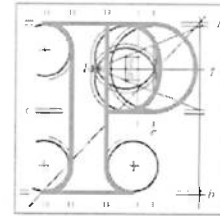


Our Case Number: ABP-317679-23

Your Reference: CHQ Dublin Limited



**An
Bord
Pleanála**

John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61

Date: 03 October 2023

Re: Ringsend to City Centre Core Bus Corridor Scheme.
Ringsend to City Centre, Co. Dublin.

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.

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 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,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

HA02A

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 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

Lauren Griffin

From: Lauren Griffin
Sent: Tuesday 3 October 2023 13:26
To: ilivingstone@johnspainassociates.com
Subject: RE: 317679 - CHQ Dublin Limited Submission to BusConnects Ringsend to City Centre

A Chara,

We acknowledge receipt of your email; official acknowledgement of your submission will issue in due course.

Kind Regards,

Lauren Griffin

From: Ian Livingstone <ilivingstone@johnspainassociates.com>
Sent: Tuesday, October 3, 2023 10:36 AM
To: LAPS <laps@pleanala.ie>
Subject: 317679 - CHQ Dublin Limited Submission to BusConnects Ringsend to City Centre

Dear Sir/Madam,

On behalf of our client CHQ Dublin Limited, please find attached submission on the BusConnects application Ringsend to City Centre.

As our client is directly impacted by the proposals, we understand no fee is required.

We would kindly request confirmation of receipt.

Regards,

Ian Livingstone *Associate Director*
John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61

M: +353 (0)87 6031309
Email: ilivingstone@johnspainassociates.com
Web: www.jsaplanning.ie



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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Date: 3rd October 2023
JSA Ref: 21024

Dear Sir / Madam,

RE: SUBMISSION TO AN BORD PLEANÁLA IN RESPECT OF THE PROPOSED BUS CONNECTS RINGSEND TO CITY CENTRE CORE BUS CORRIDOR APPLICATION AND COMPULSORY PURCHASE ORDER 2023 IN RELATION TO LANDS AT CUSTOM HOUSE QUAY, DUBLIN 1.

ABP REF: 317679-23 – BUS CONNECTS CORRIDOR APPLICATION

ABP REF: 317735-23 – CPO APPLICATION
PLOT LIST 1003(1).1C, 1003(2).1G, 1003(3).1Z, 1003(4).2C, 1003(5).2Z

1. Introduction

- 1.1 On behalf of our client, CHQ Dublin Limited, Unit 7, CHQ Building, Custom House Quay, Dublin 1, D01 YY59, we wish to make a submission to the Ringsend to City Centre Core Bus Corridor Scheme Application currently registered and pending a decision with An Bord Pleanála under ABP Ref: 317679-23 and Compulsory Purchase Order 2023 ABP Ref: 317735-23 also pending a decision with An Bord Pleanála. The CPO Order is made under the Housing Act 1966 (as amended) and the Planning & Development Act 2000 (as amended).
- 1.2 As our client's lands are proposed for acquisition, this submission is exempt from the prescribed €50 fee.
- 1.3 This submission is in response to the NTA letter dated 3rd August 2023 and received by CHQ Dublin Limited in respect of the proposed compulsory purchase of lands partially within ownership of our client located adjacent to the southwest of the CHQ Building and north of Custom House Quay.
- 1.4 In particular, CHQ Dublin Limited objects to the extent and location of 'Lands Being Temporarily Acquired' specifically part of Plot 1003(4).2c which is in the ownership of our client and the extent of Plot 1003(1).1c noted as 'Lands Being Permanently Acquired' on NTA Drawing No. 0016-SM-0050 which combined are proposed for use

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan
Senior Associate Directors: Luke Wymer | Meadhbh Nolan | Kate Kerrigan
Associate Directors: Ian Livingstone | Tiarna Devlin
John Spain Associates Ltd. trading as John Spain Associates.
VAT No. IE 6416306U

- a Construction Compound R1 as illustrated in Image 5.1 of the BusConnects EIAR Main Report.
- 1.5 The extent of CHQ Dublin Limited land ownership is confirmed by the title map appended to this document at Appendix 1 and the Extracts from the Schedules attached as Appendix 2.
- 1.6 The subject plots at Custom House Quay are shown in the extract below.

