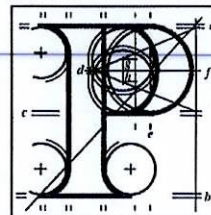


Our Case Number: ABP-313509-22

Your Reference: Elmpark Green Development



**An
Bord
Pleanála**

Patrick Raggett
O'Connor Sutton Cronin and Associates
9 Prussia Street
Dublin 7
Dublin 7

Date: 18 July 2022

Re: BusConnects Belfield/Blackrock to City Centre Core Bus Corridor Scheme
Co. Dublin

Dear Sir,

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.

The Board has also received an application for confirmation of a compulsory purchase order which relates to this proposed road development. The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you in due course on this matter. The Board shall also make a decision on both applications at the same time.

If you have any queries in relation to this matter please contact the undersigned officer of the Board.

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

Yours faithfully,


Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

HA02A

Tell	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

An Bord Pleanála
Strategic Infrastructure Division
64 Marlborough Street
Dublin 1
D01 V902

12th July 2022

A-PR

PROJECT NO. C1030



OCSC
O'CONNOR | SUTTON | CRONIN

Multidisciplinary
Consulting Engineers

**RE: SUBMISSION ON BEHALF OF THE DAVY PLATFORM ICAV
ACTING ON BEHALF OF ITS SUB FUND ELM REAL ESTATE
INVESTMENTS REGARDING BUSCONNECTS BELFIELD/BLACKROCK
TO CITY CENTRE CORE BUS CORRIDOR SCHEME PLANNING
APPLICATION AND COMPULSORY PURCHASE ORDER AT ELM PARK
GREEN (PLOT LIST: 1042(1).1E)**

Dear Sir/Madam,

O'Connor Sutton Cronin & Associates (OCSC) have been appointed by The Davy Platform ICAV acting on behalf of its sub fund Elm Real Estate Investments to prepare the attached submission with respect to the BusConnects Dublin Proposals under the Belfield/Blackrock to City Centre Core Bus Corridor.

Specifically, this submission relates to the planning application lodged by the National Transport Authority (NTA) with respect to these works to An Bord Pleanála and the proposed Compulsory Purchase Order which impact lands at the Elmpark Green Development (Plot List: 1042(1).1e).

As per the Form of Notice published in relation to this project, the standard fee of €50 does not apply as this submission is on behalf of a landowner making a submission with respect to compulsory acquisition of land in which they have a legal interest in a compulsory acquisition case.

We trust the above is in order, however, should you have any queries please do not hesitate to contact the undersigned.

Yours sincerely

Patrick Raggett
For O'Connor Sutton Cronin

Enc. Submission on Behalf of Elmpark Green Development

AN BORD PLEANÁLA	
313565/313509-22	
ABP-055406-22	
406 -	
12 JUL 2022	
Fee: €	Type:
Time:	By: <i>[Signature]</i>



Civil | Structural | Mechanical | Electrical | Sustainability | Environmental

O'Connor Sutton Cronin & Associates Limited – Registered in Ireland No. 138328

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Vernon McAllorum | John McGill | Niall McMenamin | Gavin Mullins | Patrick Raggett | Colin Wilson

**SUBMISSION ON BUSCONNECTS DUBLIN -
BELFIELD / BLACKROCK TO CITY CENTRE**

ON BEHALF OF THE ELM PARK GREEN
DEVELOPMENT, DUBLIN 4 (PLOT LIST:
1042(1).1E)

PROJECT NO. C1030

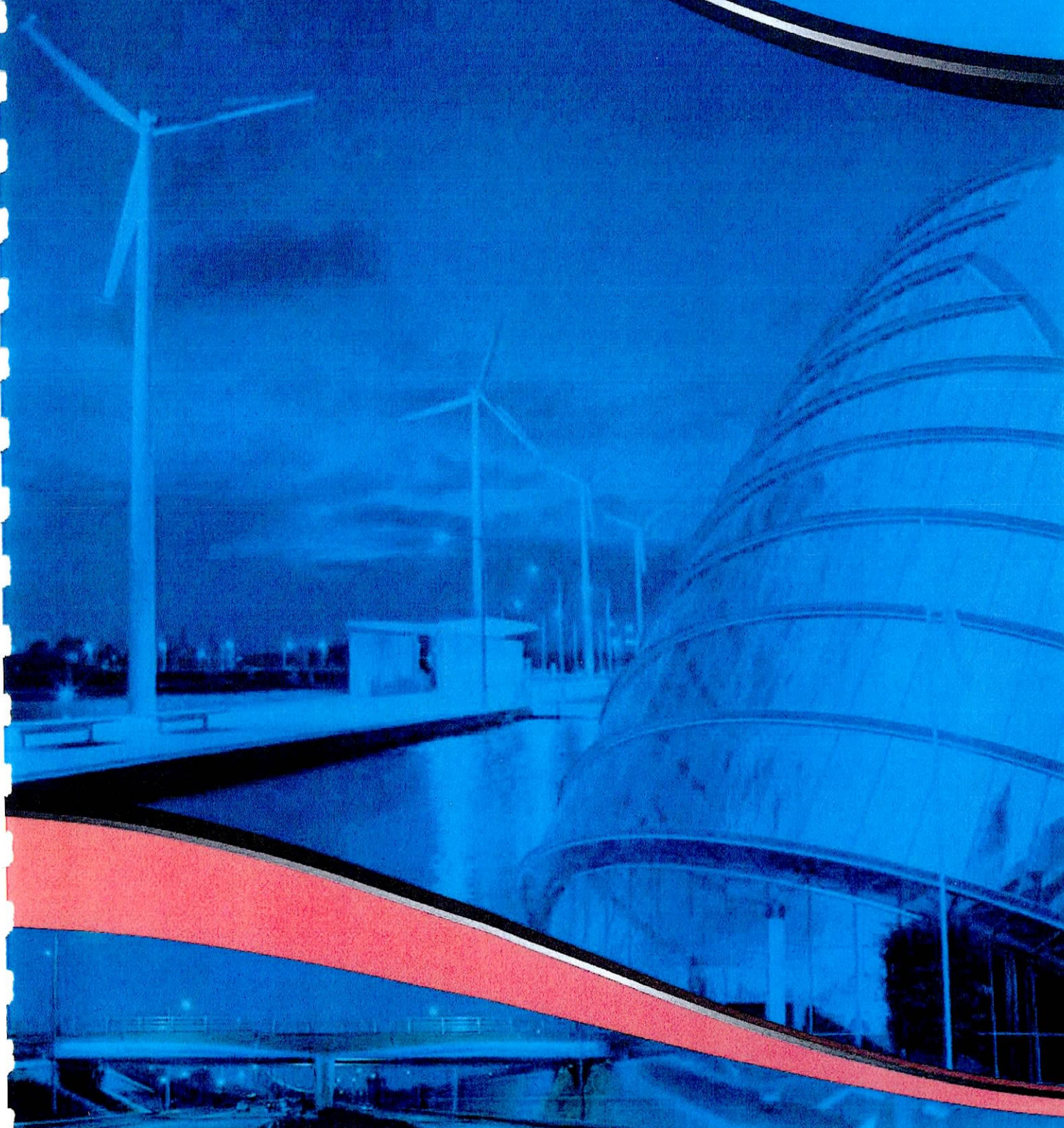
12th July 2022



OCSC

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Multidisciplinary
Consulting Engineers



SUBMISSION ON BUSCONNECTS
DUBLIN - BELFIELD / BLACKROCK
TO CITY CENTRE
ON BEHALF OF THE
ELMPARK GREEN DEVELOPMENT,
MERRION ROAD, DUBLIN 4
(PLOT LIST: 1042(1).1E)



OCSC

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Multidisciplinary
Consulting Engineers

NOTICE

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DOCUMENT CONTROL & HISTORY

OCSC Job No.: C1030	Project Code	Originator	Zone Volume	Level	File Type	Role Type	Number	Status / Suitability Code	Revision
	C1030	OCSC	XX	XX	RP	C	0001	S3	P01
Rev.	Status	Authors		Checked		Authorised		Issue Date	
P01	S4	P. Raggett		A. Horan		M. McGrath		12/07/202	
P01	S3	P. Raggett		A. Horan		M. McGrath		07/07/202	

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2	OVERVIEW OF THE ELMPLARK DEVELOPMENT & KEY RELEVANT CHARACTERISTICS	3
3	BUSCONNECTS PROPOSALS FOR ELMARK ENTRANCE JUNCTION	6
4	SPECIFIC ITEMS FOR CONSIDERATION BY AN BORD PLEANÁLA	8

APPENDICES

APPENDIX A. BUSCONNECTS PROPOSALS

APPENDIX B. CPO CORRESPONDENCE & MAPPING

While generally supportive of the BusConnects programme and the Belfield/Blackrock to City Centre project, acknowledging the positive impact the proposals will have in terms of sustainable transport, our client nevertheless wishes to ensure that the integrity and quality of the Elmpark Green Development is not compromised as part of these works. It is considered essential that the continued operation of the Elmpark Green Development as a major residential and employment centre is protected as part of the assessment of this planning application and, should planning permission be granted, as part of any conditions associated with same.

