



An  
Bord  
Pleanála

## Inspector's Report ABP-314642-22

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<b>Nature of Application</b>	Ballymun /Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022
<b>Location</b>	Ballymun /Finglas to City Centre, County Dublin
<b>Planning Authority</b>	Dublin City Council & Fingal County Council.
<b>Applicant</b>	National Transport Authority
<b>Objectors</b>	See Appendix 1
<b>Date of Site Inspection</b>	
<b>Inspector</b>	Sarah Lynch

## **1.0 Introduction**

### **1.1. Overview**

- 1.1.1. This is an application by the National Transport Authority for confirmation by the Board of a Compulsory Purchase Order ('CPO'), entitled 'Ballymun/Finglas to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022'.
- 1.1.2. The Compulsory Purchase Order relates to the compulsory acquisition of rights over various lands along the Ballymun Road from the junction at St. Margaret's Road southwards and along St. Mobhi Road, Botanic Road, Prospect Road, Phibsborough Road, Constitutional Hill and Church Street as far as the junction with Arran Quay/Ormond Quay on the River Liffey and along Finglas Road from the St. Margaret's Road junction to Prospect Road at Hart's Corner. The Route will also occur along the Royal Canal Bank in Phibsborough and through the Markets Area from Constitutional Hill to Ormond Quay, and it 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.
- 1.1.3. 16 no. submissions were received after the first consultation period and 2 additional submissions were received after the second round of consultation which related to the NTA's response to submissions to the CPO.

### **1.2. Purpose of CPO**

- 1.2.1. The purpose of the CPO is to facilitate the undertaking of the development referred to as the Ballymun / Finglas to City Centre Core Bus Corridor Scheme', the construction of the Ballymun / Finglas to City Centre Bus Corridor has an overall length of approximately 11km and will be comprised of two main alignments in terms of the route which will follow the Ballymun Road, St. Mobhi Road, Botanic Road, Prospect Way, Prospect Road, Phibsborough Road, Constitution Hill and Church Street as far as the junction with Arran Quay / Ormond Quay on the River Liffey, and along Finglas Road from the junction at St. Margaret's Road to the Hart's Corner junction with Prospect Road all in the County of Dublin and within the Fingal County Council (FCC) and Dublin City Council (DCC) administrative areas.
- 1.2.2. 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.

- 1.2.3. The NTA have sent 140 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include Dublin City Council, CIE, Waterways Ireland OPW, ESB, Bord Gáis Energy Ltd, Ervia, Minister of Education, Dept. of Further and Higher Education, Research, Innovation and Science, City of Dublin Education & Training Board, TII, 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 'Ballymum / Finglas to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order'.

### **1.3. Accompanying documents**

- 1.3.1. The application was accompanied by the following:
- Compulsory Purchase Order and Schedule thereto, dated 13<sup>th</sup> September 2022.
  - Application cover letter.
  - CPO Maps.
  - Newspaper notice, published in the Dublin Gazette and the Irish Independent both dated the 14<sup>th</sup> September 2022.
  - Copy of site notices erected and details of specific locations erected along the route.
  - Copy of notice sent to landowners.
  - Copy of registered postal receipt for service of each CPO notice.

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

1.4.1. 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.

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

1.4.3. 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.

1.4.4. 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.

## **2.0 Site Location and Description**

2.1. The proposed scheme submitted under this application will comprise the construction of the Ballymun/Finglas to City Centre Bus Corridor will be approximately 11km in length and will be comprised of two main alignments in terms of the route it will follow,

from Ballymun to the City Centre (the Ballymun Section) and from Finglas to Phibsborough (the Finglas Section). The Ballymun Section of the Proposed Scheme will commence on R108 Ballymun Road at its junction with St. Margaret's Road, just south of M50 Motorway Junction 4, and will be routed along the R108 on Ballymun Road, St. Mobhi Road, Botanic Road, Prospect Road, Phibsborough Road, Constitution Hill and R132 Church Street as far as R148 Arran Quay at the River Liffey on the western edge of Dublin City Centre. Priority for buses will be provided along the entire route, consisting primarily of dedicated bus lanes in both directions, where feasible, with alternative measures proposed at particularly constrained locations such as at R108 St. Mobhi Road.

- 2.2. A complementary cycle route along quiet streets is proposed along Royal Canal Bank in Phibsborough, which will extend southwards from the Royal Canal to Western Way, parallel a short distance to the east of R108 Phibsborough Road, and also through the Markets Area at the southern end of the Proposed Scheme. The Finglas Section of the Proposed Scheme will commence on the R135 Finglas Road at the junction with R104 St. Margaret's Road and will be routed along the R135 Finglas Road as far as Hart's Corner in Phibsborough, where it will join the Ballymun Section of the Proposed Scheme.
- 2.3. Priority for buses will be provided along the entire route, consisting of dedicated bus lanes in both directions. Continuous segregated cycle tracks will be provided from the Church Street Junction in Finglas to Hart's Corner. No cycle tracks are proposed along the Finglas Bypass at the northern end of the Proposed Scheme, as more suitable routes are available along local streets.

