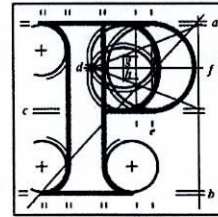


Our Case Number: ABP-314942-22

Your Reference: Torcross Unlimited Company



**An
Bord
Pleanála**

Matheson Solicitors
70 Sir John Rogersons Quay
Dublin 2

Date: 8th February 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 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,

Doina Chiforescu
Executive Officer
Direct Line: 01-8737133

HA02A

Teil	Tel	(01) 858 8100
Glaos 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 PLEANÁLA	
LDG-	060863-23
ABP-	314942-22
11 JAN 2023	
Fee: €	Type:
Time: 14.13	By: hand

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

11 January 2023

Dear An Bord Pleanála

**Proposed development | BusConnects Lucan to City Centre Core Bus Corridor Scheme
Submission by Torcross Unlimited Company ("Torcross")**

We refer to the two separate notices dated 26 October 2022, referring to (i) plot reference numbers 1010(1).1i and 1010(2).2i; and (ii) plot reference number 1013(1).1f (the "**Notices**"), issued by the National Transport Authority (the "**NTA**") to Torcross and its representatives, Ternary Limited and Matheson LLP, in respect of the 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**").

As provided for by paragraph 10 of each Notice, Torcross is making this submission to An Bord Pleanála (the "**Board**") 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.

Submission

Torcross' submission is set out below. To date, Torcross has engaged in correspondence with the NTA in respect of these issues but, regrettably, Torcross' legitimate queries and concerns have not been addressed satisfactorily. That correspondence, which is enclosed at **Appendix 1**, forms part of this submission and must be taken into account by the Board in its consideration of the Proposed Development. The numbering of the issues used below aligns with the numbering used in that correspondence. Please note that issue 6, access to the Hermitage Clinic site, has been addressed.

1. The extent of the CPO

The extent of the proposed CPO land take (both permanent and temporary) required for the Proposed Development (proposed to be compulsorily acquired and see the separate objection submitted on behalf of Torcross in respect of the submission by National Transport Agency to Board for confirmation of BusConnects Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022 in this regard) is excessive, unnecessary for the implementation of the BusConnects Lucan to City Centre Corridor (the "**Corridor**") and could potentially detract from the delivery of healthcare services by the Hermitage Clinic.

Torcross queries:

(a) whether the significance of the effects on the healthcare facility have been adequately assessed in the EIAR; and

(b) whether adequate alternatives to the size of the land take have been assessed.

Torcross submits that the Board should seek further information in this regard and that Torcross should have the right to make additional submissions when this information is provided. The lack of this information has hampered Torcross in exercising its public participation rights.

See **section 2** on this point also.

2. Operational concerns | curtailment of development opportunities at Hermitage Clinic site

As set out in its submission to the NTA of 1 December 2020, the Hermitage Clinic is a major provider of neurosurgical, orthopaedic, cancer and emergency clinical services to the local and regional community.

Torcross has identified a medical need to expand the Hermitage Clinic treatment services, particularly for out-patient and day care treatments (including oncology and cardiology). These medical needs can only be catered for by extending / adding to the existing clinic buildings. The area between the existing clinic buildings and N4 is the part of the Hermitage Clinic site which is planned to accommodate such expansion as the site is subject to the policies and objectives of the South Dublin County Development Plan, 2022 – 2026 (the "**Development Plan**") and is zoned – "*High Amenity Liffey Valley (HA-LV)*" with the zoning objective - "*To protect and enhance the outstanding character and amenity of the Liffey Valley.*" The Development Plan acknowledges that existing, established uses (including the Hermitage Clinic) located on the HA-LIV zoning are to be respected, and extensions to established facilities can be considered in principle once the proposed development "*would not be detrimental to the amenities of the surrounding area and would accord with the principles of proper planning and sustainable development.*"

This zoning includes the area of land identified in the NTA's CPO proposal as identified on the zoning map extract in Appendix 1 to the Matheson letter of 16 September 2022. The zoning map also designates a "*significant view*" to be protected / preserved from the boundary of the lands with the N4, where the NTA CPO is proposed. In accordance with this principle of the Development Plan, permission has been granted for several developments in the grounds of the Hermitage Clinic in recent years, including a multi-storey car park granted by South Dublin County Council in 2018 (Planning Ref. SD17A/0251) which was to be located proximate to the area of the proposed CPO. The works required for the Corridor, including the anticipated loss of mature trees and subsequent exposure of the site, may be contrary to the zoning and related

policies of the Development Plan and, indeed, may be a material contravention of the Development Plan.

The lands immediately adjacent to the proposed CPO land take are therefore essential to the future expansion of the Hermitage Clinic. If the proposed CPO land take proceeds, it would significantly impact the Hermitage Clinic and the ability to accommodate further expansion of the clinic's facilities in the future (a potential which is acknowledged in the Development Plan).

The NTA's letter of 10 October 2022 stated that "*the potential effects on the significant view of the Liffey Valley in the vicinity of the Hermitage Medical Clinic identified in South Dublin County Development Plan, 2022 – 2026 have been assessed as part of the Environment Impact Assessment (EIA) for the Proposed Scheme and the impact of the Proposed Scheme has been assessed as neutral.*"

In response to a query from Torcross regarding the basis for this assessment, the NTA, in its email of 7 December 2022, relied upon Chapters 10 and 17 of the EIAR submitted for the Proposed Development¹.

The references to Chapter 17 of the EIAR are noted including the "*removal of trees potentially opening up views slightly to the north*" at the Hermitage Clinic frontage. Given this impact at both Construction and Operational stages, it would be expected that a "*before and after*" photomontage along the Hermitage frontage would be included as part of the EIAR in order to fully illustrate and understand the impact that is described in Chapter 17, and particularly given that this is the only location along the planned Bus Corridor subject to the protected "*Views and Prospects*" designation in the Development Plan. However, it appears that no such photomontage has been prepared. Figure 17.2 of the EIAR outlines eight views along the Corridor. The nearest views to the Hermitage Clinic site are over 500m to the west (V3) and 1km to the east (V4). Neither view shows the frontage along the Hermitage and the potential impact of the works on the protected view.

This omission is significant and calls into question the conclusions of Chapter 17 and the legitimacy of the EIAR overall.

Torcross submits that the Board should seek further information in this regard and that Torcross should have the right to make additional submissions when this information is provided. The lack of this information has hampered Torcross in exercising its public participation rights.

3. Operational concerns

In Matheson's letter of 16 September 2022, Torcross advised the NTA from that a public health perspective, any works carried out adjacent to a medical facility must comply with the *National Guidelines for the Prevention of Nosocomial Aspergillosis*² because oncology and similar patients with compromised immune systems are more susceptible to aspergillosis, which is a risk associated with construction works. Torcross confirmed that it would require the NTA to demonstrate an understanding of the operational requirements to comply with the above guidelines and engage with the Hermitage Clinic and associated preventative measures.

