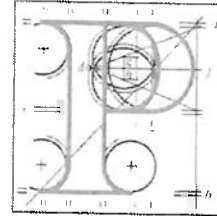


Our Case Number: ABP-316272-23

Your Reference: Allison Dwyer



**An
Bord
Pleanála**

Reddy Charlton LLP Solicitors,
12 Fitzwilliam Place,
Dublin 2
D02 VN56

Date: 24 April 2024

Re: Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Templeogue/Rathfarnham to City Centre

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above-mentioned proposed road development and will take it into consideration in its determination of the matter.

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

If you have any queries in the mean time, please contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Eimear Reilly
Executive Officer
Direct Line: 01-8737184

HA02

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Kevin McGettigan

From: Eimear Reilly
Sent: Thursday 4 April 2024 13:10
To: Kevin McGettigan
Subject: FW: 0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: APB-316377/23

Follow Up Flag: Follow up
Flag Status: Flagged

-----Original Message-----

From: LAPS <laps@pleanala.ie>
Sent: Wednesday, March 27, 2024 10:14 AM
To: Eimear Reilly <e.reilly@pleanala.ie>
Subject: FW: 0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: APB-316377/23

-----Original Message-----

From: Vincent Sheridan [REDACTED]
Sent: Wednesday, March 27, 2024 10:12 AM
To: LAPS <laps@pleanala.ie>
Cc: Tom Marren [REDACTED]
Subject: Recall: 0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: APB-316377/23

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Vincent Sheridan would like to recall the message, "0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: APB-316377/23".

FAO Eimear Reilly
An Bórd Pleanála
64 Marlborough Street
Dublin 1
D01 V902
BY DIRECT COURIER

Date 27 March 2024
Our Ref 6/0068000001
Your Ref APB-316272/23

AN BORD PLEANALA	
LDG-	_____
ABP-	316272
27 MAR 2024	
Fee: €	_____ Type: _____
Time:	11:37 By: courier


BY COURIER AND EMAIL – laps@pleanala.ie

Bus Connects Templeogue/Rathfarnham to City Centre
Core Bus Corridor Scheme Templeogue/Rathfarnham to City Centre

Dear Ms Reilly

We refer to previous correspondence in relation to the above matter and we **enclose** our replying submission for your attention. Please acknowledge safe receipt.

Yours faithfully



REDDY CHARLTON LLP

The Secretary
An Bórd Pleanála
Strategic Infrastructure Division
64 Marlborough Street
Dublin 1
D001 V902
BY DIRECT COURIER

Date 25 March 2024
Our Ref 57/0068000001
Your Ref ABP-316272-23

**Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Submission of Mrs Alison Dwyer, Glen Mullen, Bray, County Wicklow.**

Dear Sir

Take notice that we act for Alison Dwyer of Glen Mullen, Bray, County Wicklow and we hereby make the following submission to An Bórd Pleanála in relation to the Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme in addition to a submission made in respect of Section 51 of the Roads Act, 1993 (the "Roads Act") which has been notified to us in correspondence dated 19 April 2023 and 13 June 2023.

The plot list identified is 1091(1).1e (hereinafter referred to as "the Lands").

We refer to a letter of An Bórd Pleanála dated 23 February 2024 which refers to a submission from the National Transport Authority dated 20 December 2023 and referred to in the Bórd's letter as being available under the heading "Responses".

We were dismayed to discover that a set of responses relating to the compulsory acquisition of the Lands has been lodged with the Bórd on 20 December 2023 and it was not until a period of over two months that any notification was given as to the making of this submission. Indeed, the fact that such a submission was made is contained within a paragraph which is easily missed and one could easily not realise the nature of the submission that was in fact made or its significance having regard to the manner in which the letter was framed by An Bórd Pleanála. At the very least, it would be appropriate where such a submission was made in respect of a person who is not digitally adept to have forwarded a copy of the submission as it is difficult if not impossible to properly access the documentation referred to by the Bórd in an easily accessible manner, and we deprecate the approach that the Bórd has taken in terms of the time delay in identifying the submission made and in failing to give a copy of the submission to our client where her property is being proposed to be compulsorily acquired.