Key elements of the Scheme:

- The number of pedestrian signal crossings will increase by 26 from 18 to 44 as a result of the Proposed Scheme;
- The proportion of segregated cycle facilities will increase from 60% on the existing corridor to 93% on the Proposed Scheme; and
- The proportion of the route having bus priority measures will increase from 49% on the existing corridor to 100% on the Proposed Scheme.

Specific works proposed within the development include the following:

The Proposed Scheme is described in the following seven sections (Section 1 to Section 4 comprise the Ballymun Section of the Proposed Scheme and Section 5 to Section 7 comprise the Finglas Section of the Proposed Scheme):

- Section 1 – Ballymun Road from St. Margaret’s Road to Griffith Avenue;
- Section 2 – St. Mobhi Road and Botanic Road from Griffith Avenue to Hart’s Corner;
- Section 3 – Prospect Road, Phibsborough Road from Hart’s Corner to Western Way;
- Section 4 - Constitution Hill and Church Street to Arran Quay;
- Section 5 – Finglas Road from St. Margaret’s Road to Wellmount Road;
- Section 6 – Finglas Road from Wellmount Road to Ballyboggan Road; and
- Section 7 – Finglas Road from Ballyboggan Road to Hart’s Corner.

#### Section 1

- 2.4. Section 1 of the Proposed Scheme will commence on R108 Ballymun Road at its junction with St. Margaret’s Road, just south of M50 Motorway Junction 4. This section of the Proposed Scheme extends along R108 Ballymun Road to the junction with R102 Griffith Avenue.
- 2.5. Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with dedicated bus lanes in both directions. Segregated cycle tracks will be provided in both directions. The Proposed Scheme will also reduce the footprint of the existing 12 wide signal-controlled junctions.

#### Section 2

- 2.6. Section 2 of the Proposed Scheme will commence at the R108 St. Mobhi Road / R102 Griffith Avenue Junction and will extend for 1.5km to Hart’s Corner north of Phibsborough, where it will meet the Finglas Section of the Proposed Scheme.
- 2.7. A northbound Bus Gate will be provided on R108 St. Mobhi Road at the southern arm of the junction with R102 Griffith Avenue to provide appropriate priority for bus services where no bus lane is provided in the northbound direction due to width constraints. Segregated cycling tracks will be provided on each side of the street generally, with a two-way cycle track section proposed on part of the eastern side of R108 St. Mobhi Road to cater for higher flow of pedestrians and cyclists accessing a cluster of schools and sports clubs on that side of the road.

### Section 3

- 2.8. Section 3 of the Proposed Scheme will commence at the R108 Prospect Road / Lindsay Road Junction at the southern apex of Hart's Corner and will extend through Phibsborough over a length of 1.2km to the R135 Western Way Junction. Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with dedicated bus lanes in both directions over most of the length, apart from at three short sections (Prospect Road / Whitworth Road, Phibsborough Road (150m south of Doyle's Corner) and Phibsborough Road (50m north of Western Way) where signal controlled priority for buses will be used. A two-way segregated cycle track will be provided along the eastern side of R108 Prospect Road to the Royal Canal, where the cycle route will deviate a short distance eastwards to join the Royal Canal Bank, an infilled former canal branch, bypassing Phibsborough Village.
- 2.9. The existing railway bridge on the Connolly railway line to the south of Lindsay Grove will be widened, and two new cycle / pedestrian bridges will be provided:
- One over the Docklands railway line adjacent to Whitworth Road; and
  - One over the Royal Canal. Heading southward from the Royal Canal, the cycle route will largely avail of the existing quiet street along Royal Canal Bank.
- 2.10. The cycle route will pass around the eastern side of Phibsborough Library and will then cross underneath R101 North Circular Road, where a new bridge will be provided to enable the north to south cycle route to pass through without the climb and delay of a traffic signal crossing.

### Section 4

- 2.11. Section 4 of the Proposed Scheme will commence at the R135 Western Way Junction and will extend along R108 Constitution Hill and R132 Church Street for 1km southwards to the R148 Arran Quay / Ormond Quay Junction at the River Liffey, which will be the end of the Proposed Scheme.
- 2.12. Priority for buses will be provided with dedicated bus lanes over most of this section, with three short gaps where Signal Controlled Priority will be provided instead at the following locations on Church Street Lower:
- Southbound from the junction of R804 King Street North to Mary's Lane for a length of 190m;

- Northbound from the junction at May Lane for a length of 60m; and
  - Southbound from the junction at Chancery Street for a length of 50m.
- 2.13. Along R108 Constitution Hill, a two-way cycle track will be provided on the eastern side of the street to connect from R135 Western Way to Coleraine Street.
- 2.14. An additional northbound cycle track will also be provided on the western side to connect to the Technological University Dublin campus at Grangegorman via Broadstone Gate.
- 2.15. The main cycle route will follow quiet streets through the Markets Area from Coleraine Street to R148 Ormond Quay. Along Church Street Lower short sections of cycle track will be provided at the three locations where there will be gaps in the bus lanes.