¹ Available at www.lucanscheme.ie

² A Report of the Aspergillosis Subcommittee of the Health Protection Surveillance Centre Scientific Advisory Committee, January 2018 | ISBN: 978-0-9565622-6-5

Regrettably, these concerns have not been addressed by the NTA. The EIAR states that the appointed contractor will "liaise with the Hermitage Clinic" and that "Should an approval under section 51 of the Roads Act 1993 (as amended) for the Proposed Scheme be granted, in order to address the concerns raised in respect of Nosocomial Aspergillosis the construction contract documents will include appropriate mandatory practices to be followed by the contractor, who will also be required to liaise with the Hermitage Medical Clinic in advance of the commencement of construction works to inform them of the proposed construction management arrangements..."

With respect, reference to "liaison" between the Torcross and the Hermitage Clinic provide no certainty to the Hermitage Clinic that its legitimate concerns for its sensitive receptors (including operating theatres and cyber knife treatment) which are located nearest to the proposed CPO land take will not be impacted by the substantive works that are to be undertaken for the Corridor.

This is a critical issue for the healthcare facility, which is a highly sensitive receptor, and a critical EIA and planning issue.

The NTA's approach will trigger a post consent assessment which is legally impermissible. The decision-maker – the Board - should have sufficient information at the time of the grant of permission to allow it to assess the likely significant effects of the proposed development. The Board must impose suitable conditions to ensure that the hospitals clinical operations are not interfered with. In accordance with the case law is not permitted to leave over questions which relate either (i) to the significance of the impact on the environment, or (ii) to the effectiveness of any mitigation.

Torcross submits that the Board should seek further information in this regard and that Torcross should have the right to make additional submissions when this information is provided. The lack of this information has hampered Torcross in exercising its public participation rights.

4. Difference in ground levels post CPO and 5. Retaining wall and security concerns

Torcross understands that the construction of the retaining wall proposed by the NTA will involve the removal of a significant number of mature trees (which are on the proposed CPO land take). There has been no consultation by the NTA with Torcross in respect of proposed reinstatement / planting works to replace these trees post-construction of the proposed retaining wall. This omission is of significant concern to Torcross in circumstances where the height of the retaining wall on the Hermitage Clinic side will be over 8 metres, as shown on the marked-up drawing in **Appendix 2**.

Torcross submits that the Board should seek further information in this regard and that Torcross should have the right to make additional submissions when this information is provided. The lack of this information has hampered Torcross in exercising its public participation rights.

7. Servicing of the Hermitage Clinic site by public transport / cycle routes

Regrettably, the NTA has refused to engage with Torcross' submission that consideration should be given to the location of new bus stops / relation of existing bus stops in carrying out works for the Corridor to facilitate access (including disabled access) to the Hermitage Clinic for patients and staff. This submission was made in circumstances where the nearest bus stop to the Hermitage Clinic is approximately 500 metres away and that it is highly likely that patients attending the Clinic will be unable to walk that distance.

This refusal by the NTA is particularly disappointing given that Torcross queried in Matheson's letter of 10 November 2022 whether the NTA would be willing to direct bus routes through the Hermitage Clinic site if a suitable drop-off / location for a bus stop could be provided on the site. The NTA of course also should be seeking to promote more sustainable levels of transport to the greatest extent possible.

Torcross submits that the Board should seek further information in this regard and, if the Proposed Development is approved, include a condition that a bus stop which better serves the public in providing access to this healthcare facility shall be provided for.

Torcross should have the right to make additional submissions when this further information regarding the location of new bus stops / relation of existing bus stops is provided so that Torcross can exercise its public participation rights.

8. Future interface with proposed Metro West

In the Matheson letter of 10 November 2022, Torcross queried the provisions being made by the NTA for future interface and alignment between the Corridor and Metro West. The NTA, in its email of 7 December 2022, has dismissed this issue on the basis that "*MetroWest is not included in the current Transport Strategy for the Greater Dublin Area (2016 – 2035), and is not proposed in the draft Transport Strategy for the GDA...*".

Torcross notes the references to current national and regional policy with regard to Metro West. Nevertheless, the recently adopted Development Plan refers to the "*planned Metro (MetroWest)*" (Policy SM3 Objective 13) and designates it as a "*Long Term High-Capacity Public Transport*" route on the zoning map with the route running through the Hermitage lands and across the planned Bus Corridor (see map extract at Appendix 1 to the Matheson letter of 16 September 2022 in this regard). The failure to take account of / plan for the integration of the Corridor with Metro West is a critical flaw in the Proposed Development which completely disregards Policy SM3 Objective 13.

Torcross submits that the Board should seek further information in this regard and that Torcross should have the right to make additional submissions when this information is provided. The lack of this information has hampered Torcross in exercising its public participation rights.

We confirm that in the event the Board 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



Hermitage Medical Clinic
A Hi-Tech Community Hospital

Old Lucan Road

Dublin 20, D20 W72

Tel: +353 1 645 900

Fax: +353 1 645 923

Email: info@hermitageclinic.com

Web: www.hermitageclinic.com

Bus Connects Core Bus Corridor
National Transport Authority
Dún Scéine
Harcourt Lane
Dublin 2
D02 WT20

1st December 2020

Re: Public Consultation; Bus Connects; Core Bus Corridor Preferred Route 6

Dear Sirs,

Thank you for the opportunity to consult with regard to this planned development, which as a significant local business, employer and critical medical care service provider whose property will be materially impacted by the proposed development we broadly welcome.

We strongly support any development that facilitates our workforce of 800, our approximately 100,000 patients per annum and their visitors to access the site on public transport and/or via bicycle.

The hospital's activity is continually growing and national health care demand coupled with plans for the site will have further compounding impact on annual numbers attending and staff numbers.

We are a major provider of Neurosurgical, Orthopaedic, Cancer and Emergency clinical services to the local and regional community. Hence, our patients have a proportionately high rate of presentation with frailty and disability.

We participated in an initial telephone discussion on the 24th November with your Mr Colin Acton and Mr Colin Murdock where our initial points of clarification/feedback were provided as follows:

- The Hermitage Medical Clinic has been the location of homeless activity for some time within the area identified as "approximate area of existing trees" on Map 4 & Map 5 of the provided brochure for Preferred Route 6.
- This has resulted in significant amounts of debris and drug paraphernalia being collected from the area and antisocial behaviour having impact on our staff and patients.
- We would recommend that any plan for the area should take into consideration the need for measures to prevent reoccurrence of this activity. We would specifically request that any works include appropriate lighting; instatement of boundary walls of sufficient height to prevent ease of access and other such measures as may be required.

Hermitage Clinic Limited.
Registered in Ireland (No. 395700)
Registered Office: Old Lucan Road, Dublin 20

Directors: Paul Keogh (Chairman), Gordon Dunne (Chief Executive),
George Duffy, John Flynn, Larry Goodman, Declan Magee, Sean Mulryan.





