a sustainable and active travel scheme, I am satisfied that the proposal is justified and in accordance with the overriding policy position, as set out both within the Dublin City Development Plan 2022-

2028, and other national and regional policy documents as set out within the policy section of this report above, see section 6.0 of my report, above.

## **7.5. Use of Alternative Methods of Providing Public Transport.**

7.5.1. I note reference is made within the 3<sup>rd</sup> party submissions received to a lack of consideration to alternative options for the proposed scheme. The consideration of alternatives is documented within Section 3 of the EIAR submitted with the planning application ABP-317660-23.

7.5.2. It is stated that the appropriate type of public transport provision in any particular case is predominately determined by the likely quantum of passenger demand along the particular public transport route. With this in mind the applicant considered the option of constructing a light rail service which would cater for a passenger demand of between 3,500 and 7,000 per hour per direction (inbound and outbound journeys). Based on the number of passengers predicted to use the new service, it was considered that there would be insufficient demand to justify a light rail option. The light rail option would also require significantly more land take, necessitating the demolition of properties.

7.5.3. Metro alternative was also considered and as there is a higher capacity requirement for such solutions, generally designed for peak hour passenger numbers exceeding about 7,000 passengers per hour per direction, it was deemed not suitable for this route. In addition, the development of an underground metro would not remove the need for additional infrastructure to serve the residual bus needs of the area covered by the proposed scheme.

7.5.4. Heavy rail alternatives carry in excess of 10,000 people each direction each hour and was considered an unsuitable solution.

7.5.5. Demand management in the form of restricting car movement or car access through regulatory signage and access prohibitions, to parking restrictions and fiscal measures (such as tolls, road pricing, congestion charging, fuel/vehicle surcharges and similar) were all considered as alternatives to the proposed scheme. However, it is stated that in the case of Dublin, the existing public transport system does not currently have sufficient capacity to cater for large volumes of additional users, such measures would not work in isolation to

address car journeys into and out of the city and would not encourage people onto alternative modes.

7.5.6. Whilst technological alternatives are becoming increasingly advanced, the use of electric vehicles does not address congestion problems and the need for mass transit.

## **7.6. Route Alternatives**

7.6.1. As set out above, a comprehensive options assessment process was undertaken for the scheme and is summarised in Section 3.3. of Chapter 3 Consideration of Reasonable Alternatives in Volume 2 of the EIAR. I note that alternatives were considered at three levels, strategic alternatives, route alternatives and design alternatives. I refer the Board to section 6.6 'Route Selection / Alternatives Considered' of my report 317660-23, which accompanies this report. I also draw the Board's attention to Chapter 3 of the EIAR in which the applicant comprehensively details all alternatives considered and the detailed assessment and consideration of alternative routes and the emergence of the preferred route. I highlight that alternative route options have been considered in a number of areas during the iterative design of the proposed scheme, such as:

- At the southern end of Kimmage Road Lower, it had been proposed to provide a cycle track through Poddle Park towards the River Poddle Cycleway route. However, to reduce impact on this small public park, cycle tracks will instead be provided on the public roads outside of the park, which removed all impacts for the park.
- At Sundrive Cross, the junction will be modified to provide protected cycle tracks with an east-west cycle route from Larkfield Avenue to Sundrive Road as part of the future planned orbital cycle route to provide additional safety for cyclists.
- To avoid operational impacts in the church grounds, the proposed Poddle Way cycle route will no longer cross Mount Argus Park and the grounds of Mount Argus Church, and instead it will re-join Kimmage Road Lower at Mount Argus View.

- The proposed Bus Gate at the northern end of Harold's Cross Park will only operate in the morning peak period from 6am to 10am in the northbound direction, which will facilitate traffic to exit from Mount Argus Cemetery after funerals, thereby minimising impacts on this importance community facility.
- Following consideration of several possible locations, proposals for a 22 space public car park at Our Lady's Hospice were confirmed, with the location selected at the front of the site nearest Harold's Cross Road. This location has the least impact for the future development and operation of the hospice, while compensating for the loss of some existing public parking on the street nearby.
- The junction of Mount Drummond Avenue on Harold's Cross Road will be narrowed with additional street trees and four more parking spaces provided, which will benefit pedestrian safety and comfort when crossing the side street, improve the street landscape, and provide a little more parking for the local community which is in short supply.
- Access for Gordon's Fuels at the Grand Canal on Clanbrassil Street Upper was modified to provide a shared laneway from the north beside the Mullen Scrap premises, instead of a new ramp beside the canal, which would have encroached into the premises to a much greater degree and reduce the operational yard area for the business, and potential for future development; and
- The layout of the junction at Leonard's Corner was revised to provide upstream bus priority signals on South Circular Road for the orbital bus route. This enables provision of protected cycle tracks on all four approaches and at the corners of the junction.

7.6.2. The Preferred Route Options (PRO) Report explains the rationale for the Kimmage to City Centre Core Bus Corridor Scheme. Chapter 6 of the PRO report presented an appraisal of all route options considered for Kimmage CBC Corridor 11. I highlight that provision of bus priority will result in some impact for general traffic flow along the corridor where bus priority cannot be achieved through provision of bus lanes and bus gates are necessary as an alternative. On the narrow street of Kimmage Road Lower approaching Harold's Cross, the NTA submit that it would not be feasible to widen the road into very small front gardens sufficiently for the addition of bus lanes. Instead, a bus gate will divert

through traffic off this route and thereby provide bus priority. Local access will generally be maintained along the Proposed Scheme corridor although there could be some impacts on local traffic where it is required to follow diversion routes around bus gates. At some locations it may be necessary to adopt turning movement restrictions or local road closures for appropriate traffic management. Reductions in traffic carrying capacity of the road network will be compensated for by the overall increase in quality and level of service of other modes (walking, cycling and public transport) on the Proposed Scheme route once implemented.

7.6.3. I believe that the concern that the preferred route has not been robustly considered is not substantiated. In the context of the information provided by the applicant I am satisfied that the applicant has carried out an extensive, detailed and robust assessment of all reasonable options for the proposed scheme.

7.6.4. Having regard to the information submitted it is clear that the applicant has considered a significant number of options for the proposed scheme and has been responsive to consultations held and concerns raised by the public.

7.6.5. It is clear, in my opinion, that the Preferred Route Option, as described in the General Arrangement Drawings detailed in Volume 1 of the EIAR and Chapter 3 Proposed Scheme Description included in the EIAR Volume 2 has evolved through comprehensive design iteration, with particular emphasis on minimising the potential for environmental impacts where practicable, whilst ensuring the objectives of the proposed scheme are attained.

7.6.6. Having regard to the information provided by the NTA in relation to the alternatives considered I am satisfied that a significant number of rational options have been considered in detail and that the process undertaken by the applicant has been a robust assessment of alternative options having regard to environmental considerations and the stated Project Objectives, which are considered to be reasonable. I agree that the routes chosen are the ones which best meet these objectives. I also accept that the consideration of options within the selected route corridor and the strategy for key infrastructure provisions was a rigorous process, which had regard to minimising land take, environmental

considerations and to the project objectives. I therefore concur with the reasons for choosing the preferred alternatives as presented in the EIAR.

## **7.7. Proportionality**

7.7.1. I am satisfied that the process and procedures undertaken by the NTA have been fair and reasonable, that the NTA has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable to facilitate the provision of the Kimmage to City Centre Core Bus Corridor Scheme.

7.7.2. Having regard to the constitutional and convention protection afforded to property rights, I consider that the permanent acquisition of lands, the temporary acquisition of lands, the acquisition of private rights, the permanent restriction of/ interference with private rights, and the temporary restriction of/ interference with private rights as set out in the compulsory purchase order and on the deposited maps pursues, and is rationally connected to, a legitimate objective in the public interest, namely the Kimmage to City Centre Core Bus Corridor Scheme.

7.7.3. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective, impair the property rights of affected landowners, as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.

