



Traffic management changes to the North and South Quays

A submission from DublinTown

April 2017

Introduction

We accept that the introduction of the Luas Cross City may well require changes to traffic arrangements. However, we would argue that the process by which these changes are introduced should be clear and transparent with sufficient oversight to ensure public confidence in the process.

Dublin Town believes that commuter and customer traffic, which tend to occur during peak and off peak periods respectively require separate consideration. Dublin Town would support the introduction of parking charges where employee parking is provided free of charge by an employer. In Nottingham the funds derived from this process have been used to upgrade the public transport infrastructure including bus shelters and real time information. There is scope for similar interventions in Dublin.

The difficulties arising in balancing the various demands on space emphasise the issues arising from Dublin trying to accommodate everyone seeking access to the city above ground. Underground options are required in a city the size of Dublin with an average daily footfall which exceeds 325,000 in the city centre.

Retail from physical premises is under pressure due to on-line retail. Estimates quoted from the Department of Jobs, Enterprise and Innovation estimate that as much as €850,000 is being spent on an hourly basis by Irish shoppers online, with circa 70% of sales going to business trading outside the state. This shift in consumer behaviour presents very real challenges for retail business which has only begun to re-emerge following the recession.

Use of section 37 and 38 and the role of elected officials

We have concerns with the process whereby Section 37 and 38 of the Road Traffic Act 1994 is being used for a significant permanent change to traffic management. There are a number of

reasons for this. Legal opinion obtained by DublinTown suggested that any measures required under section 38 should go before the elected representatives of Dublin City Council for approval as a reserved function (see Appendix One). S. (9) Road Traffic Act defines traffic calming measures as:

enhance the provision of public bus services, including measures which restrict or control access to all or part of a public road by mechanically propelled vehicles (whether generally or of a particular class) for the purpose of enhancing public bus services, or (b) restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists).

Section 131(a) of the Local Government Act 2001 outlines that the use of Section 38 must be undertaken only as “reserved functions of a local authority”.

Cumulative impacts of projects and proposals

At present there are three different processes being used for three interconnected projects:

North and South Quays

College Green

Liffey Cycle route

The use of S.37 & 38 is inconsistent with the Dublin Development Plan which states “Any Council approved project identified in the (transport) study will be subject to a full Environmental Impact Assessment in order to clearly ensure that the anticipated effects on the environment are measured.

Many people relied on this position statement in good faith believing that the proposals would be rigorously tested. They now find that this will not be the case and this is resulting in a loss of confidence in both the process and oversight.

It is noted that DCC is processing the proposed cycle lane by way of a Part 8 but then in the justification for not processing North and South Quays proposal by way of Part 8, it notes that it can no longer place improvements to cycle or bus infrastructure through a Part 8. This apparent inconsistency has led to some concern amongst the business community.

If any changes result from the College Green proposals going to An Bord Pleanála then they will most likely impact on the quays and in particular the South Quays. We believe therefore, that both projects should be considered in tandem.

The EIS screens Eden Quay only and does not screen the balance of the proposals. It is noted that both College Green and Luas Project are subject to EIA and that the works proposed are closely linked to the Luas Cross City works.

The EIS does not adequately address the cumulative impacts of development. It is arguable that Eden Quay forms part of wider works and consequently an EIS is required. There is no specific evidence of any investigation of what the closure of Eden Quay would have on existing or

proposed construction management plans or a traffic impact assessment for developments that under construction at present.

The Dublin Development Plan 2016-2022 does not include any free-standing and specific policy requiring that Eden Quay be closed to private traffic.