Hermitage Medical Clinic A Hi-Tech Community Hospital

Old Lucan Roa

Dublin 20, D20 W72

Tel: +353 1 645 900

Fax: +353 1 645 923

Email: info@hermitageclinic

Web: www.hermitageclinic

- Whilst we will retain all site access points it would also be desirable that any entrance gates be of a similar height to the boundary wall and capable of preventing ease of access to the site.
- Our staff and patients frequently use public transport to access the site and as discussed a large/double bus shelter with adequate lighting, seating, disabled access and bins for waste to be deposited would be required.
- Whilst access to the hospital main entrance is some distance to nearest bus stop on the west to east route. The distance and journey route for public transport users to access the hospital from the east to west route is very challenging. Currently the closest route is not fully disability accessible, is poorly lit, and has no signalled pedestrian crossing routes traversing very busy roads and proposed two-way cycle lanes. The passage under the M4 is poorly maintained and poses a slip hazard due to significant bird droppings covering the pavement.
- The proposed alternative route, as set out in Map 8 is equally challenging to our frail and/or disabled patient and staff population. The design needs to consider the route and ease of access to the only acute hospital facility on the N4 corridor.
- All routes are devoid of signage for patients and visitors and should be incorporated into planning
- Direct public transport to the site should be a consideration in the plan, as should extension of cycle tracts to point of entrance to the hospital.

The hospital occupies a total site of circa 70 acres of land and the proposed development must be considered in light of any impact this may have to enhance or detract from our core service and the site we occupy.

Yours sincerely,

Gordon Dunne
Chief Executive

Hermitage Clinic Limited.
Registered in Ireland (No. 395700)
Registered Office: Old Lucan Road, Dublin 20

Directors: Paul Keogh (Chairman), Gordon Dunne (Chief Executive),
George Duffy, John Flynn, Larry Goodman, Declan Magee, Sean Mulryan.



Appendix 1

Correspondence exchanged by / on behalf of Torcross with the NTA

Company Secretary
Torcross Unlimited Company
Old Lucan Road
Dublin 20
D20 W722



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

01st September 2022

RE: BusConnects Lucan to City Centre Core Bus Corridor - Property Referencing – Woodland to front of Hermitage Clinic, Lucan, Co. Dublin

Dear Sir/Madam,

Due to an administrative error, our correspondence dated 19th August did not include a pre-paid envelope for return of the Property Query Form. Please find enclosed a pre-paid envelope should you wish to return a copy of the Property Query Form by post, and a copy of the original correspondence. If you have any questions or queries please contact us by **Friday 16th of September 2022 at 1800 303 653**, or you can contact us by email at property@busconnects.ie.

Yours Faithfully,

Colin Acton

On behalf of BusConnects Dublin

National Transport Authority

Attachment 1: Property Referencing Letter

Attachment 2: Property Query Form

Attachment 3: Property Map(s)

Attachment 4: BusConnects Data Privacy Statement

Attachment 5: Pre-paid envelope

**Company Secretary
Torcross Unlimited Company
Old Lucan Road
Dublin 20**



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

19th August 2022

**RE: BusConnects Lucan to City Centre Core Bus Corridor - Property Referencing – Hermitage Clinic,
Fonthill, Old Lucan Road, Co. Dublin**

Dear Sir/Madam,

As you may be aware, the BusConnects Dublin programme is a set of proposals to transform Dublin's bus system, so that journeys by bus will be fast, reliable, punctual, convenient and affordable. It will enable more people to travel by bus than ever before, providing an alternative to congested car journeys.

A key part of the BusConnects Dublin programme is the development of the "Core Bus Corridors" or CBCs. These CBCs will effectively deliver continuous bus lanes, on the key bus routes across the city along with improved pedestrian and cycling facilities along these routes, building a sustainable city and addressing climate change.

Three non-statutory public consultations were carried out, with the last non-statutory public consultation on a draft Preferred Route Option Report for each CBC concluding in December 2020.

Comments and submissions received during the various non statutory public consultations have been taken into account as part of the ongoing design and planning of the CBCs. It is expected that formal applications for approval of the CBCs and related compulsory acquisitions of lands will be made to An Bord Pleanála in the coming months.

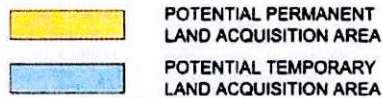
Further information on the BusConnects Dublin programme including the development of the CBCs can be found at www.busconnects.ie.

We are contacting you specifically in relation to the Lucan to City Centre Core Bus Corridor Scheme as this scheme is likely to have an impact on your property, resulting in a compulsory acquisition of a portion of your property. We have carried out land ownership and title research for properties/lands along the proposed CBC from which it is likely that it will be necessary to compulsorily acquire a portion of the land to enable the construction and operation of the proposed CBC. This land ownership and title information will be incorporated into the Compulsory Purchase Order (CPO) Schedules, which will form part of the application to be submitted to An Bord Pleanála. Based on all reasonable enquiries, the CPO Schedules will list all owners of, reputed owners of, lessees of, reputed lessees of, occupiers of, and anyone with an interest in, the properties along the CBCs from which it is proposed to compulsorily acquire a portion of land for purposes of construction and operation of the proposed CBC.

In relation to your property, this may include both temporarily acquiring a portion of land and permanently acquiring a portion of land. Land would be temporarily acquired in order to facilitate the

construction of the scheme with this portion of land being reinstated to a proper condition and returned to you at the completion of construction works whereas land that would be acquired permanently would remain part of the finished scheme.

The proposed area of land that would be acquired can be found on the map enclosed. This map shows the area of your land to be potentially acquired temporarily (blue shading) and permanently (yellow shading) as per the map key below:



If you have any questions or queries in relation to the above or attached map, or if you no longer have an interest in this property or are aware of anyone else who has an interest in this property, please contact us by 9th of September at 1800 303 653, or you can contact us by email at property@busconnects.ie.

16th September

Our representative for this project is Colin Acton of our design team from AECOM/ Mott MacDonald. They will be the person to talk with you about these matters. We will respond to any requests for a call back within 5 working days. Alternatively you can contact us by post at the following address or you can return a completed copy of the enclosed form using the pre-paid envelope provided and we would be happy to discuss this with you.

**BusConnects Core Bus Corridors,
National Transport Authority,
Dun Scéine, Iveagh Court,
Harcourt Lane, Dublin 2
D02 WT20**

We intend to forward any future correspondence and notices in relation to the proposed CPO to the above address. In the event that you want these forwarded to another address please advise of that other address.

Please be aware that this letter and attached map does not form part of the formal CPO process. The formal CPO process will only commence when the CPO is made and a statutory application submitted to An Bord Pleanála in the coming months. Further information about the future CPO process including some frequently asked questions can be found in a document recently published by the Society of Chartered Surveyors Ireland at the following website address:

<https://scsi.ie/a-clear-guide-to-compulsory-purchase-orders-and-compensation/>

Finally, we also enclose the BusConnects Data Privacy Statement, which details how your data is processed by the NTA.