7.7.4. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed permanent acquisition of lands, the temporary acquisition of lands, the permanent acquisition of private rights, and the temporary restriction of/ interference with private rights as set out in the compulsory purchase order and on the deposited maps would be consistent with the policies and objectives of the Dublin City Development Plan 2022-2028. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

## **7.8. CPO Issues Raised in Submissions.**

As stated above, construction of the proposed scheme will require land acquisition from 29 residential properties, a shared forecourt at Nos. 14 to 26 on the western side of Harold's Cross Road at Greenmount Close, Nos. 33 to 61 (odd numbers) on the eastern side of Harold's Cross Road, and No. 32A Clanbrassil Street Upper (residence adjacent to Gordon's Fuels to be demolished). The works will temporarily remove the railings and gravel area fronting No.'s 14 to 26 Harold's Cross Road. The CPO also impacts Mount Argus Estate, No.'s 11 – 13 Sundrive Road, Our Lady's Hospice & Care Services on Harolds Cross Road, lands at Vincent Street apartments on Clanbrassil Street. The temporary CPO of lands for construction compounds relate to lands at three locations with K2 construction compound proposed at Our Lady's Hospice & Care Services, K1 proposed at a car park off Sundrive Road, adjacent to 11 – 13 Sundrive Road and K3 construction compound proposed to the front of Grenville Place and the Wine Pair at 79 Clanbrassil Street Upper currently in use as green space.

I note, inter alia, general concerns raised in the CPO submissions in relation to:

- Loss of Bus Stop at Greenmount Close.
- Surface Water Drainage on Harolds Cross Road.
- Road widening will bring noise and traffic closer to residences.
- Noise, air and visual and residential amenity impacts.
- Concern of antisocial behaviour, safety and security in Mount Argus Square.
- Lack of consultation.
- Question necessity of off route cycle path.
- Loss of biodiversity.
- Non-continuous cycle paths.
- Design of the footbridges at Robert Emmet Bridge.
- Impact upon local businesses and local access.
- Impact on Mount Argus Church.
- Impact on The Wine Pair.

As mentioned above, concerns relating to planning matters, such as those set out above, where lands are not being acquired are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-317660-23. This CPO report should be read in conjunction with the aforementioned planning application report for the proposed scheme. I do not intend to repeat my assessment of noise, air and visual, bus stop locations, surface water, antisocial behaviour, impact upon biodiversity, non-continuous cycle paths, design matters and impact upon businesses and access as already set out in the planning assessment 317660-23 of the roads case which accompanies this CPO report.

With respect to proportionality and necessity of the level of acquisition proposed in relation to submissions received. I note the following individual issues which have been raised in respect of effects of the CPO on properties along the route:

- **No. 32A Clanbrassil Street Upper, Gordon's Fuels. Demolition of dwelling and masonry retaining walls and altered access.**
- **No. 31 Clanbrassil Street, Dawnlane, Mullins Scrap, recycling, altered access.**
- **Impact of CPO upon 33 to 61 Harolds Cross Road which have mature established gardens with original boundary walls, entrance gates and stepped access paths.**
- **No. 37 HCR Lisa Harrington**
- **Temporary CPO of Lands for Construction Compounds.**
- **Impact of CPO upon Mount Argus Estate & upon 11 – 13 Sundrive Road.**
- **Impact of CPO upon Our Lady's Hospice & Care Services on Harolds Cross Road.**

#### **7.8.1. No. 32A Clanbrassil Street Upper, Gordon's Fuels. Demolition of dwelling and masonry retaining walls and altered access.**

Key Issues Raised, see Appendix 1 attached for detailed summary of issues, (CPO No.6 & CPO No. 7):

- Demolition of family home.

- Reduced / impacted redevelopment potential.
- Restriction of future vehicular access, (access potential less advantageous for redevelopment, traffic capacity at the access junction is reduced. Vehicle tracking software required to demonstrate that the road arrangement will function satisfactorily).

The CPO for the Proposed Scheme includes Plot No.1021 & 1022 on the western side of Clanbrassil Street Upper and at the front of No.29, 30, 31 and 32 Clanbrassil Street Upper. This road area is partly in public road use, and partly extends behind a number of private boundaries and gates. There is a junction with Clanbrassil Street Upper at the northeastern corner of this area, and south of there a retaining wall separates the two road areas where they diverge in levels as Clanbrassil Street Upper rises towards Robert Emmett Bridge over the Grand Canal to the south. Plot 1022 is partly subdivided by a second retaining wall where the ground levels diverge further. The southeastern part of the plot is a laneway that provides access to Gordon's Fuels at No.32A Clanbrassil Street Upper to the south. The southwestern part of the plot consists of an enclosed yard area in front of Mullen Scrap at No.31 Clanbrassil Street Upper.

A) Demolition of family home.

I note also that the owners of 32A Clanbrassil Street Upper do not object to the principle of demolition of a dwelling, per se, but rather to the impact of the works to development potential of lands (zoned Z3 – Neighbourhood zoned lands), access arrangements and impact upon business / use. The NTA response submits that it will be necessary to acquire and demolish the Gordon family home to facilitate the required road widening to achieve full bus priority and segregated cycle facilities along this key radial route into Dublin City Centre, and to achieve the project objectives. Alternatives were considered but discounted.

b) Reduced redevelopment potential.

I note this property is zoned Z3 in the Dublin City Development Plan, considered suitable for 'mixed-use development'.

The Proposed Scheme will replace the existing access to the site from the northeast with a similar arrangement. In this respect, the development potential of the property

will remain, but it will have a slightly smaller area as a result of the Proposed Scheme. The existing site area is approximately 2,300 square metres, of which 117 square metres will be acquired in CPO Plot No.1021(2), equating to a reduction in the site area of 5%.

The NTA have confirmed that access to properties will be maintained during the construction phase of the Proposed Scheme and the manner in which businesses access their properties at present will remain unchanged once the scheme is operational.

c) Restriction of future vehicular access.

The NTA response submits as for the response to Item b) above, the Proposed Scheme will replace the existing access to the site from the northeast with a similar arrangement and it will not therefore cause any additional restriction of future vehicular access than what already exists at this property.

d) Traffic capacity at the access junction.

The NTA response submits the existing access junction for this property will remain unchanged in the Proposed Scheme, and traffic capacity will therefore also remain the same.

e) Alternatives considered for access.

The NTA response submits the design of the Proposed Scheme considered a range of possible access arrangements for Gordon's Fuels to replace the existing laneway that will be buried under the proposed widening of Clanbrassil Street Upper. During the early public consultations for the route options it was initially proposed to provide a new access ramp into the property from just north of Robert Emmett Bridge, which would have involved loss of a large part of the property with very severe impacts.

EIAR Volume 2, Chapter 3 Consideration of Reasonable Alternatives, Section 3.4.3 describes the conclusion reached from feedback about this initial proposal as follows:

“An alternative access route arrangement was adopted for Gordon’s Fuels (adjacent to Robert Emmet Bridge on Clanbrassil Street Upper), which reduced the need for encroachment into the property with a new access ramp, albeit with the demolition of the dwelling house. This revised arrangement was preferred by the property owner.”

In the Proposed Scheme a single shared access has been provided to serve both adjoining businesses of Gordon’s Fuels and Mullen Scrap. This shared laneway will retain the existing lower road levels along the frontage of No.31 Clanbrassil Street Upper, the premises of Mullen Scrap. Then a short ramp will climb up into the Gordon’s Fuels yard at the upper level. This ramp requires the demolition of the dwelling house in the Gordon’s Fuels property. From the general arrangement plan drawing 08 (in Figure 2-6-2 of the response), it can be seen that the lower laneway in front of Mullen Scrap will be widened from a minimum width of 5m (including footpath) to 8m when combined with the residual part of the upper laneway that is left once Clanbrassil Street is widened. This space widens slightly to the south where loading usually takes place. This single combined and wider access lane will accommodate both loading at Mullen Scrap and access to Gordon’s Fuels on a like-for-like basis to the current arrangements. I note the NTA submit that, the design process, has been confirmed using vehicle tracking software to demonstrate how the arrangement will function satisfactorily.

