



AN ARD-CHÚIRT
THE HIGH COURT

**PLANNING AND ENVIRONMENT
2025 1929 JR**

Monday the 13th day of April 2026

BEFORE MR JUSTICE RICHARD HUMPHREYS

**IN THE MATTER OF SECTION 47 OF THE TRANSPORT (RAILWAY
INFRASTRUCTURE) ACT 2001, AS AMENDED**

BETWEEN/

MURDOCK BUILDERS MERCHANTS (IRELAND) LIMITED

APPLICANT

-AND-

AN COIMISIÚN PLEANÁLA

RESPONDENT

-AND-

**THE NATIONAL ROADS AUTHORITY OPERATING AS TRANSPORT
INFRASTRUCTURE IRELAND**

NOTICE PARTY

The within proceedings coming before the Court on this day pursuant to the Notice of Motion of the Applicant dated the 22nd day of December 2025 seeking *inter alia* leave to apply by way of an application for Judicial Review in respect of the decision of the Respondent bearing reference number NA29N.321278 in the presence of Counsel for the Applicant and the Counsel for the Respondent and Counsel for the Notice Party

Whereupon and on reading said Motion and the pleadings and affidavits filed in respect of the within proceedings

And on hearing said respective Counsel

And it now appearing that the proceedings herein have been compromised and

agreement reached between the parties strictly without prejudice to the position of the Respondent that the decision the subject of the within proceedings taken by it was lawful and that no legal error has been identified in the decision

And the Court noting that the Applicant has confirmed that it is seeking an Order of *Certiorari* to quash the acquisition of certain of the Applicant's lands that form part of the Railway Order (defined below) together with associated works on those lands

And the Court further noting that the terms of this Order are agreed by all parties without the Respondent accepting that it was in error

By consent the COURT DOTH GRANT in accordance with section 47A(9) of the Transport (Railway Infrastructure) Act 2001 (as amended) an Order of *Certiorari* quashing the decision of the Respondent made on the 28th day of October 2025 making the "Railway Order Transport (Railway Infrastructure) Act 2001 (as amended) Railway (Luas Finglas – Broombridge to Charlestown) Order [2024]" (ACP Case Ref: NA29N.321278) ("Railway Order") insofar as it authorises the acquisition of those parts of (i) Plot D1-331-T6 and (ii) Plot D1-331-A3 and (iii) Plot D1-331-T4 depicted on the drawing included in the First Schedule hereafter (comprising an area of (i) 72.9m² from Plot D1-331-T6 and (ii) 98.4m² from Plot D1-331-A3 and (iii) 31.0m² from Plot D1-331-T4) ("Lands to be removed") and further that all works associated with the Lands to be removed be excised from the Railway Order with the following consequential amendments to the Railway Order

- a) that the Railway Order be amended by moving (i) Plot D1-331-A2 and (ii) the remaining part of Plot D1-331-A3 being an area of 99.9m² from the Second Schedule to the Railway Order (permanent acquisition) to the Fourth Schedule to the Railway Order (temporary acquisition) which said plots are depicted on the drawing included in the Second Schedule hereafter

And *in lieu* of directing that an Order of *Certiorari* do issue IT IS ORDERED that

the aforesaid decision of the Respondent dated the 28th day of October 2025, insofar as it authorises the acquisition of the Lands to be removed as defined above, and all records and entries relating thereto be quashed without further Order

And IT IS ORDERED that the proceedings be struck out with no further order

CATRÍONA MCGRATH
REGISTRAR
PERFECTED 13/05/2026

Orpen Franks LLP
Solicitor for the Applicant

Fieldfisher LLP
Solicitor for the Respondent

McCann Fitzgerald LLP
Solicitor for the Notice Party

First Schedule

Second Schedule

