

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

<b>AN BORD PLEANÁLA</b>	
LDG- _____	
ABP- _____	
<b>26 OCT 2022</b>	
Fee: € _____	Type: _____
Time: _____	By: <i>[Signature]</i>

13<sup>th</sup> September 2022

**Re.: CIE – Dart West+Railway Order – Plot DW.025.P61(A) – Joan Reynolds,  
Edel Reynolds, Madeline Reynolds and Francis Anthony Reynolds**

Dear Sir/Madam,

I am instructed on behalf of the above named claimant to lodge the within objection to the Making of the above Railway Order for the following reasons:

1. The Railway Order should not be approved until such time as the Bord is satisfied that there is an urgent need for the Scheme and that CIE have the funding to complete the Scheme expeditiously if the Railway Order is approved.
2. The Railway Order should not be approved until such time as CIE have provided drawings to an appropriate scale and my client has had an opportunity to consider same.
3. The Bord will note that the Works Layout Plan No. WP025 shows the proposed CIE Scheme connecting into "the proposed Ongar to Barnhill Distributor Road to be constructed by others". This is a cause of grave concern. The Bord will recall that Fingal made an application for a CPO – (Ongar to Barnhill Distributor Road) Order 2008, Reference No. 06F.CH3079, on the 3<sup>rd</sup> July 2008. Following intense consultation with Fingal and their Engineers agreement was reached between the Parties that a suite of work would be included in the proposed scheme, providing services to the retained Reynolds lands which are zoned for residential development. On foot of this agreement, the claimants withdrew their objection and the CPO was subsequently confirmed and a Notice to Treat was served on the 20<sup>th</sup> May 2010. Since 2010, I have been unable to submit a claim for compensation as Fingal have not been in a position to provide any final, or any drawings for the scheme reflecting the works that were agreed between the Parties. For the past number of years, Fingal have been "reviewing" whether or not they intend to proceed with the CPO or whether to accept that they have in fact abandoned it. As at the date hereof, Fingal have not made any decision in this regard. In relation to the drawing mentioned above for the currently proposed scheme, it is not clear whether the Ongar Scheme referred to on CIE's drawing is the same as the Scheme for which a Notice to Treat was served in 2010 or whether it is a different Scheme and for which no CPO exists. I would argue that even if it is the former, then it appears that that CPO has been abandoned in any event. There is therefore no certainty that CIE can build or

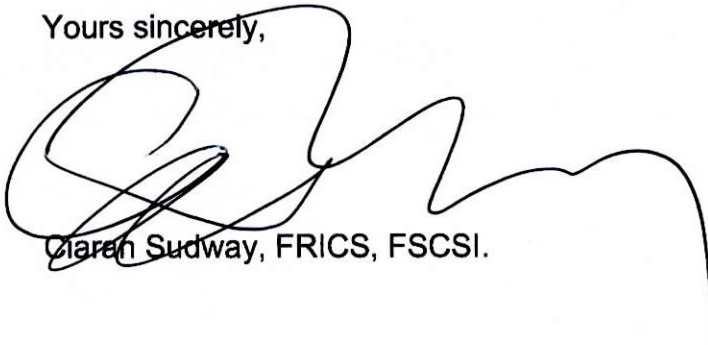
9 Fitzwilliam Square, Dublin 2, Ireland

complete the current scheme as shown on the drawings presented to the Bord.

In addition, the Bord will note that due to the fact that a Notice to Treat was served on Ms. Reynolds in 2010, and in circumstances where that Scheme has not yet proceeded, the claimants lands have been sterilised for upwards of 12 years, and this is simply unacceptable. Should the Bord now confirm a second CPO over the remainder of my clients lands, without any certainty that the Scheme can be completed in accordance with the plans lodged, then my clients lands will remain sterilised well into the future. It is my respectful submission that the Bord has some duty of care towards affected landowners and should not approve any CPO until an urgent need for the scheme is established and that the Bord is satisfied that the scheme will commence expeditiously and be capable of completion expeditiously. My clients have suffered enormously as a consequence of the manner in which Fingal dealt with the previous CPO and to date none of the claimants significant costs over a period of 15 years have been reimbursed. I would urge the Bord not to make matters worse by confirming a second CPO on the remainder of the Reynolds' lands in the circumstances described above.

My client reserves the right to add and/or expand on this objection at the Oral Hearing.

Yours sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'Claran Sudway', written over the typed name.

Claran Sudway, FRICS, FSCSI.