#### Section 5

- 2.16. Section 5 of the Proposed Scheme will commence at the northern end at the junction of R135 Finglas Road with R104 St. Margaret's Road and will extend in a south-eastern direction along the Finglas Bypass dual carriageway over a length of 1.1km to the Wellmount Road Junction on the southern edge of Finglas Village.
- 2.17. Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with dedicated bus lanes in both directions.
- 2.18. In the Proposed Scheme, a northbound bus lane will be provided along the full length of this section through conversion of the existing left-hand traffic lane to a bus lane over a length of 0.5km. Bus lanes will also be provided on the southern slip ramps at the Mellows Road grade-separated junction to cater for proposed bus route F2 that will serve the north-western area of Finglas.

#### Section 6

- 2.19. Section 6 of the Proposed Scheme will extend along R135 Finglas Road from the Wellmount Road Junction to the Ballyboggan Road Junction, over a length of 1.6km. Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with dedicated bus lanes in both directions. Segregated cycle tracks will be provided in both directions along the full length of this section of the Proposed Scheme.

#### Section 7

- 2.20. Section 7 of the Proposed Scheme will extend along R135 Finglas Road for a distance of 1.5km to Hart's Corner where it will meet the Ballymun Section of the Proposed



Scheme. Priority for buses will be provided along the entire length of this section of the Proposed Scheme, with dedicated bus lanes in both directions. This will require road widening over a length of 330m in front of Glasnevin Cemetery at St. Vincent's School on the western side and at part of Bengal Terrace on the eastern side.

- 2.21. South of Claremont Lawns, alongside Glasnevin Cemetery, the existing on-street parking will be removed and replaced with a new parking facility with the same number of spaces, which will encroach into the open public space at Claremont Lawns. Segregated cycle tracks will be provided in both directions along the full length of this section of the Proposed Scheme.
- 2.22. The Construction Phase for the Proposed Scheme is anticipated to take approximately 24 months to complete. It will be constructed based on individual sectional completions that will individually have shorter durations typically ranging between two to 12 months.

### 3.0 Planning History

3.1. 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. Of relevance to this scheme and including a number referred to by Dublin City Council within their submission to the application are the following:

- ABP-314691-22 Appeal undecided at Corner of Church Street Upper and Brunswick Street North: application for the construction of 52 residential units (each with private balcony/terrace) within three apartments blocks ranging from 3 to 8 storeys
- ABP-315062-22 Permission granted at Daneswell Place, former Printworks/Smurfit Site, Botanic Road, Glasnevin, Dublin 9 for 168 no. apartment units.
- Part 8 Proposal 3131/22 (LAW) – Permission granted at Ballymun Civic Plaza, Shangan Road, Ballymun, Dublin 11: development to improve the public realm.
- DCC4145/22 Permission granted at 364-374 North Circular Road, Royal Canal Bank and 168-169 Phibsborough Road (former Des Kelly site): mixed use

development with two retail units, coffee shop and 80 apartments ranging in height from three to eight storeys.

- ABP-308875-20 – Permission granted at Phibsborough Shopping Centre: Build to Rent Shared Accommodation and other minor alterations to the permitted development.
- ABP-309345-21 Permission granted at Old Bakery Site 113 Phibsborough Road, Cross Guns Bridge, Phibsborough: 205 No. Build to rent units.
- ABP- 310686-21 Permission granted at 146-147 Phibsborough Road & 10 Eglinton Terrace, Dublin 7. mixed-use block consisting of a restaurant & cafe space and 17 No. apartments in 2. no blocks of six storeys.
- DCC 2080/17 Permission granted at Dominick Street Upper: 6 storey over lower ground floor/basement level student accommodation development with 247 no. bed spaces.
- ABP- 248726- 17 Permission granted at North Circular Road, Dublin 7: student accommodation development with 444 no. bedspaces (420 bedrooms) in 9 no. blocks which range in height from 1 no. storey to 7 no. storeys.
- ABP-244466 – 15 Permission granted at 27-31 Church Street, Dublin 7: student accommodation with 232 no. bedrooms.

#### **4.0 Overview of submissions**

- 4.1. 16 no. third party submissions have been received in relation to the CPO of lands and are summarised hereunder, 1 of which has requested an Oral Hearing. In relation to the content of the submissions it is of note that many issues raised are common to all of the submissions. 9 submissions relate to the removal of lands near to 165 Mobhi Road as this area serves a parade of shops. Other submissions relate to the loss of car parking. Overall, third parties are concerned that the proposed development will materially alter how their property functions and will impact businesses to a significant level.
- 4.2. All such matters have been examined in detail within the planning application report ref: ABP314610-22 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.

- 4.3. I note that the NTA has responded to the issues raised and such responses will be examined 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 2 responses were received in this regard, no new issues were raised within these 2 no. submissions.

## 5.0 Policy Context

### 5.1. European

#### 5.2. 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.

#### 5.3. 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.

#### 5.4. 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.

## **5.5. National**

### **5.6. 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.

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

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

### **5.8. 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.

### **5.9. 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

### **5.10. 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.

#### **5.11. 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.

## **5.12. 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.

### **5.13. 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.

### **5.14. 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 promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.
- The promotion of multi functional, place 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.

