



An
Bord
Pleanála

Inspector's Report

ABP-317735-23

Development	Ringsend to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023.
Location	Dublin City.
Planning Authority	Dublin City Council North
Applicant(s)	National Transport Authority
Observer(s)	See Appendix 1
Date of Site Inspection	18 th January & 12 th March 2024
Inspector	Liam Bowe

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Appendix 1 – Third Party Objections

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 'Ringsend to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023'.
- 1.1.2. The Compulsory Purchase Order relates to the compulsory acquisition of rights over lands along the quays in Dublin City Centre from the junction East Wall Road and North Wall Quay along North Wall Quay and Custom House Quay, over Talbot Memorial Bridge and Samuel Beckett Bridge, along City Quay and Sir John Rogerson's Quay. At the eastern end of Sir John Rogerson's Quay a new sustainable transport bridge will be constructed over the River Dodder to link to Ringsend. The route will then continue from this location as cycle and pedestrian paths both eastwards along York Road and Pigeon House Road to its junction with Seán Moore Road, and southwards via Pembroke Cottages, Cambridge Park, through Ringsend Park, onto Strand Street (link to Irishtown Stadium), Pembroke Street, and terminating at its junction with Seán Moore Road with a tie into the East Coast Trail. All of the route is in Dublin City Centre, and the Compulsory Purchase Order 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. 5 submissions were received after the first consultation period and 3 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 'Ringsend to City Centre Core Bus Corridor Scheme', the construction of the Swords to City Centre Bus Corridor which has an overall length of approximately 4.6km and is routed along North Wall Quay and Custom House Quay, over Talbot Memorial Bridge and Samuel Beckett Bridge, along City Quay, Sir John Rogerson's Quay, continuing eastwards along York Road and Pigeon House Road to its junction with Seán Moore Road, and southwards via Pembroke Cottages, Cambridge Park,

through Ringsend Park, onto Strand Street (link to Irishtown Stadium), Pembroke Street, and terminating at its junction with Seán Moore Road with a tie into the East Coast Trail, all within Dublin City Council administrative area.

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 251 notices to Landowners and Lessee Occupiers along the proposed route. Landowners include Dublin City Council, the Minister for Public Expenditure & Reform, the Minister for Environment, Climate & Communications, the Minister for Housing, Local Government & Heritage, Dublin Port Company, Office of Public Works, ESB, CIE, Eircom, Waterways Ireland, 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 'List of Owners Lessees Occupiers served Notice' which has been submitted with the CPO application.

1.3. **Accompanying documents**

1.3.1. The application was accompanied by the following:

- Compulsory Purchase Order and Schedule thereto, dated 1st August 2023.
- CPO Maps.
- Newspaper notice, published in the Dublin Gazette and the Irish Independent both dated the 3rd of August 2023.
- Copy of site notices erected at specific locations 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,
 - Land described in Part IV (A) provide a description of private rights to be acquired.
 - Part IV (C) describes 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 Ringsend to City Centre Bus Corridor which has an overall length of approximately 4.3km (2 x 1.6km along the River Liffey Quays and 1.1km of cycle route through Ringsend and Irishtown to Sean Moore Road) and is routed along the north and south quays of the River Liffey, linking the city centre with the Docklands and an onward cycling connection to Ringsend and Irishtown.

2.2. Key improvements include:

- The number of pedestrian signal crossings will increase by approximately 100% as a result of the Proposed Scheme,
- The proportion of segregated cycle facilities will increase from 58% on the existing corridor to 100% on the Proposed Scheme, and
- The proportion of the route having bus priority measures will increase from 38% on the existing corridor to 89% on the Proposed Scheme.

2.3. Specific works proposed within the development include the following:

- 89% of route with bus priority measures and traffic management.
- 8.6km (total both directions) of cycling infrastructure and facilities.
- Provision of new/ refurbished pedestrian facilities, and footpaths along the scheme and associated ancillary works.
- Provision of a new public transportation opening bridge (DPTOB) over the River Dodder (200m long crossing) at its confluence with the River Liffey.
- Provision of a new two-storey building structure to the west of the DPTOB, adjacent to the River Liffey, to accommodate the relocation of the St. Patrick's Rowing Club and the control room for the DPTOB.
- Provision of new club house and facilities for St. Patrick's Rowing Club.
- Provision of an enhanced 6m wide pedestrian boardwalk at Custom House Quay.
- Provision of another boardwalk to the rear of two restaurant buildings on the Campshire at the junction of Excise Walk and R801 North Wall Quay.
- Relocation and renovation of the twin historic George's Dock Scherzer Bridges to each side of the CBC with a wider replacement concrete road bridge for 2 bus lanes and 2 traffic lanes.
- Provision of junction upgrades and associated ancillary works.
- Reconfiguration of existing bus stops resulting in the provision of 20 bus stops (6 no. new and 1 no. relocated) within Section 1 of the Proposed Scheme.

