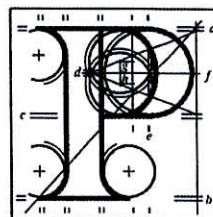


**Our Case Number:** ABP-316119-23

**Planning Authority Reference Number:**

**Your Reference:** Onyx Ireland 2021 Propco IV Ltd



**An  
Bord  
Pleanála**

M7 Real Estate Ireland  
15-17 Percy Place  
Dublin 4

**Date:** 01 June 2023

**Re:** DART+ South West Electrified Heavy Railway Order - Hazelhatch & Celbridge Station to Heuston Station,  
and Hesuton Station to Glasnevin  
County Dublin and County Kildare

Dear Sir / Madam,

An Bord Pleanála has received your recent submission (including your fee of €50) in relation to the above-mentioned proposed Railway Order and will take it into consideration in its determination of the matter.

The Board will revert to you in due course with regard to the matter.

Please be advised, there is no fee for an affected landowner, listed on the schedule, to make an observation on this case, therefore, a refund of €50 will be made to the credit/debit card used to make the online observation.

Please be advised that copies of all submissions/observations received in relation to the application will be made available for public inspection at the offices of the relevant County Council(s) and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime, please contact the undersigned. 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

<b>Tell</b>	<b>Tel</b>	(01) 858 8100
<b>Glaio Áitiúil</b>	<b>LoCall</b>	1890 275 175
<b>Facs</b>	<b>Fax</b>	(01) 872 2684
<b>Láithreán Gréasáin</b>	<b>Website</b>	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
<b>Ríomhphost</b>	<b>Email</b>	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



M7 Real Estate Ireland  
15 – 17 Percy Place  
Dublin 4  
Ireland

T: +353 1 592 5650  
E: [info-ie@m7re.eu](mailto:info-ie@m7re.eu)  
[m7re.eu](https://m7re.eu)

15 May 2023

**RE: DART+ South West Electrified Railway Order 2023 - Westlink Industrial Estate, Kylemore Road, Dublin 10**

Sent by Email

Dear sir / madam,

See below & attached. Further to the Railway Order submitted to An Bord Pleanála (ABP) on 29 March 2023, we hereby enclose our observations and objection to said plan.

This submission has been made on behalf of Mr James Smith, Senior Asset Manager, M7 Real Estate Ireland Limited PP. Onyx Ireland 2021 Propco IV Ltd (the owner) and the occupiers of Westlink Industrial Estate. Our (clients) title is referred to herein on the attached boundary map(s) and referenced by way of a redacted Deed of Transfer.

Upon review of the proposal as submitted to An Bord Pleanála, we hereby enclose our rationale for objecting to the proposed plan:

1. Impact on existing buildings / scheme as a whole.
  - The development as proposed by the Railway Order proposes to compulsory purchase Unit 1 Westlink Industrial Estate. This would detract from the profile of the park onto the Kylemore Road thus reducing its visibility to passing traffic. This is particularly pertinent given the number of trade counter related occupiers within the park itself which rely on passing trade / footfall.
  - The proposed use of the unit would in effect be as a storage compound for the duration of the works, which would cause further deterioration in the estate road. We have in the last number of years invested significant amounts of money into the scheme, particularly Units 1 – 9 which you will note have all been overlaid to the external elevations.
  - Unit 1 also benefits from a higher number of car spaces (as a proportion on a per unit basis) than any other unit within the park.
  - No reference has been made to the long term plans for this unit post works, and it would need to be ascertained how the occupier will be contributing to the estate service charge and exacerbated level of wear & tear from works traffic to estate road during the construction phase.
  - Post completion and during all works, Irish Rail / CIE will be responsible for any enhanced advertising pertaining to occupiers businesses' and indeed boosting the profile of the park.
  - We assume that CIE Group will cover the increased costs of security monitoring at the park, where over the last number of years – we have managed to reduce anti-social behaviour to a minimum.
2. The development as proposed by the Railway Order proposes to compulsory purchase the "Ground Under" Units 2 – 9 Westlink Industrial Estate.
  - We understand that this is necessary so that the proposed retaining wall to the periphery of the railway lines can be "anchored" to the substrate of these units.
  - This could have a negative impact on any (potential) future redevelopment value that this area of land has from a residential / mixed use and rezoning perspective. It is fair to say that given the surrounding uses in the