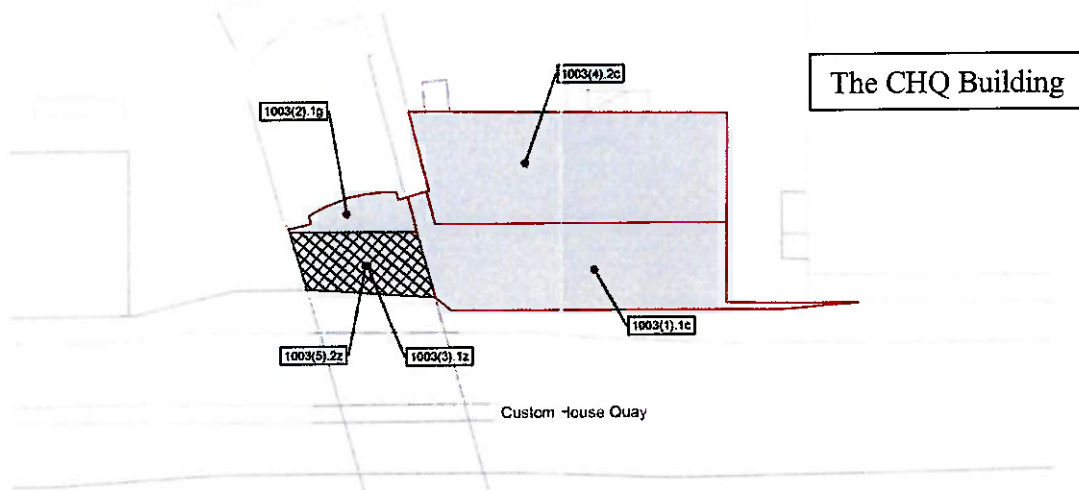


Figure 1: Extract of Lands to be Compulsorily Acquired Server Map (NTA BusConnects Corridor Scheme CPO 2023 Drawing No. 0016-SM-0050)

- 1.7 While CHQ Dublin Limited does not object in principle to the BusConnect proposals linking Ringsend to Dublin city centre which will promote sustainable transport and accessibility in close proximity to the CHQ Building, our client objects to the proposed temporary compulsory purchase of Plot 1003(4).2c of the proposals under ABP Ref: 317735-23.
- 1.8 Due to the location of the lands to be acquired temporarily (Plot 1003(4).2c) for a period of c. 2 years to facilitate the construction of the BusConnects route, this will impact significantly on pedestrian and cyclist access to the CHQ Building as well as restricting the through route between Custom House Quay and George's Dock / Luas Stop / Connolly Station / Busáras used by thousands of people on a daily basis.
- 1.9 The proposed temporary acquisition of Plot 1003(4).2c, alongside the temporary and permanent acquisition of lands adjacent at Plot 1003(1).1c, Plot 1003(3).1z, Plot 1003(5).2z and Plot 1003(2).1g will in reality, block the wide public plaza currently existing adjacent to the southwest corner of the CHQ Building, reducing this to a strip of c. 5 metres between the existing external stairwell at the western perimeter of the building and the perimeter of the lands to be acquired.
- 1.10 This is unacceptable and unreasonable having regard to the number of journeys which occur through this space daily and the restrictions this will place on visitors and staff accessing the CHQ Building. The temporary use of Plot 1003(4).2c for a construction compound will also deter people from utilising this compromised route as a result of construction noise, dust, vibration and other emissions which will have a significant impact on the footfall and customer numbers accessing the CHQ Building at its primary entrance at the southwest corner. The existing public plaza will be severely curtailed, and the space currently used by visitors for sitting, lingering, taking photographs adjacent to the 'EPIC' freestanding signage and

enjoyment and appreciation of the CHQ Building protected structure and the adjacent Triumphal Arch will be unreasonably decimated.

2. Site Location & Context

- 2.1 The subject location is immediately north of Custom House Quay and to the southwest of the CHQ Building. The combined area of the relevant plots which have been proposed by the NTA for acquisition, both permanently and temporarily, is outlined in red on the image below.