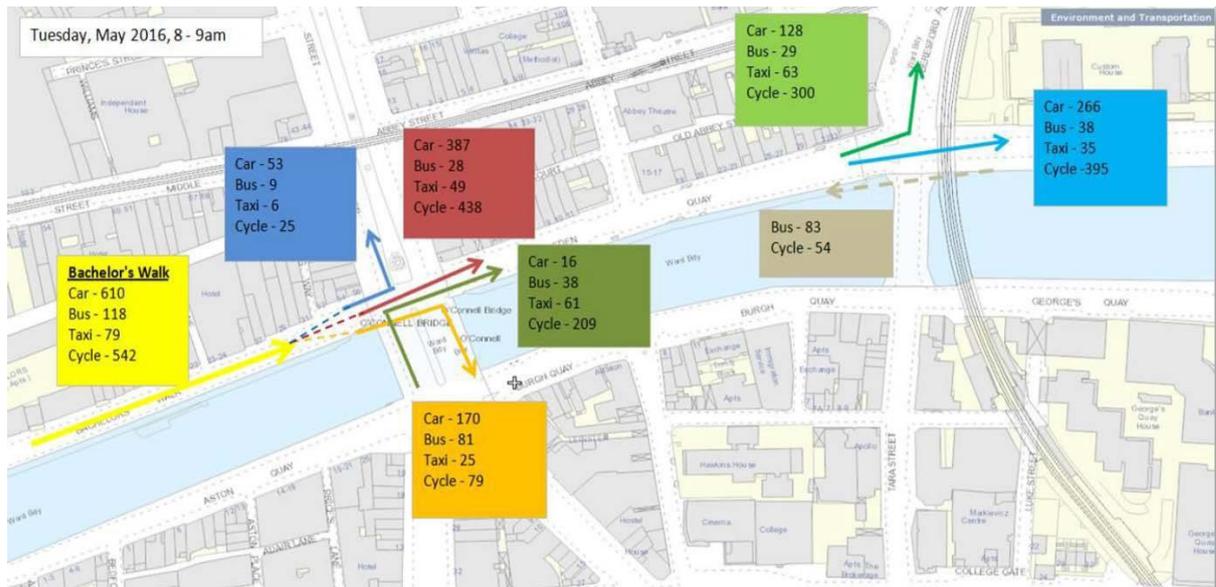
The changes have implications for a wider area than the .2ha of Eden Quay, as removing private traffic from this portion of the quays gives rise to diverted traffic in a number of other locations and these diversions need to be fully considered also. The proposed traffic management changes along both the north and south quays extend to over 2 ha and could be described as projects for integrated urban transport schemes. This, in our opinion, would necessitate the undertaking of an EIA.

Proposals and limitations of the report and CAAS assessment

The proposals are largely silent as to where vehicles will be diverted to and the impacts that such diversion will have on these locations. These impacts are not considered in the EIA screening process undertaken by CAAS, however, they are real and likely to occur. The examination of such impacts gave rise to concerns by elected representatives in relation to the north quays cycle lane proposal. These concerns have been well articulated. A similar examination on the impacts on the intended routes of the current proposals and the ability of these alternative routes to cope with the additional pressures need to be considered as part of the process. Traffic consultants employed by Dublin Town to examine the impacts of the proposals consider the CAAS report to be of deficient in a number of important aspects.

For example, the report considered only one hour of a single weekday morning peak in its traffic volume examinations. It does not consider off peak hours or Saturday traffic. It is also important to consider the evening rush hour traffic movements. There is also a need to consider the needs of delivery vehicles which have no choice in having to access the area.

It is also noted with some concern that the data presented is incomplete with no northbound traffic movements from O'Connell Bridge to O'Connell Street illustrated. These would come from a summation of traffic turning right from Burgh Quay and northbound traffic from Westmoreland Street, neither movements are shown in the diagram Figure 2 in the Dublin City Council/CAAS report, minus the right turn volume from O'Connell Bridge to Eden Quay (which is given in the diagram).



Existing weekday AM Peak hour traffic flows as shown in DCC report

The CAAS report takes Eden Quay as an isolated project. Even this report extensively documents the interaction of the various projects (on pages 2, 4, 6, 10 and 15). The document notes the close link with the works on Eden Quay to the Luas Cross City works. This would, in our opinion, link it with the College Green works.

Nor does the EIA screening does not appear to include Batchelors Walk & South Quays despite this being part of the development.

DublinTown has obtained legal opinion which states the following:

It is considered that the EIA Screening Report provided by CAAS does not adequately assess the cumulative impacts of the proposed closure of Eden Quay to private vehicles. In the circumstances it could be unsafe for Dublin City Council to rely on its conclusions that an EIA is not required.

It is also arguable that the works at Eden Quay form part of wider infrastructure works including the Luas Cross City works which extend over a large part of the city centre and therefore the proposed works would require an EIA. Dublin Town does not agree that the works are minor or that it is not part of integrated urban transport scheme. As noted above, the document clearly links the proposal to the Luas Cross City project.

We note there is a significant reliance on the phrase: Effects are anticipated to be with typical norms for city centre traffic management alterations and indirect cumulative effects have been assessed by SEA's of higher level plans. However, the available detail for this is not included in the document. We believe that they should all be assessed together.

Concern with the use of SEA's for higher level plans

DublinTown has Legal Opinion which states: It is neither prudent not appropriate to rely exclusively on SEA's of higher level plans in particular the Dublin City Development Plan. It should be noted that SEA's concern the impact of policies rather than the impact of specific projects.