Thus, following a thorough review of the proposals and supporting documentation set out in the NTA application, this report seeks to highlight a number of key areas and specific requests for consideration by An Bord Pleanála as they relate to the proposed Compulsory Purchase Order and the planning application for the project.

2 OVERVIEW OF THE ELMPARK DEVELOPMENT & KEY RELEVANT CHARACTERISTICS

The Elmpark Green development is a campus consisting of a wide variety of uses including:

- Office Block A – occupied by Willis Towers Watson (8,500m²)
- Office Block B – occupied by Allianz (8,015m²)
- Office Block C – occupied by Novartis (8,540m²)
- Office Block D – available to let (16,155m²)
- The Links and Bay apartment blocks – 332 units
- DCC sheltered accommodation – 101 units
- Landaff Terrace – 8 houses
- Cafe – operated by Elm Epicurean (157m²)
- Cafe – operated by Art of Coffee (75m²)
- Crèche – operated by Giraffe (428m²)
- Leisure Centre (2,005m²)
- Conference Centre (1,304m²)

As such, its occupants have diverse needs in terms of transportation and accessibility which are integral to its ongoing operation and success.

In addition to this, it is noted that:

- Planning permission has been granted for an additional residential block at the site comprising 73 no. apartments (under construction);
- Access to the adjoining Sisters of Charity site is also facilitated via the Elmpark Green Campus entrance and road network.

The Elmpark Green Campus is served by a single access point on the Merrion Road in the form of a three armed signalised junction with left in and left out slip lanes. The current arrangement of the junction can be seen following.

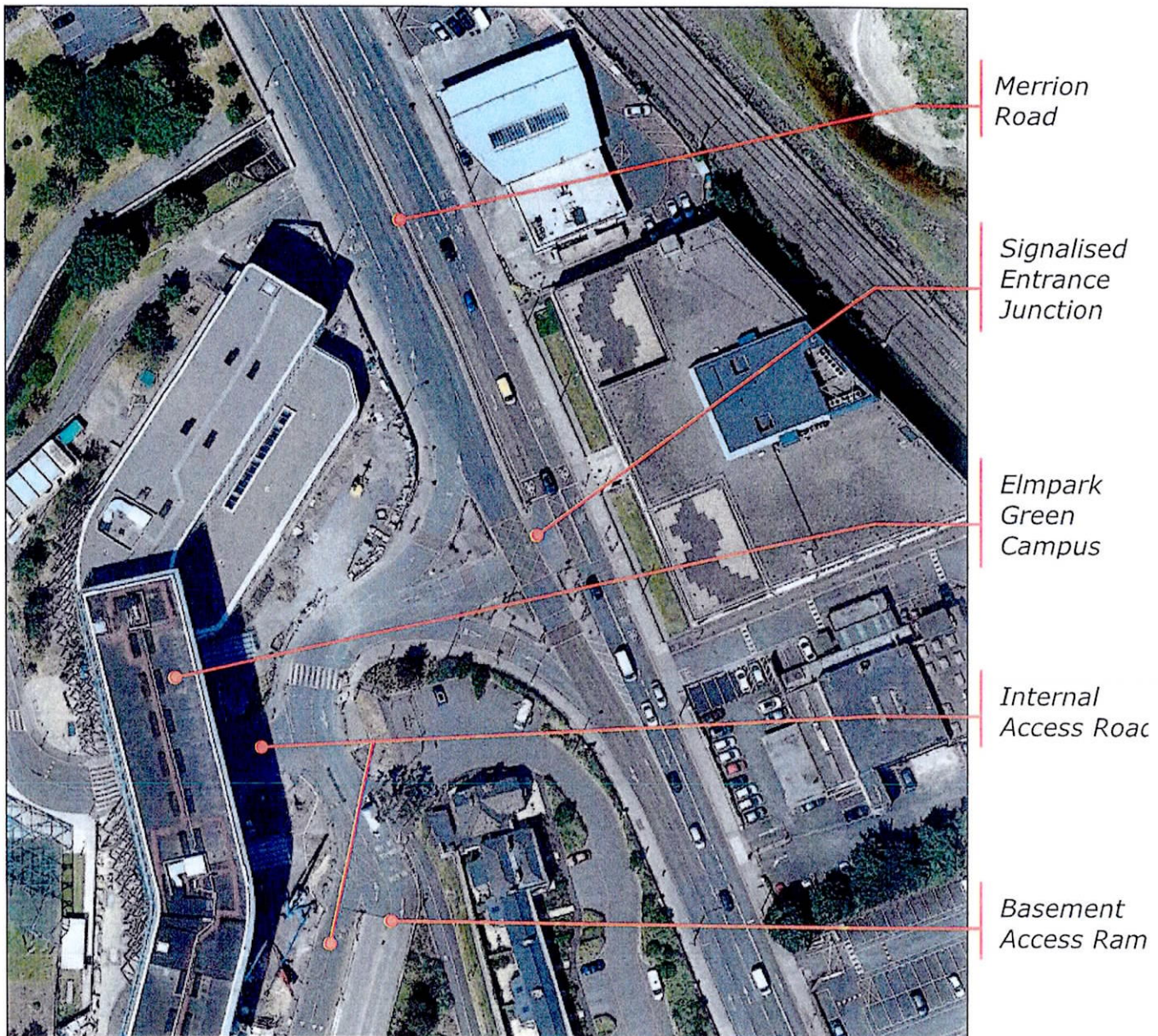


Figure 2: Existing Elmpark Green Junction & Road Layout

The current Elmpark Green Campus entrance junction comprises the following cross section:

- Two lanes northbound approximately 3.00m wide on the Merrion Road with a dedicated left turning slip lane of approximately 15m into the Elmpark Green campus (run on a flashing amber signal);
- 3 no. lanes southbound on the Merrion Road comprising of 2 lanes approximately 3.00m wide and 1 no. bus lane approximately 3.25m wide. One

of the three lanes is a dedicated right turning lane into the Elmpark Green Development approximately 160m in length.

- 2 no. lanes exiting the Elmpark Green campus comprising of a dedicated right turn lane and a dedicated left turning lane (run on a flashing amber signal);
- The only cycle facilities are on-road cycle facilities shared with bus lanes in the south bound bus lane.
- Advanced stop lines (ASL's) provided at all stop lines for cyclists.
- A partial wrap around pelican crossing south and west of the junction. All crossings are staggered.

Internally, as shown in the previous figure, there is a relatively complex road arrangement with a number of internal junctions and a basement ramp access all within very close proximity of one another and to the main entrance junction. As a result, the operation of the signalised entrance has a direct impact on these internal roads and ramps. This in turn has the potential to create a traffic hazard if the operation of the main entrance is not properly managed as an excessive build-up of traffic queuing back from the signals could lead to a significant number of vehicles having to stop on the basement ramp, which also has restricted visibility relative to the roads it links with.



Figure 3: Elmpark Green Basement Ramp Near Signalised Campus Entrance

3 BUSCONNECTS PROPOSALS FOR ELMPARK ENTRANCE JUNCTION

The current BusConnects proposals as part of the Preferred Route Options, as illustrated in the Public Consultation Documentation are presented below.