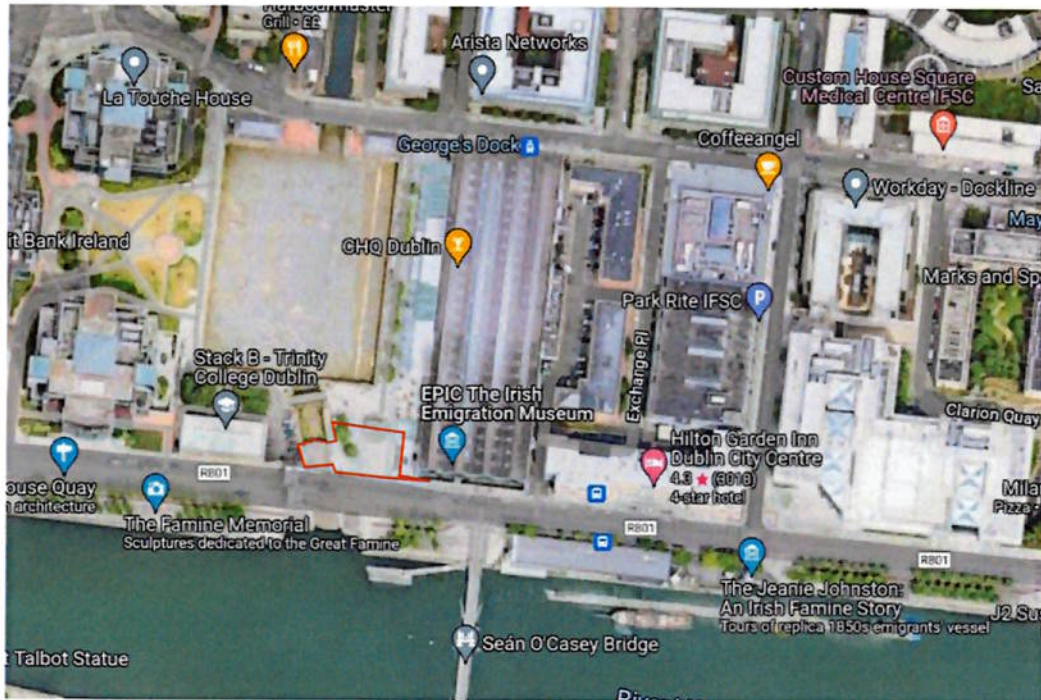


Figure 2: Approximate location of lands to be Compulsorily Acquired (Google Maps)

2.2 The relevant extract from the BusConnects 'General Arrangement' drawing no. BCIDD-ROT-GEO_GA-0016_XX_00-DR-CR-0001 is included below, with the approximate location of the relevant lands outlined in yellow.

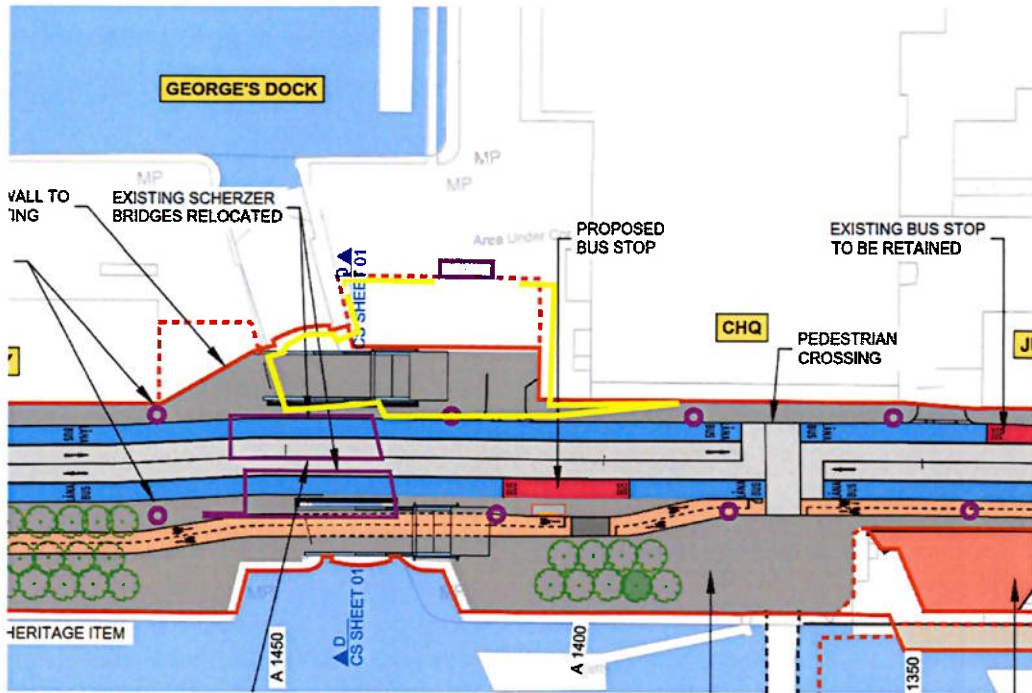


Figure 3: Approximate location of lands to be Compulsorily Acquired (NTA)

2.3 The intended use of the area during the construction stage of the proposed BusConnects route is shown below, extracted from Image 5.1 of the EIAR submitted with ABP Ref: 317679-23.