Page 1 of 5
2466559

Reddy Charlton LLP, Solicitors, 12 Fitzwilliam Place, Dublin 2, D02 VN56, Ireland
Tel +353 1 661 9500 DX 109027 Fitzwilliam Fax +353 1 678 9192 Email solutions@reddycharlton.ie Web www.reddycharlton.ie

Partners Roisin Bennett, Sarah Flynn, Laura Graham, Peter Kearney, Ciarán Maguire, Elaine McGrath, Brendan Sharkey
Consultants Tom Marren (Notary Public), Paul Keane, Michael Hegarty, Godfrey Hogan **Senior Associates** Sarah Bruen
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Associate Offices Beirut, Brussels, Bucharest, Dubai, Giza, Hamburg, Istanbul, Kyiv, Lisbon, Lodz, London, Madrid, Malmo, Mexico, Milan, New York, Paris, Prague, Rotterdam, Rio de Janeiro, Tel Aviv, Toronto, Wien, Zurich.

Without prejudice to the matters set out above, the first response relates to whether the scheme, the subject matter of the application, is a Busway for the purposes of Section 50(1)(a) of the 1993 Roads Act.

The National Transport Authority define a Busway as meaning “a public road or a proposed public road specified to be a Busway in a Busway scheme approved by the Minister under Section 49”.

The issue in this case relates to whether the proposed development falls within the term “Busway” and therefore depending upon whether it falls within the definition or not will determine the competent authority for the purposes of approval. Accordingly, it is self-defeating to simply define the Competent Authority for Approval i.e. whether that be the Bórd or the Minister, but instead look at the precise characteristics which define a Busway. The scheme in this case will form part of a public road or a proposed public road which will be used exclusively as a Busway and accordingly, this is precisely the definition contained in Section 44 of the 1993 Act and the scheme is therefore as a matter of law and as a matter of fact, a Busway. Accordingly the Bórd is not the competent authority here but rather the Minister is the person to whom the application is required to be made. It would be an extraordinary position, where in terms of the definition of a Busway the scheme before the Bórd fulfils all the requirements of the definition, but yet merely because it has been made to the Bórd and not to the Minister, it is then argued by the National Transport Authority that it is nonetheless a Busway. The reason why Section 44 is defined in the way that it is, is to determine who the application is being made to and that fact that it is made to the Bórd cannot be the determining factor, but rather the manner in which the scheme, the subject matter of the application, is defined and has all of the elements of a Busway as defined in Section 44 and therefore as a matter of statutory construction it is a Busway.

It is difficult to understand how the Bórd in the absence of this clarification on behalf of our client and given how closely aligned the definition of Busway is with the scheme that is in fact proposed, could determine that this is a matter which can be determined without the right of our client to engage in an oral hearing, and specifically to ask questions and seek clarification from the National Transport Authority in respect of the nature of this scheme. The Bórd have proceeded to refuse to hold an oral hearing notwithstanding how closely aligned, as is clear from this submission, the actual scheme is relative to the definition of Busway, and therefore there is no basis upon which they can refuse to hold an oral hearing, nor is there any appropriate legal or factual basis which would allow them to proceed to consider and determine the scheme in all of the circumstances here.

There is a fundamental conflict between the parties as to who has jurisdiction to deal with this scheme and this simply cannot be resolved by way of a written submission, nor is the Bórd in a position to have made that determination on 23 February when they wrote their letter. Furthermore, they could not have properly addressed this issue in any consideration as to whether or not to hold an oral hearing as per their letter of 23 February 2024.

The National Transport Authority proceed to deal with the manner in which an application has to be considered and in particular, in a submission which underlines certain matters, submits that the Bórd are required to consider the compulsory purchase order and the approval of the scheme at the same time, which terms are underlined in the submission.

However, they fail to address the separate tests required, both under Section 49 and Section 51, and that while both applications can be considered simultaneously, it is abundantly clear that there has to be a decision made first and a decision made second, because both cannot as a matter of fact or law be made at the same time. Therefore given that there are separate and distinct considerations that have to be applied for in each application, and given that the two applications, while they are to be considered at the same time, must have a sequence in terms of their determination. Accordingly, the

National Transport Authority submission is fundamentally misconceived because the two cannot be made at the same time and that is a physical and legal impossibility.

Accordingly, the sequence is that the approval under Section 51 must be considered first, because otherwise, it becomes a self-fulfilling prophecy, that is that if the compulsory acquisition is determined first, then that must pre-determine the approval under Section 51 and therefore, it can only in circumstances where the scheme is approved and it is established that there is a need for the scheme, that the land is suitable, that adequate land has been acquired, and that all the other considerations required to be addressed under 51 are considered appropriate, that would then determine the issue of the compulsory acquisition. The fact that the National Transport Authority are continuing to proceed, notwithstanding our original submission, that the two applications have to be determined "at the same time" demonstrates the fundamental misunderstanding of the nature of the approval procedure under Section 51 and the compulsory acquisition procedures under Section 49.