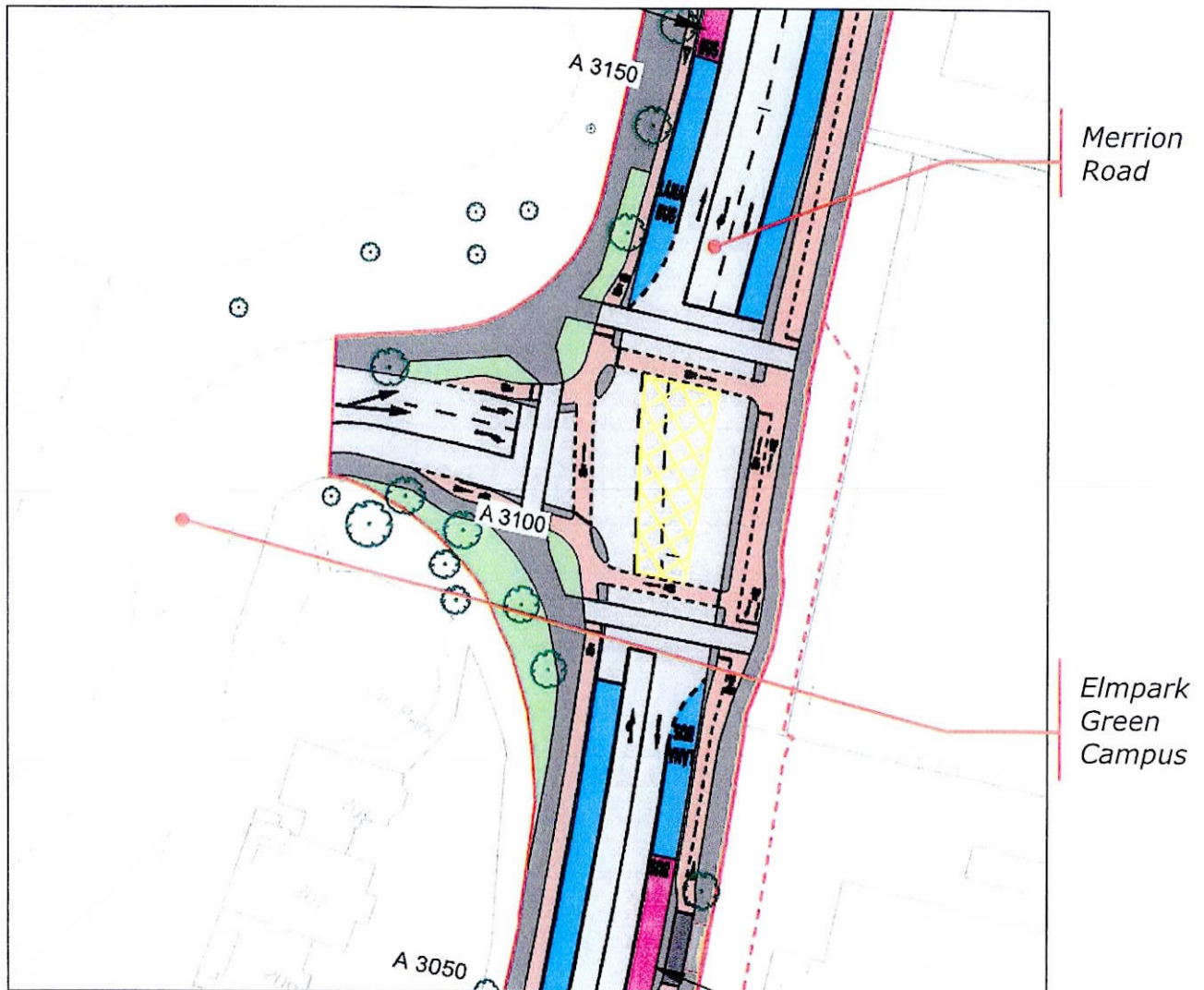


Figure 4: BusConnects Proposals for Elmpark Green Entrance Junction

The layout of the revised signalised junction layout is summarised as follows:

- Two lanes northbound on the Merrion Road comprising of one straight/left lane and one bus lane. Access to the Elmpark Green campus will be via the straight ahead/left lane, with the existing left slip lane and associated flashing amber signal removed;

- Three lanes southbound on the Merrion Road comprising of right lane approximately 60m in length, straight ahead lane and a bus lane. Access to the Elmpark Green will continue to be via the right turn lane;
- 2 no. lanes exiting the Elmpark Green campus, a dedicated right turn lane and a dedicated left turning lane. Note that the left turn exiting the Elmpark Green campus is proposed to no longer run on a flashing amber signal with the associated slip lane removed;
- Dedicated off road cycle facilities along the Merrion Road in both directions. The current proposals show a double cycle track on the north side of the Merrion Road and an additional cycle track on the southern side of the road;
- Cyclist crossings on all arms of the junction;
- Pedestrian crossings on all arms of the junction;
- Pedestrian and cyclist crossings are all straight through crossings i.e. it is proposed to remove all staggered crossings.

In addition to the above, the proposed changes to the junction will see existing space used for slip lanes to and from the Elmpark Green Campus repurposed as soft or hardstanding landscaped areas and footpaths.

4 SPECIFIC ITEMS FOR CONSIDERATION BY AN BORD PLEANÁLA

The following are considered to be the key items highlighted from a review of the planning application documentation and drawings as they relate to the Elmpark Green development. It is requested that these are given due consideration by An Bord Pleanála in their assessment of the BusConnects proposals in this application and, where appropriate in the event of a grant of planning permission, that suitable conditions are attached to ensure the integrity and continued operation of the Elmpark Green campus is not unduly impacted by the works and design.

COMPULSORY PURCHASE ORDER FOR ELMARK GREEN LANDS

In order to facilitate the proposals under this planning application, an application for a Compulsory Purchase Order (CPO) is planned to be/has been lodged in relation to lands associated with the Elmpark Green Campus. An extract of the associated mapping highlighting the extent of lands proposed to be acquired is shown following.

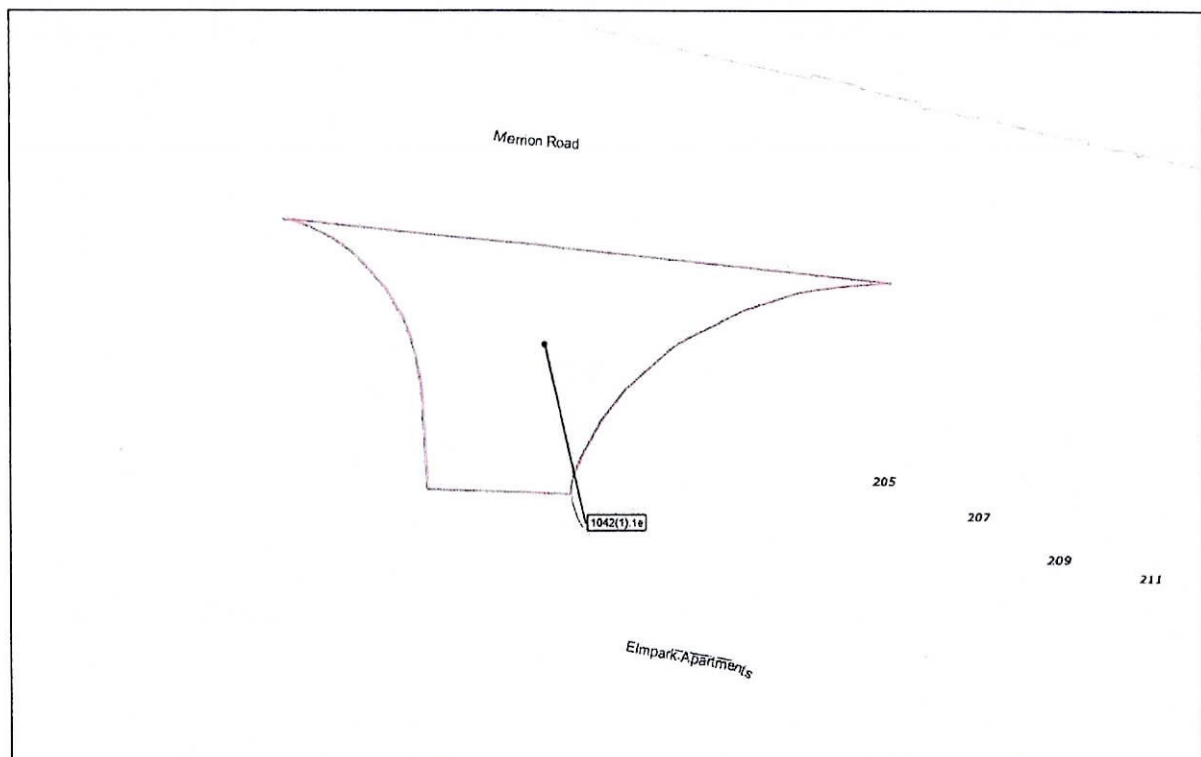


Figure 5: Extent of Elmpark Green Lands Subject to CPO

In summary, the lands include approximately 30m of the minor arm of the Elmpark Green Campus/Merrion Road signalised junction, extending from the existing back of footpath on both sides.