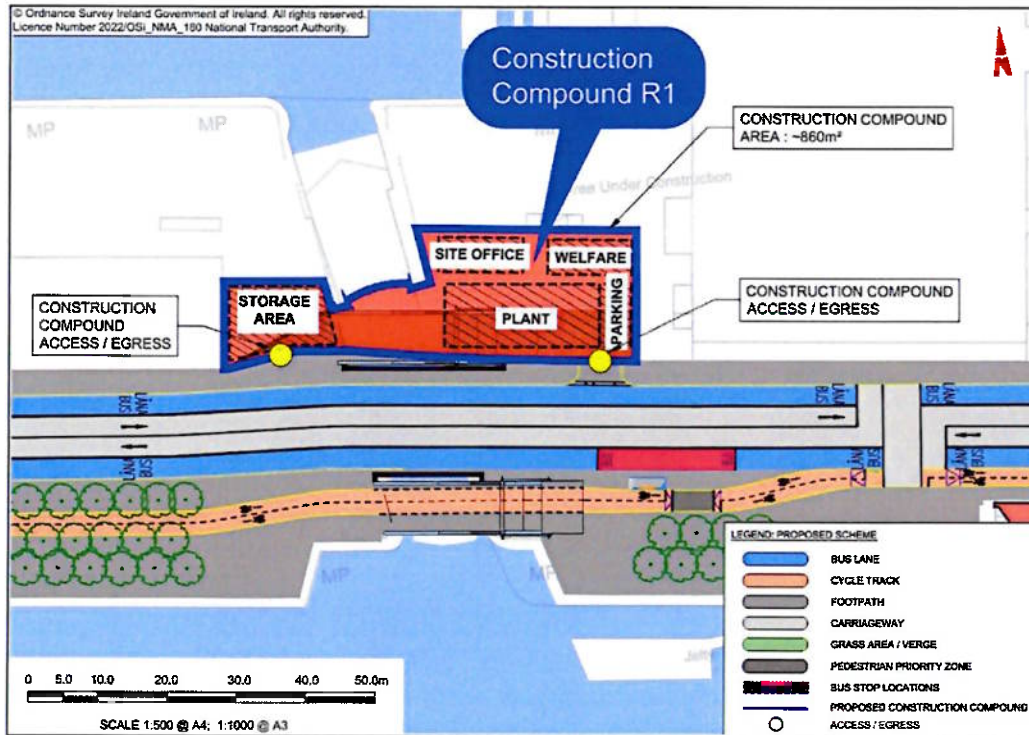


Figure 4: Location & Extent of Construction Compound R1 (Image 5.1 of EIAR Volume 2 Main Report)

- 2.4 As noted in the image, the area in close proximity to the CHQ Building is intended to be used as a construction compound consisting of parking, welfare, plant and site office. Table 5.4 of the EIAR notes construction activity spanning a period of 2 years for the works involved in the Scherzer Bridge Replacement Programme. This is likely to be an absolute minimum timescale, with the impact on the access to the CHQ Building and through route from Custom House Quay to George's Dock and beyond to the north likely to endure substantially longer before returning to normal levels of movement as observed today.
- 3. Objection to Proposed Compulsory Purchase of Lands & Location and Extent of Construction Compound R1**
- 3.1 CHQ Dublin Limited objects to the extent and location of Plot 1003(4).2c noted as 'Lands Being Temporarily Acquired' and the extent of Plot 1003(1).1c noted as 'Lands Being Permanently Acquired' on NTA drawing no. 0016-SM-0050 for the purposes of creating Construction Compound R1.
- 3.2 In this respect, our client objects to aspects of both of the following submissions and respectfully request the design of each be reconsidered by the NTA:
- ABP Ref: 317735-23 – Compulsory Purchase Order
 - ABP Ref: 317679-23 – BusConnects Corridor Application
- 3.3 The position of the proposed temporary construction compound directly adjacent to the heritage features of the CHQ Building, Triumphal Arch and George's Dock is unacceptable to our client. The temporary acquisition of lands should be reconsidered by the NTA and relocated to a more appropriate location which will mitigate the level of impact upon the pedestrian and cyclist route from Custom House Quay and George's Dock / Connolly Station / Busáras beyond to the north.
- 3.4 The location and extent of the construction compound will effectively terminate the public route branching north from Custom House Quay along the western elevation of the CHQ Building and across the Scherzer Bridge which serves thousands of visitors and employees daily. The severe impact on this route and access point will also restrict customers from reaching the main entrance of the CHQ Building at the southwest corner of the building and obstruct the public plaza adjacent. This will have obvious and significant impacts upon the level of custom and footfall to the businesses operating within the CHQ Building and inevitably deter people from utilising this route entirely. Imposing this restriction on a long-established and important route for a period of at least 2 years is not acceptable to our client who objects to the temporary acquisition of Plot 1003(4).2c and the use of Plot 1003(1).1c for the purposes of a construction compound immediately adjacent to the southwest elevation of the building and its main entrance at this location.
- 3.5 The position and presence of the CHQ Building has grown exponentially in the last decade, welcoming a wide range of retail and food and drink operators, restaurants and bars and recreation, as well as the high-tech, start-up hub at Dogpatch Labs which has added positively to the vibrancy and vitality of CHQ. Dogpatch Labs won a £17m contract in 2020 to manage the National Digital Research Centre (NDRC) until 2025, supported by regional partners, indicating the strength and significance of the company's presence at CHQ.
- 3.6 The CHQ Building has increased occupancy from 20% in 2013 when the building was purchased from the Dublin Docklands Development Authority to being 80% let in 2019 with employment numbers increasing from 30 to 650 in the same time period. The building has welcomed 2.4 million visitors, with an additional 400,000 visiting