Impact on the Character of the City

In the submission made, the impact on the urban fabric of the City was raised and that submission identified the failure in the Environmental Impact Assessment Report to address any of these matters to a standard required in the Environmental Impact Assessment Report.

The National Transport Authority's submission does not seriously engage with this but simply refers to guidance, but the guidance that is relied upon can never be a substitute for compliance with requirements of the Environmental Impact Assessment Directive, and compliance with the obligations therein contained. Furthermore, the guidance was never prepared in circumstances where there was proposed to be a busway leading through the wholesale destruction of properties, front gardens, trees, features of urban design importance across the extent of the city that is proposed in this scheme. Neither did it contemplate that this was part of a broad suite of measures across the entirety of the City connecting to other Bus Connect schemes and the indirect and cumulative impacts have not been addressed in this guidance.

Insofar therefore as there is reliance on guidance, this is misconceived as each Environmental Impact Assessment Report must address the obligations of the Directive in respect of that particular scheme. The failure to address these issues in the Environmental Impact Assessment Report renders the application inconsistent with and contrary to the said Environmental Impact Assessment Directive and the Bórd cannot determine this matter until this information has been made available.

In respect of the submission by Dublin City Council, this is specific to the receiving environment and relates to specific impacts and in particular, architectural heritage, streetscape and the urban environment generally, but does not relate to the cumulative impact of this scheme across the city as a whole, where Dublin City Council have not directed their minds to. In any event, Dublin City Council are merely one participant and it is a matter for the Bórd to determine in the first instance whether these issues are adequately addressed, that is the direct and indirect impacts as well as the cumulative impacts and one will find nowhere in the documentation an overall assessment across the extent of the busways in the City and their impact on the urban fabric of a type that is required under the Environmental Impact Assessment Directive, and under the Irish Regulations implementing that directive. It is also extraordinarily worrying that guidance prepared for every conceivable type of Environmental Impact Assessment Report has simply been relied upon as the only answer to the failure that has been demonstrated in the submission to identify these particular types of deficiencies in the documentation lodged.

The last line of the submission of Jacobs is in fact telling in respect of this issue, where they indicate that *"once the mitigation issues have been applied there will be no significant adverse residual impacts on the*

architectural heritage resources as a result of the construction operation of the proposed scheme”, and yet it acknowledges that there will be important structures demolished, mature trees and other significant features entirely removed, that there will be a period where even with replanting and redesign to accommodate additional measures, and yet the approach is simply that there will be “no significant adverse residual impacts on architectural heritage resources” and that is so broad as to undermine entirely the position of the National Transport Authority in this case.

It is of some significance furthermore that the entire basis of the submission made relates to the previous Dublin City Development Plan and the new plan adopted appears not to have been considered in the response documentation and the opportunity was not taken to update the documentation relative to the new plans that have been adopted.

Appropriate Assessment

We are concerned in respect of the response to the issues in respect of appropriate assessment that there have been a number of new designations, particularly the Dublin Bay Special Area of Conservation which will affect the consideration in respect of appropriate assessment. There is in addition a range of new plans including the Dublin City Development Plan which again affects the documentation and the conclusions contained in the Natura Impact Statement, as well as a range of new developments that are either being proposed or have been permitted which have not been addressed within the considerations of Council Directive 92/43 EC. None of the changes that have occurred since the application was made have been addressed and therefore, the entire appropriate assessment is incapable of being carried out by the Bórd because the documentation lodged is completely unfit for the purposes, and the Bórd do not have the information which is a mandatory requirement under the Directive in order to carry out the appropriate assessment for the purposes of Section 51 of the Act.