### **5.15. Climate Action Plan 2023**

- The Climate Action Plan (CAP23) sets out a roadmap to halve emissions by 2030 and reach net zero by 2050. CAP23 will also be the first to implement carbon budgets and sectoral emissions ceilings that were introduced under the Climate Action and Low Carbon Development (Amendment) Act, 2021. Sector emission ceilings were approved by Government in July 2028 for the electricity, transport, built environment – residential, built environment – commercial, industry, agricultural and other (F-gases, waste & petroleum refining) sectors. Finalisation of the emissions ceiling for the Land Use, Land Use Change and Forestry (LULUCF) sector has been deferred for up to 18 months from July 2022.
- 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 CAP23 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 CAP23 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. CAP23 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 will be developed in 2023 with the aim of reducing travel demand and improving sustainable mobility alternatives.
- The major public transport infrastructure programme set out in the NDP rebalances the share of capital expenditure in favour of new public transport schemes over road projects. BusConnects in each of our 5 cities, the DART+ Programme and Metrolink will continue to be progressed through public consultations and the planning systems. BusConnects is a key action under the major public transport infrastructure programme to deliver abatement in transport emissions, as outlined in CAP23 for the period 2023-2025.

## 5.16. Regional

### 5.17. 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.

### **Cycle Design Manual, NTA, 2023**

This new Cycle Design Manual supersedes the National Cycle Manual. The new manual draws on the experience of delivering cycling infrastructure across Ireland over the last decade, as well as learning from international best practice, and has been guided by the need to deliver safe cycle facilities for people of all ages and abilities.

## **5.18. Local**

### **Dublin City Development Plan 2022-2028**

- Chapter 8 Sustainable Movement and Transport
  - Table 8.1 Current and target mode share outlines that cycling is expected to increase by 7% by 2028 and bus 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. The impact of public transport infrastructure projects on mode share is more likely to come into fruition during the lifespan of the following plan.
  - Dublin City Council recognises and welcomes the opportunities for developing public realm around the city and in the urban villages where new public transport proposals are being developed such as Metrolink, BusConnects and the Luas expansion and DART+ project.
  - 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.

- 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
- SMT021 - To seek improvements to Cross Guns Bridge for pedestrian and cycle users, taking into consideration the BusConnects and Metrolink projects.
- It is acknowledged that new street/road infrastructure and improvements to existing streets/roads will be required over the period of the plan. In some instances, the development of new areas is predicated on the delivery of new street/road connections such as the new networks in Belmayne, Ballymun, and Cherry Orchard

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.

Zoning objectives that are affected by the proposed scheme:

- 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
- Zone Z15 – Institutional and Community To protect and provide for institutional and community uses.

### **5.19. Fingal County Development Plan 2023-2029**

Fingal is set to benefit from major rail and bus projects such as MetroLink, BusConnects and DART+ and LUAS Expansion under the National Development Plan 2021–2030. These projects are identified as key growth enablers for Fingal in the NPF and will significantly increase capacity and allow more services to operate across the region, facilitating Fingal’s vision for compact growth and sustainable mobility, serving key destinations and facilitating opportunities along the route for high-density residential development, mixed-use and employment generating activities.

#### **MRE – Metro and Rail Economic Corridor.**

Objective Facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro and Rail Economic Corridor.

- Policy CSP26 – Consolidation and Growth of Swords - Promote and facilitate the long-term consolidation and growth of Swords as a Key Town including the provision of key enabling public transport infrastructure, including MetroLink and BusConnects, in accordance with the relevant provisions of the NPF, RSES and the MASP
- Objective CMO23 – Enabling Public Transport Projects - Support the delivery of key sustainable transport projects including MetroLink, BusConnects, DART+ and LUAS expansion programme so as to provide an integrated public transport network with efficient interchange between transport modes to serve needs of the County and the mid-east region in collaboration with the NTA, TII and Irish Rail and other relevant stakeholders.

- Objective CMO24 – NTA Strategy Support NTA and other stakeholders in implementing the NTA Strategy including MetroLink, BusConnects, DART +, LUAS and the GDA Cycle Network.
- Section 7.3 - Infrastructure provision will be a key factor for the economic development of the County and the prospective MetroLink, BusConnects and Dart + projects will bring significant economic benefits to Fingal. Transport and infrastructure interventions are expected to facilitate the modal shift in alignment with the policy hierarchy and national, regional and local objectives such that they encourage sustainable ways of improving Fingal's integration, connectivity and the movement of workers.

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

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.

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.

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.

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

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:

- Maintaining Nature in the City.



- Restoring Nature in the City.
- Building for Biodiversity.
- Understanding Biodiversity in the City
- 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.

#### **Ballymun Local Area Plan 2017 (extended to October 2027)**

- MO3: Facilitate the delivery of a core bus corridor through Ballymun as proposed in the NTA transport strategy.

## **5.22. Legislative Context**

5.23. 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.

5.24. 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:

5.25. 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.

- 5.26. 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.

## 6.0 Assessment

### 6.1. Overview

- 6.2. 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>1</sup>. Legal commentators<sup>2</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.

- 6.3. 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.

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<sup>1</sup> Para. 52 of judgement of Geoghegan J in *Clinton v An Bord Pleanála* (No. 2) [2007] 4 IR 701.