- Public Realm works including landscaping, planting, street furniture, street lighting, retaining walls, boundary walls, and sustainable urban drainage measures.
- Roads associated earthworks including excavation of material, importation of material, temporary storage of materials.
- Provision of road pavement, signing, lining and ancillary works.
- Construction of accommodation works including boundary treatment and ancillary grading and landscaping works together with all ancillary and consequential works associated there with.

2.4. The Construction Phase for the Proposed Scheme is anticipated to take approximately 30 months to complete. It will be constructed based on individual sectional completions that will individually have shorter durations typically ranging between 9 to 30 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.

3.0 **Planning History**

3.1. There are a number of planning applications along the route which includes large residential and commercial development - 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 on the application are the following:

- ABP-305219R-19: Permission granted for a Strategic Housing Development comprising 548 no. residential units (464 no. apartments, 84 no. shared accommodation) and associated site works at City Block 2, Spencer Dock, Dublin 1.
- ABP-308827-20: Permission granted for a Strategic Housing Development comprising the demolition of all the structures on the site, 702 no. Build to Rent residential units, creche and associated site works on lands at Castleforbes Business Park, Sheriff Street Upper and East Road, Dublin 1.

- ABP-310299-21: Permission granted for a Strategic Housing Development comprising the demolition all existing buildings, construction of 112 no. apartments and associated site works at Maxol Filling Station and a vacant motor sales/service garage (formerly Michael Grant Motors), Beach Road, Dublin 4.
- PWSDZ3207/21: Permission granted for a mixed-use development (304 No. apartment units; 144 No. 'Build-To-Rent' apartments (including resident support facilities and resident services and amenities); 90 No. affordable housing apartments; and 62 No. social housing apartments on a site of 15.3 hectares (including some 0.2 hectares of public domain on Sean Moore Road and the junction with Pine Road), focused primarily, but not exclusively, on a net site area of 2.4 hectares (identified as within the A3 Lands) in the Poolbeg West Strategic Development Zone Planning Scheme (April 2019).
- PWSDZ3406/22: Permission granted for a mixed-use development (264 No. apartment units; 55 No. affordable housing apartments; and 37 No. social housing apartments) (referred to as Phase 1B) on the site of 15.06 hectares including lands known as the Former Irish Glass Bottle & Fabrizia Sites, Poolbeg West, Dublin 4, focused primarily, but not exclusively, on a net site area of 0.76 hectares (identified as within the A3 Lands) in the Poolbeg West Strategic Development Zone (SDZ) Planning Scheme (April 2019).

4.0 Overview of Submissions

- 4.1. 5 no. third party submissions have been received in relation to the CPO of lands. In relation to the content of the submissions, it is of note that many issues raised are common to all of the submissions. Businesses and management companies want access/ egress to and from their properties maintained during both the construction and operational phases of the Proposed Scheme. Some of these are also concerned that the proposed development will materially alter how their property and the area functions with the removal of a right turn onto Commons Street from North Wall Quay.
- 4.2. The issues raised relate to the proportionality of the scheme, third parties are concerned about the functionality of their properties in terms of egressing, ingressing

and loss of parking/ loading bays. Concerns are also raised in relation to the introduction of no right turns along the north quays and the impact that this will have on accessing car parking. A number of the objectors seek assurances about the certainty that infrastructure and utilities would not be affected during the construction phase. There is general concern expressed about traffic disruption, noise, dust, and emissions during the construction phase.

- 4.3. All such matters have been examined in detail within the planning application report ref: ABP-317679-23 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.
- 4.4. I note that the NTA has 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 3 responses were received in this regard. Additional responses do not raise any new issues to those outlined in the submissions summarised within Appendix 1, however some still seek changes in terms of access arrangements and one third party has expressed disappointment that the Board will not be holding an Oral Hearing in relation to the CPO.