restaurants and external events associated with the building. EPIC Irish Emigration Museum welcomed 241,000 visitors in 2019, with a target of 750,000 annually, with the Jeanie Johnston Irish Famine Ship moored at CHQ received 36,000 visitors in 2019 with a target of 100,000 per annum. This indicates the existing strength of trade and interest at CHQ and the aspiration to enhance this further in future years assisted by appropriate improvements to the surrounding area in respect of public realm, streetscape and welcoming public spaces which can increase footfall and support local businesses. The proposed position of the construction compound will have a detrimental impact on access to the CHQ Building and in particular, the EPIC Emigration Museum which welcomes c. 400,000 visitors per year.

- 3.7 The CHQ Building unique space has seen several high profile cultural and corporate events hosted at the venue, contributing to cultural life and night-time economy.
- 3.8 A list of major tenants who have the potential to be adversely affected by the location of the construction compound immediately adjacent to the southwest elevation of the building are listed as follows:
- EPIC Museum gift shop
 - Irish Family History centre
 - Flyfit Gym
 - Urban Brewing
 - Ely Restaurant
 - Dogpatch Labs (Ireland's largest and premier startup hub)
 - The NDRC (Government accelerator)
 - HBAN – Halo Business Angel Network
 - Starbucks Coffee
 - Mitchell & Sons
 - Freshii
 - Seven Wonders
 - Bakehouse
 - Toss'd Noodles
- 3.9 In addition to the above, CHQ Dublin Limited are currently planning a major Food Hall and Market in excess of 2,000 square metres pending a decision under Dublin City Council Reg. Ref.: 3251/23. Upon securing planning permission, it is the intention of our client that this development will commence in 2024 and become operational in 2025. The Irish Emigration EPIC Museum will be building and launching an expanded event, exhibition and gala dinner space over 1,400 square metres over the same time frame in partnership with Failte Ireland. The location and extent of the proposed Construction Compound R1 in close proximity to the southwest corner of the CHQ Building will have an adverse effect on the potential visitor numbers and footfall to the building and its associated tenants.
- 3.10 In terms of visitor numbers and pedestrian movements at CHQ, our client notes that in excess of 2.5 million people use and pass through the CHQ Building annually, equating to c. 4,000 to 8,000 people daily. Many million more use the corridor between George's Dock and CHQ to and from Custom House Quay and Mayor Street and/or the Luas stop at George's Dock, Connolly Station or Busarus or Amiens Street. This route through the inviting and attractive public plaza immediately north of Custom House Quay will be significantly reduced to a gap of c. 5 metres between the external stairwell at the southwest corner of the CHQ Building and the perimeter of the proposed construction compound. This is not an acceptable arrangement for our client and the businesses currently operating from the CHQ Building for a minimum period of 2 years. This will have an inevitable and potentially

significant impact on the trade and revenues of existing businesses as well as impacting upon the attractiveness of the CHQ Building as a tourist and visitor destination in Dublin city centre.

- 3.11 Furthermore, it is considered that the proposed extent of the construction compound conflicts with the policies and objectives of the Dublin City Development Plan 2022-2028 which recognises the valuable contribution of the CHQ Building to the cultural amenity of the city and specifically the Dublin Docklands. Chapter 12 of the Development Plan states that:

“The opening of EPIC, a new museum for the city within the historic CHQ building has been a welcome addition to the area.”

- 3.12 The Plan also notes that *“other new additions are planned and it is expected these will be delivered during the lifetime of the Plan”*, one addition is our client’s proposed food market and gala dinner / event space at the CHQ Building which is currently at planning stage (DCC Reg. Ref.: 3251/23) and which is expected to commence development in 2024, subject to a grant of permission.

- 3.13 Whilst our client does not object to the principle of the BusConnects Ringsend to City Centre corridor, which will be improve access to the city centre for residents and visitors and enhance connectivity for those with CHQ as their destination, the location and extent of the construction compound is considered to be contrary to the Dublin City Development Plan owing to its potential impacts on the cultural heritage and facilities within the Docklands area. The below policy is considered relevant in this respect.

It is the Policy of Dublin City Council:	
CU11	<p>Cultural Facilities within Docklands</p> <p>Support and encourage the growth of cultural facilities within Docklands to include the Poolbeg Peninsula, at community and citywide scale, to enrich the area, generate activity and economic benefits and celebrate the maritime heritage of the Docklands area.</p>

- 3.14 The construction compound as part of the BusConnects scheme has the potential to impact negatively on generating activity and the economic benefit of the CHQ Buildings and its existing businesses. This is likely to restrain the growth of cultural facilities at CHQ in the Docklands area due to impeded public access and footfall.