Strategic Environmental Assessment

Our client raised the absence of any strategic environmental assessment in respect of the proposed development and the response from the National Transport Authority is to refer to the GDA Transport Strategy which identifies certain objectives that it was intended to install. However, when they come to deal with the strategic environmental assessment, they appear to rely on a strategic environmental assessment carried out for the Greater Dublin Area Cycle Network Plan 2013. While the submission is unclear, there is no reference to any strategic environmental assessment having been carried out in respect of the busway plan and the only reference to a strategic environmental assessment appears to relate to the Greater Dublin Area Cycle Network Plan 2013. If that is the case and this requires to be urgently clarified, then the Bórd cannot proceed to consider and determine the application in circumstances where the European Court has held on a number of occasions that the sequence of events for the purposes of environmental legislation, commences with the need for a strategic environmental assessment which is then followed by the Environmental Impact Assessment relating to the specific scheme and in the absence of a strategic environmental assessment, the scheme cannot go ahead and the Bórd is referred to the recent decision of the European Court in *Kerins v An Bórd Pleanála* and in particular to the judgment of the European Court in that regard. The matter is also dealt with in the High Court by Humphreys J in the decision of the same name.

The submission at paragraph 3.5.2 refers to there being separate submissions made in respect of our client’s submission on the cumulative impacts of the Bus Connect scheme, on the request for an oral hearing and in respect of the cost benefit required in Section 2.1.1. While there is a general reference to the request for an oral hearing, we have not seen any specific reference to any of our client’s issues raised in any of those items, and indeed, it is not clear that there has been any response to the issue of a cost benefit analysis referred to in our submission, and we would request that the Bórd clarify where are the responses made in respect of our client’s submission in respect of these matters, which appear

to have been intended to be made but was not in fact made, and again, this level of ambiguity is totally unsatisfactory where a scheme of this size and complexity is being proposed.

The Bórd will have our original submission in respect of the concerns raised in respect of the whole approval process, the entirety of our submission was based upon the need for an oral hearing in respect of seeking clarification of certain issues, both relating to the various European Directives and in relation to issues that have been identified, resolution of conflicts of fact and clarification as to how the scheme can be reconciled with the new plans that have come into effect since the preparation of the documentation and none of this will be capable of being resolved unless the Bórd grant an oral hearing in respect of the matters.

In the absence of such a hearing, it can only be concluded that there has been no adequate engagement with our submission, none of the issues have been addressed, and accordingly the entire scheme is operating under a fundamental mistake, is outdated and requires to be refused absent to any appropriate response of a type that we sought in our letter of 12 March 2024.

We await hearing from the Bórd with clarification in respect of the matters set out above.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Reddy Charlton LLP", is written over a horizontal line.

REDDY CHARLTON LLP

Kevin McGettigan

From: Eimear Reilly
Sent: Thursday 4 April 2024 13:10
To: Kevin McGettigan
Subject: FW: 0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: ABP-316272-23
Attachments: Enclosing Letter to An Bord Pleanala from RC of 25 March 2024 (ABP-316272-23).pdf; Letter to An Bord Pleanala from RC of 25 March 2024 (ABP-316272-23).pdf

From: LAPS <laps@pleanala.ie>
Sent: Wednesday, March 27, 2024 10:22 AM
To: Eimear Reilly <e.reilly@pleanala.ie>
Subject: FW: 0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: ABP-316272-23

From: Vincent Sheridan <[REDACTED]>
Sent: Wednesday, March 27, 2024 10:17 AM
To: LAPS <laps@pleanala.ie>
Cc: Tom Marren <[REDACTED]>
Subject: 0068000001: Advices in relation to Compulsory Purchase Order: ABP ref: ABP-316272-23

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ABP ref: ABP-316272-23

Dear Sirs,

Please see attached.

Kind regards,

VINCENT SHERIDAN

Direct Dial: [REDACTED]

Reddy Charlton LLP

12 Fitzwilliam Place, Dublin 2, D02 VN56, Ireland

Tel: [REDACTED]

Web: <http://www.reddycharlton.ie>

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FAO Eimear Reilly
An Bórd Pleanála
64 Marlborough Street
Dublin 1
D01 V902
BY DIRECT COURIER

Date
Our Ref
Your Ref

27 March 2024
6/0068000001
APB-316272/23

BY COURIER AND EMAIL – laps@pleanala.ie

**Bus Connects Templeogue/Rathfarnham to City Centre
Core Bus Corridor Scheme Templeogue/Rathfarnham to City Centre**

Dear Ms Reilly

We refer to previous correspondence in relation to the above matter and we enclose our replying submission for your attention. Please acknowledge safe receipt.