<sup>2</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).

## **Community Need**

- 6.4. 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.
- 6.5. 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.
- 6.6. 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 cyclists and are not always operational on a 24-hour basis.
- 6.7. As noted above, 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 2023 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.
- 6.8. 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.

- 6.9. 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.
- 6.10. 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 of in addition to an increase in bus use.
- 6.11. 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 people moving capacity 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.
- 6.12. In terms of local transport need it is outlined by the applicant that bus priority infrastructure is currently provided along approximately 47% (outbound) and 51% (citybound), cumulatively equating to 49% of the length of the route. The Proposed 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.
- 6.13. 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

6.14. With regard to cycling it is stated that segregated cycling facilities are currently provided along approximately 60% of the route of the Proposed Scheme. The remaining extents have no segregated cycle provision or cyclists must cycle on the bus lanes where provided with no provision in some critical places such as Hart's Corner. High-quality cycle facilities in the Proposed Scheme will increase to 93% consisting mainly of segregated cycle tracks in both directions and the remainder using quiet streets. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.

6.15. It is important to note that the Ballymun/Finglas Corridor serves some of the busiest bus routes in Dublin. Demand for travel by bus is anticipated to continue to grow in this corridor into the future, in line with population growth. I draw the Board's attention to the list of residential applications within the planning history section of this report above which will accommodate significant population growth in the area of the proposed scheme.

6.16. The proposed scheme therefore, will deliver the physical infrastructure necessary to sustain the projected population growth along and within the area of the route. It will also provide a more accessible public transport facility to the most vulnerable in society in a safe, well-lit and protected environment.

6.17. In overall conclusion it is clear that there is an obvious community need and justification for the proposed scheme which has been clearly demonstrated from a population growth and congestion perspective and in the interests of land use and transport planning integration.

## **Suitability of Lands**

- 6.18. At the outset, the Board will note that the NTA are seeking to both permanently and temporarily acquire lands.
- 6.19. The lands that are the subject of this CPO are currently used for a number of uses but predominantly relate to green open spaces at the edge of housing developments, a small proportion of lands adjacent to existing commercial premises along the route in particular at Mobhi Road and The Bernard Shaw Building at the junction with Whitworth Road, lands also relate to segments within educational facilities and the front boundary of 34-38 Finglas Road, footpaths and private access roads. 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.
- 6.20. The proposed scheme passes through the Phibsborough Centre ACA and also runs adjacent to the Prospect/De Courcy Square ACA, however it is considered that the proposed works are compatible with the objectives of this designation and will not prevent or negatively impact the achievement of same.
- 6.21. Zonings pertaining to the lands include the following:
- Z1 – residential
  - Z3- Neighbourhood centres
  - Z4 – District Centres
  - Z6 – Employment / Enterprise
  - Z5 – City Centre
  - Z6 – Employment/Enterprise
  - Z9 – Open Space
  - Z10- Inner Suburban and Inner City Sustainable Mixed uses
- 6.22. 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 roadspace and the

provision of active travel infrastructure are compatible with the zoning objectives of the development plan.

- 6.23. As noted in Section 2.0 above, the proposed route will be comprised of two main alignments, one will follow the R108 from Ballymun to the City Centre (the Ballymun Section) and the other will follow the R135 from Finglas to Phibsborough (the Finglas Section). Due to the restrictions in width in places along the route and the restrictions in relation to the acquisition of lands due to the presence of buildings Quiet Streets have been identified to divert cyclists off the main thorough fare. These areas include the Royal Canal Bank and Mobhi Drive.
- 6.24. The scheme due to the restricted width of some sections of the existing carriageway encroaches minimally 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 at the open space areas associated with residential or educational uses will be temporarily acquired to accommodate construction compounds and will be relandscaped and returned to their original use once construction is complete. Other lands will be acquired on a permanent basis to facilitate new cycle lanes and improved pedestrian facilities.
- 6.25. 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.
- 6.26. Overall given the current use of lands and the minimal additional lands to be acquired which lie directly adjacent to the existing carriageway and footpath I am satisfied that the lands to be acquired are suitable for such use.

### **Accordance with the Development Plan**

- 6.27. BusConnects is identified within both the Dublin City Development Plan and the Fingal 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 and Fingal County Council under objective CMO23.

6.28. 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 set out both within the Dublin City Development Plan 2022-2028 and the Fingal County Development Plan 2023-2029, and other national and regional policy documents as set out within the policy section of this report above.

### **Use of Alternative Methods**

6.29. I note reference is made within the 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-314610-22. I note that alternatives were considered at three levels, Strategic alternatives, route alternatives and design alternatives.

6.30. 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.

6.31. Metro alternative was also considered and as there is a higher capacity requirement for such solutions it was 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.

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

6.33. 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.

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

#### Route Alternatives

- 6.35. The applicant outlines within section 3.3 of the EIAR that alternative route options have been considered throughout the design development in response to consultations held with the public. The route selection process is outlined in Section 3.3.1 of the EIAR, I note that 70 individual links were considered for the Ballymun Section and 40 no. for the Finglas section.