5.0 Policy Context

5.1. European

5.1.1. 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.

5.1.2. **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.

5.1.3. **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.

5.2. **National**

5.2.1. **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.

5.2.2. **National Sustainable Mobility Policy Action Plan 2022-2025**

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

5.2.3. **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.

5.2.4. 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

5.2.5. 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.

5.2.6. **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.

5.2.7. **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.

5.2.8. 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.

5.2.9. **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, 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.

5.2.10. **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 will 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.
- 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 includes the previous pathway outlined in CAP23 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 2024 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 CAP24 for the period 2024-2025.

5.3. Regional

5.3.1. 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.

5.4. Local

5.4.1. 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
- Objective SMT02 - Improving the Pedestrian Network
To improve the pedestrian network and prioritise measures such as the removal of slip lanes, the introduction of tactile paving, ramps, raised tables and kerb dishing at appropriate locations, including pedestrian crossings, street junctions, taxi ranks, bus stops and rail platforms in order to optimise safe accessibility for all users.
- Objective 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 SMT16 - Walking, Cycling and Active Travel
To prioritise the development of safe and connected walking and cycling facilities and prioritise a shift to active travel for people of all ages and abilities, in line with the city's mode share targets.
- Objective SMT027 Road, Street and Bridge Schemes
To initiate and/or implement the following street/road schemes and bridges within the six year period of the development plan, subject to the availability of funding and environmental requirements and compliance with the 'Principles of Road Development' set out in the NTA Greater Dublin Area Transport Strategy.

Bridges: Dodder Public Transport Bridge, linked with BusConnects 16 proposals - Map E.

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 Z4 – Key Urban Villages/ Urban Villages
To provide for and improve mixed-services facilities at Point Village and Poolbeg (KUV 12).
 - Zone 5 – City Centre
To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.
 - Zone Z9 – Recreational amenity and open space
To preserve, provide and improve recreational amenity and open space and green networks.
 - Zone 14 – Strategic Development Zone Areas
To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.
 - Zone Z15 – Institutional and Community
To protect and provide for institutional and community uses.
-
- Chapter 14 Strategic Development Zone Areas (SDRAs)
SDRA 6 Docklands has a requirement for facilitating infrastructure, including DART+, Dodder Bridge, BusConnects, Luas Poolbeg, District Heating, and social infrastructure.

There are two existing development frameworks that relate to the majority of this area, the North Lotts and Grand Canal Dock Planning Scheme and the Poolbeg West Planning Scheme.

5.4.2. **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.

5.4.3. **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.

5.4.4. **George’s Quay Local Area Plan 2012**

The Proposed Scheme is within the LAP area. This LAP was extended until July 2022.

5.4.5. **North Lotts & Grand Canal Dock SDZ**

The SDZ planning scheme area overlaps with the Proposed Scheme from Lime Street to the Tom Clarke East Link Bridge. The planning scheme for this area is almost complete and has been developed out with a mix of commercial and residential uses. Relevant objectives within the planning scheme are:

Objective CD14 – To promote the development of street infrastructure, walking and cycling routes and public transport routes to enhance connections between residential areas and the community facilities that exist in the wider neighbourhood.

Objective MV3 – To provide additional cycle and pedestrian bridges across the canals and rivers in the SDZ to form part of strategic cycling and walking routes.

Objective MV4 – To create and support a well-designed network of pedestrian infrastructure to promote and facilitate walking and cycling; provide priority for pedestrians and cyclists along key desire lines, developing routes within the Docklands and linking with the surrounding walking and cycling networks in Dublin City.

5.4.6. **Poolbeg West SDZ**

This SDZ is located immediately to the east of the Proposed Scheme at Seán Moore Road. A large portion of the scheme area has no planning permission. The plan for the scheme area envisages the provision of 3,500 residential units and commercial buildings capable of accommodating 8,000 people. The Concept Plan¹ is outlined in Figure 2.1 of the SDZ where sustainable transport corridors are indicated to facilitate the development of the SDZ planning scheme. A significant constraint identified for

¹ [poolbeg_west_sdz_planning_document.pdf \(dublincity.ie\)](#)

the development of the area is the link to/ from the city centre. In this regard, the provision of a bridge over the River Dodder is recognised as a key piece of infrastructure and the achievement of this, although outside of the SDZ planning scheme area, is included as part of an objective in the scheme:

Objective MV2 – To provide improved public transport services to the area including a core bus link to the city centre via the proposed Dodder Bridge, enhanced/extended bus services along existing routes, and in the longer term, to provide for delivery of Luas to Poolbeg as part of the planned Red Line extension under the National Transport Authority Strategy 2016–2035.

