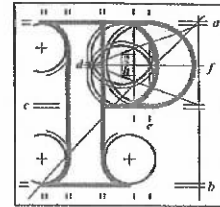


Our Case Number: ABP-313182-22

Your Reference: Aidan McGovern & Christina McGovern



**An
Bord
Pleanála**

Sudway & Company Limited
Riversdale House
Riversdale View
Ballyboden Road
Rathfarnham
Dublin 14

Date: 13 July 2023

Re: BusConnects Clongriffin to City Centre Core Bus Corridor Scheme
County Dublin

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned case. The contents of your submission have been noted.

If you have any queries in relation to the 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,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

CH08

Teil	Tel	(01) 858 8100
Glaio 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

SUDWAY & COMPANY LIMITED

CHARTERED SURVEYORS

N. SUDWAY, MRICS, MSCSI, FCIArb. M.MII

Riversdale House
Riversdale View
Ballyboden Road
Rathfarnham
Dublin, 14

AN BORD PLEANNALA		Tel. No. 01-4061512
		Fax No. 01-4061517
LDG-		
ABP-		
04 JUL 2023		
Fee: €	Type:	
Time: 15150	By: hand	

An Bord Pleannala,
64 Marlborough Street,
Dublin 1.

4th July, 2023

Re: Clongriffin to City Centre Bus Corridore Scheme, Compulsory Purchase Order
2022

Case number :ABP-313182-22 – Mr. Aidan Mc Govern and Ms. Christina
McGovern

Dear Sir/Madam,

With regards to the above matter and your letter dated the 1st of June 2023 I note the contents therein. In particular I note that the Bord has decided that they can deal with this without having recourse to a oral hearing reciting section 217 of the Planning and Development Act. This would appear to be incorrect as this section makes no reference to the holding of a oral hearing or the Bord having the powers to decided not to hold a hearing. I have taken the liberty of attaching a copy of the relevant section. In the event that I am mistaken in this regard, I must express my clients deep dissatisfaction with the Bords decision. It is our view that not holding an oral hearing is a curtailment of my clients rights, when one considers that their property is being acquired compulsorily by the National Transport Authority. It was clear from the outset, that there is no detailed design available in respect of my clients property. And the fact that there is going to be no oral hearing precludes us from testing the National Transport Authorities design team in relation to the responses in the letter of the 21st July 2022.

Considering that the Bord has been in possession of the National Transport Authorities responses since the 21st July 2022, we feel it is totally unacceptable that we were not copied with these responses far sooner so that we might have been able to engage with the National Transport Authority in relation to the design as it affects my clients property. The fact that this was not done has again left us in a position where we are not able to fully test the National Transport Authority's design as it affects my client's property.

Directors: Niall Sudway, Anne-Marie Sudway Registered in Ireland Cert. No. 479910

Reg. Office: Riversdale House, Riversdale View, Ballyboden Road, Rathfarnham, Dublin, 14
V.A.T. No. 9735087R

In relation to the response from the NTA we would make the following point:

1. Proximity of bus lane leading to loss of privacy and air /noise pollution:
It is difficult to understand how the NTA suggest that moving the road and closer to the property will not affect the noise levels and air quality in the House. In saying that that they will reinstate the boundary and landscaping it is unclear if they intend to replace all the cobble locking that is currently there as in our view it will all need to be replaced. In relation to landscaping this will be needed for privacy but will mean losing more space for car parking. As can be seen in the photo included in the NTA letter several cars are parked in the drive. It is simply not credible to suggest that the loss of 4.5 m of driveway and a unspecified area for landscaping will not reduce the amount of car parking.
2. Loss of parking see 1 above.
3. Traffic Hazards.:
We would take issue with a reject the NTA's assertion that the creation of a wider footpath and will not make it more difficult to access the public road and while they may be correct that in a legal sense we are entitled to stop on a cycle way to access the public road the reality will be very different and will lead to confrontation with cyclist when they find that their way is obstructed for prolonged periods as we wait to be allowed out in to the traffic. It is our view that at the very least a yellow box should be included in the scheme.

It is our view that until a proper detailed design is proposed and submitted neither the Bord nor my client has a full understanding of what is going to happen when this scheme is constructed.

It is our view that the Bord has erred in law in relying on section 217 of the 2000 Planning and development Act and should therefore reconsider their position and

hold a oral hearing and should insist that a detailed design be supplied by the NTA. In the absence of this information it is our view that it would be premature for the Bord to confirm this scheme. However in the event that the Bord decides to confirm this scheme we would request that the works as set out above be included in the order.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Niall Sudway', written in a cursive style.

Niall Sudway MRICS, MSCSI, FCIARbM.MII

Home > Acts > 2000 > Planning and Development Act, 2000

Planning and Development Act, 2000

Certain time limits in respect of compulsory purchase of land, etc.

217.—(1) Where an objection is made to a sanitary authority in accordance with section 6 of the Water Supplies Act, 1942, and not withdrawn, the sanitary authority shall, within 6 weeks of receiving the objection, apply to the Board for a provisional order in accordance with section 8 of that Act.

(2) Where an objection is made to a sanitary authority in accordance with section 8 of the Local Government (Sanitary Services) Act, 1964, and not withdrawn, the sanitary authority shall, within 6 weeks of receiving the objection, apply to the Board for its consent to the compulsory acquisition of the land in accordance with that section.

(3) Subject to section 216, where a local authority complies with the notification provisions in relation to a compulsory purchase order under paragraph 4 of the Third Schedule to the Housing Act, 1966, it shall, within 6 weeks of complying with those provisions, submit the compulsory purchase order to the Board for confirmation.

(4) Where a road authority complies with the notification provisions in relation to a scheme in accordance with section 48 of the Roads Act, 1993, it shall, within 6 weeks of complying with those provisions, submit the scheme to the Board for approval.

(5) A notice of the making of a confirmation order to be published or served, as the case may be, in accordance with section 78 (1) of the Housing Act, 1966, shall be published or served within 12 weeks of the making of the confirmation order.

(6) Notwithstanding section 123 of the Lands Clauses Consolidation Act, 1845, where a compulsory purchase order or provisional order is confirmed by a local authority or the Board and becomes operative and the local authority decides to acquire land to which the order relates, the local authority shall serve any notice required under any enactment to be served in order to treat for the purchase of the several interests in the land (including under section 79 of the Housing Act, 1966) within 18 months of the order becoming operative.

(7) (a) A decision of the Board made in the performance of a function transferred to it under section 214 or 215 shall become operative 3 weeks from the date on which notice of the decision is first published.

(b) Subsections (8) and (9) of section 52 of the Roads Act, 1993 (as inserted by section 5 of the Roads (Amendment) Act, 1998) and subsections (2) to (4) of section 78 of the Housing Act, 1966, shall not apply in relation to decisions of the Board under this Part.