- 6.36. The Stage 1 assessment considered engineering constraints, high-level environmental constraints and an analysis of population catchments. Numerous links forming part of the 'spider's webs' were not brought forward to the Stage 2 assessment due to space constraints, lack of appropriate adjacent linkages to form a coherent end-to-end route, unsuitability of particular routes, the need for significant land take from residential properties and related construction GHG impacts.

- 6.37. Following completion of the Stage 1 initial appraisal, the remaining reasonable alternatives options were progressed to Stage 2 of the assessment process. These routes were then considered against the following criterion: economy, integration, accessibility and social inclusion, safety, physical activity and environment. Under each headline criterion, a set of sub-criteria were used to comparatively evaluate the options which included soils and geology, hydrology, flora and fauna, potential archaeological, architectural and cultural heritage impacts, air quality, noise and vibration and landscape and visual.

- 6.38. Following stage 2 sifting process 2no. viable routes were identified for the Ballymun route and an additional 2no. for the Finglas route. 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.

6.39. Thus, having regard to the information provided by the NTA in relation to the alternatives considered I am satisfied that a significant number of 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 environmental considerations and to the Project Objectives. I therefore generally concur with the reasons for choosing the preferred alternatives as presented in the EIAR.

**Proportionality and Necessity of Level of Acquisition Proposed in relation to submissions received.**

Submissions relating to lands to be acquired in front of 163-167 St. Mobhi Road –

- Ann Moynihan & Anna Bourke – 1018(1) 1e,
- Anne Kelly – 1015(1).1e, 1016(1).1e 1017(1).1e,
- Brian McElroy - 1015(1).1e, 1016(1).1e 1017(1).1e,
- Christopher Martin - 1015(1).1e, 1016(1).1e 1017(1).1e,
- Clare Kelly - 1015(1).1e, 1016(1).1e 1017(1).1e,
- Deirdre Lambe - 1015(1).1e, 1016(1).1e 1017(1).1e,
- Kevin Murphy - 1015(1).1e, 1016(1).1e 1017(1).1e,
- Sharini McElroy- 1015(1).1e, 1016(1).1e 1017(1).1e,
- Terence & Noreen McNamee 1015(1).1e, 1016(1).1e 1017(1).1e
- Will Cronin – 1016 (included in group submission)

6.40. The CPO is based upon a corridor of various width and alignment, with the majority of the works occurring within the existing carriageway and adjoining footpaths. A number of objections raised concerns about the acquisition of lands adjacent to existing

commercial properties at 163-167 St. Mobhi Road. Third parties object to the provision of a bus stop at this location and are concerned that the land acquisition will impact their businesses, one such business is concerned that the acquisition will prevent any change of use to coffee shop as outdoor seating will not be possible. Landing spaces opposite the existing bus stop is used for displays, parking and deliveries. Concerns also relate to the location of bins, provision of a loading bay and the overall disruption during the construction phase of the development.

- 6.41. It is the intention of the NTA to acquire the private landings in 5 plots across the frontage of 5 adjoining properties at this location, namely 163a, 163, 165, 167 and 169 St. Mobhi Road. I draw the Board's attention to section 2.2 of the NTA response to CPO submissions within which a response to all of the points raised has been provided. Of note from this response is that the footpath width in front of these units will not decrease in width but increase from 2.7 to 2.95m, it is also important for the Board to note that there is an existing bus stop at this location and the proposed acquisition is required to implement improvements at this bus stop for cyclists, pedestrian and bus users, it is proposed to direct the proposed cycle lane behind the bus stop. The level of acquisition at this location is minimal and is not in excess of that required to accommodate the proposed works. I am therefore satisfied that the lands are proportionate to the works in this instance. It is of note that there is no formal loading bay at this location and delivery vehicles appear to park on the footpath at present.
- 6.42. The NTA states that construction works will be for a short duration and will not significantly disrupt businesses with access maintained throughout the period.

Submissions in relation to lands to be acquired at the Bernard Shaw Building

- Marek Przekwas - 1010(1)1e
- Fabola Limited – 1010(1)1e

- 6.43. Additional concerns are raised in relation to the acquisition of lands at the Bernard Shaw building at the corner of Whitworth Road and Prospect Road, the proposed scheme will result in the loss of outdoor space at this location. The footpath is narrow in front of this recently developed outdoor seating area and is located at a busy junction. It is proposed to provide a segregated cycle lanes and pedestrian infrastructure at this location.

- 6.44. The NTA have responded to the objectors concerns and state that the proposed acquisition is absolutely necessary to provide the pedestrian and cycle linkages to the infrastructure provided along the route. It is stated that the intensification of operations at the front footpath area at the Bernard Shaw is a relatively recent occurrence and the removal of this will be accounted for at the arbitration stage of the process which is outside of this CPO process. It is further stated that deliveries will continue to be facilitated to the rear of the building off Whitworth Road.
- 6.45. I have reviewed the proposed acquisitions at this location and consider that the proposed quantum of lands to be acquired are proportionate to the scheme at this location. The applicant does not seek to acquire lands in excess of what is absolutely necessary to accommodate appropriate cycle and pedestrian infrastructure at this location and I am satisfied that the loss of lands to the owner are 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.