Other relevant objectives include:

Objective MV3 – To actively pursue the delivery of the Dodder (or ‘Gut’) Bridge to facilitate the full build-out of the Planning Scheme in accordance with the Phasing programme as set out in the Land Use & Phasing Chapter. This bridge shall be designed to facilitate public transport and walking/cycling.

Objective MV6 – To promote the development of an improved cycle network in accordance with the NTA’s Cycle Network Plan, and to seek (inter alia) the following cycle connections in co-operation with the National Transport Authority:

- Pigeon House Road to Sir John Rogerson’s Quay via proposed Dodder Bridge.
- Bremen Road to Bridge Street (R802) via Ringsend Park.
- Greenway link from Sean Moore Park to the end of Poolbeg peninsula, integrated with the proposed coastal promenade walking/cycling route, the Sutton to Sandycove cycle route, including loops/spurs through the SDZ.

The above shall link to existing and proposed primary routes including the East Coast trail along Beach Road and both the Liffey and Canal Greenways.

5.5. Legislative Context

- 5.5.1. 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.

- 5.5.2. 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:
- 5.5.3. 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.
- 5.5.4. 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**

- 6.1.1. 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". This 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,
- 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, and
- The extent of land-take should have due regard to the issue of proportionality.

6.1.2. I will therefore address each of the five criteria outlined above in turn below, together with the issue of proportionality and other issues arising from the submissions.

6.2. **Community Need**

6.2.1. 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.

6.2.2. 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.

6.2.3. 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 cyclists and are not always operational on a 24-hour basis.

6.2.4. The overriding motivation for BusConnects is to reduce CO₂ 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.

- 6.2.5. At the local and shorter-term level, the issue of congestion is more obvious, and both congestion and CO₂ emissions are continuing to rise. Any further increases in traffic levels will see an exacerbation of congestion, CO₂ 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.
- 6.2.6. 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 60-70 times the number of passengers.
- 6.2.7. 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 2043. The Proposed Scheme is expected to see a 38% reduction in car use along the route and an increase in cycling and walking of 98%, in addition to a 78% increase in bus use².
- 6.2.8. 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 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

² Diagram 6.11 People Movement by Mode during 2043 PM Peak Hour, P.6, Chapter 6 Traffic & Transport, Volume 2, EIAR

congestion and the creation of more sustainable travel patterns for the growing population, therefore demonstrating a clear community need for the Proposed Scheme.

- 6.2.9. In terms of local transport need it is outlined by the applicant that bus priority infrastructure is currently provided along 1.1km of the route and this will increase to 5.7km within the Proposed Scheme i.e., a 375% increase. The Proposed Scheme will facilitate 89% bus priority along the section of the Liffey Quays (only 34% at present) and the Proposed Scheme and will 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.
- 6.2.10. 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.
- 6.2.11. With regard to cycling it is stated that segregated cycling facilities are currently provided along the westbound cycle track on the north quays for 1.35km (69% of the 1.6km length), with 0.25km of shared bus lane in short sections; eastbound on the north quays there is an advisory cycle lane over a length of 0.8km, shared bus lane over 0.4km in five short sections, and no facility over 0.4km; on the south quays there is a continuous good quality two-way cycle track over a length of 0.9km from Talbot Memorial Bridge to Forbes Street; an eastbound cycle track extends for 0.5km to the end of Sir John Rogerson's Quay at the River Dodder; and there is no westbound cycling facility over the easternmost 0.5km section. The remaining

extents have no dedicated cycle provision. The Proposed Scheme will provide continuous segregated two-way cycle tracks along the length of the north and south quays from Talbot Memorial Bridge to Tom Clarke East Link Bridge (via the DPTOB on the south quays), as well as extending through Ringsend and Irishtown towards the Poolbeg Peninsula. Cycle facilities in the Proposed Scheme will increase to 100% in both directions on the quays with all of this being segregated. The cycling facilities within the eastern part of the Proposed Scheme will traverse 'quiet streets', namely York Road, Pigeon House Road, Pembroke Cottages, Cambridge Road, and Cambridge Park. The southeastern part of the cycling route will then be segregated again within Ringsend Park and adjacent to Strand Street and Pembroke Street before tying in with the East Coast Trail at Seán Moore Road. The improvements to cycle infrastructure will vastly improve the current offer to cyclists and by doing so will significantly increase the modal share.