In conclusion, the design has been developed to retain satisfactory access and loading at the Mullen Scrap premises, while replacing the access to Gordon’s Fuels next door with a like-for-like arrangement to the existing narrow laneway that can only be used in one direction at a time.

Again I highlight, the NTA have confirmed that access to properties will be maintained during the construction phase of the Proposed Scheme and the manner in which businesses access their properties at present will remain unchanged once the scheme is operational.

f) Demonstrate how site could be developed.

The NTA response submits the Proposed Scheme has made appropriate provision for the replacement of the existing access with a similar arrangement such that the accessibility of the property will remain essentially the same. The subject property will be slightly reduced in area by 5%. I have reviewed and examined the submitted folio maps, drawings, and information in relation to impacts for the Proposed Scheme at this location and I am satisfied that the proposals put forward by the NTA will not have a significant negative impact on the development potential of 32A Clanbrassil Street during the construction and operational phase.

Conclusion:

The aim of the proposed scheme is to provide enhanced walking, cycling and bus infrastructure on Harolds Cross Road, Clanbrassil Street Upper and the surrounding area, which will enable and deliver efficient, safe, and integrated sustainable transport movement along the corridor. I acknowledge that the road width at Robert Emmet Bridge is restricted. I consider that the proportion of lands to be acquired is justified and proportionate. The scheme will greatly improve transport services for all that live along Section 3 of the proposed scheme: Clanbrassil Street Upper and Lower, New Street South from grand canal to the Patrick Street Junction.

In arriving at the proposal to widen the road at Robert Emmett Bridge, the NTA considered three alternatives as described in Volume 2, Chapter 3 Alternatives, Section 3.4.1.3.2. of the EIAR. This assessment concluded that the most suitable arrangement would be to provide new footbridges on both sides of the existing road bridge, which would remain intact. To enable the continuation of bus lanes and cycle tracks along Clanbrassil Street Upper, it will be necessary to widen the road by approximately 4m where it is on an embankment with a retaining wall on the western side. I note and accept the NTA's response that there are no other reasonable alternatives to this road widening, apart from the omission of both bus lanes, which would cause a major interruption to continuity of bus priority.

I agree that the options of omitting the bus lanes at Robert Emmet Bridge and the northern approach ramp on Clanbrassil Street Upper so as to avoid the need for

widening at the bridge, would undermine the key objective to maximise bus priority on this critical link of the core bus corridor which is congested at present with delays for buses.

I consider that the land take is proportionate to the improvements to the sustainable transport options on Clanbrassil Street Upper and surrounding areas and will promote more frequent local trips to nearby amenities.

I have read and considered the NTA's response to all matters raised. It is accepted that the proposed works will result in an impact on access at this location, however, the current access arrangements will not be diminished or removed. When roads and streets are being upgraded, there will be some temporary disruption / alterations to access to premises. Details regarding temporary access provisions will be discussed with residents and business owners prior to construction starting in the Clanbrassil Street area. The duration of the works will vary from property to property, but access and egress will always be maintained.

I have considered the matters raised by the observer with respect to impact upon 32A Clanbrassil Street (Gordon Fuel's). I note concerns raised in relation to the detailed design or replacement boundaries and walls at Clanbrassil Street Upper, I also note the NTA's commitment to further engagement with DCC and landowners. I consider the scale of the maps and documents accompanying the application, including the photomontages along Clanbrassil Street are acceptable, clear and unambiguous for the purpose of assessing the CPO. I also consider that the extent of land acquisition is clearly identified for the purposes of informing the public as to the nature and extent of the acquisition involved.

With respect to the matter of proportionality, I consider the land take and impacts upon commercial receptors at 29 – 32 Clanbrassil Street, during the construction and operational phase with the exception of the demolition of 32A are moderate and acceptable. It is clear from the information on file that the scheme has been designed in consultation with landowners at this location and alternatives considered.

### **7.8.2. No. 31 Clanbrassil Street, Dawnlane, Mullins Scrap, recycling, altered access.**

See Appendix 1 attached for detailed summary of issues, (CPO No. 4):

- No Strategic Environmental Assessment for the proposed scheme.
  - Deficiencies in the CPO Schedules to properly reflect the ownership interests.
  - Concern of extinguishment / impact upon access to the premises.
  - Lack of detail incl. design, drawings, detailed plans, elevations, levels.
  - Need to engage specialist advisers.
- 
- No Strategic Environmental Assessment for the Proposed Scheme and therefore CPO is not justified.

The NTA response submits that as is described in EIAR Chapter 2 Need for The Proposed Scheme, the BusConnects Programme is part of the range of proposed improvements for the public transport system that was adopted under the Greater Dublin Area Transport Strategy (2016-2035 & 2022–2042). Strategic Environmental Assessments (SEA), were undertaken for both GDA Transport Strategies.

The suggestion that the Kimmage to City Centre Core Bus Corridor Scheme, should have been the subject of an SEA, is not correct. A plan or programme is required to be the subject of a SEA under the provisions of the SEA Directive 7 whereas a project is required to be the subject of EIA under the EIA Directive. Any of the individual stand-alone Core Bus Corridor Schemes is not a plan or programme within the meaning of the SEA Directive, requiring the carrying out of a SEA.

Therefore, the Board in applying the appropriate test for compulsory acquisition (as outlined above) can be satisfied that it can confirm the CPO.

- Deficiencies in the CPO Schedules to properly reflect the ownership interests. The NTA submit that Dawnlane Ltd. is listed as an “Occupier”, but not as “Owners or Reputed Owners”, or “Lessee or Reputed Lessee”. In consultation with Agnes Cassidy (now deceased) in June 2021 a property referencing questionnaire was completed and signed by Ms. Cassidy and returned to the National Transport Authority in which she confirmed that Dawnlane Ltd. held a lease on the business premises from Mr. “Vincent Meagher” (corrected to “Fintan Meagher” from the title search). It was understood by NTA that this leasehold did not extend to include the road area at the front of the premises shown as Plot No.1022 on the CPO Map and Schedule. No records have been found in title searches or were ever proffered by the representatives of Dawnlane Ltd. to assert title over the road area in Plot No.1022. The CPO Schedule lists 15 separate parties as “Occupiers” of this plot to reflect all of the adjoining properties, occupiers, and easement holders. It is notable that in the CPO Objection, Dawnlane Ltd. does not offer any evidence to demonstrate an interest in this plot of land beyond that of “Occupier”.

The NTA is satisfied that the CPO Schedule properly reflects all interests Plot No.1022 in so far as could be established from diligent research of the property title records. In relation to the issue of which column they should have been included in the Schedules to the CPO, no evidence has been put forward by Rodney Cassidy to support his assertion that Dawnlane Limited and the legal representatives of the estate of Agnes Cassidy should be included as an owner in the Schedules to the CPO. Further, Dawnlane Limited and the Estate of Agnes Cassidy were notified of the CPO on 27 July 2023 and thus were informed of their opportunity to object to the CPO and make submissions in relation to the EIAR and indeed, they clearly availed themselves of that opportunity and made both objections and submission.

The NTA go on to state that ultimately, in the event that the CPO is confirmed by the Board, and the NTA exercise its powers of acquisition pursuant to such a confirmed CPO, Notices to Treat will be served on every owner, lessee and occupier of the land and it will then be for persons to make a claim for compensation and establish that they have a compensable interest in the land in question. I note and consider the response acceptable.

- Access restrictions will affect the business.

As referred to above under the response to Gordon's Fuels objection to the proposed CPO, the design of the Proposed Scheme considered a range of possible access arrangements for Gordon's Fuels (32A Clanbrassil Street Upper front of No. 29 – 32) to replace the existing laneway that will be buried under the proposed widening of Clanbrassil Street Upper.