- 3.15 In addition to this, Policy CUO13 is also relevant:

CU13	<p>Protection of Cultural Uses</p> <p>To protect cultural uses within the city that have been negatively impacted by the Covid pandemic and seek to preserve such spaces so they are not lost to the city as a result of the economic impact of the extended closure during the pandemic.</p>
-------------	--

- 3.16 The CHQ Building including the EPIC Museum and associated uses were negatively impacted by the covid pandemic due to restrictions on public movement, travel and quantum of visitors permitted within a venue. The impacts are still being felt by the tourist industry which is slowly returning to levels observed in 2019. In this respect,

the addition of a construction compound immediately adjacent to the southwest corner of the CHQ Building and its main entrance will only serve to prevent trade and limit footfall to the building.

- 3.17 In this regard, it is respectfully submitted that the temporary acquisition of lands at Plot 1003(4).2c of Compulsory Purchase Order 2023 ABP Ref: 317735-23 and the extent of Plot 1003(1).1c noted as 'Lands Being Permanently Acquired' on NTA Drawing (No. 0016-SM-0050), combined to form Construction Compound R1 as illustrated in Image 5.1 of the BusConnects EIAR Main Report (drawing no. BCIDD-ROT-GEO_GA-0016_XX_00-DR-CR-0001) are omitted from the proposals.

4. Existing Surface Water Culvert

- 4.1 Our client notes that an existing culvert runs from Mayor Street along the western perimeter of the CHQ Building and bisects Plots 1003(1).1c and Plot 1003(4).2c which are designated for acquisition in the CPO application. The culvert extends south beneath Custom House Quay and discharges into the Liffey using a Tideflex valve which is currently maintained by our client to prevent flooding of the culvert and the vault level of the CHQ Building. It is unclear as to whether the compulsory acquisition of these lands will also result in the NTA assuming responsibility for the culvert and its maintenance going forward. Our client also seeks comfort that the culvert will not be in any way adversely impacted during the construction phase of the BusConnects development.

- 4.2 The location of this culvert is shown in the below extract of CORA Consulting Engineers drawing

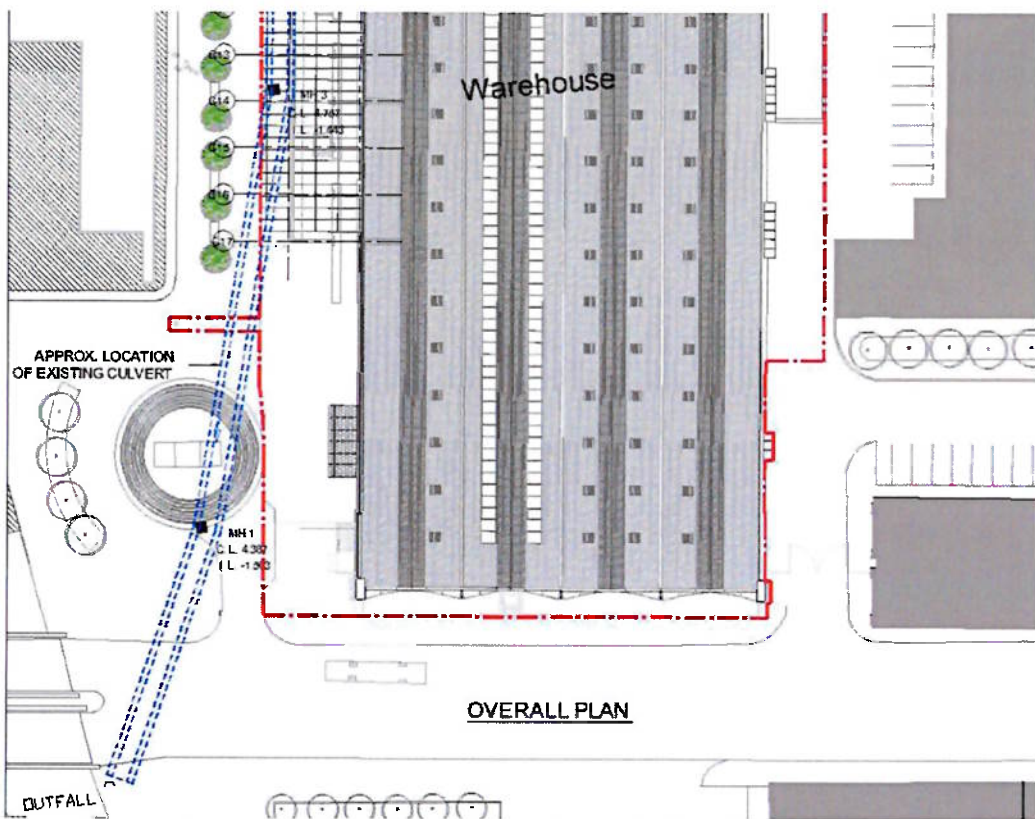



Figure 5: Location of Surface Water Culvert shown in blue (CORA)

- 4.3 It is respectfully submitted that the presence of this water services feature is taken account of by An Bord Pleanála in assessing both applications and clarity provided on the future maintenance of this culvert.