- 6.2.12. It is important to note that the Ringsend Corridor serves some of the busiest bus routes in Dublin. The Ringsend to the City Centre Scheme is being developed to improve bus priority along the north quays where there are many city services, as well as regional and national bus services that travel through the Dublin Port Tunnel from Dublin Port towards Dublin Airport and destinations further north. Demand for travel by bus is anticipated to continue to grow in this corridor into the future, in line with population growth and to enable a new bus service along the south quays to the Poolbeg Peninsula where major development is planned. I draw the Board's attention to the present development of the Glass Bottle site in Ringsend and the remaining lands to be developed under the Poolbeg West SDZ Planning Scheme, which will accommodate significant population growth immediately to the east of the route.
- 6.2.13. 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.
- 6.2.14. In 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.

6.3. Suitability of Lands

- 6.3.1. At the outset, the Board will note that the NTA are seeking to both permanently and temporarily acquire lands.
- 6.3.2. The lands that are the subject of this CPO are currently used for a number of uses including public open space (recreational), commercial i.e., space associated with a commercial premises, riverbed, 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.
- 6.3.3. Zonings pertaining to the lands include the following:
- Z1 – Sustainable Residential Neighbourhoods
 - Z4 – Key Urban Villages/ Urban Villages
 - Z5 – City Centre
 - Z9 – Recreational amenity and open space
 - Z14 – Strategic Development Zone Areas
 - Z15 – Institutional and Community
- 6.3.4. I note that the secondary elements of the Proposed Scheme, such as bus shelters and poles fall within the definition of Public Service Installations as defined within appendix 15 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 both development plans.
- 6.3.5. As noted in Section 2.0 above, the proposed route has an overall length of approximately 4.3km (2 x 1.6km along the River Liffey Quays and 1.1km of cycle route through Ringsend and Irishtown to Sean Moore Road) and is routed along the north and south quays of the River Liffey, linking the city centre with the Docklands and an onward cycling connection to Ringsend and Irishtown.
- 6.3.6. The scheme, due to the restricted width of the existing carriageway, encroaches minimally on either side of the route onto third party lands to allow for the proposed improvements which include a segregated cycle lane. Large areas of land are required for Construction Compounds at both sets of Scherzer Bridges as well as

along part of Sir John Rogerson's Quay to facilitate works will be temporarily acquired to accommodate construction compounds and will be relandscaped and returned to their original uses once construction is complete. An area southwest of the Tom Clarke East Link Bridge is also required for a Construction Compound but this is being permanently acquired and the St. Patrick's Rowing Club building presently sited at this location will be rebuilt further to the north as part of the Proposed Scheme.

- 6.3.7. 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. Submissions received in relation to rights of way generally relate to concerned business owners along the route where such rights are to be interfered with on small parcel of lands at existing access points.
- 6.3.8. 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.

6.4. Compliance with Development Plans

- 6.4.1. BusConnects is identified 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 the Council under policy SMT22.
- 6.4.2. 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 set out

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.

6.5. Use of Alternative Methods

- 6.5.1. The consideration of Reasonable Alternatives is documented within chapter 3 of the EIAR submitted with the planning application ABP-317679-23. I note that alternatives were considered at three levels, strategic alternatives, route alternatives and design alternatives.
- 6.5.2. I agree with the applicant when it states that adopting a 'Do Nothing' approach to infrastructure improvements, would be likely to result in an exacerbation of the problems arising from discontinuity, such as delayed buses and unreliable journey times.
- 6.5.3. A Bus Rapid Transit (BRT) system was not progressed given the limited differentiation from the Core Bus Corridors and the advantages of having a unified integrated bus system across the city.
- 6.5.4. 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.
- 6.5.5. 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.
- 6.5.6. Heavy rail alternatives carry in excess of 10,000 people each direction each hour and was considered an unsuitable solution.