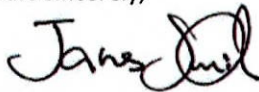


- immediate locality, in addition to the Naas Road / Kylemore Road junction that this would in time – be a prospective use for the scheme, and more specifically an apartment development.
- We assume that this proposal will cause no disturbance to the ground under through vibrations, and therefore no impact on the structural integrity of the property(s)
  - Is there sufficient clearance space for safe access / egress from the property(s) so as not to jeopardise health and safety in the event of a fire i.e. fire exits.
3. Compensation
- We estimate that the works will sterilise / take c. 5,884 sq ft of industrial space and 0.2 acres of surfaced space at Unit 1 Westlink Industrial Estate. We will evidently be seeking market value for this, in addition to payment of our costs associated with any works required to Unit 2.
  - We will be seeking our costs as part of any compulsory purchase / due diligence during this Railway Order process, in addition to potential increased void periods / impact on rental values that the works may or may not have on the scheme.
  - Whilst we appreciate that a single land carriageway will be provided for at the Kylemore Road bridge, is this proposed to be dual direction? We also assume that the Kylemore Road / Park West bridge will remain open or works will have completed at the time when the bridge abutting Westlink is closed? Nonetheless, these works will have a significant impact on our occupiers businesses, notwithstanding passing trade and potential avoidance via established customers as we would envisage that there will be significant traffic congestion as result of these works. Please provide any traffic studies' carried out supporting these works.
  - We assume that CIE / Irish Rail will duly compensate our occupiers for loss of trade for the duration of the works, with such trade to be assessed using a fair measure reflecting a tenants trade (and putting aside COVID 19 where isolation measures were likely to significantly impact the occupier from a trading perspective in many cases). Please clarify how this will be assessed.

Our objection pertaining to this application is for the most part concentrated on the impact on our tenants in terms of business, and how they go about same e.g. less trade; increased commute times etc. As a by product of this, we are concerned that the proposed works will have a value impact on the scheme in terms of less occupier activity at the park, in addition to Unit 1 being in effect – sterilised. Given that we have invested millions of euro into the scheme over the last number of years, we are highly concerned that this work and effort could be undone. We acknowledge that efforts have been made to “underpin” the retaining wall within the substrate environment and this has perhaps minimised the impact of this plan from a CPO perspective. More consideration should be given to the impact on Unit 1 (Vinny Byrne Limited, and their business) and perhaps working hours to minimise the duration of this whole project.

Should you have any queries on the above, please do not hesitate to contact me on [james.smith@m7re.eu](mailto:james.smith@m7re.eu) / +44 73 884 374 39.

Yours sincerely,



**James Smith MSCSI MRICS Msc**

Senior Asset Manager

M7 Real Estate Ireland on behalf of Onyx Ireland 2021 Propco IV Limited



## Stamp Certificate

Document ID: 180132798D

Date Issued: 28/11/2018

Stamp Certificate ID: 18-0863954-5509-261118-C

Notice Number: 64515022-05082R

Duty: € [REDACTED]

Interest: € [REDACTED]

Date of Execution of Instrument: 26/11/2018

Parties From: C2 INDUSTRIALS (IRELAND) LLP

Parties To: M7 EREIP V IRISH PROPCO LIMITED

Property: Westlink Industrial Estate, Kylmore Road, Dublin 10, Dublin10

Folio Number(s): DN61893F

Non Residential: Chargeable Consideration: [REDACTED] [REDACTED]

Revenue 



PROPERTY REGISTRATION AUTHORITY

COUNTY DUBLIN

FOLIO 61893F

THIS CONVEYANCE TRANSFER AND ASSIGNMENT is dated 26 November 2018 and made between:

- (1) **C2 INDUSTRIALS (IRELAND) LLP** a limited liability partnership registered in England and Wales having its registered office at Stenprop, 180 Great Poland Street, London, W1W 5QZ, England (the **Vendor** which expression shall where the context so admits or requires include the Vendor's successors and assigns); and
- (2) **M7 EREIP V IRISH PROPCO LIMITED** (registered no. 635740) a limited liability company having its registered office at 1<sup>st</sup> Floor, 118 Lower Baggot Street, Dublin 2 (the **Purchaser** which expression shall where the context so admits or requires include the Purchaser's successors and assigns).