Yours faithfully


REDDY CHARLTON LLP

The Secretary
An Bórd Pleanála
Strategic Infrastructure Division
64 Marlborough Street
Dublin 1
D001 V902
BY DIRECT COURIER

Date 25 March 2024
Our Ref 57/0068000001
Your Ref ABP-316272-23

**Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Submission of Mrs Alison Dwyer, Glen Mullen, Bray, County Wicklow.**

Dear Sir

Take notice that we act for Alison Dwyer of Glen Mullen, Bray, County Wicklow and we hereby make the following submission to An Bórd Pleanála in relation to the Templeogue / Rathfarnham to City Centre Core Bus Corridor Scheme in addition to a submission made in respect of Section 51 of the Roads Act, 1993 (the "Roads Act") which has been notified to us in correspondence dated 19 April 2023 and 13 June 2023.

The plot list identified is 1091(1).1e (hereinafter referred to as "the Lands").

We refer to a letter of An Bórd Pleanála dated 23 February 2024 which refers to a submission from the National Transport Authority dated 20 December 2023 and referred to in the Bórd's letter as being available under the heading "Responses".

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Page 1 of 5
2466559

Reddy Charlton LLP, Solicitors, 12 Fitzwilliam Place, Dublin 2, D02 VN56, Ireland
Tel +353 1 661 9500 DX 109027 Fitzwilliam Fax +353 1 678 9192 Email solutions@reddycharlton.ie Web www.reddycharlton.ie

Partners Roisin Bennett, Sarah Flynn, Laura Graham, Peter Kearney, Clarán Maguire, Elaine McGrath, Brendan Sharkey
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Associate Offices Beirut, Brussels, Bucharest, Dubai, Giza, Hamburg, Istanbul, Kyiv, Lisbon, Lodz, London, Madrid, Malmo, Mexico,
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Without prejudice to the matters set out above, the first response relates to whether the scheme, the subject matter of the application, is a Busway for the purposes of Section 50(1)(a) of the 1993 Roads Act.

The National Transport Authority define a Busway as meaning "a public road or a proposed public road specified to be a Busway in a Busway scheme approved by the Minister under Section 49".

The issue in this case relates to whether the proposed development falls within the term "Busway" and therefore depending upon whether it falls within the definition or not will determine the competent authority for the purposes of approval. Accordingly, it is self-defeating to simply define the Competent Authority for Approval i.e. whether that be the Bórd or the Minister, but instead look at the precise characteristics which define a Busway. The scheme in this case will form part of a public road or a proposed public road which will be used exclusively as a Busway and accordingly, this is precisely the definition contained in Section 44 of the 1993 Act and the scheme is therefore as a matter of law and as a matter of fact, a Busway. Accordingly the Bórd is not the competent authority here but rather the Minister is the person to whom the application is required to be made. It would be an extraordinary position, where in terms of the definition of a Busway the scheme before the Bórd fulfils all the requirements of the definition, but yet merely because it has been made to the Bórd and not to the Minister, it is then argued by the National Transport Authority that it is nonetheless a Busway. The reason why Section 44 is defined in the way that it is, is to determine who the application is being made to and that fact that it is made to the Bórd cannot be the determining factor, but rather the manner in which the scheme, the subject matter of the application, is defined and has all of the elements of a Busway as defined in Section 44 and therefore as a matter of statutory construction it is a Busway.

It is difficult to understand how the Bórd in the absence of this clarification on behalf of our client and given how closely aligned the definition of Busway is with the scheme that is in fact proposed, could determine that this is a matter which can be determined without the right of our client to engage in an oral hearing, and specifically to ask questions and seek clarification from the National Transport Authority in respect of the nature of this scheme. The Bórd have proceeded to refuse to hold an oral hearing notwithstanding how closely aligned, as is clear from this submission, the actual scheme is relative to the definition of Busway, and therefore there is no basis upon which they can refuse to hold an oral hearing, nor is there any appropriate legal or factual basis which would allow them to proceed to consider and determine the scheme in all of the circumstances here.

There is a fundamental conflict between the parties as to who has jurisdiction to deal with this scheme and this simply cannot be resolved by way of a written submission, nor is the Bórd in a position to have made that determination on 23 February when they wrote their letter. Furthermore, they could not have properly addressed this issue in any consideration as to whether or not to hold an oral hearing as per their letter of 23 February 2024.

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However, they fail to address the separate tests required, both under Section 49 and Section 51, and that while both applications can be considered simultaneously, it is abundantly clear that there has to be a decision made first and a decision made second, because both cannot as a matter of fact or law be made at the same time. Therefore given that there are separate and distinct considerations that have to be applied for in each application, and given that the two applications, while they are to be considered at the same time, must have a sequence in terms of their determination. Accordingly, the

National Transport Authority submission is fundamentally misconceived because the two cannot be made at the same time and that is a physical and legal impossibility.