The NTA submit that the design has been developed to retain satisfactory access and loading at the Mullen Scrap premises, while replacing the access to Gordon's Fuels next door. It is submitted that the operation of the Mullen Scrap business should therefore not be adversely affected by the Proposed Scheme. The proposed works in this area are complex and it will be necessary for the loading activity at Mullen Scrap to move a short distance north temporarily to where there is more road space available for a large lorry to park away from the works during the demolition of the existing lower retaining wall nearest the business premises. Sufficient space can be provided beside the works for a small forklift to pass back and forth from the business to a collection lorry. It will therefore be possible to maintain satisfactory access to the Mullen Scrap business during the works as is described in EIAR Volume 2, Chapter 5 Construction, Section 5.5.4.1.4.

I agree that the single combined and wider access lane will accommodate both loading at Mullen Scrap and access to Gordon's Fuels on a similar basis to the current arrangements. I note that the NTA submit that it has been confirmed in the design process using vehicle tracking software to demonstrate how the arrangement will function satisfactorily. I am satisfied that the scheme largely complies with all relevant publications, guidance and standards for roads, pedestrian and cycling facilities in terms of its design and layout at this location and that it would encourage a modal shift. I am also satisfied that the results of the traffic surveys and traffic modelling exercises and subsequent Traffic Analysis set out in Chapter 6 of the EIAR, are sufficiently robust to support the design of the proposed scheme.

I consider that the proposed development would not have an adverse effect on the road access, to 31 and 32 Clanbrassil Street Upper, in terms of road safety, impact upon business or use. This conclusion of no significant adverse impacts would be subject to the full implementation of the EIAR mitigation measures and any further measures contained in the final CEMP and Traffic Management Plan, and compliance with any recommended planning conditions. The proposed development would not give rise to any significant adverse local or cumulative impacts in combination with other developments in the surrounding and wider area.

- Inadequate drawings and details of impact for the property.

The NTA submit that the drawings published with the application for consent for the Proposed Scheme illustrate how the existing laneway at Mullen Scrap will be widened to also provide a new access to the neighbouring property of No.32A Clanbrassil Street Upper, and this is described in Chapter 5 of the EIAR, Section 5.5.4.1.4. The same type of drawing and level of information has been provided for all aspects of the Proposed Scheme and complies fully with the normal requirements for Strategic Infrastructure Development schemes submitted for planning approval by An Bord Pleanála. Sufficient and clear information has been provided to demonstrate how the proposed scheme will affect the property occupied by Dawnlane Ltd. at No.31 Clanbrassil Street Upper.

Section 10.4.4.2.2.1 in Chapter 10 (Population) in Volume 2 of the EIAR provides an assessment of the impact of permanent land take as it pertains to the Mullens Scrap property it states:

“...To the immediate north-west of Robert Emmet Bridge, permanent land take is required for the rearrangement of the access road to Mullens Scrap and the yard area of Gordon’s Fuels (to preserve the private right of way that currently exists) as well as the widening of the carriageway along Clanbrassil Street Upper to the immediate north of the bridge in the community area of Harrington Street. This land take will not prevent the businesses from operating however, and therefore the land take effect is assessed to be Negative, Slight and Long-term....”

I note the issues raised with respect to scale of drawing, clarity of maps, and inadequate details provided. The requirements with respect to the CPO are set out in Section 76 of and the Third Schedule to the Housing Act 1966 as extended by section 10 of the Local Government (No. 2) Act 1960 and amended by the Planning and Development Act 2000 (as amended). There is no express legislative requirement dictating what scale of mapping is to be used with respect to the CPO maps (i.e., deposit and server maps). The NTA has proceeded on the basis that all of the mapping is of a suitable size and scale and it is noted that the drawing scales selected are in line with the scale adopted on other major infrastructural projects.

I note that section 51(3)(aa) of the 1993 Act requires a map of a scale of not less than 1:1000 in a built-up area and 1:2500 in any other area and the NTA has complied with those requirements for all scheme design drawings. I consider the scale of the maps and documents accompanying the application, including the photomontages are acceptable for the purpose of assessing the CPO. I also consider that the extent of land acquisition is clearly identified for the purposes of informing the public as to the nature and extent of the acquisition involved.

It is acknowledged that construction works will cause a level of disruption to the access to property at Clanbrassil Street Upper, however, I note that construction works will be for a short duration, and will work only at distinct identified locations along the alignment at specific times, in planned phases, and will not significantly disrupt businesses with access maintained throughout the period. A communications plan in conjunction with the appointed contractor will be put in place to ensure dialogue in relation to any accommodation works to be carried out between property owners and the NTA.

I note that the applicant is open to further discussion and agreement with the planning authority and affected landowners, I consider that the information submitted is sufficient for the purpose of the CPO. That the acquisition by the NTA of the lands in question, as set out in the compulsory purchase order and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

- Need to engage specialist advisers.

I note that there is provision in the Compulsory Purchase Order process for any party affected by the proposed property acquisition to engage suitable professional advisers for which the reasonable costs will be reimbursed by the acquiring authority. If the CPO is confirmed by An Bord Pleanála, a Notice to Treat will be served on the landowner whose land is being acquired. Following service of the Notice to Treat, the landowner will be required to submit a claim for compensation and as part of this process, the NTA will pay the reasonable costs (as part of the claim) for the landowner to engage its agent/valuer in preparing, negotiating, and advising on compensation.

- Proportionality.

I have considered all of the matters raised by the observer with respect to impact upon 31 Clanbrassil Street, Dawnlane Limited, (CPO No. 4 and CPO No. 7). I note concerns raised in relation to the matters set out above and I consider the response by the NTA is acceptable. Cognisance is had to the site inspection carried out by the NTA, I note their response which states that the NTA visited the Mullen Scrap premises so that the design could be developed to ensure that suitable access for the business would be provided in the Proposed Scheme.

With respect to the matter of proportionality, I consider the land take and impacts upon 31 Clanbrassil Street, Dawnlane Limited, Mullens Scrap during the construction and operational phase are moderate and acceptable. It is clear from the information on file that the scheme has been designed in consultation with landowners at this location and alternatives considered.

I consider that the land to be acquired permanently for the operation of the proposed scheme, and temporarily for the construction phase, as well as the associated acquisition/interference with various rights, is modest and proportionate to the works, and is required in the context of meeting an identified community need. The land take ensures that as far as practically possible, geometric design standards to facilitate bus lanes, cycle paths, pedestrian movement and general traffic movement are adhered to across Robert Emmet Bridge, and that such land take is commensurate with the requirements to implement the project to a sufficient design standard. I also note, where necessary preferred infrastructure widths have been reduced it is to minimise the scale of land take requirements.

As set out in the previous section of this report, the concern raised within the submission in relation to the development potential of lands, impact upon use, access, parking, detailed design or replacement boundaries is noted. I highlight that if the CPO is confirmed by An Bord Pleanála, reinstatement of property frontage including boundary walls, gates, railings, driveway, footpath and landscaping will be as per Drg. General Arrangement Drg. 08, as set out in the EIAR and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or conditions/modifications from An Bord Pleanála in relation to the Proposed Scheme application.

The applicant also submits that any land temporarily acquired from a landowner will only be utilised for the purposes of undertaking boundary works or accommodation works related to the land in question. Any lands acquired temporarily to facilitate construction work will be returned to landowners on completion of the works. Existing boundary walls or fencing being relocated will be constructed to match the existing conditions, unless otherwise agreed.

Overall, I consider that such accommodation works are necessary and essentially a matter for the arbitration process which is outside the scope of this assessment.

### **7.8.3. Impact of CPO upon Harolds Cross Road, Harolds Cross Park and Mount Argus Church.**

See Appendix 1 Attached for detailed summary of issues.

All property owners included in the CPO will be notified well in advance of the commencement of the proposed works. Notice to Treat will be served within 18 months of the confirmation of the CPO so as to commence the property acquisition process with agreement of compensation and necessary accommodation works. The construction works will be publicly tendered and the NTA will notify all property owners of when the works are expected to commence, and access will be required to the acquired property plot. The appointed contractor will be required to put in place a Communications Plan, in accordance with the NTA's requirements, to inform the public (and affected properties) in advance of construction works of a disruptive nature.