RECITALS:

- (A) Pursuant to a Deed of Conveyance, Transfer and Assignment dated 5 July 2016 between (1) Irish Life Assurance Public Limited Company and (2) the Vendor (the **2016 Deed**), the Vendor is the party entitled to be registered as owner of all the lands comprised in Folio 61893F of the Register of Freeholders County Dublin (the **Registered Premises**).
- (B) The 2016 Deed also conveyed, granted and assigned to the Vendor the premises more particularly described in the Schedule of this Deed (the **Unregistered Premises**).
- (C) The Registered Premises and the Unregistered Premises together comprise the property known as Westlink Industrial Estate, Kylemore Road, Dublin 10 and are together referred to as the Premises.
- (D) The Vendor's application for registration as owner of the Premises is currently pending registration in the Property Registration Authority under Dealing Number D2018LR112298J.
- (E) The Premises is held subject to and with the benefit of a Deed of Grant of Way dated 7 August 1979 between (1) A.H. Masser Limited and J.& C. McGloughlin Limited and (2) Dunrobin Company Limited (the **Right of Way**).
- (F) The Unregistered Premises is held subject to and with the benefit of a Lease dated 14 August 2008 between (1) Irish Life Assurance Public Limited Company, (2) Emergency Care Group Limited, and (3) Westlink Industrial Estate Management Company Limited for a term of 500 years from 11 August 2008 (the **Unit 17 Lease**) and the covenants on the part of the landlord contained therein.
- (G) The Vendor has agreed with the Purchaser for the sale to the Purchaser of the Premises subject as recited above but otherwise free from encumbrances at the price of [REDACTED]

OPERATIVE PROVISIONS

- 1 In pursuance of the agreement and in consideration of the sum of [REDACTED] paid by the Purchaser to the Vendor (the receipt of which sum the Vendor acknowledges) the Vendor as beneficial owner:
- 1.1 as the party entitled to be registered as owner **TRANSFERS** the Registered Premises to the Purchaser in fee simple;

- 1.2 **CONVEYS** the Unregistered Premises to the Purchaser in fee simple subject to and with the benefit of the Unit 17 Lease; and
- 1.3 **GRANTS, CONVEYS, ASSIGNS** and **CONFIRMS** all its estate, right, title and interest in the Premises and each and every part thereof.

2 The parties agree that this deed may be executed in counterpart each of which will constitute an original.

4. The address of the Purchaser in the State for service of notices and the Purchaser's description are:-

M7 EREIP V IRISH PROPCO LIMITED, limited liability company having its registered office at 1<sup>st</sup> Floor, 118 Lower Baggot Street, Dublin 2.

3 **CERTIFICATES**

**IT IS HEREBY CERTIFIED** as follows:

- 3.1 that the amount or value of the consideration (other than rent) for the sale is wholly attributable to property which is not residential property;
- 3.2 that Section 29 (conveyance on sale combined with building agreement for dwellinghouse / apartment) the Stamp Duties Consolidation Act, 1999 does not apply to this instrument;
- 3.3 for the purposes of Section 238 of the Companies Act 2014 that the Vendor and the Purchaser are not bodies corporate connected with one another in a manner which would require the transaction hereby effected to be approved by resolutions of the members of either or the members of any holding company of either.



## **SCHEDULE**

### **The Unregistered Premises**

**ALL THAT AND THOSE** the premises known as Westlink Industrial Estate, Kylemore Road, Dublin 10 as more particularly described in Schedule 4 to the 2016 Deed and therein described as follows:-

#### **"SCHEDULE 4**

##### **Part 1**

##### **(the First Freehold Property)**

**ALL THAT AND THOSE** the hereditaments and premises comprised in and demised by the 1962 Lease and therein described as "**ALL THAT** narrow strip of land measuring six feet in depth at its western extremity and narrowing to four feet at its eastern extremity and measuring 720 feet from East to West bounded on the North by lands in the ownership and occupation of the Board and on the South by lands occupied by the Lessee which said strip of land is more particularly delineated on the plan numbered 8/1104 hereto annexed and thereon coloured red and is situate in the Townland of Ballyfermot Lower, Parish of Ballyfermot and County Borough of Dublin" and which hereditaments and premises are shown coloured red and marked with the letter "A" on Deed of Conveyance and Transfer dated 15 March 2002 between (1) The Scottish Provident Institution and (2) Scottish Provident Limited (the "**2002 Deed**"), being part of Westlink Industrial Estate, Kylemore Road, Dublin 12.