The development plan SEA refers to the Draft City Centre Transport Study and not the final Dublin City Centre Transport Study which is on display at present. The quays proposal is included in the final but not the draft City Centre Transport Study. In *R (Mortell) v. Oldham Metropolitan Borough Council*, it was ordered that planning permission be quashed as cumulative impacts of proposals were not considered. It would therefore be unsafe for DCC to rely on the screening report and its conclusions without engaging in any independent investigation of cumulative impacts of the project and others that are under construction including Luas Cross City.

Project splitting

The overriding consideration (as set out in Article 2 of the directive) is that projects likely to have significant effects on the environment by virtue inter alia of their nature, size or location should be subject to an EIA.

DublinTown has requested legal opinion in relation to this aspect of the project and have been provided with the following:

It is also arguable that by providing a Screening Report for the works at Eden Quay only (and in isolation from the other traffic management changes to the North and South Quays and the Luas Cross City works) DCC may be accused of project-splitting so as to avoid triggering a requirement for a mandatory EIA.

While we accept that this may not have been the intention we believe it is important that there is full public confidence in the process.

Importance of car borne shoppers to city economy

There were long term impacts on Grafton Street when the bus gate was introduced over a 12 - hour period. These impacts did not reverse and have led to a sustained decline in footfall on the street.

The car borne shopper is of critical importance for a number of retail types, particularly department stores and high end retail including jewellers. It is precisely these type of retailers who give the city an identity and act as anchors to the entire city.

In addition, it can be expected that with the growth of on-line retail, that all 'bricks and mortar' retailers will come under increasing pressure. There is growing evidence that retailers in the UK and Ireland will struggle to regain pre-recession sales levels. Out of town shopping centres will react to these challenges. If the city centre does not, then city centre retailers will suffer disproportionately in the battle with on-line sales. This could have devastating and long term impacts on the total city centre retail environment, with knock on impacts on the hospitality sector. To put the on-line threat into context, it is now conceded that Irish people spend an average of €850,000 per hour, 24 hours a day, 365 days per year on-line with over 70% of that spend going abroad.

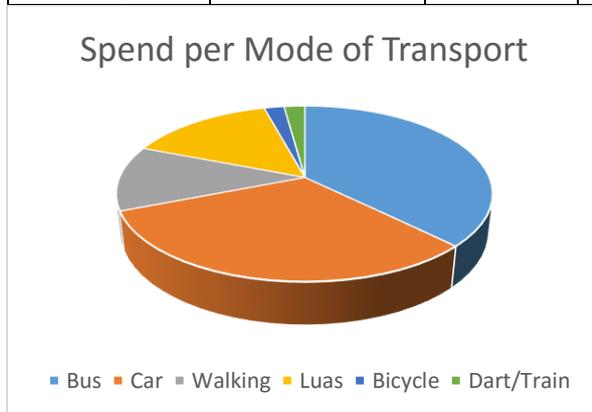
Time scale for delivery

The necessary upgrades to orbital routes are most likely to happen after additional traffic has been diverted onto them giving rise to further congestion and delays.

Proposed configurations give rise to practical difficulties and increased dangers for all road users and in particular cyclists.

Proportion of spend by transport type

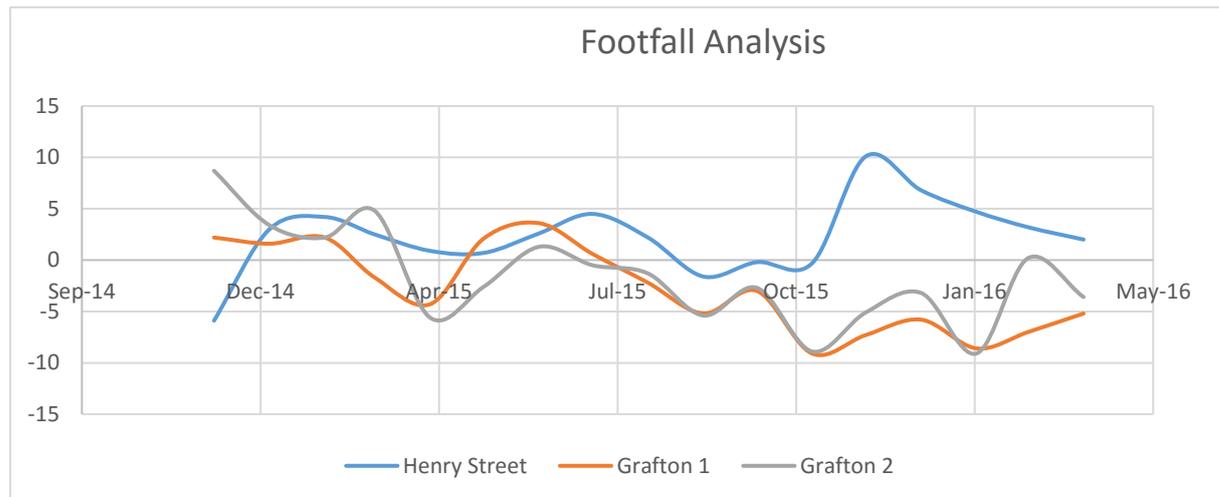
	Percentage in city using this mode	Spend per trip €	% of Total Spend
Bus	42	63	37.46
Car	19	117	31.47
Walking	17	50	12.03
Luas	15	70	14.87
Bicycle	4	36	2.04
Dart/Train	3	50	2.12