Increase journey times for general traffic, number, location and times of operation of Busgates, road layout at Harolds Cross Park south, access to Mount Argus Church, aesthetics of footbridges over the canal, provision of 16 parking spaces on LKR south of Sundrive and removal of cycle lanes and the drainage problem on Harolds Cross Road / Mount Drommond have all been dealt with in the planning assessment of this report on foot of 317660-23. I note there is no CPO of lands to accommodate car parking or alterations at Mount Argus Church (revised junction layout only) south of HCP or in the immediate vicinity of Harolds Cross Park, works comprise reallocation of road space, only.

**7.8.4. With respect to houses 33 to 61 east side of Harolds Cross Road** which have mature established gardens with original boundary walls, entrance gates and stepped access paths.

To accommodate proposed cycle tracks, road widening will be required of typically 2m over a length of 120m from the entrance to Saint Clares Convent to the junction of Mount Drummond Avenue on the eastern side of Harolds Cross Road (33 – 61 HCR). Construction works for widening of the road corridor will result in the removal of 15 existing boundaries including walls and entrance gates, portions of gardens, private property and associated plantings. Four street trees will be removed at this section. The fore mentioned will be the most dominant changes to the landscape and street scape during the construction phase of the development.

These houses are arranged in three terraces of four houses at each end, and a middle terrace of six houses, with the fifteenth property on the corner of Mount Drummond Avenue. The front gardens of the northern and southern terraces of houses are 5.5m long, and these will be reduced by the proposed 2m road widening to 3.5m long. The houses are set at a higher level at about 0.6m above the street level with a short set of steps on the path to the front door. There are no driveways, and residents with cars park on side streets nearby. Accommodation works will be required in the gardens behind the new boundary wall to provide replacement steps or ramps.

There is no on-street parking along this section of R137 Harold's Cross Road, north of Our Lady's Hospice, and this gives rise to difficulties for the residents to receive deliveries or for loading and unloading activities. To address this problem, the NTA propose to provide an indented parking bay with four spaces in front of the middle terrace of houses at No. 43 to 53 Harold's Cross Road, which is setback from the adjoining terraces by an additional 3.5m, with 9m long front gardens. The parking bay will encroach by a further 2.5m into these gardens.

I note that the applicant has provided photomontages of the scheme which I have had regard to in the assessment of effects. These demonstrate that the overriding visual changes to the proposed route relate to the loss of trees and vegetation and the replacement of same with species at a smaller growth stage.

I highlight that if the CPO is confirmed by An Bord Pleanála, reinstatement of property frontage including boundary walls, gates, railings, footpath and landscaping will be on a like for like basis and detailed accommodation works plans will be prepared in consultation with landowners in line with any formal agreements and in accordance with any embedded mitigations identified in the EIAR or conditions/modifications from An Bord Pleanála in relation to the Proposed Scheme application.

Overall, I consider that such accommodation works are necessary and essentially a matter for the arbitration process which is outside the scope of this assessment.

With respect to the matter of proportionality, I consider the land take and impacts upon residential receptors at 33 to 61 Harolds Cross Road, are moderate and acceptable.

I consider that the land to be acquired permanently for the operation of the proposed scheme, and temporarily for the construction phase, as well as the associated acquisition/interference with various rights, is modest and proportionate to the works, and is required in the context of meeting an identified community need. The land take ensures that as far as practically possible, geometric design standards to facilitate bus lanes, cycle paths, pedestrian movement and general traffic movement are adhered to, and that such land take is commensurate with the requirements to implement the project to a sufficient design standard. I also note, where necessary preferred infrastructure widths have been reduced it is to minimise the scale of land take requirements.

#### **7.8.5. 37 HCR Lisa Harrington**

see Appendix 1 Attached for detailed summary of issues (CPO No. 8):

As stated above the scheme will provide cycle tracks on Harold's Cross Road for which widening will be required of typically 2m over a length of 120m from the entrance to Saint Clare's Convent to the junction of Mount Drummond Avenue on the eastern side of HCR. This will involve permanent acquisition of up to 2m and a further 2m temporary acquisition into the garden area at the front of No.37 for the road to be widened. I note that the rose bush and apple trees are not located within the area of permanent or temporary acquisition and from Landscaping and Urban Realm Drg. No. 07 it is not proposed to remove vegetation from the front garden of No. 37.

I highlight that the NTA clearly state that in so far as practicable existing landscaping in the garden outside of the works area included in Temporary CPO will be protected. Once the works are completed with a new replacement boundary wall provided on a like-for-like basis, the garden area in the temporary plot will be appropriately reinstated. The details of the reinstatement works will be discussed with the property owner for inclusion in the accommodation works agreement. I note that lands acquired temporarily to facilitate construction work is in all cases precautionary and necessary to facilitate the works within the permanent acquisition area and will be returned to landowners on completion of the works. Existing boundary walls or fencing being relocated will be constructed to match the existing conditions, unless otherwise agreed.

I have examined the submitted folio maps, drawings, and information in relation to land take along Harolds Cross Road and I am satisfied that the proposals put forward by the NTA are acceptable and I do not consider any impact to be disproportionate to the achievement of the objectives of the Proposed Scheme.

#### **7.8.6. Construction Compounds**

See Appendix 1 Attached for detailed summary of issues:

As set out above in section 3.0 of this report construction compounds are proposed in three locations.

- K1 proposed at a car park off Sundrive Road, adjacent to 11 – 13 Sundrive Road
- K2 at Our Lady's Hospice
- K3 proposed to the front of Grenville Place and the Wine Pair at 79 Clanbrassil Street Upper.

The location of the Construction Compounds in relation to the proposed scheme are shown in Figure 5.1 in Volume 3 of the EIAR attached to the planning application for the proposed scheme (317660-23). It is submitted that the Construction Compound locations have been selected due to the amount of available space, their relative

locations near to the majority of the proposed scheme major works and access to the National and Regional Road network.

I note the contentious nature of temporary CPO of lands to provide Construction Compounds. A detailed assessment of construction compounds, location and use, is included in the planning assessment of the Kimmage to City centre CBC on foot of 317660-23 and as such this report should be read in conjunction with the aforementioned planning application report for the Proposed Scheme.

The NTA submit that the proposed construction compound K2 will be located on the un-used grass lawn area along the southern side of the access road into the hospice as described in EIAR Volume 2, Chapter 5, Section 5.7. The compound will not impede access to the hospice which will continue along the existing access road beside the proposed compound. In addition, it is noted that access will be maintained for emergency vehicles, throughout the Construction Phase.

With respect to K3, two existing main access pathways to the businesses (The Wine Pair and South Dublin Electrical Wholesale) on the western side of St. Patrick's Court from the east and north will remain open at all times so that the accessibility of the businesses is not impeded. I note the submission that the compound has been divided into two small areas to minimise the potential screening effect in front of the businesses on the western side of St. Patrick's Court, which should reduce the risk for the security of the adjoining premises, and of anti-social behaviour.

I consider that the temporary loss of the small green spaces, to provide for temporary construction compounds, will be short-term, and they will be reinstated with enhanced planting, to improve the amenity for long-term benefit to the local community and businesses. It is considered that with the proposed mitigation measures and the temporary duration of the construction compound, it is unlikely that there will be a loss of business that could cause the owners to seek to relocate to another premises.

Ultimately there is a need for temporary construction compounds, and I consider the NTA's response is acceptable. There will be temporary disruption, but it is justifiable, necessary and reasonable. The lands at K3 will be reinstated with enhanced planting to improve the amenity for long-term benefit to the local community and businesses. The lands at construction compounds K1 and K2 will be used as public car parking

as part of the proposed scheme. It is considered that given the proposed mitigation measures and the temporary duration of the construction compounds, they are acceptable. There will be temporary disruption, but it is necessary and reasonable.