##### **Part 2**

##### **(the Second Freehold Property)**

**ALL THAT AND THOSE** portion of the lands comprised in and demised by the 1961 Lease and therein described as "**ALL THAT** part of the lands of Ballyfermot in the Barony of Upper Cross and County of Dublin containing eight acres and thirty eight perches statute measure as the same are shown on the plan numbered 8/887 annexed to these presents and thereon coloured red **TOGETHER WITH** the right for the Lessee its tenants or others the occupiers from time to time of the Demised Premises or any part thereof to pass and repass at all times during the term hereby granted over the way coloured yellow on the said plan with or without motor or other vehicles laden or unladen" and which hereditaments and premises are shown coloured green and marked with the letter "B" on the plan attached the 2002 Deed, being part of Westlink Industrial Estate, Kylemore Road, Dublin 12

##### **Part 3**

##### **(the Third Freehold Property)**

**ALL THAT AND THOSE** portion of the lands comprised in and demised by the 1943 Lease and which piece or parcel of land is situate in the Townland of Ballyfermot Lower, Parish of Ballyfermot and County Borough of Dublin and which hereditaments and premises are shown coloured green and marked with the letter "C" on the plan attached to the 2002 Deed, being part of Westlink Industrial Estate, Kylemore Road, Dublin 12, being part of Westlink Industrial Estate, Kylemore Road, Dublin 12.

**TO THE INTENT** that part of the lands and premises comprised in Part 1, Part 2 and Part 3 of this Schedule 4 are together shown on the Land Registry compliant map attached to this Deed and thereon outlined in red and the right of way granted by the Deed of Grant of Right of Way is shown on the Land Registry compliant map attached to this Deed and thereon shaded in yellow."

The Unregistered Premises is shown on the Land Registry compliant map attached to the 2016 Deed outlining the premises in red and the Right of Way shaded in yellow.

**EXECUTED as a DEED**

For and on behalf of

**C2 INDUSTRIALS (IRELAND) LLP**

In the presence of:



JULIAN CAREY



SIMON ROSS  
4 MARLBOROUGH ROAD  
LONDON SE22 0PX



**PRESENT** when the Common Seal

**of M7 EREIP V IRISH PROPCO LIMITED**

in the presence of:

---

**Director**

---

**Director / Secretary**



This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

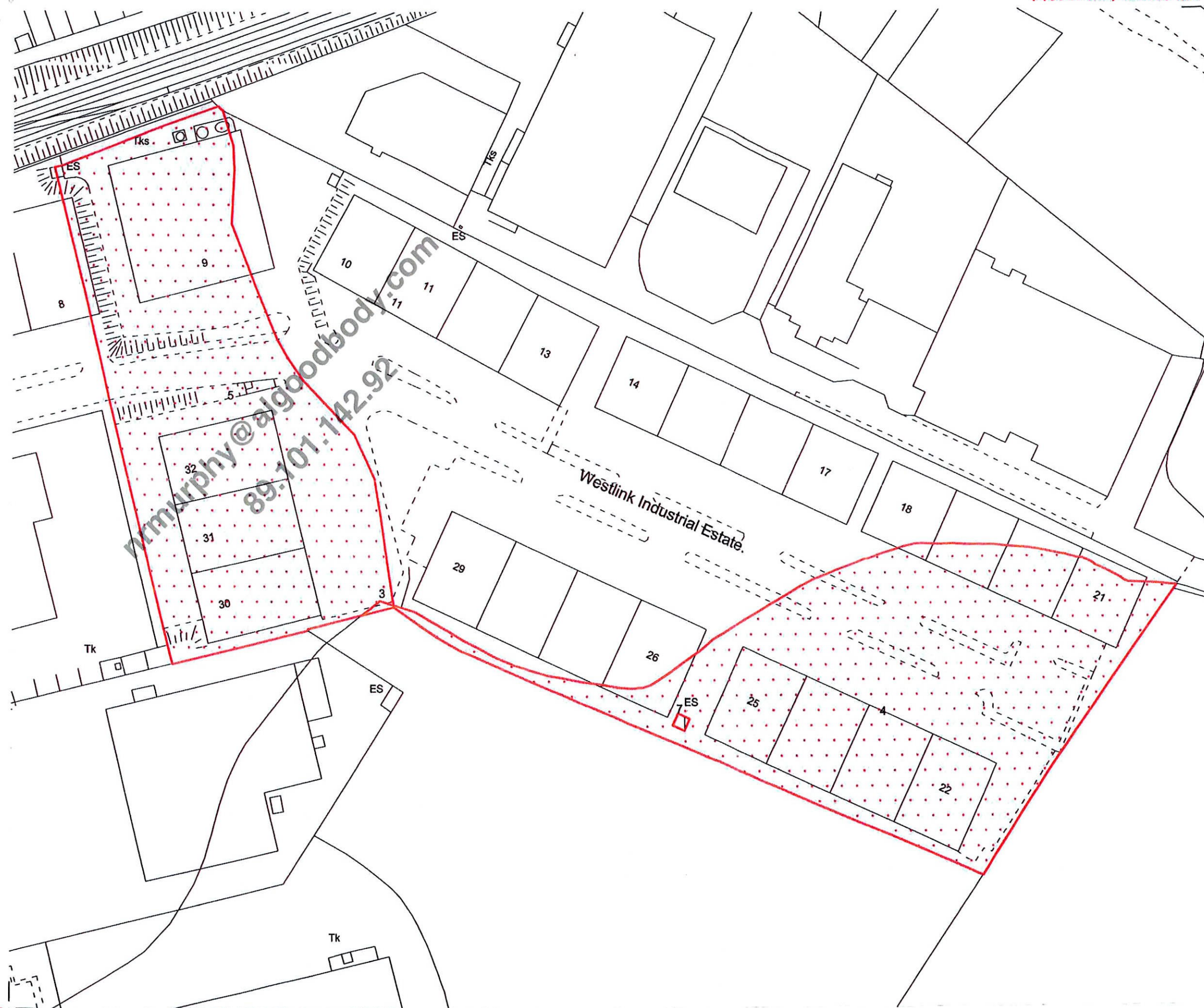
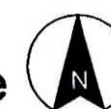
- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

A full list of burdens and their symbology can be found at:

[www.landdirect.ie](http://www.landdirect.ie)

**The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.** (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:1000 Scale







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(centre-line of parcel(s) edged)

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Burdens (may not all be represented on map)