Yours Faithfully,
Colin Acton
On behalf of BusConnects Dublin
National Transport Authority

Attachment 1: BusConnects Data Privacy Statement
Attachment 2: Property Map
Attachment 3: Property Query Form

Company Secretary
Torcross Unlimited Company
Old Lucan Road
Dublin 20



Dún Sceine, Lána Fhearchair
Baile Atha Cliath 2, D02 WT20

Dún Sceine, Harcourt Lane
Dublin 2, D02 WT20

t 01 879 8300

info@nationaltransport.ie
www.nationaltransport.ie

19th August 2022

RE: BusConnects Lucan to City Centre Core Bus Corridor - Property Referencing - Hermitage Clinic, Fonthill, Old Lucan Road, Co. Dublin

Where responding by post, please complete this form using a BLACK ball point pen with BLOCK LETTERS and place an X in the relevant boxes. Please answer all questions that apply to you, leave blank any that don't apply or mark as N/A. Replies to be sent to the National Transport Authority using the pre-paid envelope provided.

- 1) Please provide your name in the box below and confirm if you still have an interest in this property as shown on the attached map:

Yes No

- 2) If you no longer have an interest in the property (as shown on the attached map) and/or if you are aware of any other parties that have an interest at this address, please provide the contact details below:

- 3) Please provide your preferred contact details in the box below and state if you would like to receive a call back from a member of our design team:

For any general or additional comments these can be provided on the back of this form.

GENERAL COMMENTS – Please use this box to provide any additional comments or information requests below if required.

A large, empty rectangular box with a black border, intended for providing general comments or information requests. The box is currently blank.



**HERMITAGE
MEDICAL CLINIC**



PROPERTY ADDRESS:
HERMITAGE CLINIC
FONTHILL
OLD LUCAN ROAD
CO. DUBLIN

KEY:

	POTENTIAL PERMANENT LAND ACQUISITION AREA
	POTENTIAL TEMPORARY LAND ACQUISITION AREA

National Transport Authority

Privacy Notice for BusConnects Dublin

This Privacy Notice is issued by the National Transport Authority of Dún Scéine, Iveagh Court, Harcourt Lane, Dublin 2 ("NTA", "we", "us", "our").

The BusConnects initiative aims to develop the current bus service network in Dublin to ensure that it can meet increasing public transport needs ("BusConnects Dublin"). In order to build the infrastructure which is required by BusConnects Dublin, it will be necessary for the NTA to acquire certain lands by agreement or by means of compulsory purchase order ("CPO") under section 44(1)(c) of the Dublin Transport Act 2008, as amended.

The purpose of this notice is to inform you of the data relating to you that we may collect and use in connection with any acquisition or potential acquisition of land which is required to deliver BusConnects Dublin (an "Acquisition") and the uses (including disclosures to third parties) we may make of such data.

If you have any questions about our use of your personal data, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Personal Data that we Collect and Process

We will collect and process personal data relating to you that you or other people with an interest in the relevant lands provide to us in connection with an Acquisition. We will also collect and process personal data relating to you from publicly available sources such as the Property Registration Authority of Ireland, Land Registry and the Registry of Deeds.

This personal data may include:

- your name and contact details, including your address, phone number and email address;
- your interest in the lands which may be the subject of an Acquisition (the "Lands") (e.g. owner, reputed owner, occupier, reputed occupier etc.);
- details of the Lands including, for example, spatial location, boundary details and folio number (where applicable);
- where applicable, details of any lease or any other interest in the Lands; and
- any other personal data relating to you that you provide to us or that we generate about you in connection with an Acquisition.

Purposes of Processing and Legal Bases

We will use personal data relating to you for the purposes of:

- a) compiling CPO documentation in order to make the CPO and submit same to An Bord Pleanála for confirmation, in which case the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended; and

- ii. for compliance with the legal obligation that applies to us under the Housing Act 1966 (as amended) and the Planning and Development Act 2000 (as amended) to detail the lands as well as the owners, lessees and occupiers of those lands in the CPO;
- b) publishing details relating to the relevant CPO in a newspaper, in which case the legal basis is that this is necessary to comply with a legal obligation that applies to us under Article 4(a) of the Third Schedule to the Housing Act 1966 (as amended);
- c) publishing the details relating to the relevant CPO on the NTA's website, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- d) processing submissions received by the NTA from impacted property owners during a consultation process with us, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- e) creating a database to log and manage details of Lands, owners, tenancies, and correspondence and transactions with owners and/or tenants, in which case the legal basis is that this is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- f) making an Acquisition in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- g) corresponding with you, in which case that the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for the performance of our contract with you (in circumstances where an Acquisition will be effected by a contract);
- h) calculating and making payments to you in respect of an Acquisition in which case that the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for compliance with the legal obligations that applies to us under the Housing Act 1966 (as amended) and the Acquisition of Land (Assessment of Compensation) Act 1919 (as amended); and
- i) establishing, exercising or defending legal claims, in which case the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended
 - ii. to comply with our obligations under applicable law, including common law obligations regarding dealing with legal claims.

Recipients of Data

We may disclose your personal data to other people and organisations in connection with the above purposes, including:

- statutory agencies, where required or permitted by law as part of the statutory planning process, including An Bord Pleanála and relevant local authorities;
- outsourced property referencing providers, including the CIÉ Group Property Management department ;
- other third parties who we engage to provide services to us, such as outsourced service providers, IT services providers, professional advisers and auditors;
- other public authorities and bodies where required or permitted by law, such as An Garda Síochána, for the purposes of the prevention, investigation or detection of crime; and
- members of the public where we are required to make information publicly available under applicable law.

Retention

We will not hold your personal data for longer than is necessary. We retain your personal data for as long as we need it for the purposes described in this Notice, or to comply with our obligations under applicable law and, if relevant, to deal with any claim or dispute that might arise between you and us.

The NTA has determined that:

- Compulsory Purchase Order documentation shall be retained for 3 years after completion of all Acquisitions for BusConnects Dublin;
- copies of contracts shall be retained up until all Acquisitions are complete and for 13 years from the expiration of the contract; and
- original contracts shall be retained indefinitely.

Requirement to Provide Data

You are not under a statutory obligation to provide us with personal data in relation to an Acquisition. However, there are some pieces of information that you must provide to us so that we can comply with our obligations for your benefit in connection with an Acquisition, such as your name, contact details and details of your interest in the Lands.

Where an Acquisition has taken place, you are under a contractual obligation to provide us with certain personal data. If you do not provide us with this personal data, you will be in breach of your contractual obligations and we may have such legal rights and remedies against you as are available under applicable law.

Transfers Abroad

We do not transfer your personal data outside the European Economic Area.

Your rights

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- ***Right to access the data*** - You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- ***Right to rectification*** - You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- ***Right to erasure*** - You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- ***Right to restriction of processing or to object to processing*** - You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- ***Right to data portability*** - You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

Please note that these rights are not absolute, and are subject to certain restrictions and exemptions. For example, the right to erasure of personal data will not apply where we have a legitimate interest to hold such data and we may continue to process your personal data, despite an objection by you, where we have compelling legitimate grounds for the processing which override your interests, rights and freedoms.

If you wish to exercise any of the rights set out above, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Updates

We may occasionally update this policy. We encourage you to periodically review this policy for the latest information on our privacy practices at www.busconnects.ie.

Complaints

If you are not happy with the way we are using your personal data or how we facilitate your rights or comply with our obligations under applicable data protection law, you have the right to make a complaint to the Data Protection Commission by emailing info@dataprotection.ie.