- 6.5.7. 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.
- 6.5.8. 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

- 6.5.9. The applicant outlines within chapter 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 chapter 3.3.1 of the EIAR, I note that a 'spider's web' of route options were considered, and a sifting process ensued resulting in the development of 3 routes. These routes were then considered against environmental considerations such as soils and geology, flora and fauna, potential archaeological, architectural and cultural heritage impacts and impacts to roadside amenity such as existing trees. Other constraints relating to these routes such as land availability and the extent of third-party lands to be acquired were also considered and the route selections reduced and modified accordingly.
- 6.5.10. 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. Each emerging route was considered in relation to a number of criteria such as economy, safety, integration, accessibility and social inclusion and environment.
- 6.5.11. 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 route chosen is the one which best meets 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.

Design Alternatives

6.5.12. Alternative arrangements for the Scherzer Bridges at George's Dock and at the Royal Canal were also considered as part of the development of the Preferred Route Option. The preferred option was determined to be their careful deconstruction and reconstruction/ relocation to positions either side of the road carriageway at their current locations. I accept that the consideration of design/ treatment options for both pairs of Scherzer Bridges was a rigorous process, which had regard to the built heritage, environmental considerations and to the project objectives. I therefore generally concur with the reasons for choosing the preferred design and siting of the Scherzer Bridges as presented in the EIAR.

6.6. Proportionality

- 6.6.1. 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 Ringsend to City Centre Core Bus Corridor Scheme.
- 6.6.2. 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 Ringsend to City Centre Core Bus Corridor Scheme.
- 6.6.3. 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.

- 6.6.4. 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.

6.7. CPO Issues common to multiple Objectors

- 6.7.1. Concerns were raised in relation to a number of common issues which I will group together and examine hereunder. It is important for the Board to note, as mentioned above, concerns relating to planning matters such as noise, air and visual and residential amenity impacts are dealt with within the EIAR and have been examined within the planning application report for this scheme ref: ABP-317679-23, and as such this report should be read in conjunction with the aforementioned planning application report for the Proposed Scheme.

Impact on Parking and Access

- 6.7.2. A number of the third parties raised concerns about the impact that the Proposed Scheme will have on them accessing their premises both during the construction and operational phases of the scheme.
- 6.7.3. Custom House Docks Management have concerns about the impact on the accesses/ egresses to and from the parking areas in Custom House Dock area of the IFSC and want this to be safeguarded. Concern is also expressed about the impact of 'no right turn' onto Commons Street from North Wall Quay and the impact that this would have on the operation of the 370 no. space IFSC car park. The NTA have confirmed that access to the parking areas in Custom House Dock will not be

affected by the Proposed Scheme and access will continue to be available across the proposed eastbound bus lane. I note and draw the Board's attention to the alternative routes that will be required by westbound patrons to access the Park Rite-IFSC car park as a result of the introduction of a 'no right turn' from North Wall Quay. In the context of the achievement of the objectives of the Proposed Scheme, I am satisfied that the alternative routes to this car park from East Wall Road, East Wall Bridge and Samuel Beckett Bridge are available and I do not consider any impact to disproportionate to the achievement of the objectives of the Proposed Scheme.

- 6.7.4. I note that the NTA have also confirmed that there will be unrestricted access to the two car parks at Kilmore House and at the Convention Centre, and the proposed acquisition of the private lands in the CPO will not change the existing situation. In the Proposed Scheme it is proposed to open an eastbound traffic lane from the Convention Centre car park junction to the Park Lane junction. This will allow for vehicles from the Convention Centre and Kilmore House, to turn right on Mayor Street and travel towards North Wall Quay eastbound more directly than at present. The Board should note that this section of Mayor Street is not a public road at present, and the lands are included in the CPO to allow the road and footpaths to be taken into public ownership by the local authority.
- 6.7.5. Spencer Dock Management Limited highlight the location of the Emergency Access Routes associated with the Convention Centre Dublin (CCD) and the need for access at all times. They also seek confirmation that the Coach/ Taxi Lay-by shown on the NTA Drawings is for the controlled set-down of visitors to the CCD. The Board should note that works to raise the levels on the approaches to the canal bridge to accommodate canal navigation under the new bridge, and also to raise the levels on the footpaths and paved areas on each side of the road will encroach into the loading bay and paved area in front of the Convention Centre where there are steps at present. However, the NTA confirm that the Proposed Scheme will retain the existing layby at the Convention Centre for continuation of the existing function to cater for passengers alighting from and boarding coaches and taxis. I am satisfied that there will be no residual impacts on the access arrangements to the CCD as a result of the Proposed Scheme.
- 6.7.6. The Hilton Garden Hill Hotel, whilst not objecting to the CPO, state that they must continue to have access to and the use of the area in front of the hotel as a set-down