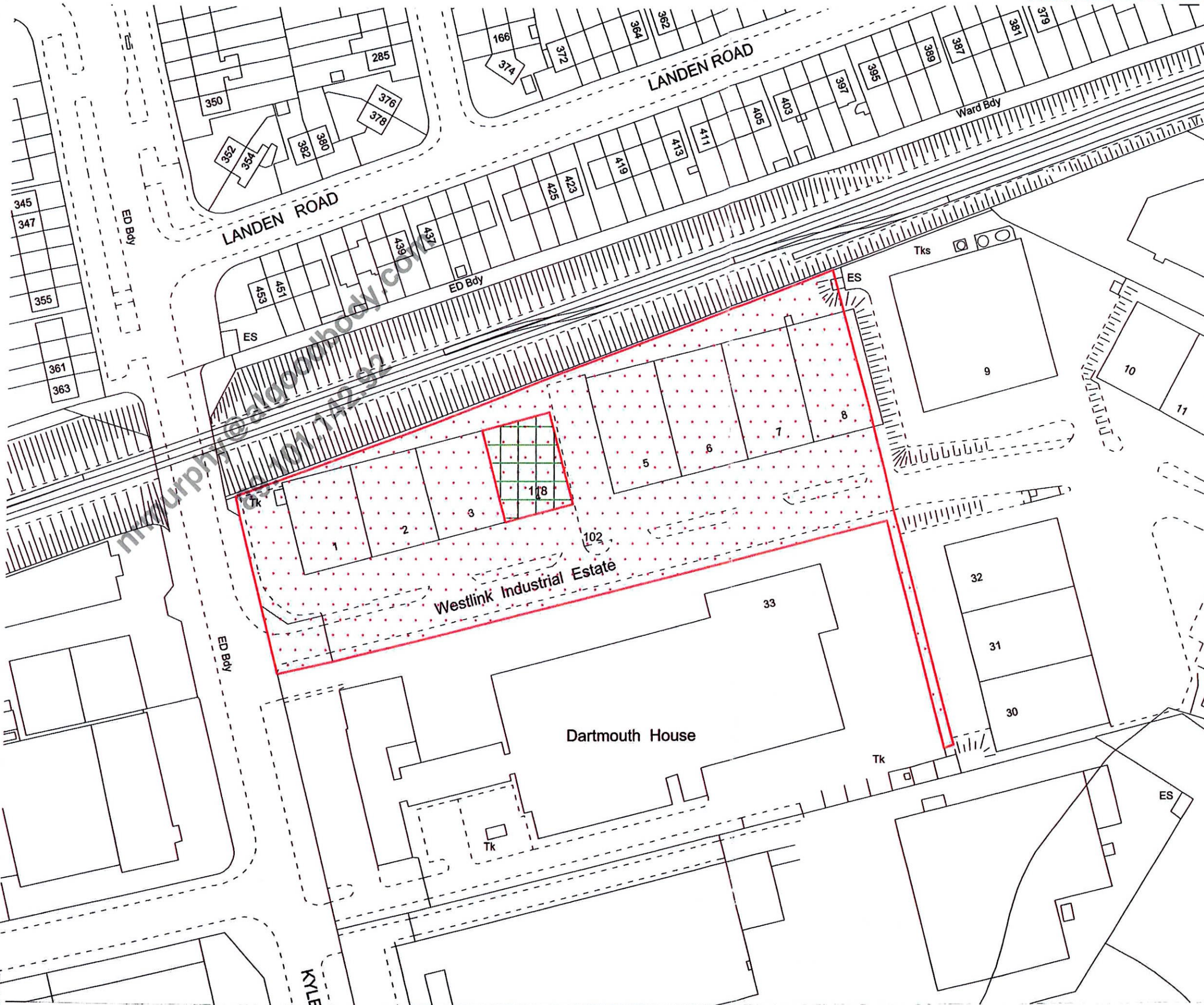
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1:1000 Scale





Surveyed 1970  
Revised 2014  
Levelled 1968-1992

# Land Registry Compliant Map



710710

733395

ITM CENTRE PT. COORDS

710295,733088

DESCRIPTION

MAP SHEETS

1:1000

3262-13 3262-14

3262-18 3262-19



Produced by University College Dublin,  
Richview, Clonskeagh, Dublin 14  
On behalf of Ordnance Survey Ireland,  
Phoenix Park, Dublin 8.

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a tharchur in aon fhoirm ná ar aon bhealach gan  
cead i scríbhinn roimh ré ó úinéirí an chóipchirt.  
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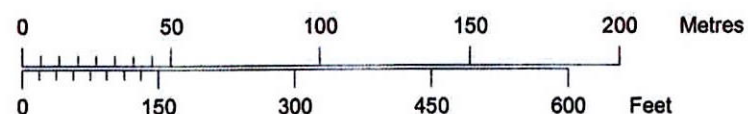
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732780



A3

Scale:- 1:2,500  
Scála:- 1:2,500



This map is produced for the purposes  
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property. The Registry Map identifies  
properties not boundaries meaning  
neither the description of land in a  
register nor its identification by  
reference to a registry map is conclusive  
as to the boundaries or extent.

Plot Ref. No. 25246300\_1\_1  
Plot Date 17-NOV-2015

WESTLINK INDUSTRIAL  
ESTATE,  
DUBLIN 10

ORDNANCE SURVEY IRELAND  
LICENCE NUMBER AR0064916  
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/ GOVERNMENT OF IRELAND

Land Registry Use Only

THE AREA OF SITE  
OUTLINED IN RED  
MEASURES AT 1.40  
Hectares / 3.45 Acres or  
thereabouts.



**A&L Goodbody**

Dated *26 November* 2018

**C2 INDUSTRIALS (IRELAND) LLP**

**M7 EREIP V IRISH PROPCO LIMITED**

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**DEED OF CONVEYANCE ASSIGNMENT AND TRANSFER  
of  
Westlink Industrial Estate, Kylemore Road, Dublin 10**

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