Matheson LLP
Solicitors
70 Sir John Rogerson's Quay
Dublin 2 Ireland
D02 R296

Matheson

T +353 1 232 2000 F +353 1 232 3333
W www.matheson.com DX 2 Dublin

FAO Colin Acton
BusConnects Core Bus Corridors
National Transport Authority
Dun Scéine
Iveagh Court
Harcourt Lane
Dublin 2
D02 WT20
By Registered Post
By Email property@busconnects.ie

Our ref
NDU/RK/671752/2

16 September 2022

Dear National Transport Authority

BusConnects Lucan to City Centre Corridor | Proposed CPO of land owned by Torcross Unlimited Company

We refer to your letters of 19 August 2022 and 1 September 2022 addressed to the Company Secretary of Torcross Unlimited Company ("Torcross"). Your letters request that Torcross provide certain information in respect of the Hermitage Clinic site (the "Property") to the NTA, which information is set out below.

1 Ownership of the Property

Torcross is full owner of the Property.

2 Other parties with an ownership interest in the Property

There are no other parties which hold an ownership interest in the Property.

3 Points of contact in respect of BusConnects Lucan to City Centre Corridor

All future correspondence regarding this matter must be issued in hard copy and by email to each and all of the following:

Addressee	For the attention of	Email
Matheson	Nicola Dunleavy	nicola.dunleavy@matheson.com

Managing Partner: Michael Jackson Chairperson: Tara Doyle - Partners: Sharon Daly, Ruth Hunter, Tony O'Grady, Anne-Marie Bohan, Patrick Spicer, Turlough Galvin, Patrick Molloy, George Brady, Robert O'Shea, Joseph Beashe, Daulta Counihan, Deirdre Dunne, Fergus Bolster, Christian Donogh, Bryan Dunne, Shane Hogan, Nicola Dunleavy, Julie Murphy-O'Connor, Mark O'Sullivan, Brian Doran, John Gill, Joe Duffy, Pat English, Shay Lydon, Aidan Fahy, Niamh Counihan, Gerry Thornton, Liam Collins, Darren Maher, Michael Byrne, Philip Lovegrove, Rebecca Ryan, Catherine O'Meara, Elizabeth Grace, Alan Keating, Alma Campion, Brendan Colgan, Garret Farrelly, Rhona Henry, April McClements, Gráinne Dever, Oisín McClenaghan, Rory McPhillips, Michelle Ridge, Sally-Anne Stone, Matthew Broadstock, Emma Doherty, Leonie Dunne, Stuart Kennedy, Brian McCloskey, Madeline McDonnell, Barry O'Connor, Donal O'Donovan, Karen Reynolds, Kevin Smith, Michael Hastings, Barry McGettrick, Kate McKenna, Donal O'Byrne, David O'Mahony, Russell Rochford, Gráinne Callanan, Geraldine Carr, Brian Doohan, Richard Kelly, Yvonne McWeeney, Mairéad Ní Ghabhán, Vahan Tchakian, Kieran Trant, Deirdre Crowley, Philip Tully, David Jones, Kimberley Masuda, Susanne McMenamin, David Fitzgibbon, Cillian O'Boyle, Angela Brennan, Louise Dobbyn, Catriona Cole, Paul Carroll, Stephen Gardiner, Caroline Austin, Sandra Lord, Caroline Kearns, Rory O'Keefe, Davinia Brennan, Tomás Bailey, Ailbhe Dennehy, William Foot, Kevin Gahan, Anthony Gaskin, Sarah Jayne Hanna, Elaine Long, Vincent McConnon, Justine Sayers, Sean Scally, Calum Warren, Daniel Peart, Carlo Salizzo, Karen Sheil, Niall Collins, Niamh Mulholland, Maireadh Dale. - Tax Principal: Catharine Galvin Senior Tax Principal: John Ryan General Counsel: Dermot Powell

Addressee	For the attention of	Email
70 Sir John Rogerson's Quay Dublin 2 D02 R296	Ruadhán Kenny	ruadhan.kenny@matheson.com
David Torpey C/O Ternary Limited 45 Kildare Street Dublin 2 D02 EC61		david.torpey@ternary.ie

4 Additional comments | request for meeting

Torcross wishes to take this opportunity to bring to the attention of the NTA a number of issues of concern that are connected with the proposed CPO / the BusConnects Lucan to City Centre Corridor ("**Corridor**").

The list of issues set out in this submission, which is not comprehensive or definitive and represents only those issues which Torcross has been able to identify based on the information made available to date by the NTA, must be read in conjunction with earlier submissions made on behalf of Torcross / the Hermitage Clinic, including the submission of 1 December 2020.

Torcross may identify additional issues as further information connected with the Corridor is made available by the NTA. Torcross reserves the right to make further submissions in respect of its concerns, which the NTA must take into account before making final decisions on the design / construction of the Corridor, and to submit observations / objections in the formal processes for the proposed CPO and the planning application for the Corridor.

Torcross would welcome the opportunity to engage with the NTA now in respect of its concerns, as provided for in the NTA's letter of 19 August 2022 and section 2.5 of the *Information Brochure* currently available online¹, and requests that the NTA respond with proposals for that engagement within 14 days of the date of this letter.

1. The extent of the proposed land take

Based on the map enclosed with the NTA's letter of 19 August 2022, Torcross estimates the total proposed land take (both permanent and temporary) to be approximately 2,042m² from the Property of approximately 70 acres. That land take appears to be excessive, unnecessary for the implementation of the Corridor and could potentially detract from the delivery of healthcare services by the Hermitage Clinic. See **section 2** below on this point also.

¹ <https://busconnects.ie/wp-content/uploads/2022/03/06-lucan-to-city-centre-preferred-route-301020fa-web.pdf>

2. Operational concerns | curtailment of development opportunities at Property

As set out in the submission of 1 December 2020, the Hermitage Clinic is a major provider of neurosurgical, orthopaedic, cancer and emergency clinical services to the local and regional community.

Torcross has identified a medical need to expand the Hermitage Clinic treatment services, particularly for out-patient and day care treatments (including oncology and cardiology). These medical needs can only be catered for by extending / adding to the existing clinic buildings. The area between the existing clinic buildings and N4 is the only part of the Property which can accommodate such expansion because the Property is subject to the policies and objectives of the South Dublin County Development Plan, 2022 – 2026 (the "Development Plan") and are zoned – "High Amenity Liffey Valley (HA-LV)" with the zoning objective - "To protect and enhance the outstanding character and amenity of the Liffey Valley."

This zoning includes the area of land identified in the NTA's CPO proposal as identified on the zoning map extract in **Appendix 1**. The zoning map also designates a "significant view" to be protected / preserved from the boundary of the lands with the N4, where the NTA CPO is proposed. Whilst the HA-LV zoning is generally restrictive towards new developments, the Development Plan acknowledges that existing, established uses (including the Hermitage Clinic) located on the zoning are to be respected, and extensions to established facilities can be considered in principle once the proposed development "would not be detrimental to the amenities of the surrounding area and would accord with the principles of proper planning and sustainable development." In accordance with this provision, permission has been granted for several developments in the grounds of the Hermitage Clinic in recent years, including a multi-storey car park granted by South Dublin County Council in 2018 (Planning Ref. SD17A/0251) which was to be located proximate to the area of the proposed CPO. The works required for the Corridor, including the anticipated loss of mature trees and subsequent exposure of the Property, may be contrary to the zoning and related policies of the Development Plan and, indeed, may be a material contravention of the Development Plan.