It is queried why these lands cannot be acquired on a temporary basis to facilitate the proposed works, given the current ownership situation has not impeded the operation of the junction at any point to date under its more expansive layout.

Notwithstanding this, particular attention is drawn to the request to permanently acquire lands which are to be repurposed as soft landscaped areas. For convenience, the proposed revised junction layout is again shown following.



Figure 6: Proposed Revised Elmpark Green Junction Layout

As can be seen, the southwest corner of the junction will see the existing slip lane largely replaced with soft landscaped areas which will adjoin the existing soft landscaping in this area. While the latter will remain in the ownership of Elmpark Green Campus, the new section will be owned and maintained by the NTA/Local Authority.

The landscaping proposals as set out in the Preliminary Design report are shown in more detail following.

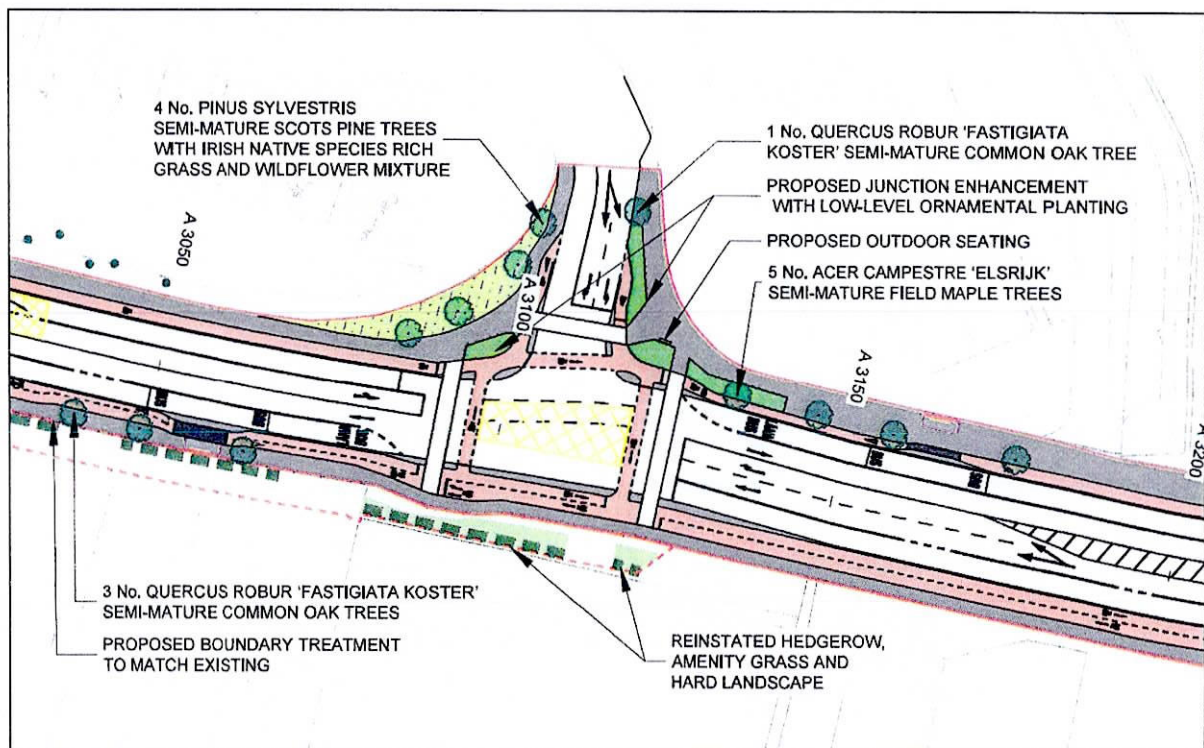


Figure 7: Landscaping Proposals

As can be seen, the proposals in the southwest corner are relatively simple, comprising primarily grassed areas with 4 no. additional trees.

It must be stressed that the entrance design and associated landscaping plays a key role in the branding and overall quality of the Elmpark Green Campus. Thus, it is of critical importance that a high quality design is implemented which is also maintained.

The current proposals would also see this small sliver of soft landscaped area maintained by the NTA//Local Authority while the adjoining landscaping is maintained privately as part of the Elmpark Green Campus. This would seem a particular inefficient solution which would likely lead to irregularities between the two areas and negatively impact the overall quality of the environment.

Recommendation

It is queried if the permanent acquisition of the lands outlined is necessary and could the works instead be facilitated by the temporary acquisition of the lands instead.

Notwithstanding this, at a minimum it is requested that, in the instance of a grant of permission, an appropriate condition is included which requires the design and maintenance of the landscaping at the entrance to be agreed with the Elmpark Green development.

In addition, it is requested that the extent of permanent land acquisition be limited from back of footpath to back of footpath of the final road layout in this area and that soft landscaped area to the southeast corner of the junction be returned in ownership to the Elmpark Green development so that it may be appropriately maintained.

IMPACT TO JUNCTION OPERATION & TRAFFIC MODELLING

The proposed design has been subject to extensive traffic modelling to inform and validate the design as set out across the Environmental Impact Assessment Report (EIAR), Transport Impact Assessment Report, Transport Modelling Report, Junction Design Report and Impact Assessments. This has included analysis from the macro level, including use of the NTA's Eastern Regional Model, to micro level, using industry standard software to assess individual junction operation based on the projected traffic flows.

Through interrogation of these reports, a series of queries and potential concerns have been identified which have the potential to impact the results relating to the operation of the Elmpark Green/Merrion Road junction.

The assessed operation of the junction is set out in most detail from a traffic perspective in Appendix 6.4 of the EIAR, the Junction Modelling Report. The analysis considered projected traffic flows in the year 2028 as the predicted year of opening. The analysis was carried out using Linsig modelling software with the results portrayed via a screenshot taken directly from the model. These are recreated following for ease of reference.