Submission in relation to Phibsborough Shopping Centre

- Phibsborough Shopping Centre – plot 1021
  - Tesco Ireland Limited – 1021 (1).1c & 1021(2)2.c
- 6.46. In terms of proportionality, I note concerns raised in relation to lands at the Phibsborough Shopping Centre, the lands are required to accommodate bus lanes in both directions and upgraded pedestrian facilities. The acquisition will require the loss of parking and the relocation of an access for HGV movements at the front boundary of the site. The objectors seek clarification regarding the duration of the temporary acquisition in which the NTA respond that these lands are required to accommodate the construction of a foundation for a replacement boundary wall, which will occur at the start of the works, the duration of which is unknown at present but will be communicated with the objector.
- 6.47. It is further stated in relation to concerns about access that the proposed acquisition will not impede access to the site for delivery vehicles and the acquisition is restricted to the lands necessary to accommodate the proposed scheme. I note that both Tesco and Phibsborough Shopping centre have responded to the NTA's response to the submissions and have maintained their strong objection to the land acquisition and the loss of a stated 35 no. parking spaces. I have reviewed the plans at this location in

detail and note that the carriageway is significantly restricted in terms of width, the Board will note that an alternative route has been proposed for cyclists at this location along the Royal Canal and onto Eglinton Terrace as there is insufficient room to accommodate cyclists at the section of the route.

- 6.48. Given the restricted widths at this location there is no other option but to acquire the proposed lands, a narrowing of traffic lanes to reduce the quantum of lands at this location would not alleviate the loss of car parking to such a degree as to appease the objectors and would result in significant alterations to the scheme in terms of traffic flows and access into and out of the shopping centre.
- 6.49. Therefore, whilst I acknowledge the objectors concerns, I am satisfied that there is no other option at this location but to acquire the lands outlined in order to achieve the objectives of the proposed scheme. The loss of these lands will allow for a sustainable and active travel scheme which will benefit all residents in the area and the overall environment at this location and as such the impact to landowners property rights are justified in the context of the common good.

#### Our Lady of Victories Girls National School – Plot 1003

- 6.50. With regard to the submission from Our Lady of Victories Schools, I note that an area of the existing green area to the front of the school is to be acquired to accommodate a new footpath and passing area to the rear of the proposed island bus stop. The area to be acquired comprises public open space consisting of a grass lawn. The footpath will be rerouted onto the grass area over a short distance of 30 metres and is required to accommodate infrastructure that will alleviate current congestion within the footpath at the current bus stop.
- 6.51. The submission outlines a number of issues which predominantly relate to the accessibility of the school during busy periods and also refers to congestion issues on the footpath at the bus stop in front of the school. Additional issues relate to safety of pupils and staff and the noise impacts of having buses closer to the school.
- 6.52. The NTA has responded to these concerns and states that an island bus stop is proposed at this location which will be separated from the footpath providing a waiting area separate to the footpath and will therefore alleviate the issue of pedestrian congestion. This arrangement will also improve the situation for the school in terms of separation from traffic. The proposed works will be completed over a short number of

weeks and can be scheduled for the holiday period to avoid impact to students and staff. I have reviewed the proposed acquisition in the context of the proposed works and am satisfied that the quantum of lands to be acquired are not in excess of the schemes needs and I am therefore satisfied that the acquisition is appropriate at this location.

#### CIE – Plot 1025

6.53. This submission relates to lands Broadstone Bus Depot at Constitutional Hill, it is requested that the scheme incorporates the existing pocket park and advertising. The NTA have responded and will explore possible inclusion of a replacement modern advertising structure that is more visually appealing and appropriate in the context of the public realm proposals and will collaborate with CIE and the local community group to further develop a design for the Broadstone Pocket Garden that is sensitive to the biodiversity planting, as well as providing improved public access and maintenance. I am satisfied that the proposed scheme will incorporate this garden area albeit in an altered version going forward and I am also satisfied that the proposed acquisition of this section of lands is proportionate and necessary for the delivery of this sustainable active travel scheme which will be for the benefit of the wider community.

6.53.1. Overall, having reviewed the information submitted by the NTA and the objectors and having inspected the lands, I am satisfied that the width and extent of the proposed permanent and temporary land acquisitions are necessary and proportionate in the context of meeting the identified community need.

#### **6.54. CPO Issues common to multiple Objectors**

6.55. A number of submissions raised concerns in relation to the devaluation of properties which I will address hereunder. It is important for the Board to note, as mentioned above, concerns relating to planning matters such as noise, and traffic impacts etc are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-314610-22, and as such this report should be read in conjunction with the aforementioned planning application report for the proposed scheme.

#### Property Values

6.56. Third parties are concerned that the proposed scheme will devalue their properties. In general I note the NTA's response to these contentions within the EIAR submitted with

the planning application in which it is concluded that in overall terms the public realm improvements planned by the NTA may lead to an increase in value of both residential and retail property prices, especially in the community centres along the corridors, with evidence showing that investing in public realm creates nicer places that are more desirable for people and business to locate in, thereby increasing the value of properties in the area.

## **Conclusion**

6.57. I am satisfied that the process and procedures undertaken by the National Transport Authority 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 BusConnects Scheme.