5. Conclusions

- 5.1 On behalf of our client, CHQ Dublin Limited, Unit 7, CHQ Building, Custom House Quay, Dublin 1, D01 YY59, we wish to make a submission to the Ringsend to City Centre Core Bus Corridor Scheme Application currently registered and pending a decision with An Bord Pleanála under ABP Ref: 317679-23 and Compulsory Purchase Order 2023 ABP Ref: 317735-23 also pending a decision with An Bord Pleanála. The CPO Order is made under the Housing Act 1966 (as amended) and the Planning & Development Act 2000 (as amended).
- 5.2 This submission is in response to the NTA letter dated 3rd August 2023 and received by CHQ Dublin Limited in respect of the proposed compulsory purchase of lands partially within ownership of our client located adjacent to the southwest of the CHQ Building and north of Custom House Quay.
- 5.3 In particular, CHQ Dublin Limited objects to the extent and location of 'Lands Being Temporarily Acquired' specifically part of Plot 1003(4).2c which is in the ownership of our client and the extent of Plot 1003(1).1c noted as 'Lands Being Permanently Acquired' on NTA Drawing No. 0016-SM-0050 which combined are proposed for use a Construction Compound R1 as illustrated in Image 5.1 of the BusConnects EIAR Main Report.
- 5.4 The nature and extent of the construction compound for a minimum period of 2 years will have an unacceptable negative impact upon the trading environment at the CHQ Building, reducing a wide public plaza to a corridor of c. 5 metres and severely restricting the movement of pedestrians and cyclists along the western perimeter of the building and consequently having an inevitable detrimental effect on visitor numbers and footfall to the CHQ Building. The proposed arrangement at this location as set out in the BusConnects General Arrangements drawings and the associated CPO plans is not acceptable to our client and it is respectfully submitted that the proposed approach be reconsidered to enable the continued free flow of the public around the CHQ Building to ensure potential impacts on businesses operating within are mitigated to the greatest extent possible.
- 5.5 Our client respectfully requests that An Bord Pleanála takes the above submission into account in assessing both the BusConnects Ringsend to City Centre Core Bus Corridor Scheme application Ref: 317679-23 and the associated Compulsory Purchase Order 2023 application Ref: 317735-23.