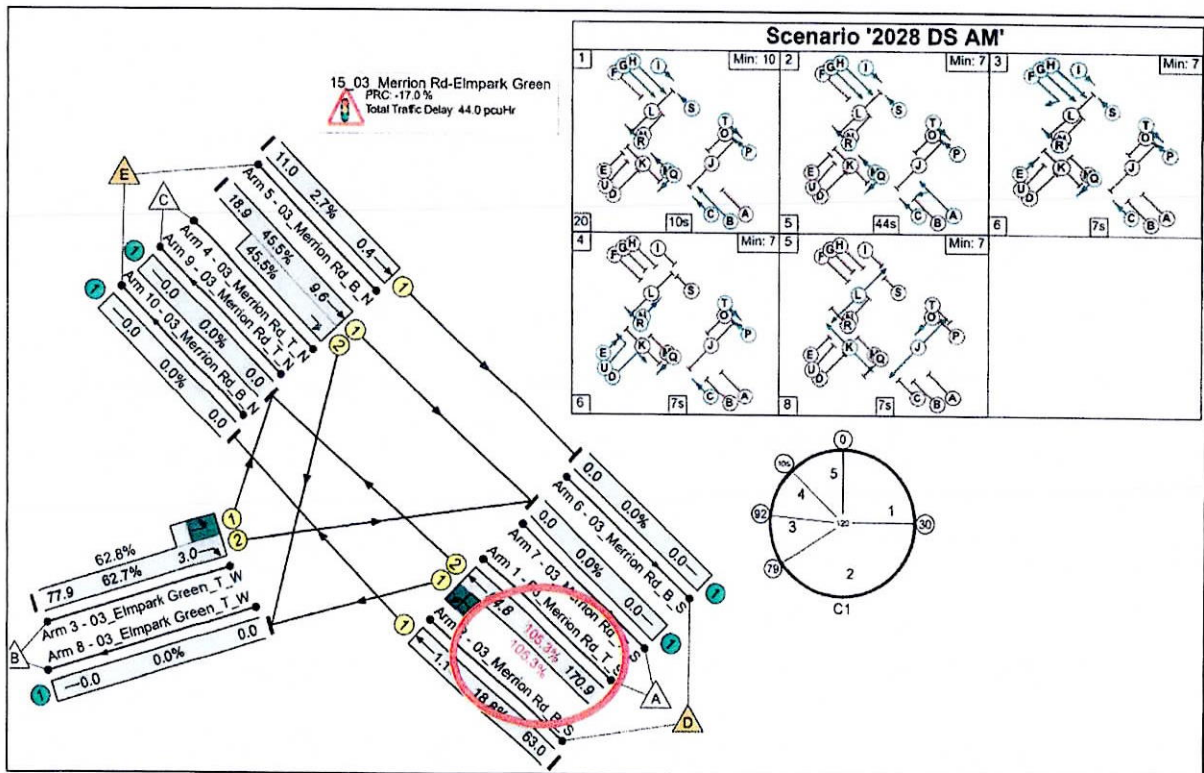


Figure 8: Elmpark Green/Merrion Road 2028 A.M. Peak Hour Analysis Results

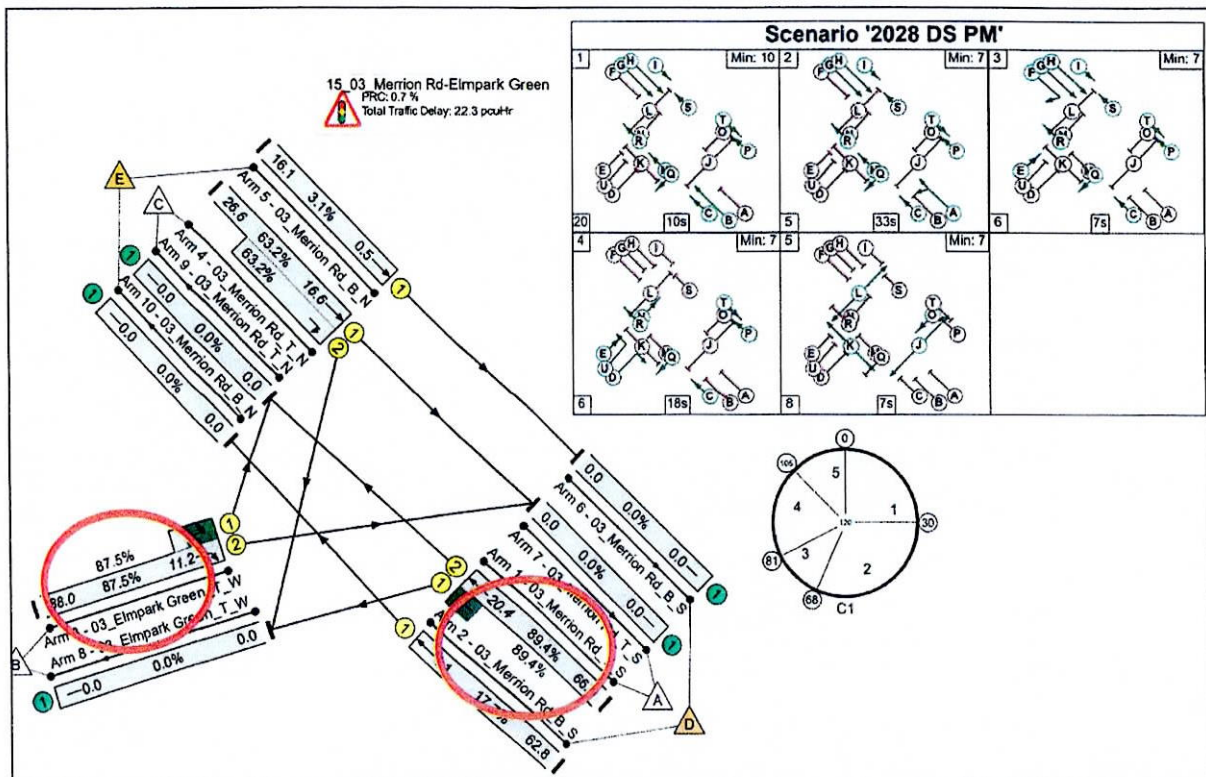


Figure 9: Elmpark Green/Merrion Road 2028 P.M. Peak Hour Analysis Results

The analysis considered a ratio of traffic volumes to capacity, with a theoretical limit of 85% and an absolute maximum level of 100% above which the junction is considered to be failing.

While it is acknowledged that prioritising the movement of sustainable modes of travel through junctions will ultimately negatively impact the flow of vehicles, the role of the road network and its ability to cater to vehicle travel on a national and local basis remains of critical importance. In this instance, it is also critical to the integrity and continued operation of the Elmpark Campus as a workplace and residence for a substantial number of people.

As can be seen from the results, the junction operates above the theoretical capacity limit in both peak hours and above the maximum capacity limit in the A.M. peak hour on the Merrion Road South. This is of particular concern with respect to maintaining accessibility to the Elmpark Green campus. However, these concerns are exacerbated when considering the following potential issues:

- As noted earlier in this report, permission has been granted for an additional residential block at the Elmpark Green Campus. It is unclear based on the information available if the additional traffic associated with this development was considered in the analysis;
- The upstream Merrion Gates junction is also proposed to be subject to significant revisions. The associated analysis has shown that the junction will operate considerably above capacity with a volume to capacity ratio of 120% experienced on the southern arm. While the exact queue length projections are unclear, they appear to be in the hundreds of vehicles which will invariably extend back to the Elmpark junction and beyond, as is often observed in the current day. However, this does not seem to have been taken into consideration as part of the micro level modelling exercise, with junctions appearing to be analysed in isolation as opposed to being part of a network. This is indicated by the 0% flow to capacity ratio shown on the link leading north towards the Merrion Gates junction in Figures 8 & 9 previous;
- No results were provided for the look ahead year of 2043.

Taking the above into consideration there are real concerns regarding the true impact of the proposed works on the operation of the Elmpark Green Junction and associated accessibility to the Elmpark Green Development.

These concerns are further exacerbated when considering the internal road layout in Elmpark Green as set out in Section 2 earlier. The potential for significant queuing on the Elmpark Green arm of the junction could result in cars exiting the basement near the entrance having to stop on the ramp and create a traffic hazard.

Recommendation

It is recommended the An Bord Pleanála seek further clarification on the issues highlighted to ensure the accuracy and validity of the traffic analysis carried out which has informed the overall project design.

ACCESS DURING CONSTRUCTION WORKS

Chapter 5 of the EIAR deals with an assessment of construction activity, supported by a Construction Environmental Management Plan in Appendix 5.1. This plan is to be updated with further detail, should a grant of planning be given, to incorporate any associated conditions and once a contractor is appointed.

The plan does include a number of key statements with respect to how traffic will be managed which are of relevance to the Elmpark Green site including:

- Traffic management proposed on the Merrion Road to maintain one lane of traffic in each direction with phased lane closures as required as per Table 5.4;
- Local arrangements will be made on a case-by-case basis to maintain continued access to homes and businesses affected by the works, at all times, where practicable as per Section 5.2.3.1 & 5.2.3.6;
- Road closures and diversions will be required and will be determined by the NTA, in consultation with the local authority and An Garda Síochána, as necessary as per Section 5.2.3.15;
- The appointed contractor shall ensure that unobstructed access is provided to all emergency vehicles along all routes and accesses as per Section 5.2.3.18;
- A communications plan is to be developed which will include procedures to inform members of the community directly affected by the Construction Phase on schedules for any activity of a particularly disruptive nature as per Section 5.1.6

Recommendation

While it is acknowledged that the construction works will have an associated disruption to traffic and access on a temporary basis, it is essential for the continued operation of the Elmpark Green development that adequate access is maintained. It is therefore requested that, in the event of a grant of permission, an appropriate condition is included to ensure the measures outlined in the Construction Environmental Management Plan as submitted are enforced in full.