Having reviewed the proposed compound acquisitions I consider that the proposed quantum of lands to be acquired are proportionate to the scheme and are necessary. The applicant does not seek to acquire lands in excess of what is absolutely necessary to accommodate appropriate necessary construction compounds along the route (I note 6 construction compounds were sought and permitted under the Templeogue / Rathfarnham to City Centre Busconnects Scheme). I am satisfied that the temporary use of the three proposed compounds is justified in the context of the common good in that the proposed development will provide a sustainable and active travel scheme benefiting all residents in the area. It is within the remit of any competent authority, in this instance the NTA to ensure that construction compounds, in particular K3, are reinstated to a high standard and fit for purpose and it is incumbent upon them, in my opinion, to improve the amenity value of the green space, to the satisfaction of local residents upon reinstatement.

### **7.9. Impact of CPO upon Mount Argus Estate & Impact of CPO upon 11 – 13 Sundrive Road.**

See Appendix 1 Attached for detailed summary of issues:

Concerns relating to CPO of lands to provide a new pedestrian and cycle link from Mount Argus Way to Sundrive Road along the course of the River Poddle are noted. However, I agree it will provide a new and direct link for the community in Mount Argus to walk or cycle more quickly to the heart of Kimmage Village and the shopping centre. It will also shorten the distance from the residential community along Sundrive Road to Mount Argus Church and is appropriate and a community gain.

A detailed assessment of the new pedestrian / cycle boardwalk structure over the River Poddle in Kimmage between Sundrive Road and Mount Argus Way, is included in the planning assessment of the Kimmage to City centre CBC on foot of

317660-23 and as such this report should be read in conjunction with the aforementioned planning application report for the Proposed Scheme. Regard is had to the impact upon 11 – 13 Sundrive Road, in respect to interaction between cyclists and pedestrians, access for maintenance and repair, future redevelopment impacts, construction compound restrictions for access and loss of 8 public car parking spaces. Regard is also had to issues of security, impact to car parking, loss of privacy, conflict between cars and cyclists, biodiversity, bin stores and need for the boardwalk within Mount Argus Estate. However, I consider the effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed permanent acquisition of lands, the temporary acquisition of lands, the permanent acquisition of private rights, and the temporary restriction of/ interference with private rights within Mount Argus Estate as set out in the compulsory purchase order and on the deposited maps would be consistent with the policies and objectives of the Dublin City Development Plan 2022-2028. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

#### **7.10. Impact of CPO upon Our Lady’s Hospice & Care Services on Harolds Cross Road.**

See Appendix 1 Attached for detailed summary of issues (CPO No. 11):

- a) Ownership details in CPO Schedule
- b) Clarification sought about the retention of the easement rights, security, and the use and maintenance of the proposed car park.
- c) Traffic and access disruption during the proposed works.
- d) Loss of control of access to the hospice campus.
- e) Contrary to DCC and national planning policies by encouraging car use.
- f) Disproportionate use of CPO.

As mentioned throughout this report, issues common to the planning assessment and CPO have been considered in both reports 317660-23 & 317682-23 and as

such this report should be read in conjunction with the aforementioned planning application report for the Proposed Scheme.

Given the contents of the submission/objection by the Religious Sisters of Charity which indicates that the Religious Sisters of Charity only have rights over the relevant lands but are not owners of the lands, I note that the NTA have no difficulty with the Religious Sisters of Charity being moved from the “owners or reputed owners” column to the “occupiers” column in relation to plots number 1019(1) and 1019(3).

Therefore, the Board can confirm the CPO with the minor modification of moving Religious Sisters of Charity from the “owners or reputed owners” column to the “occupiers” column in relation to plots number 1019(1) and 1019(3) in Part I and Part II of the schedule to the CPO.

The existing access road into the hospice is included in Permanent CPO Plot No.1019(1) and this will become a public road. In that respect the existing easement rights for the Sisters of Charity will be curtailed across this plot as they will be replaced by a public right of way extending into the campus from Harold’s Cross Road to the proposed new gate at the western end of this CPO Plot where the remaining easement rights will commence and continue into the private campus. The proposed car park on Permanent CPO Plot No.1019(2) will be a public road area which will be subject to the same controls and maintenance responsibilities of the public authorities as all other public roads.

The compound will not impede access to the hospice which will continue along the existing access road beside the proposed compound. It is accepted earlier in this report that the use of a construction compound in this location is required to facilitate the construction of the scheme. There is a need for 3 construction compounds along the 3.7km length of the proposed scheme to enable the facilities to be sufficiently proximate to the works areas. The Proposed Scheme works are most intense and

complex in Harold's Cross, with road widening and reconstruction along Harold's Cross Road, and Clanbrassil Street Upper, including the construction of two footbridges and a significant retaining wall at the Grand Canal. These works could not be adequately supported by the other proposed construction compounds K1, 1.4km to the south, or compound K3, 0.8km to the north of the proposed compound K2 at the hospice.

Upon completion of the road scheme car parking will be made available on the site to mitigate against the potential impact of the proposed removal of on street car parking in the vicinity. Harold's Cross Road is composed of residential units, together with shops, restaurants and businesses, and this car parking is necessary to mitigate against the loss of on street parking so as to facilitate access to these homes/shops/restaurants/businesses to be maintained following completion of the Kimmage Scheme.

I agree that it has been demonstrated by the NTA that there is a community need for the replacement of existing parking along HCR that will be removed to accommodate a cycle track, and that there is a general shortage of parking in the surrounding area that gives rise to risk of unauthorised and illegal parking on footpaths and cycle tracks. In that regard it is reasonable and proportionate to seek to acquire the area of land at the hospice for the provision of a public car park.

With regard to issues around compatibility with zoning and use, I note that at present, the subject lands comprise a private grassed area that form part of the wider Hospice lands. The area in question comprises of approximately 680m<sup>2</sup>. In regard to the wider Z15 zoning objective of the site which is approximately 9.1hectares, it comprises approximately 0.7% of the site. The applicant submits that the subject lands are peripheral and are a non-integral part of the overall land use. It is also submitted that the proposed parking area can be used by visitors to the Hospice. Cognisance being had to the Z15 Zoning Objective 'To protect and provide

for institutional and community uses', I consider given that given the car park will facilitate car parking to the Religious Sisters of charity, Our Lady's Campus and Focus Ireland it is acceptable in principle.

The objection by the Religious Sisters of Charity in respect of the Kimmage to City Centre Bus Corridor Scheme asserts that the proposed compulsory acquisition of land over which the Congregation has the benefit of free and full liberty of access, rights of way, easements etc. is a disproportionate interference with property rights and is therefore unlawful.

I am satisfied, however, that the CPO is for the exigencies of the common good and is proportionate in this regard. I agree the effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed permanent acquisition of lands, the temporary acquisition of lands, the permanent acquisition of private rights, and the temporary restriction of/ interference with private rights within Our Lady's Hospice and Care Services grounds, as set out in the compulsory purchase order and on the deposited maps would be consistent with the policies and objectives of the Dublin City Development Plan 2022-2028. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

I believe there is significant evidence to satisfy the requirement that there is a community need for the Kimmage Scheme that advances the common good, and the acquisition of the Hospice lands is of central importance to the implementation of the Kimmage Scheme. The Kimmage Scheme will support integrated sustainable transport use through infrastructure improvements for active travel (both walking and cycling), and the provision of enhanced bus priority measures for existing (both public and private) and all future services who will use the corridor.