lay-by for the purposes of business continuity. In response to this concern, the NTA state that the Proposed Scheme and CPO will not interfere with the existing access arrangements at the hotel, and the set-down/loading layby will be retained. Again, I am satisfied that there will be no residual impacts on the access arrangements to the hotel as a result of the Proposed Scheme.

- 6.7.7. With regard to parking and access arrangements, I have reviewed the deposit maps and the NTA's response to such concerns in relation to each of the individual properties and I note that permanent acquisitions will not prevent the parking of coaches/ cars at commercial properties or will not prevent access to car parks. The NTA have also 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.

Utilities/ Services

- 6.7.8. Custom House Docks Management and Spencer Dock Management Limited have both raised concerns about the possible impact on utilities during the construction phase. The NTA have confirmed that the limited works involved will have no impacts for underground utilities. I am satisfied that this would be the case.
- 6.7.9. CHQ Dublin Limited also raise a concern about a surface water culvert under the plaza area where lands are designated for acquisition. They seek confirmation that this culvert will not be impacted during the construction phase and clarity on whether the NTA will be assuming responsibility for the culvert after works are complete. The NTA confirm that this culvert passes just behind the proposed new road bridge and enters the river channel underneath the proposed southern Scherzer Bridge location. They state that piles for the proposed structures will be carefully set-out during the works to provide suitable clearance from the existing culvert underground, with monitoring to ensure that there is no damage caused to the existing feature.
- 6.7.10. I have reviewed the file in relation to the protection of utilities and services and note the measures that NTA propose to protect these. I am satisfied that the NTA has had due regard to the location of utilities/ services within and adjacent to the Proposed Scheme and the measures proposed will ensure continuity of all services during the construction phase.

Individual Submission that is not part of a group of buildings with similar issues

CHQ Dublin Limited

- 6.7.11. The objector contends that the temporary acquisition of Plot 1003(4).2c for 2 years to facilitate a construction compound will significantly impact on pedestrian and cyclist access to the CHQ Building and the through route between Custom House Quay and public transport facilities to the north of the building. Further to this, the objector also contends that the use of the public plaza at the Exchequer building will be severely curtailed.
- 6.7.12. The NTA have confirmed that a 5m wide pedestrian access route will be retained between the eastern edge of the proposed construction compound and the nearest edge of the CHQ building, where there is an emergency exit stairwell on the western side of the building. The NTA state that construction works at George's Dock will generate only limited noise, as most operations will be relatively quiet.
- 6.7.13. I have reviewed examined the submitted folio maps, drawings, and information in relation to noise 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 on the provision of access/ egress to/ from and through the CHQ building during the construction phase.

7.0 Conclusion

- 7.1. 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.

7.2. 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.

7.3. 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.

7.4. 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.

7.5. 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.

8.0 Recommendation

I recommend that the Board confirm the Compulsory Purchase Order submitted to the Board on the 4th day of August 2023, based on the reasons and considerations set out below.

9.0 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:

- (a) the constitutional and Convention protection afforded to property rights,
- (b) the substandard infrastructure provided for along the existing route,
- (c) 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,
- (d) the design response, which has been appropriately tailored to the identified need,
- (e) the suitability of the lands and the necessity of their acquisition to facilitate the provision of the Ringsend to City Centre Core Bus Corridor,
- (f) The policies and objectives of the Dublin City Development Plan 2022-2028,
- (g) 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 this 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.

