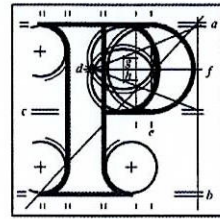


Our Case Number: ABP-314942-22

Your Reference: Torcross Unlimited Company



**An
Bord
Pleanála**

Matheson Solicitors
70 Sir John Rogersons Quay
Dublin 2

Date: 12th July 2023

Re: BusConnects Lucan to City Centre Core Bus Corridor Scheme
Lucan to Dublin City Centre

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

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,

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

AA02

Tel	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

An Bord Pleanála (Strategic Infrastructure Division)
64 Marlborough Street
Dublin 1
D01 V902
By Hand

AN BORD PLEANALA
LDG- _____
ABP- _____
10 JUL 2023
Fee: € _____ Type: _____
Time: 16.10 By: HAND

Plot reference numbers
1010(1).1i, 1010(2).2i, 1013(1).1f

10 July 2023

Item	Detail
An Bord Pleanála Reference Number	ABP-314942-22
Name and Address	Matheson LLP 70 Sir John Rogerson's Quay Dublin 2 D02 R296
Entity on whose behalf this submission is made	Torcross Unlimited Company

Dear An Bord Pleanála

**Proposed development | BusConnects Lucan to City Centre Core Bus Corridor Scheme
Submission by Torcross Unlimited Company ("Torcross")
Response to NTA Submission dated 19 April 2023 | ABP Reference No ABP-314942-22**

We refer to the above proposed compulsory acquisition of portions of the Hermitage Clinic site and the proposed development of the BusConnects Lucan to City Centre Core Bus Corridor Scheme (the "Proposed Development"), and your letter of 6 June 2023 where An Bord Pleanála invited Torcross to make a submission in response to the NTA's submission dated 19 April 2023, which submission purports to address the issues identified in the objection submitted on behalf of Torcross on 11 January 2023.

Torcross thanks An Bord Pleanála for the opportunity to make this submission. Regrettably, as is clear from the paragraphs which follow, the NTA has not addressed Torcross' concerns and, indeed, does not appear to appreciate the seriousness of those concerns regarding (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.

We have referenced the points as scheduled in the NTA's response dated 19 April 2023, which differ somewhat to the numbering in Torcross' objection dated 11 January 2023.

Preliminary matter

Torcross requests that An Bord Pleanála reconsider its decision "*to determine the application without an oral hearing*". The fact that the NTA has not adequately addressed Torcross' concerns in its submission dated 19 April 2023 suggests that this application may not be a case that "*can be dealt with adequately through written procedure*", as An Bord Pleanála states in your letter of 6 June 2023. Torcross reserves all of its rights in this regard.

1. Extent of proposed land take

The NTA submission notes that the design of the two-way cycle track was evolved following public consultation. There is no confirmation provided that the NTA undertook cyclist quantum surveys to confirm the need for a two-way cycle track on the N4. Torcross queries whether a single cycle track would suffice with discreet intermittent widenings to facilitate passing / overtaking?

It remains Torcross' position that the overall width of the Bus Corridor Scheme is extravagant, not based on a survey of actual cyclist usage demand and should be scaled back thus reducing both cost and the width of the Proposed Development. Reference in this regard is made to figure 2.2.5 of the NTA submission which clearly shows the impact of providing a 3.9m wide two-way cycle track.

In Figure 2.2.2 the NTA ignores the sterilisation of Torcross' land caused by the future planting of trees to mask the impact of the sheer 8.0m high proposed new retaining / boundary wall to the N4 – see figure 2.2.5 of the NTA submission.

2. Compliance with SDCC Development Plan

The NTA have not addressed the core omission from the submission for the Proposed Development, namely that proper cognisance was not taken of the listed views along Torcross' property boundary. No images are provided in the NTA submission of the impacts both looking north and looking south.

The impact of the 8.0m high retaining / boundary wall is not shown. Torcross submits it is unclear how the Board can assess the impact on a listed view when such key images have been omitted from the submission?

3. Impact of the proposed scheme on future expansion

As noted at 1 above it is Torcross' submission that the extent of land which is sought to be compulsorily purchased is not properly identified in Figure 2.2.2 of the NTA submission. The NTA submission also ignores the future tree planting / screening that will have to be undertaken to mask the visual impact of the 8.0m high retaining/boundary wall as shown in Figure 2.2.5.

4. Impact on clinical operations – Nosocomial Aspergillus

Torcross wishes to emphasise that it is most concerned at the failure by the NTA to appreciate the serious impact that construction generated dust would have on the Hermitage Clinic. Torcross' submission has highlighted: -

- (i) The underlying geotechnical conditions on the site boundary with the N4 – a high rock horizon.
- (ii) The level difference between the N4 (El. 63.5) and Hermitage Clinic (El 50.5) – 13.0m.
- (iii) The location and proximity to the boundary of sensitive clinical receptors, including the Hermitage clinic's operating theatres.
- (iv) If the hospitals operational environmental thresholds are breached then clinical operations would have to be immediately suspended.

In their submission the NTA have re-quoted Chapter 5 of EIAR, where it states: "*The appointed contractor will liaise with the Hermitage Clinic in advance of the commencement of construction works to inform them of the proposed construction management arrangements.*" This statement does not impose any binding obligation on the NTA / the NTA's contractor to ensure that the development works (not just construction works) have no material impact on the Hermitage Clinics clinical operations.

In their submission the NTA have failed to confirm the duration during which the development works which will impact the Hermitage Clinic.

The NTA are failing to take proper cognizance of the construction difficulties posed by the presence of bedrock where they propose constructing the 8.0m high retaining/ boundary wall. Noise and dust generation will be unavoidable adjacent to a sensitive clinical receptor. Noting the 13.0m level difference between the N4 and the Hermitage Clinic, Torcross is concerned that the NTA are seeking to rely on a 2.4m high hoarding as a mitigation measure.

5. Loss of trees and the proposed retaining wall

The submission at points 1 and 3 above address the land take aspect of this issue.

It is unclear what depth of soil is proposed by the NTA to facilitate tree planting post the construction of the retaining wall as this point has not been addressed by the NTA. Torcross presumes that the 2.0m height of boundary wall, as proposed, is to avoid the potential for members of the public falling the height of the retaining wall – see Figure 2.2.5.

6. Servicing of Hermitage Clinic by Public Transport

Torcross reiterates its desire that the hospital be serviced by public transport. The bus set downs are too remote from the hospital building. Torcross seeks that the NTA be required to provide such service.

7. Future interface with Metro West

Torcross notes with concern the NTA's acknowledgement that the design of the proposed bus corridor does not take cognizance of any interface issues with the future Metro West.

Conclusion

Torcross trusts that An Bord Pleanála will take this submission into account in making any decision regarding the Proposed Development sought by NTA.

We confirm that in the event An Bord Pleanála chooses to exercise its power to:

- request further information and submissions or observations and / or to hold meetings with the NTA, Torcross wishes to have an opportunity to submit a further objection / observation in respect of that further information or engagement between the Board and the NTA.
- hold an oral hearing, Torcross wishes to attend such oral hearing and make submissions in respect of the NTA's application under section 51 of the Roads Act 1993 (as amended).

Yours faithfully

MATHESON LLP

An Bord Pleanála (Strategic Infrastructure Division)
64 Marlborough Street
Dublin 1
D01 V902
By Hand

AN BORD PLEANÁLA
LDG- _____
ABP- _____
10 JUL 2023
Fee: € _____ Type: _____
Time: **15:30** By: **HAND**

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