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The last line of the submission of Jacobs is in fact telling in respect of this issue, where they indicate that "*once the mitigation issues have been applied there will be no significant adverse residual impacts on the*

architectural heritage resources as a result of the construction operation of the proposed scheme", and yet it acknowledges that there will be important structures demolished, mature trees and other significant features entirely removed, that there will be a period where even with replanting and redesign to accommodate additional measures, and yet the approach is simply that there will be "no significant adverse residual impacts on architectural heritage resources" and that is so broad as to undermine entirely the position of the National Transport Authority in this case.

It is of some significance furthermore that the entire basis of the submission made relates to the previous Dublin City Development Plan and the new plan adopted appears not to have been considered in the response documentation and the opportunity was not taken to update the documentation relative to the new plans that have been adopted.

Appropriate Assessment

We are concerned in respect of the response to the issues in respect of appropriate assessment that there have been a number of new designations, particularly the Dublin Bay Special Area of Conservation which will affect the consideration in respect of appropriate assessment. There is in addition a range of new plans including the Dublin City Development Plan which again affects the documentation and the conclusions contained in the Natura Impact Statement, as well as a range of new developments that are either being proposed or have been permitted which have not been addressed within the considerations of Council Directive 92/43 EC. None of the changes that have occurred since the application was made have been addressed and therefore, the entire appropriate assessment is incapable of being carried out by the Bórd because the documentation lodged is completely unfit for the purposes, and the Bórd do not have the information which is a mandatory requirement under the Directive in order to carry out the appropriate assessment for the purposes of Section 51 of the Act.

Strategic Environmental Assessment

Our client raised the absence of any strategic environmental assessment in respect of the proposed development and the response from the National Transport Authority is to refer to the GDA Transport Strategy which identifies certain objectives that it was intended to install. However, when they come to deal with the strategic environmental assessment, they appear to rely on a strategic environmental assessment carried out for the Greater Dublin Area Cycle Network Plan 2013. While the submission is unclear, there is no reference to any strategic environmental assessment having been carried out in respect of the busway plan and the only reference to a strategic environmental assessment appears to relate to the Greater Dublin Area Cycle Network Plan 2013. If that is the case and this requires to be urgently clarified, then the Bórd cannot proceed to consider and determine the application in circumstances where the European Court has held on a number of occasions that the sequence of events for the purposes of environmental legislation, commences with the need for a strategic environmental assessment which is then followed by the Environmental Impact Assessment relating to the specific scheme and in the absence of a strategic environmental assessment, the scheme cannot go ahead and the Bórd is referred to the recent decision of the European Court in *Kerins v An Bórd Pleanála* and in particular to the judgment of the European Court in that regard. The matter is also dealt with in the High Court by Humphreys J in the decision of the same name.

The submission at paragraph 3.5.2 refers to there being separate submissions made in respect of our client's submission on the cumulative impacts of the Bus Connect scheme, on the request for an oral hearing and in respect of the cost benefit required in Section 2.1.1. While there is a general reference to the request for an oral hearing, we have not seen any specific reference to any of our client's issues raised in any of those items, and indeed, it is not clear that there has been any response to the issue of a cost benefit analysis referred to in our submission, and we would request that the Bórd clarify where are the responses made in respect of our client's submission in respect of these matters, which appear

to have been intended to be made but was not in fact made, and again, this level of ambiguity is totally unsatisfactory where a scheme of this size and complexity is being proposed.

The Bórd will have our original submission in respect of the concerns raised in respect of the whole approval process, the entirety of our submission was based upon the need for an oral hearing in respect of seeking clarification of certain issues, both relating to the various European Directives and in relation to issues that have been identified, resolution of conflicts of fact and clarification as to how the scheme can be reconciled with the new plans that have come into effect since the preparation of the documentation and none of this will be capable of being resolved unless the Bórd grant an oral hearing in respect of the matters.

In the absence of such a hearing, it can only be concluded that there has been no adequate engagement with our submission, none of the issues have been addressed, and accordingly the entire scheme is operating under a fundamental mistake, is outdated and requires to be refused absent to any appropriate response of a type that we sought in our letter of 12 March 2024.

We await hearing from the Bórd with clarification in respect of the matters set out above.

Yours faithfully


REDDY CHARLTON LLP