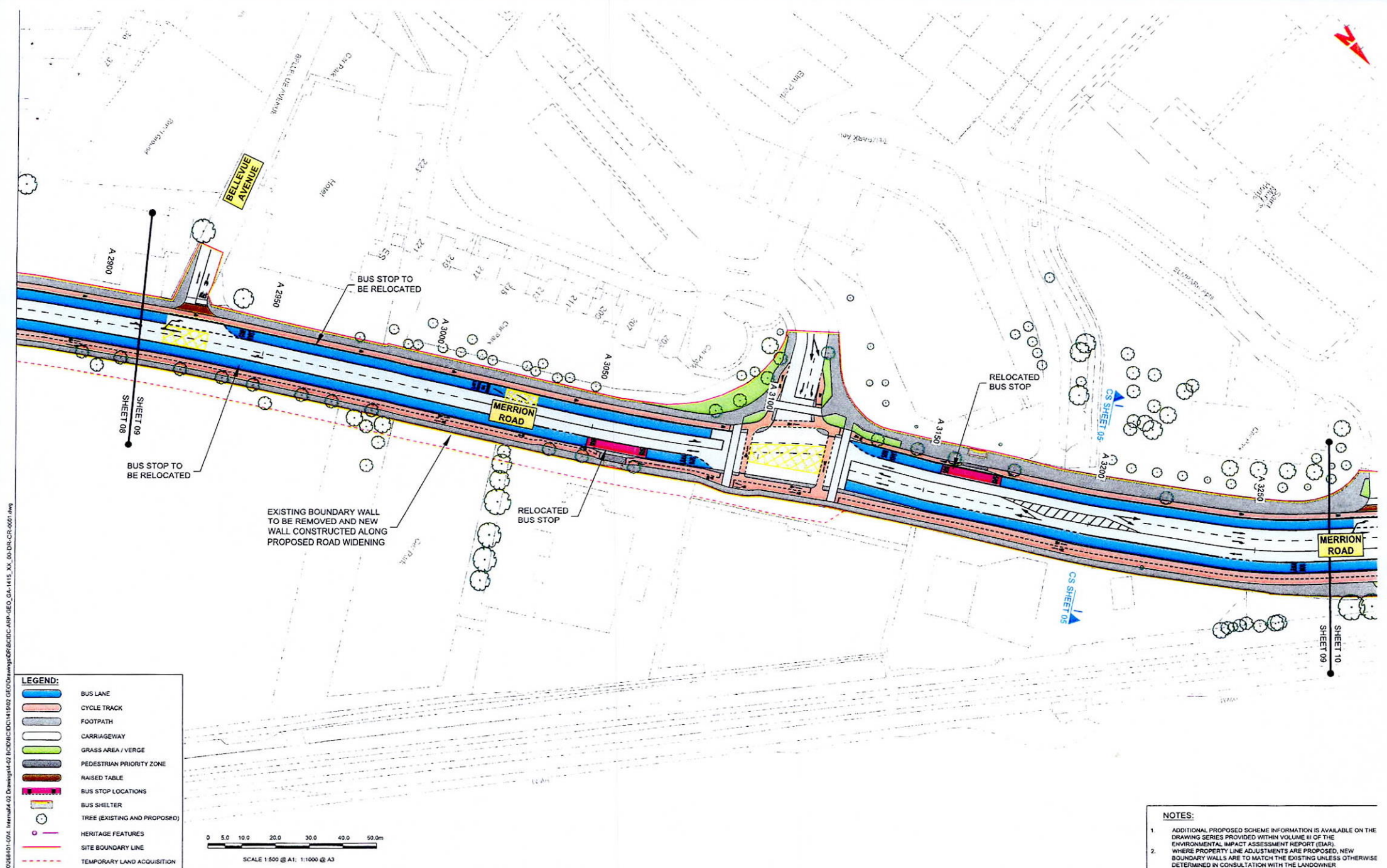
It is further requested that any such condition would require clarity and certainty that necessary access will be maintained for the Elmpark Green development and the commitments regarding homes and businesses affected by the works extend to developments such as Elmpark Green which are equally affected as individual dwellings or businesses along the route.

Patrick Raggett B.E., CEng MIEI, MCIHT
Chartered Civil Engineer
O'Connor Sutton Cronin & Associates



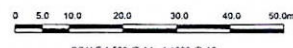
APPENDIX A. BUSCONNECTS PROPOSALS

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LEGEND:

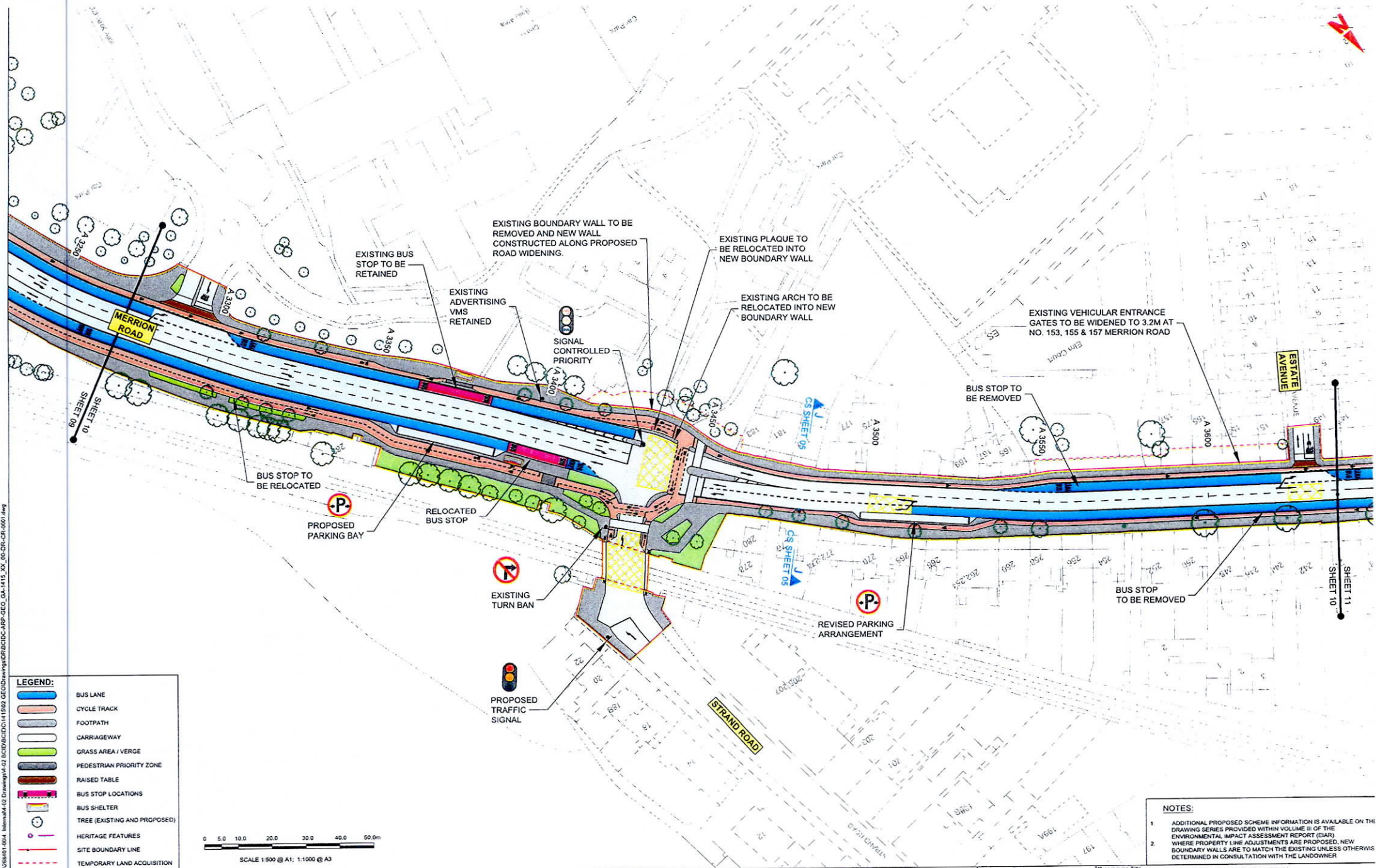
- BUS LANE
- CYCLE TRACK
- FOOTPATH
- CARRIAGEWAY
- GRASS AREA / VERGE
- PEDESTRIAN PRIORITY ZONE
- RAISED TABLE
- BUS STOP LOCATIONS
- BUS SHELTER
- TREE (EXISTING AND PROPOSED)
- HERITAGE FEATURES
- SITE BOUNDARY LINE
- TEMPORARY LAND ACQUISITION



NOTES:

- ADDITIONAL PROPOSED SCHEME INFORMATION IS AVAILABLE ON THE DRAWING SERIES PROVIDED WITHIN VOLUME II OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIR).
- WHERE PROPERTY LINE ADJUSTMENTS ARE PROPOSED, NEW BOUNDARY WALLS ARE TO MATCH THE EXISTING UNLESS OTHERWISE DETERMINED IN CONSULTATION WITH THE LANDOWNER.