Liam Bowe
Senior Planning Inspector

6th June 2024

Appendix 1 – Third Party Objections

1. CHQ Dublin Limited.: 1003(1).1c, 1003(2).1g, 1003(3).1z, 1003(4).2c & 1003(5).2z

- Objects to the lands being temporarily acquired (Plot 1003(4).2c) and permanently acquired (Plot 1003(1).1c) for use as a construction compound.
- Does not object in principle to the BusConnects proposals linking Ringsend to Dublin city centre but objects to the temporary acquisition of Plot 1003(4).2c for 2 years as this will significantly impact on pedestrian and cyclist access to the CHQ Building and the through route between Custom House Quay and public transport facilities to the north of the building.
- Contends that the use of the public plaza will be severely curtailed.
- Unclear whether the CPO of the lands will result in the NTA assuming responsibility for an existing surface water culvert that runs through the plots.

2. Custom House Docks Management Ltd. and Custom House Docks Basement Management Ltd.: 1003(1).1c, 1003(2).1g, 1003(3).1z, 1003(4).2c & 1003(5).2z

- Highlights their support for the Ringsend to City Centre Core Bus Connects project.
- Concerned that the successful operation of accesses/ egresses to and from the parking areas in Custom House Dock area of the IFSC is safeguarded during the Board's assessment of the application, as well as during the construction and operation stages of the project.
- Seek confirmation from the NTA whether the temporary acquisition of land will be for 24 months or longer and also seeks details of finishes to be installed on lands to be returned.
- Concerned about the impact of 'no right turn' onto Commons Street from North Wall Quay would have on the 370 no. space IFSC car park.
- Requires certainty that infrastructure and utilities would not be affected during the construction phase.
- Requests a binding condition for the applicant to proceed with the development in a timely fashion.

3. DITL Limited (Kilmore House): 1019(1).1f, 1120(1).1a, 1121(1).1a, 1121(2).1a, & 1021(3).2a

- Contends that the proposed works will interfere with access and other rights exercised and enjoyed by the owners.
- States that the Schedules appended to the Form of Notice do not appear to include Part III and, therefore, unclear how they will be impacted.
- States that they have not received any confirmation that access to their property will be fully maintained throughout the construction and following completion of the proposed works.

4. OPCO Customs House DAC (Hilton Garden Inn Hotel): 1007(1).1c

- Confirm that they are not objecting to the CPO but state that they must continue to have access to and the use of the area in front of the hotel as a set-down lay-by for the purposes of business continuity.
- Request that the Board impose a condition that facilitates them with full access to and use over this area.

5. Spencer Dock Management Limited: 1017(1).1f, 1021(1).1a., 1021(3).2a, 1021(2).1a, 1018(1).1f, 1020(1).1a, 1019(1).1f, & 1015(1).2c

- Confirm their support for the Ringsend to City Centre Core Bus Connects Project.
- Concerned that the CPO does not clarify or describe the full nature of the works that results in the requirement to acquire the lands.
- Seek confirmation from the NTA about the duration of the temporary acquisition of land.
- Seek details of finishes to be installed on areas at the end of the temporary or permanent acquisition.
- Require certainty that infrastructure and utilities would not be affected during the construction phase.
- Highlight the location of the Emergency Access Routes associated with the Convention Centre Dublin (CCD) and the need for access at all times.

- Seek confirmation that the Coach/ Taxi Lay-by shown on the NTA Drawings is for the controlled set-down of visitors to the CCD.
- Request the NTA to address an existing design deficiency in the vicinity of the CCD ramp signals.
- Request that services associated with the proposed District Heating System be installed during the construction of the Bus Connects project.
- Request that the 3 no. loading bays on Park Lane be extended during the construction works to assist Tesco Ireland.
- Seek confirmation that pedestrian/ vehicular access and egress to both the south of the CCD and the ramped car park is maintained during the works.
- Seek confirmation regarding the timeline for the finalisation of the CPO and the payment of any compensation.
- Request that consideration be given to the widening of the Park Lane approach to the North Wall Quay to facilitate left and right turning vehicles queuing side-by-side.
- Seek reconfirmation and definition for the nature and reasons for labelling of 'Temporary' and 'Permanent' on the various CPO Notifications.
- Concerned about the impact of 'no right turn' onto Commons Street from North Wall Quay would have on the area.
- Concerned about traffic disruption, noise, dust, and emissions during the construction phase.
- Require certainty that infrastructure and utilities would not be affected during the construction phase.
- Request a binding condition for the applicant to proceed with the development in a timely fashion.