## 8.0 Conclusion

- 8.1. I have examined all of the issues raised within the submissions received and those received in response to the NTA's response. I am satisfied that the proposed extent of land acquisition is reasonable and proportional to the stated purpose of the Proposed Scheme. I am also satisfied that the process and procedures undertaken by the applicant have been fair and reasonable and it has demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of the lands would be justified by the exigencies of the common good and would be consistent with national, regional and county level planning policies and objectives.
- 8.2. I am satisfied that:
- the process and procedures undertaken by the NTA have been fair and reasonable,
  - the NTA has demonstrated the need for the lands, and
  - all the lands being acquired are both necessary and suitable to facilitate the provision of the BusConnects Scheme.
- 8.3. Having regard to the constitutional and convention protection afforded to property rights, I consider that the acquisition of lands as set out in the compulsory purchase order and on the deposited maps as follows, pursues and is rationally connected to, a legitimate objective in the public interest, namely the provision of a sustainable public transport bus service and active travel facility.
- 8.4. I am also satisfied that the acquiring authority has demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. In this respect, I have considered alternative means of achieving the objective referred to in submissions to the Board, and I am satisfied that the acquiring authority has established that none of the alternatives are such as to render the means chosen and the CPO made by the acquiring authority unreasonable or disproportionate.
- 8.5. The effects of the CPO on the rights of affected landowners are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands on a permanent and temporary basis, restriction, acquisition, and interference

of rights of way would be consistent with the policies and objectives of the Dublin City Development Plan 2020-2028 in which the delivery of the proposed BusConnects is an objective. Accordingly, I am satisfied that that the confirmation of the CPO is clearly justified by the exigencies of the common good.

8.6. **Inspectors Note:** I note that the NTA have no difficulty with the Religious Sisters of Charity being moved from the “owners or reputed owners” column to the “occupiers” column in relation to plots number 1019(1) and 1019(3). This I consider is not material, can be amended in the Schedule, and will not affect the confirmation of the CPO.

## 9.0 Recommendation

I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 28<sup>th</sup> July 2023, based on the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector, the purpose for which the lands are to be acquired as set out in the Compulsory Purchase Order, and having regard to the following:

- (i) The constitutional and convention protection afforded to property rights,
- (ii) The substandard infrastructure provided for along the existing route.
- (iii) The strategic nature of the scheme in the context of reducing carbon emission and climate change.
- (iv) The community need, and public interest served and overall benefits, including benefits to a range of road users to be achieved from use of the acquired lands, and
- (v) the design response, which has been appropriately tailored to the identified need,
- (vi) The suitability of the lands and the necessity of their acquisition to facilitate the provision of the Kimmage to City Centre Core Bus Corridor.

- (vii) The policies and objectives of the Dublin City Development Plan 2022-2028.
- (viii) The submissions made to the Board.

it is considered that, the acquisition by National Transport Authority of the lands in question, and acquisition of private rights of way, on a temporary and permanent basis as set out in the compulsory purchase order and on the deposited maps, is necessary for the purpose stated, which is a legitimate objective being pursued in the public interest, and that the CPO and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

In reaching this conclusion, the Board agrees with and adopts the analysis contained in the Inspector's report.

I confirm that the report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

## SCHEDULE

The compulsory purchase order (Deposit Maps and Schedules) shall be modified as follows:

**Plot 1019(1).1a and Plot 1019(3).2a:** The Religious Sisters of Charity shall be moved from the “owners or reputed owners” column to the “occupiers” column.

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Fiona Fair  
Senior Planning Inspector  
17.02.2025

## APPENDIX 1

### 1. Anne O'Flaherty, 28 Greenmount Close

- Concern of noise pollution.
- Concern of impact upon health of residents – air pollution.
- Concern of loss of bus stop close to residence.
- Road widening will bring noise and traffic closer to residences.

### 2. Caitriona Dempsey, 1 Mount Argus Square.

- Concern of proposed cycle path from Sundrive Road through Mount Argus Square / estate.
- Concern of antisocial behaviour, safety and security issues.
- Concern cycleway is unnecessary.
- Loss of cultural heritage.
- Lack of consultation and analysis of where cycle paths in enclosed estates work for the communities.
- Concern of increased speed of bicycles.
- Concern of loss of biodiversity from new cycle connections.

## Response to NTAs Comments on submission

The third parties responded to the NTAs comments in relation to the proposed scheme as follows:

- Concern issues raised with respect to proposed boardwalk via Mount Argus
- Concern antisocial behaviour, safety and security in Mount Argus Square have not been addressed by the NTA.
- No new issues raised.

### 3. Carol Michael, 23 Greenmount Close, HCR

- Concern of noise pollution.
- Concern of impact upon health of residents – air pollution.
- Concern of loss of bus stop close to residence.
- Road widening will bring noise and traffic closer to residences.

#### **4. Dawnlane Limited, 31 Clanbrassil Street Dublin 8 (McGuigan Solicitors)**

- Concern with respect to Plot No. 1022(1).1a at 31 Clanbrassil Street.
- Concern no Strategic Environmental Assessment carried out.
- The owners and occupiers / lessees list is incorrect on the schedule / draft order.
- No consideration of need for the cycleway has been carried out.
- Nature of the scheme and effects of the scheme are not sufficiently described.
- Concern of extinguishment of access to the premises.
- Detail of the CPO maps is inadequate.
- Concern that the Board will engage appropriate specialists to consider the full range of impacts on noise, air emissions, surface and ground water as well as ecology.
- Concern of lack of detail incl. design, drawings, detailed plans, elevations, levels.
- **Request that an OH be held.**

#### **Response to NTAs Comments on submission**

**The third parties responded to the NTAs comments in relation to the proposed scheme as follows:**

- Concern issues raised have not been addressed by the NTA:
  - Concern of lack of detail incl. design, drawings, detailed plans, elevations, levels.
  - Detail of the CPO maps is inadequate.
  - Fundamental conflicts and constitutional rights disputed between the parties.
  - The basis upon which the plans are being prepared are fundamentally misconceived as the level of detail some of which will involve complex, geometry, structural and environmental impacts with difficulties in respect of access etc. others will be straight forward and conventional and the level of detail that must be provided will vary on the complexity of what is proposed at any location.
  - Concern that as responded to by the applicant, that there is a consistent level of detail across the scheme regardless of the complexity or impact of any particular scheme. There is a need to explain the full impacts of

any design arrangements – the applicant in this case does not understand the obligations that arise under all the provisions that are set out under Section 51.

- The application fails the fundamental test for the confirmation of a CPO.
- Concern no OH was held.
- No new issues raised.

#### **5. Deirdre Pender, 33 HCR**

- Concern of front boundary wall being replaced.
- Concern land take from 33 HCR to 61 HCR is justified.
- Concern of interruption to bus routes.
- Concern of introduction of multiple bus gates.
- Concern of different operational times of bus gates.
- Concern of displacement of private car traffic to surrounding streets, in particular past schools.
- Concern of impact upon local businesses and local access.
- Concern of impact upon local villages and communities.
- Concern of narrow footpaths and error on drawings showing loss of parking spaces at the Park close to Mount Jerome / Russian Orthodox Church and access to Mount Argus Road. There are currently no car parking spaces on the park side of the road.
- Concern of non continuous cycle paths.
- Consider the design of the footbridges could be more decorative.
- Concern of inadequate surface water drainage on HCR outside of the observers house, additional shores are required.
- Request that ample notice of all works are conveyed to residents, in advance of works commencing.

#### **Response to NTAs Comments on submission**

**The third parties responded to the NTAs comments in relation to the proposed scheme as follows:**

- No new issues raised.

**6. Gordon's Fuels (Mr. Barra Gordon and Mrs Suzanne Gordon, 32A Clanbrassil Street Upper**

- Concerning Plot List 1022(1).1a Easement Plot List CE
- Concern to Plot List 1021(1)1c, 1021(2)1d, 1021(3)1z, 1021(4)2c, 1021(5)2d, 1021(6)2z. Easement Plot List CD
- Concerning 0.25 Ha (0.63 Acres) at Canbrassil Street Upper.
- The CPO involves demolishing a principle private residence and reduces accessibility to their business both during and after construction.
- Concern of impact upon future redevelopment potential of their property, which is zoned Z3, Neighbourhood zoned lands.
- The bridge widening works to facilitate new pedestrian and cycling structures require the removal of a gated access and separate roadway leading to their business.
- Concern of construction works impact on business.
- Concern of loss of on-street car parking spaces.
- Concern that future access requirements from Upper Clanbrassil Street and impact upon Z3 zoned lands has been appropriately considered.
- Request that ABP request additional information on the alternatives to the proposed bridge widening and new junction creation on Clanbrassil Street.