Proportion of shoppers citing difficulties in accessing parking & related costs

South City Centre	19%
North City Centre	8%
Dundrum	11%
Blanchardstown	8%
Liffey Valley	6%

Footfall Analysis pre & post introduction of 12 hour bus gate at College Green



It is not clear that EIA screening took any account of potential economic impacts.

It is claimed that the Bus gate not requiring an EIA is an appropriate precedent which underlies the necessity not to conduct an EIA on the current proposals. However, there are a number of distinct differences which differentiate both proposals.

The current proposals are clearly linked to a number integrated proposals and therefore the Quays proposal cannot be undertaken in isolation. The College Green bus gate was a stand alone proposal at the time and was for 6 hours per day during peak periods.

Conclusions

We believe that an EIA should be undertaken in respect of the cumulative impacts of the various projects and proposals. We do not believe that section 37 and 38 is the appropriate process.

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Appendix One: Use of S. 38 as a reserved function

It should, however, be noted that any decision to undertake works under Section 38 of the Road Traffic Act, 1994 is a reserved function and requires approval by the municipal district members under the provisions of Section 131A of the Local Government Act 2001 (as amended).

Relevant portions of the act, section 38 Road Traffic Act 1994: **38.**—(1) A road authority may, in the interest of the safety and convenience of road users, provide such traffic calming measures as they consider desirable in respect of public roads in their charge.

(2) A road authority may remove any traffic calming measures provided by them under this section.

(3) Before providing or removing traffic calming measures under this section of such class or classes as may be prescribed, a road authority shall—

(a) consult with the Commissioner;

(b) publish a notice in one or more newspapers circulating in the functional area of the authority—

(i) indicating that it is proposed to provide or remove the measures, and

(ii) stating that representations in relation to the proposal may be made in writing to the road authority before a specified date (which shall be not less than one month after the publication of the notice);

(c) consider any observations made by the Commissioner or any representations made pursuant to *paragraph (b) (ii)*.

(4) The making of a decision to provide or remove traffic calming measures of a class prescribed under *subsection (3)* and the consideration of observations or representations under *paragraph (c)* of that subsection shall be reserved functions.

(5) Traffic calming measures shall not be provided or removed in respect of a national road without the prior consent of the National Roads Authority.

(6) The Minister may issue general guidelines to road authorities relating to traffic calming measures under this section and may amend or cancel any such guidelines and, where any such guidelines are, for the time being, in force, road authorities shall have regard to such guidelines when performing functions under this section.

(7) A traffic calming measure provided under this section shall be deemed to be a structure forming part of the public road concerned and necessary for the safety of road users.

(8) (a) A person who, without lawful authority, removes or damages or attempts to remove or damage a traffic calming measure provided under this section shall be guilty of an offence.

(b) An offence under this subsection may be prosecuted by the road authority in whose functional area the acts constituting the offence were done.

(9) In this section—

“provide” includes erect or place, maintain and (in the case of an instrument for giving signals by mechanical means) operate and cognate words shall be construed accordingly; and

“traffic calming measures” means measures which restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists) and includes the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified

junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works.

Relevant section of Local Government Act 2001:

131.—(1) (a) The elected council of a local authority or the members of a joint body shall directly exercise and perform by resolution at a meeting of the local authority or body every function to which this section applies.

(b) The functions referred to in *paragraph (a)* shall be known as reserved functions of a local authority or of a joint body, as the case may be, and in this Act are referred to as “reserved functions”.