Given the sensitivities of the remainder of the HA-LV zoned lands to the north of the clinic buildings, the lands immediate to the proposed CPO area are therefore essential to the future expansion of the Clinic. The NTA will appreciate Torcross' concern therefore that the proposed CPO land-take and associated works (including provision of retaining walls) would significantly impact the clinic and the ability to accommodate further expansion of the clinic's facilities in the future (a potential which is acknowledged in the Development Plan).

3. Operational concerns

From a public health perspective, any works carried out adjacent to a medical facility must comply with the *National Guidelines for the Prevent of Nosocomial Aspergillosis*². Oncology and similar patients with compromised immune systems are more susceptible to aspergillosis, which is a risk associated with construction works. The NTA will appreciate that this is a critical matter for the operation of the Hermitage Clinic.

² A Report of the Aspergillosis Subcommittee of the Health Protection Surveillance Centre Scientific Advisory Committee, January 2018 | ISBN: 978-0-9565622-6-5

Torcross will require the NTA to demonstrate an understanding of the operational requirements to comply with the above guidelines and engage with the Hermitage Clinic to establish risk levels and associated preventative measures.

4. Difference in ground levels post CPO

Torcross estimates that the difference in ground levels between the N4 and the Property will be approximately four metres (assuming that the portion of the Property ultimately acquired by the NTA is that portion shown on the map enclosed with the NTA's letter of 19 August 2022). The NTA has not provided any detail as to how it proposes to address this height differential.

Torcross' initial view (subject to taking detailed advice from its technical experts) is that a retaining wall will be required to address this issue. The NTA must engage with Torcross in relation to the technical aspects of any solution proposed to be implemented to address this issue.

5. Security concerns

The area the subject of the proposed CPO has been the location of homeless activity for some time. There has been a significant volume of litter (including drug paraphernalia) and antisocial behaviour associated with this activity. Torcross will require measures to address these issues to be included in the works for the Corridor. In particular, the works must include measures to prevent unauthorised access to the Property and adequate lighting of public areas.

6. Access to the Property

There is an existing ground maintenance access gate to the Property, located on the N4 slip road. This gate must be retained during the works for, and post construction of, the Corridor.

7. Servicing of Property by public transport / cycle routes

The issues with the existing location of / access to bus stops are set out in the submission of 1 December 2020. Consideration should be given to the location of new bus stops / relocation of existing bus stops in carrying out the works for the Corridor to facilitate access (including disabled access) to the Hermitage Clinic for patients and staff.

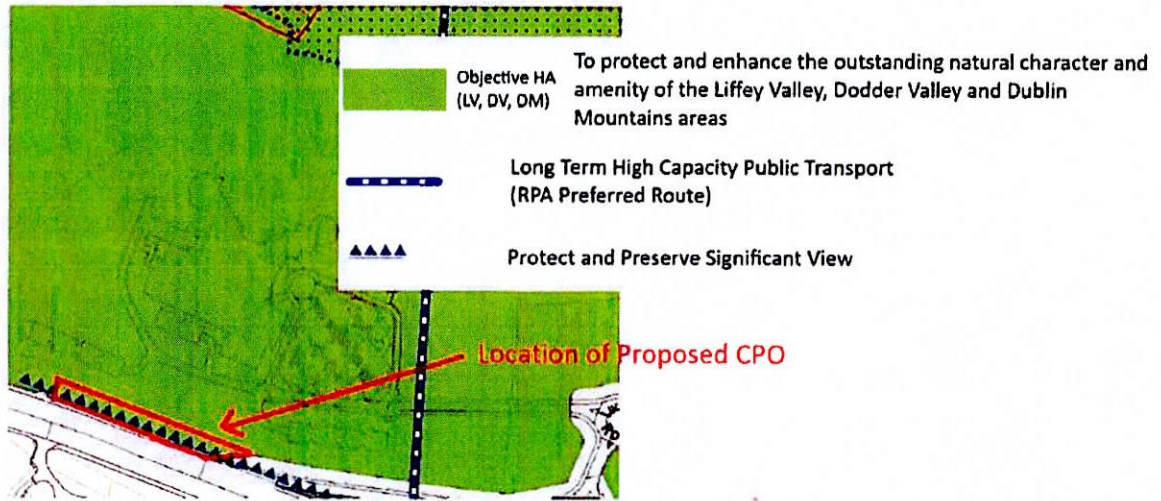
We await hearing from you with your availability to meet with Torcross.

Yours faithfully



MATHESON LLP

Appendix 1



Matheson LLP Solicitors
70 St John Rogerson's Quay
Dublin
D02 R296

fao Nicola Dunleavy
fao Ruadhán Kenny

Ternary Limited
45 Kildare Street
Dublin
D02 EC61

fao David Torpey



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

10th October 2022

RE: BusConnects Lucan to City Centre Core Bus Corridor - Property Referencing – Land Owned by Torcross Unlimited Company

Dear Sir/Madam

Thank you for your letter dated 16th September 2022 in connection with the Lucan to City Centre Core Bus Corridor Scheme (the Proposed Scheme) and confirmation of Torcross Unlimited Company's ownership.

We would be happy to arrange a Teams meeting at your earliest convenience to discuss the concerns raised in your letter. In the meantime, we provide the following responses to each of the points raised.

1. The extent of the proposed land take

The required landtake is estimated as approximately: Permanent – 1700m²; Temporary – 1,300m². The permanent landtake is the minimum required to provide the necessary bus priority measures and cycle tracks for the Proposed Scheme, and the temporary landtake is required as working space to construct the necessary retaining wall / new boundary wall. We would note that the landtake, both permanent and temporary, is restricted to part of the existing side slope between the N4 and the clinic's western car park and does not impact on the car park itself.

2. Operational concerns / curtailment of development opportunities

As noted above, the landtake, both permanent and temporary, is restricted to part of the existing side slope between the N4 and the clinic's western car park; we do not believe this will impact the clinic and the ability to accommodate further expansion.

The potential effects on the significant view of the Liffey Valley in the vicinity of the Hermitage Medical Clinic identified in South Dublin County Development Plan, 2022 - 2026 have been assessed as part of the Environmental Impact Assessment (EIA) for the Proposed Scheme and the impact of the Proposed Scheme on the significant view has been assessed as neutral.

3. Operation concerns

The NTA notes the concerns with regard to the potential for aspergillosis. The nearest works boundary to the clinic itself will be at a distance of approximately 70m. The EIA Report will contain appropriate dust mitigation measures which, subject to statutory approval, the

appointed contractor will implement while the relevant construction works are being undertaken. The NTA will also require the appointed contractor to liaise with the Hermitage Medical Clinic in advance of the commencement of construction works to inform them of the proposed construction management arrangements.