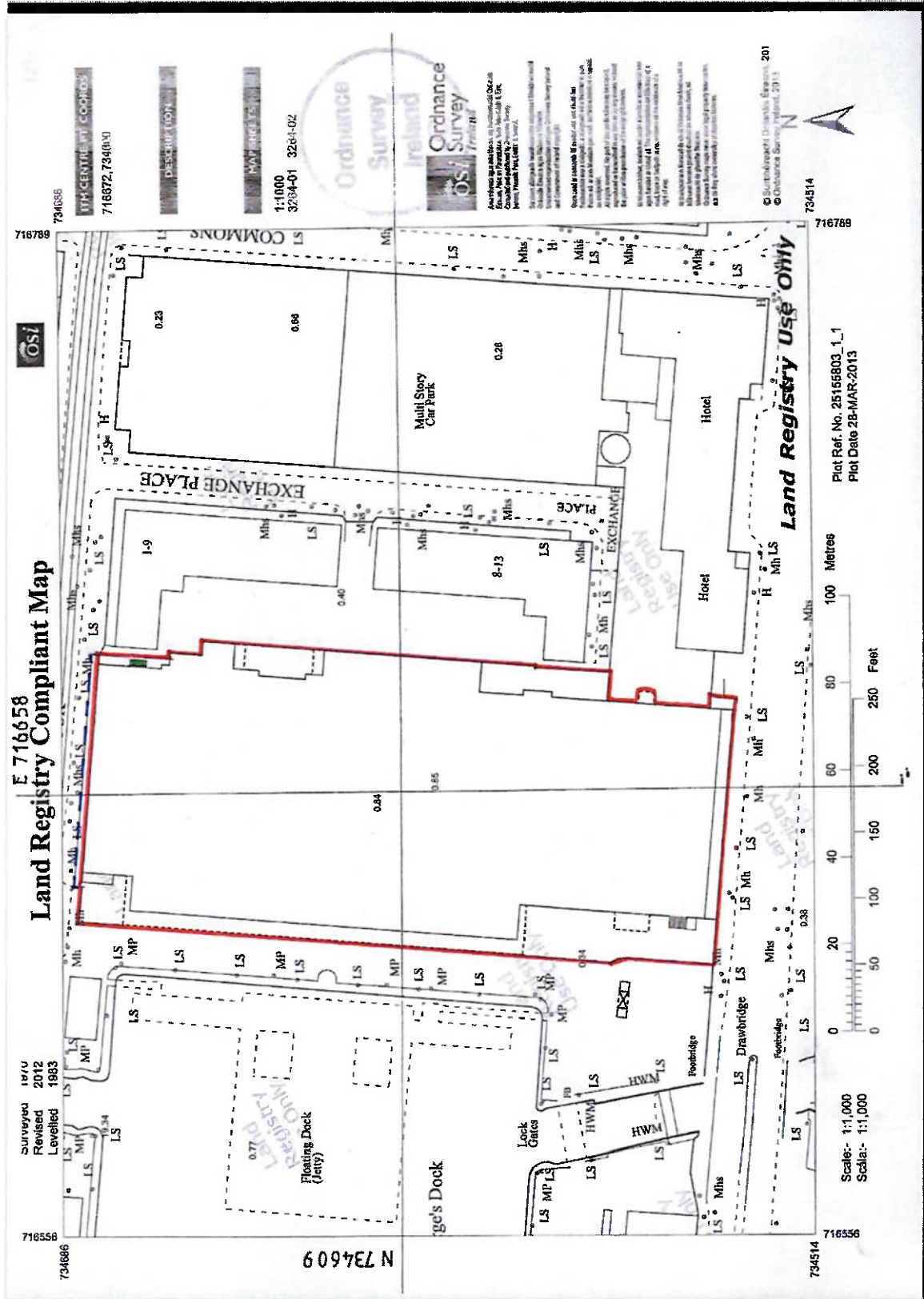
Yours faithfully,



John Spain

Managing Director John Spain Associates Ltd.

APPENDIX 1: CHQ DUBLIN LIMITED OWNERSHIP BOUNDARY



APPENDIX 2: RELEVANT EXTRACTS OF SCHEDULES

**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
1003(1).1c	Area (Ha): 0.02705 Area (m ²): 270.5 Description: Commercial County: Dublin Address: Public space at George's Dock and CHQ Building, Custom House Quay, Dublin 1	CHQ Dublin Ltd, Unit 7, CHQ Building, Custom House Quay, Dublin 1, D01YY59 Custom House Docks Management Ltd, Apleona Real Estate Limited, Landscape House, Landscape Road, Churchtown, Dublin 14 D14A6P3	None	Owner(s)
		Dublin City Council, Civic Offices, Wood Quay, Dublin 8, D08 RF3F		

**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
1003(2).1g	Area (Ha): 0.00346 Area (m ²): 34.6 Description: Riverbed County: Dublin Address: Public space at George's Dock and CHQ Building, Custom House Quay, Dublin 1	CHQ Dublin Ltd, Unit 7, CHQ Building, Custom House Quay, Dublin 1, D01YY59 Custom House Docks Management Ltd, Apleona Real Estate Limited, Landscape House, Landscape Road, Churchtown, Dublin 14 D14A6P3	None	Owner(s)
		Dublin City Council, Civic Offices, Wood Quay, Dublin 8, D08 R43F		

**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
1003(3).1z	Area (Ha): 0.00767 Area (m ²): 76.7 Description: Airspace County: Dublin Address: Public space at George's Dock and CHQ Building, Custom House Quay, Dublin 1 Freehold acquisition of airspace from a level of 3.095m above Ordnance Datum Malin Head. Shown as hatched area on deposit map.	CHQ Dublin Ltd, Unit 7, CHQ Building, Custom House Quay, Dublin 1, D01 VY59 Custom House Docks Management Ltd., Apleona Real Estate Limited, Landscape House, Landscape Road, Churchtown, Dublin 14 D14A6P3 Dublin City Council, Civic Offices, Wood Quay, Dublin 8, D08 RF3F	None	Owner(s)

**SCHEDULE
PART II**

Lands Being Temporarily 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
1003(4)2c	Area (Ha): 0.03329 Area (m2): 332.9 Description: Commercial County: Dublin Address: Public space at George's Dock and CHQ Building, Custom House Quay, Dublin 1	CHQ Dublin Ltd, Unit 7, CHQ Building, Custom House Quay, Dublin 1, D01 YY59 Custom House Docks Management Ltd, Apleona Real Estate Limited, Landscape House, Landscape Road, Churchtown, Dublin 14 D14A6P3	None	Owner(s)