6.58. 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:

- 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.

6.59. 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 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.

6.60. 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 County Development Plan 2022-2028 and Fingal County Development Plan 2023-2029 in which supporting the delivery of the proposed BusConnects scheme is an objective within both plans. Accordingly, I am satisfied that the confirmation of the CPO is clearly justified by the exigencies of the common good.

#### **6.61. Recommendation**

6.62. I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 16<sup>th</sup> September 2022, based on the reasons and considerations set out below.

#### **6.63. Reasons and Considerations**

Having considered the objections made to the compulsory purchase order, the report of the Inspector who considered the objections, the purpose of the compulsory purchase order to facilitate the delivery of BusConnects; sustainable public transport and active travel infrastructure, and also having regard to:

- (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 proportionate design response to the identified need,



- (vi) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the BusConnects Sustainable Public Transport and Active travel Scheme.
- (vii) The policies and objectives of the Dublin City Development Plan 2022-2028 and Fingal County Development Plan 2023-2029.
- (viii) The submissions made at to the Board.
- (ix) The report and recommendation of the Inspector.

it is considered that the acquisition of these lands on a permanent and temporary basis, restriction, acquisition and interference of rights of way, by the NTA, 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 report of the person who conducted the assessment of the objections.

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Sarah Lynch  
Senior Planning Inspector  
17<sup>th</sup> November 2023

## **Appendix 1 Third Party Objections**

### **1. Ann Moynihan – 1018(1) 1e (CPO SUB)**

- Owner of Reddy's Pharmacy
- No objection in principle
- Proposal will devalue the property.
- Proposal will restrict the potential to change use of the unit to a coffee shop without outdoor seating.
- Objection to the provision of a bus shelter at this location, request for this to be removed.

### **2. Anne Kelly – 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Various business have operated in these premises over the years. Landing area at front has been used for displays, parking and deliveries, bus shelter will reduce space for these uses.
- Land take will impact storage area for bins.
- Concerns relating to loss of property value and disruption.
- Lack of delivery space for the parade of shops
- Safety concerns relating to bus island.
- Concerns relating to loss of water and noise disturbance to businesses.
- Proposed to remove bus stop, provide covered ports for bins, retain current pull in area.

### **3. Brian McElroy - 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above.

### **4. Christopher Martin - 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above.

### **5. CIE**

- Supportive of scheme, requests retention of advertisement display at Plot 1025 (1) and retention of biodiversity garden.

### **6. Clare Kelly - 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above.

**7. Deirdre Lambe - 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above.

**8. Fabola Limited – 101(1)1e**

- Object to CPO of land at front of Bernard Shaw Cross Guns Bridge
- Loss of business for tenant due to loss of capacity for outdoor dining.

**9. Kevin Murphy - 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above.

**10. Marek Przekwas**

- Object to CPO of land at front of Bernard Shaw Cross Guns Bridge
- Loss of business due to loss of capacity for outdoor dining.

**11. Our Lady of Victories Girls National School.**

- 45% of students arrive to school on foot or bicycle, 87% of parents that drive park in school grounds. This will become unsustainable when Metro link is under construction.
- Concerns are raised in relation to traffic congestion and cumulative impact of Metro Link.
- Continual movement of buses outside of school is not compatible with the safe operation of the school.
- Concerns relating to disruption to services at school which will impact children's education.
- Permitting the development will put the staff and pupils' lives at risk.
- Concerns relating to impacts to outdoor learning arising from construction activities.
- Construction will impact children with sensory processing issues.

**12. Phibsborough Shopping Centre**

- Loss of 55 car parking spaces along front of shopping centre which will impact visibility of businesses.
- HGV movements servicing anchor tenant will no longer be able to occur thus putting viability into question.
- Redevelopment of site has been granted ref 300241-17 & 308875-20 this will be impacted by development.
- CAD drawings have been requested from NTA and not received.
- Centre employs 300 people and redevelopment will employ 250 more, loss of parking puts this at risk.

**13. Sharini McElroy- 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above.

**14. Terence & Noreen McNamee 1015(1).1e, 1016(1).1e 1017(1).1e (165 Mobhi Road)**

- Same submission as Anne Kelly above

**15. Tesco**

- Tesco has two stores along the route.
- CPO to Phibsborough Shopping centre will result in loss of 35 parking spaces and potential to impact deliveries.
- Need for parking is acknowledged in Retail Planning Guidelines.
- There is no option within the area to cater for this loss of parking and as such the commercial viability of the anchor store is questionable.
- Clarification is requested in relation to CPO.
- Left turning for deliveries must be retained.
- In relation to clearwater shopping centre, concerns are raised in relation to the removal of the left turning slip lane onto the Finglas Road.
- Inclusion of guide lanes markings for HGVs.
- Softening of kerb radius of the junction ensuring that junction is widened and a reduction in the central median.
- In relation to Ballymun Distribution centre it is requested that works do not prohibit the safe access and egress of this centre.

**16. Trevor O'Shea – lands to front of Bernard Shaw Cross Guns Bridge.**

- Objects to CPO as it will affect main business entrance.
- Area subject to CPO is used for deliveries and customer use.