**Response to NTAs Comments on submission**

**The third parties responded to the NTAs comments in relation to the proposed scheme as follows:**

- Concern no OH held.
- Concern NTA's response does not adequately address concerns raised.
- Vehicle tracking software should be required by ABP to demonstrate that the road arrangement will function satisfactorily.
- Failure to provide to plan for a satisfactory wider junction with sightline improvements at Clanbrassil Street Upper, or a satisfactory width of new roadway and footpaths, and for details to be provided to Gordon Fuel's in respect of the 'new access ramp' and its capability of supporting future development access, are very serious flaws.
- Effective sterilisation of the lands for future high-density redevelopment in addition to taking away a family home and livelihood.
- No new issues raised.

**7. Rodney and Vanessa Cassidy Legal representatives of the Estate of Agnes Cassidy.**

- Concern to Plot Ref 1022(1).1a, same as submission from Dawnlane Limited, 31 Clanbrassil Street Dublin 8, see submission No. 4 above.
- No Strategic Environmental Assessment carried out.
- The owners and occupiers / lessees list is incorrect on the schedule / draft order.
- No consideration of need has been carried out.
- Nature of the scheme and effects of the scheme are not sufficiently described.
- Concern of extinguishment of access to the premises.
- Detail of the CPO maps is inadequate.
- Concern that the Board will engage appropriate specialists to consider the full range of impacts on noise, air emissions, surface and ground water as well as ecology.
- Concern of lack of detail incl. design, drawings, detailed plans, elevations, levels.
- **Request an OH be held**

**8. Lisa Harrington, 37 HCR, Dublin 6W**

- Concern that front boundary (iron railing and low stone wall) will be reinstated to a condition comparable to existing if not improved.
- Concern of impact upon 3 mature apple trees in the front garden, 2 of which are located in an area to be temporarily acquired.
- Concern of impact upon mature privet hedge.
- Impact upon a retaining wall to support the lawn area in the front garden.
- Concern rose bushes, concrete path and steps leading to the front door will not be damaged.
- Seek confirmation that drainage will be adequate.
- Request consultation on design.

**9. Our Lady's Hospice & Care Services**

- Concern with respect to Plot Ref. 1019(1).1a, 1019(2).1f, 1019(3).2a, 1019(4).2f

- The NTA has proposed the site / land as a 'car park' and it is to be used as construction compound K2 for a period of 15 months.
- Concern of impact on the hospice's proposal to expand the facility.
- Submit that the location of the proposed car park is the last remaining piece of land / site for expansion of the hospice.
- Concern proposal for a car park at this location is contrary to local and national planning policy.
- Concern of impact of construction compound upon only access to the hospice due to location of K2.
- Car park at this location is contrary to all local and national policy, which seeks to encourage sustainable methods of transport use.
- Concern EIAR is deficient in its assessment of access/traffic/transport to and from the hospice.
- Concern that the '4-part Proportionality Test' has not been met.

### **Response to NTAs Comments on submission**

**The third parties responded to the NTAs comments in relation to the proposed scheme as follows:**

- Concern issues raised have not been adequately responded to.
- Note Appendix to Observation – Legal Opinion prepared by Oisin Collins SC, as submitted with the original observation.
- Note Modelling prepared by Scott Walker showing a key worker accommodation building of 1,800 sq. m, as submitted with original observation.
- No new issues raised.

#### **10. Paul Cashman, 25 Airfield Road, Rathgar**

- Concern with regard to Plot List 1002(1).1g, 1002(2).2a, 1002(3).2g,
- Concern of impact upon Mount Argus Square apartments.
- Concern of impact upon bin storage and security.
- Concern of impact of cycleway upon biodiversity of the Poddle.
- Concern of safety and necessity of the cycleway.
- Concern of the proposal to remove access to five points crossroads from Kenilworth Sq. negative impact to surrounding roads and no joined up thinking on roads with DCC.

### **11. Religious Sisters of Charity (RSC) Entrance to our Lady's Hospital**

- Concern with regard to Plot List 1019(1).1a, 1019(2).1f, 1019(3).2a, 1019(4).2f
- Sister Theresa Kennedy and Sister Una O'Neill are incorrectly stated on the CPO Schedule as being 'Owners or Reputed Owners'.
- The RSC has property within Our Lady's Hospice campus, the congregation shares the use of the campus avenue with Our Lady's Hospice and Focus Housing Association
- Concern of impact upon access, uninterrupted passage for access utilities, services etc
- Concern of proposal for a 22 space public car park.
- Lack of information on new entrance gates and management of same, maintenance, repair, control of acquired avenue and management, operation, control of the car parking spaces.
- Concern of traffic and access disruption and health and safety risks.
- Concern that Proportionality Test has not been met.
- Disproportionate interference with property rights.
- If ABP decides to approve the subject scheme they should do so with 'modifications' removing the proposed acquisition of Plot List 1019(1).1a, 1019(2).1f, 1019(3).2a, 1019(4).2f

### **Response to NTAs Comments on submission**

**The third parties responded to the NTAs comments in relation to the proposed scheme as follows:**

- Concern issues raised have not been adequately responded to.
- The NTA fails to demonstrate that it is proportionate to CPO a developable plot within the OLH campus and the sole access to the entire highly sensitive site to provide a construction compound for 15 months and thereafter 22 car parking spaces in replacement for 10 spaces removed on HCR.
- The Blackrock to City centre CBC is 7.4Km and 1 construction compound whereas the proposed 3.7Km Kimmage to city centre scheme has 3 compounds thereby illustrating that the acquisition of the site is not proportionate in terms of function and in terms of the interference of property rights.

- No new issues raised.

#### **12. The Estate of Joy Ordman, Deceased c/o Shoshana Khan & Semone Eppel**

- Concern with regard to Plot List 1001(1).1a, Easement Plot List: CA
- The estate concerns 11 – 13 Sundrive Road
- Concern of creation of the 2-way Dodder Cycleway adjoining the doorway to No. 11, it limits access for deliveries and impact emergency access use of the door.
- The Dodder Cycleway will impact upon maintenance and repair access of 11 – 13 Sundrive Road.
- Concern of impact upon future development potential of the building.
- Concern of legal rights over the cycleway to access 11 – 13 Sundrive road – legal and title information in respect of reduced and narrowed access.
- Concern of proposal to locate a construction compound at K1
- Concern of loss of car parking spaces for residents of 11 – 13 Sundrive Road, negative impact upon tenant deliveries and collections for retailing and business.

#### **Response to NTAs Comments on submission**

**The third parties responded to the NTAs comments in relation to the proposed scheme as follows:**

- Concern issues raised have not been adequately addressed.
- No new issues raised.

#### **13. The Passionist Community, St. Paul's retreat, Mount Argus.**

- Benefits of the busconnects scheme are recognised.
- Concern of impact upon Mount Argus Church
- Concern impact upon the requirement of an ageing population is addressed.
- Concern parishioners and visitors can still access the church easily/
- Concern vehicular access is maintained from Kimmage Road Lower to provide for funerals, weddings and other church events.
- Concern access to the car park is retained along Kimmage Road Lower.

- Concern of impact of busgates and request that hours of operation are reduced / amended, and they are only operational Monday – Friday.

**14. The Wine Pair c/o Canice Mckee 79-81 Clanbrassil Street Lower.**

- Appreciate the necessity of urban development projects.
- Concern of impact of construction compound and storage unit in the immediate vicinity of their business.
- Concern of impact upon access to business.
- Concern of obscuring signage and hampering business.
- Concern of impact upon outdoor seating and customer experience.
- Concern of attracting anti social behaviour.
- Construction compound should be relocated – will remove the tiny amount of green space in the area.
- Concern of high fees associated with the public consultation process.

**Observation by Dublin City Council.**

One Observation was submitted by DCC to 317682-23 & 317660-23 – It is summarised in detail in the planning application case 317660-23 and does not raise issues per se in relation to the CPO. The DCC response to the NTA's response also does not raise issues with respect to the CPO – see 317660-23 for detailed summary of the DCC submission.