4. Difference in ground levels post CPO

A retaining wall is proposed for the revised property to address the level difference.

5. Security Concerns

The free standing height of the proposed retaining wall when viewed from the proposed cycletrack will be 2.0 metres.

6. Access to the Property

The existing ground maintenance access gate will be retained during the works and post construction.

7. Servicing of Property by public transport / cycle routes

A review of all bus stop locations along the proposed Scheme has been carried in light of the future bus services routing and frequency. The location of both the inbound and outbound bus stops at the N4 Junction 2 are unchanged but both are proposed to be enhanced. In addition, new stops are proposed to serve Liffey Valley Shopping Centre which will be closer to the Hermitage Medical Clinic than the current bus stops and provide an alternative route via Old Lucan Road. We would also note that the proposed two-way cycletrack that runs from N4 Junction 3 to the western end of the Chapelizod Bypass will provide significantly improved cycle access to the clinic.

We trust the above information is helpful and look forward to discussing these with you further in the near future.

Yours Faithfully,

Colin Murdock
On behalf of BusConnects Dublin
National Transport Authority

cc Colin Acton, AECOM

fao Ruadán Kenny
Matheson LLP Solicitors
70 Sir John Rogerson's Quay
Dublin
D02 R296

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

26th October 2022

Plot Reference Numbers: 1010(1).1i & 1010(2).2i

RE: BusConnects Lucan to City Centre Core Bus Corridor Scheme - Compulsory Purchase Order 2022 – Torcross Unlimited Company

Dear Sir/Madam,

Please find enclosed a copy of the following sent to your client, Torcross Unlimited Company, Old Lucan Road, Dublin 20, which your client asked also be sent to you:

- Statutory landowner notice;
- Extracts from the Schedules to the Compulsory Purchase Order describing the location and extent of the impacted lands and/or rights relating to your client;
- 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.

Should you have any queries in relation to the enclosed documentation, please contact:

Colin Murdock, Project Manager BusConnects
E: colin.murdock@nationaltransport.ie
T: +353 (0)1 902 9624 M :+353 (85) 870 3782

Yours Sincerely,



Aidan Gallagher

Head of Bus Connects Dublin Infrastructure, National Transport Authority

**Torcross Unlimited Company
Old Lucan Road,
Dublin 20,
D20W722**

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: 1010(1).1i, 1010(2).2i

Wednesday 26th October 2022

**RE: Lucan 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 Lucan to City Centre Core Bus Corridor Scheme to An Bord Pleanála and will be submitting the associated application for confirmation of the Lucan 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.

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 buildings themselves will not be directly affected by the CPO. The extents of the CPO are shown on the maps provided.

Further information relating to the Lucan 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 Lucan to City Centre Core Bus Corridor Scheme at:

www.lucanscheme.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,

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

Aidan Gallagher

Head of BusConnects Dublin Infrastructure
National Transport Authority



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

**“Lucan to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2022”**

To: Torcross Unlimited Company

Of: Old Lucan Road,

Dublin 20,

D20W722

Plot List: 1010(1).1i, 1010(2).2i

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 Lucan to City Centre Core Bus Corridor Scheme for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith. The Lucan to City Centre Core Bus Corridors of the CBC Infrastructure Works measures approximately 9.7 km from end to end and is routed along the R835 Lucan Road from its junction with the R136 Ballyowen Road to the roundabout serving the Lucan Retail Park and also the N4 Lucan Road eastbound on-slip. It is then routed via the N4 (passing the Liffey Valley Shopping Centre) as far as Junction 7 (M50) and via the R148 along Palmerstown bypass, Chapelizod bypass, Con Colbert Road, St John's Road West, ending at Frank Sherwin Bridge, where it will join the prevailing traffic management regime on the South Quays, all in the County of Dublin and within the Dublin City Council (DCC) and South Dublin County Council (SDCC) administrative areas.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023.**

4. A copy of the Order and map is also available for inspection and downloading on the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at:
www.lucanscheme.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 **11th day of January 2023**.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023** and at the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at www.lucanscheme.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 **11th day of January 2023**. 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, and 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.

Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022

Dated this Wednesday 26th October 2022.

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

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

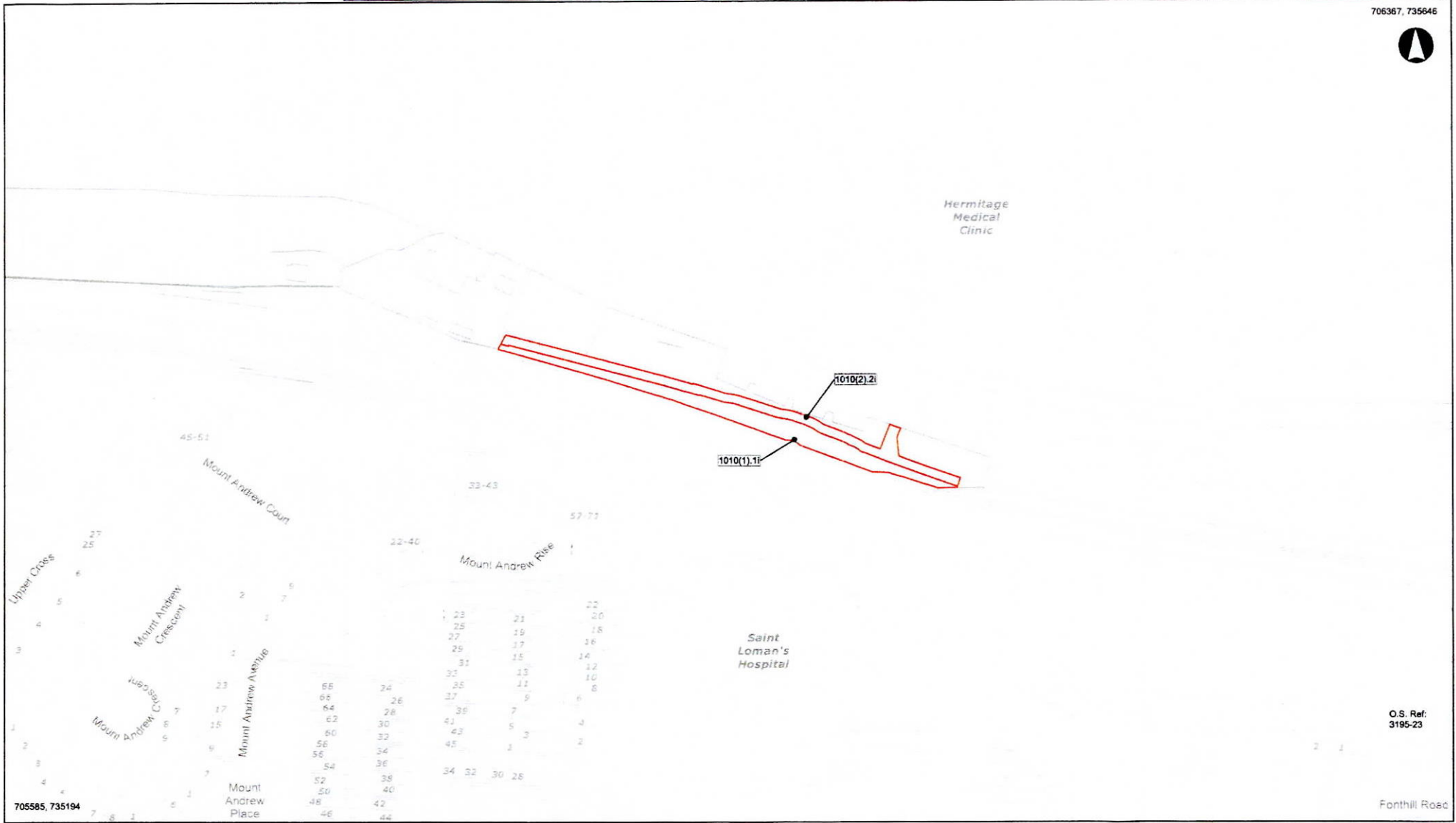
Number on map deposited at NTA	Quantity, Description, and situation of land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
1010(1).1i	Area (Ha): Area (m2): Description: County: Address:	0.17697 1769.7 Community Dublin Woodland to Front of Hermitage Clinic, Lucan, Co. Dublin	Hermitage Clinic Unlimited Company, Old Lucan Road, Dublin 20, D20W722 South Dublin County Council, County Hall, Tallaght, Dublin 24, D24A3XC Torcross Unlimited Company, Old Lucan Road, Dublin 20, D20W722	None	Owner(s) Ervia, Colvill House, 24-26 Talbot Street, Dublin 1, D01NP86