<p>Client: NTA Udaráis Náisiúnta Iompair National Transport Authority</p>		<p>Engineering Designer: ARUP</p>		<p>Programme Title: BUSCONNECTS DUBLIN CORE BUS CORRIDORS INFRASTRUCTURE WORKS</p>	
<p>Date: 04/03/2022</p>		<p>Scale: 1:500 @ A1 1:1000 @ A3</p>		<p>Drawing Title: BELFIELD / BLACKROCK TO CITY CENTRE CORE BUS CORRIDOR SCHEME GENERAL ARRANGEMENT</p>	
<p>Rev: 01 Date: 04/03/2022 Dm: BM Chk'd: BB App'd: NH</p>		<p>Description: ISSUE FOR PHASE 4: PLANNING</p>		<p>Drawn: DM Checked: RB Approved: NH</p>	
<p>Project Ireland 2040 Building Ireland</p>		<p>Code: CIDC</p>		<p>Sheet: 09 of 109 Status: A</p>	



LEGEND:

- BUS LANE
- CYCLE TRACK
- FOOTPATH
- CARRIAGEWAY
- GRASS AREA / VERGE
- PEDESTRIAN PRIORITY ZONE
- RAISED TABLE
- BUS STOP LOCATIONS
- BUS SHELTER
- TREE (EXISTING AND PROPOSED)
- HERITAGE FEATURES
- SITE BOUNDARY LINE
- TEMPORARY LAND ACQUISITION



- NOTES:**
- ADDITIONAL PROPOSED SCHEME INFORMATION IS AVAILABLE ON THE DRAWING SERIES PROVIDED WITHIN VOLUME III OF THE ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIA).
 - WHERE PROPERTY LINE ADJUSTMENTS ARE PROPOSED, NEW BOUNDARY WALLS ARE TO MATCH THE EXISTING UNLESS OTHERWISE DETERMINED IN CONSULTATION WITH THE LANDOWNER.

Project Ireland 2040
Building Ireland

Rev	Date	Dim	Chkd	App'd	Description
M01	04/03/2022	BM	BB	NH	ISSUE FOR PHASE 4: PLANNING

Client
NTA
Údaráis Náisiúnta Iompair
National Transport Authority

Engineering Designer
ARUP

Date	Scale	Drawn	Checked	Approved
04/03/2022	1:500 @ A1 1:1000 @ A3	BM	BB	NH

Programme Title
BUSCONNECTS DUBLIN
CORE BUS CORRIDORS INFRASTRUCTURE WORKS

Drawing Title
BELFIELD / BLACKROCK TO CITY CENTRE CORE BUS CORRIDOR SCHEME
GENERAL ARRANGEMENT

Name	Code	XX	DD	110	Sheet	Status
ARP-GEO					10	A

APPENDIX B. CPO CORRESPONDENCE & MAPPING

**Elm Park Development Management Ltd
70 Sir John Rogersons Quay,
Dublin 2**

Dún Scéine, Lána Fhearchair
Baile Átha Cliath 2, D02 WT20

Dún Scéine, Harcourt Lane
Dublin 2, D02 WT20

t 01 879 8300

info@nationaltransport.ie
www.nationaltransport.ie

Plot List: 1042(1).1e

Thursday 12th May 2022

**RE: Belfield / Blackrock to City Centre Core Bus Corridor Scheme
 Compulsory Purchase Order 2022**

Dear Sir/Madam,

The National Transport Authority has submitted an application under Section 51 of the Roads Act 1993 (as amended) in relation to the Belfield / Blackrock to City Centre Core Bus Corridor Scheme to An Bord Pleanála and will be submitting the associated application for confirmation of the Belfield / Blackrock to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022 (CPO) in the coming days. You have been identified as an owner, lessee, or occupier of, or have rights over or an interest in land referred to in the Compulsory Purchase Order.

A number of documents relating to the compulsory purchase order application are enclosed for your attention. These comprise the following:

- Statutory landowner/interested party notice;
- Extracts from the Schedules to the CPO describing the location and extent of the impacted lands and/or rights relating to you;
- Server map(s) showing the location and extent of the impacted land(s) and/or rights; and
- A copy of the National Transport Authority privacy statement.

We recommend that you consider these enclosures carefully.

Further information relating to the Belfield / Blackrock to City Centre Core Bus Corridor Scheme including a copy of the Environmental Impact Assessment Report, Natura Impact Statement and CPO documentation can be found at the National Transport Authority website for the Belfield / Blackrock to City Centre Core Bus Corridor Scheme at:

www.belfieldblackrockscheme.ie

If you have any questions or queries in relation to the above or the information attached, please contact us at 1800 303 653 or at property@busconnects.ie.

Yours Faithfully,



Aidan Gallagher

Head of BusConnects Dublin Infrastructure
National Transport Authority

Important Note: Many of you who receive this letter are owners, lessees or occupiers of portions of multi-occupancy buildings, such as apartment buildings. Please note that there is no intention to acquire the building itself. The extents of the CPO are shown on the maps provided.

Scheme Deposit Maps are also available online for viewing at:

www.belfieldblackrockscheme.ie



National Transport Authority

Údarás Náisiúnta Iompair

www.nationaltransport.ie

**FORM OF NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER
UNDER SECTION 76 OF AND THE THIRD SCHEDULE TO THE HOUSING ACT
1966, AS EXTENDED BY SECTION 10 OF THE LOCAL GOVERNMENT (No. 2)
ACT 1960, TO BE SERVED ON OWNERS, LESSEES AND OCCUPIERS IN
ACCORDANCE WITH ARTICLE 4(b) OF THE THIRD SCHEDULE TO THE
HOUSING ACT 1966 AS AMENDED BY THE PLANNING AND DEVELOPMENT
ACT 2000 (AS AMENDED) AND UNDER SECTION 213 OF THE PLANNING AND
DEVELOPMENT ACT 2000 (AS AMENDED), SECTION 184 OF THE LOCAL
GOVERNMENT ACT 2001 AND SECTION 44 OF THE DUBLIN
TRANSPORT AUTHORITY ACT 2008 (AS AMENDED)**

COMPULSORY ACQUISITION OF LAND

**“Belfield / Blackrock to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2022”**

To: Elm Park Development Management Ltd

Of: 70 Sir John Rogersons Quay,

Dublin 2

Plot List: 1042(1).1e

1. The National Transport Authority (hereinafter referred to as the "NTA") in exercise of the powers conferred upon them by Section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by Section 10 of the Local Government (No. 2) Act, 1960 (as substituted by Section 86 of the Housing Act, 1966), amended by the Planning and Development Act 2000 (as amended) and under section 213 of the Planning and Development Act 2000 (as amended), Section 184 of the Local Government Act 2001 and Section 44 of the Dublin Transport Act 2008 (as amended), have made an order entitled as above which is about to be submitted to An Bord Pleanála (hereafter the "**Board**") for confirmation.

2. If confirmed, the order will authorise the NTA to acquire compulsorily the land and/or rights described in Part I, Part II and Part IV (Section A) of the Schedule and to extinguish, restrict and/or otherwise interfere with the public rights of way in Part III of the Schedule, restrict and/or otherwise interfere with the private rights in Part IV (Section B) and to temporarily restrict or interfere with the private rights in Part IV (Section C) of the Schedule thereto for the purposes of the construction of the Belfield / Blackrock to City Centre Core Bus Corridor Scheme which will commence on the R113 at Temple Hill, approximately 80m to the north of the R827 Stradbroke Road, then travel along the N31 Frascati Road, the R118 Rock Road / Merrion Road / Pembroke Road, the R816 Pembroke Road / Baggot Street Upper / Baggot Street Lower, turn onto Fitzwilliam Street Lower and terminate at the junction of Mount Street Upper / Merrion Square South / Merrion Square East, and is also routed along Nutley Lane, commencing at the tie-in with the signalised junction on the R138 Stillorgan Road and terminating at the junction with the R118 Merrion Road, all in the County of Dublin.

3. A copy of the order and of the maps referred to in it may be seen at:

National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2
D02 WT20

Or

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

on working days between the hours of **9:15am and 5:30pm** from **Tuesday 17th May 2022** to **Tuesday 12th July 2022**.

4. A copy of the Order and map is also available for inspection and downloading on the National Transport Authority website for the Belfield / Blackrock to City Centre Core Bus Corridor Scheme at:

www.belfieldblackrockscheme.ie

5. The Housing Act, 1966, as amended, provides that if an objection is made to the proposed compulsory acquisition of land, the land in respect of which an objection is duly made by any of the persons upon whom notices of the making of the order are required to be served shall not be acquired compulsorily unless the Board makes an order to confirm the compulsory purchase order, unless:-

- (a) the objection is withdrawn, or
- (b) the Board is satisfied that the objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed.

6. The Board cannot, however, confirm: -

- (a) a compulsory purchase order in respect of the land if an objection is made in respect of the acquisition by an owner, lessee or occupier of the land, and not withdrawn;
- (b) an order which authorises the extinguishment of, restriction, or interference with a public right of way if there is an objection to the extinguishment, restriction or interference with a public right of way, which is not withdrawn;
- (c) an order which authorises the acquisition, restriction or interference with a private right if there is an objection to the acquisition, restriction or interference with the private right by an owner, lessee or occupier of the private right which is not withdrawn,

until it has considered the objection.

7. An Bord Pleanála has an absolute discretion under Section 218 of the Planning and Development Act 2000 (as amended) to hold an oral hearing.

8. Before making its decision on an application to confirm the Compulsory Purchase Order, the Board must consider any objection made and not withdrawn, any additional submissions or observations made pursuant to a request by the Board under Section 217A of the Planning and Development Act 2000 (as amended) and any report of the person who held the oral hearing, if such an oral hearing takes place.

9. Any objection to the Order must state in writing the grounds of objection and be sent addressed to An Bord Pleanála (Strategic Infrastructure Division), 64 Marlborough Street, Dublin 1, D01 V902, so as to reach the said Board before **5:30pm** on the **12th day of July 2022**.

10. An Environmental Impact Assessment Report, and a Natura Impact Statement have been prepared in respect of the development which it is proposed to carry out on the land for which separate public notice has been given. Copies of the Environmental Impact Assessment Report and a Natura Impact Statement are available for inspection at:

National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2
D02 WT20

Or

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

on working days between the hours of **9:15am and 5:30pm** from **Tuesday 17th May 2022 to Tuesday 12th July 2022** and at the National Transport Authority website for the Belfield / Blackrock to City Centre Core Bus Corridor Scheme at www.belfieldblackrockscheme.ie and can be purchased at the offices of the National Transport Authority at:-

National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2

Submissions or observations in relation to (i) the likely effects on the environment of the proposed development, (ii) the implication of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the proposed development and (iii) the likely significant effect of the proposed development on European Sites, may be made in writing to the Board before **5:30pm** on the **12th day of July 2022**. Evidence in relation to (i) the likely effects on the environment of the proposed development, (ii) the implication of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the proposed development and (iii) the likely significant effects of the proposed development on European Sites may be heard at any oral hearing, that may take place.

11. The Board has an absolute discretion at any time before making its decision to request further submissions or observations in relation to the proposed development and/or to hold meetings with the NTA in relation to the proposed development in accordance with Section 217A of the Planning and Development Act 2000 (as amended).

12. The Board, if it thinks fit, may confirm the compulsory acquisition or any part thereof, with or without conditions or modifications, or to annul the compulsory acquisition or any part thereof.

13. If no objection is received to the proposed compulsory acquisition of land, the objection is withdrawn or the Board is satisfied that the objection related exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed, the Board shall inform the NTA, which may then confirm the Order with or without modification, or refuse to so confirm it.

14. If land to which the order, as confirmed by either the Board or the NTA, relates is acquired by the NTA, compensation for the land will be assessed in respect of the acquisition as the value of the land at the date that the relevant notice to treat is served.

15. In the opinion of the NTA, no part of the land in which you have an interest consists of a house or houses which is/are unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. If the land to which the Order relates is acquired by the NTA, compensation will be assessed in accordance with Part II of the Fourth Schedule to the Housing Act 1966, and the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Acquisition of Land (Reference Committee) Act 1925, the Property Values (Arbitrations and Appeals) Act 1960 and the Local Government (Planning and Development) Act 1963 (as applied by Section 265(3) of the Planning and Development Act 2000), subject to the modifications contained in the Third Schedule to the Housing Act 1966.

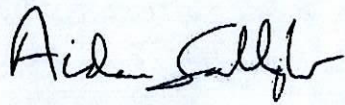
16. Any dispute in relation to compensation shall be referred to and be determined by a property arbitrator appointed under the Property Values (Arbitrations and Appeals) Act, 1960.

17. A claimant for compensation may, at any time after the expiration of fourteen days from the date on which the relevant notice to treat is served, send to the Secretary, the Reference Committee, Four Courts, Dublin, an application in writing for the nomination of a property arbitrator for the purpose of determining the compensation to be paid. The application should be made in accordance with the Property Values (Arbitrations and Appeals) Rules, 1961 (S.I. 91 of 1961).

18. An extract of the Compulsory Purchase Order Schedule and Map indicating lands in which you may have an interest is attached.

19. If you have any questions or queries in relation to the above or attached map, please contact us at 1800 303 653 or at property@busconnects.ie.

Dated this Thursday 12th May 2022.

A handwritten signature in black ink, appearing to read 'Aidan Gallagher'.

Aidan Gallagher

Head of BusConnects Dublin Infrastructure
National Transport Authority

SCHEDULE PART I

Lands Being Permanently Acquired

Land other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense

Number on map deposited at NTA	Quantity, Description, and situation of land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
1042(1).1e	Area (Ha): Area (m2): Description: County: Address:	0.07629 762.9 Private Landings Dublin Entrance to Elm Park Development, Merrion Road, Dublin 4	Elm Park Development Management Ltd, 70 Sir John Rogersons Quay, Dublin 2 Northern Trust Fiduciary Services (Ireland) Ltd, Northern Trust, Georges Court, 54-62 Townsend Street, Dublin 2, D02 R156 The Davy Platform ICAV, Davy House, 48/49 Dawson Street, Dublin 2, D02 PY05	None	Agro Reinsurance DAC, Elmpark, Merrion Road, Dublin 4, D04P231 Alastair Limited, 1 Stokes Place, St. Stephens Green, Dublin 2 Allianz Insurance PLC, Allianz House, Elmpark Green, Dublin 4, D04Y6Y6



Merrion House

Merrion Road

205

207

209

211

213

215

217

219

Elmpark Apartments

O.S. Ref:
3329-15Elmpark
719649, 730817**Legend:**LANDS BEING PERMANENTLY ACQUIRED*
* SCHEDULE PART I (Shaded in Grey)

1001(1).1d

LANDS BEING TEMPORARILY ACQUIRED**
** SCHEDULE PART II (Shaded in Grey)

1001(2).2d

Public rights of way to be
extinguished listed in the
SCHEDULE PART III (Section A)Public rights of way to be
restricted or otherwise interfered
with listed in the
SCHEDULE PART III (Section B)Private rights to be acquired
listed in the
SCHEDULE PART IV (Section A)Private rights to be restricted or
otherwise interfered with
listed in the
SCHEDULE PART IV (Section B)Private rights to be temporarily
restricted or otherwise interfered
with listed in the
SCHEDULE PART IV (Section C)**NTA**Údarás Náisiúnta Iompair
National Transport Authority

National Transport Authority

**Belfield / Blackrock to City Centre
Core Bus Corridor Scheme
Compulsory Purchase Order 2022**
Land Acquisition Map

Rev	Date	Description	Appr.
M01	22/04/22	ISSUED FOR PLANNING APPLICATION	NH

Lands to be Compulsorily Acquired Server Map

See Public Development Management List, Northern Trust Policing System (Section 1) and The Data Platform (C&I)

Designed: BD File Name: B0100-CPO-PDV_SP-1416_XX_00-DR-GG-0045
 Drawn: GMLT
 Checked: SB Scale: 1:500 (A3)
 Approved: NH Date: 22/04/22

Drawing No.
1415-SM-0045

Rev.
M01