**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
1010(2).2i	Area (Ha): Area (m2): Description: County: Address:	0.14007 1400.7 Community Dublin Woodland to Front of Hermitage Clinic, Lucan, Co. Dublin	Hermitage Clinic Unlimited Company, Old Lucan Road, Dublin 20, D20W722 South Dublin County Council, County Hall, Tallaght, Dublin 24, D24A3XC Torcross Unlimited Company, Old Lucan Road, Dublin 20, D20W722	None	Owner(s) Ervia, Colvill House, 24-26 Talbot Street, Dublin 1, D01NP86



705585, 735194

O.S. Ref:
3195-23

Legend:

- 1001(1).1d **LANDS BEING PERMANENTLY ACQUIRED***
* SCHEDULE PART I (Shaded in Grey)
- 1001(2).2d **LANDS BEING TEMPORARILY ACQUIRED****
** SCHEDULE PART II (Shaded in Grey)
- 1001(1).1e 1001(1).1f **Public rights of way to be extinguished listed in the SCHEDULE PART III (Section A)**
- 1001(2).2e 1001(2).2f **Public rights of way to be restricted or otherwise interfered with listed in the SCHEDULE PART III (Section B)**
- 1001(1).1g **Private rights to be acquired listed in the SCHEDULE PART IV (Section A)**
- 1001(2).2g **Private rights to be restricted or otherwise interfered with listed in the SCHEDULE PART IV (Section B)**
- 1001(1).1h **Private rights to be temporarily restricted or otherwise interfered with listed in the SCHEDULE PART IV (Section C)**

NTA
National Transport Authority
Údarás Náisiúnta Iompair
National Transport Authority

**Lucan to City Centre
Core Bus Corridor Scheme
Compulsory Purchase Order 2022
Land Acquisition Map**

Rev.	Date	Description	Appr.
M01	18/10/22	ISSUED FOR PLANNING APPLICATION	CA

Lands to be Compulsorily Acquired Server Map			
<small>Hermitage Clinic Limited Company, South Dublin County Council, Transport Operator Company</small>			
Designated AD	File Name	Drawing No.	Rev.
Drawn AD	BC/CA-CPO-PDV_SF-0006_JC_00-DR-GG-0006	0006-SM-0006	M01
Checked MB	Scale 1:2000 (A3)		
Approved CA	Date 18/10/22		

National Transport Authority

Privacy Notice for BusConnects Dublin

This Privacy Notice is issued by the National Transport Authority of Dún Scéine, Iveagh Court, Harcourt Lane, Dublin 2 ("NTA", "we", "us", "our").

The BusConnects initiative aims to develop the current bus service network in Dublin to ensure that it can meet increasing public transport needs ("BusConnects Dublin"). In order to build the infrastructure which is required by BusConnects Dublin, it will be necessary for the NTA to acquire certain lands by agreement or by means of compulsory purchase order ("CPO") under section 44(1)(c) of the Dublin Transport Act 2008, as amended.

The purpose of this notice is to inform you of the data relating to you that we may collect and use in connection with any acquisition or potential acquisition of land which is required to deliver BusConnects Dublin (an "Acquisition") and the uses (including disclosures to third parties) we may make of such data.

If you have any questions about our use of your personal data, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Personal Data that we Collect and Process

We will collect and process personal data relating to you that you or other people with an interest in the relevant lands provide to us in connection with an Acquisition. We will also collect and process personal data relating to you from publicly available sources such as the Property Registration Authority of Ireland, Land Registry and the Registry of Deeds.

This personal data may include:

- your name and contact details, including your address, phone number and email address;
- your interest in the lands which may be the subject of an Acquisition (the "Lands") (e.g. owner, reputed owner, occupier, reputed occupier etc.);
- details of the Lands including, for example, spatial location, boundary details and folio number (where applicable);
- where applicable, details of any lease or any other interest in the Lands; and
- any other personal data relating to you that you provide to us or that we generate about you in connection with an Acquisition.

Purposes of Processing and Legal Bases

We will use personal data relating to you for the purposes of:

- a) compiling CPO documentation in order to make the CPO and submit same to An Bord Pleanála for confirmation , in which case the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended; and
 - ii. for compliance with the legal obligation that applies to us under the Housing Act 1966 (as amended) and the Planning and Development Act 2000 (as amended) to detail the lands as well as the owners, lessees and occupiers of those lands in the CPO;
- b) publishing details relating to the relevant CPO in a newspaper, in which case the legal basis is that this is necessary to comply with a legal obligation that applies to us under Article 4(a) of the Third Schedule to the Housing Act 1966 (as amended);
- c) publishing the details relating to the relevant CPO on the NTA's website, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- d) processing submissions received by the NTA from impacted property owners during a consultation process with us, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- e) creating a database to log and manage details of Lands, owners, tenancies, and correspondence and transactions with owners and/or tenants, in which case the legal basis is that this is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- f) making an Acquisition in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- g) corresponding with you, in which case that the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for the performance of our contract with you (in circumstances where an Acquisition will be effected by a contract);

- h) calculating and making payments to you in respect of an Acquisition in which case that the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for compliance with the legal obligations that applies to us under the Housing Act 1966 (as amended) and the Acquisition of Land (Assessment of Compensation) Act 1919 (as amended); and
- i) establishing, exercising or defending legal claims, in which case the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended
 - ii. to comply with our obligations under applicable law, including common law obligations regarding dealing with legal claims.

Recipients of Data

We may disclose your personal data to other people and organisations in connection with the above purposes, including:

- statutory agencies, where required or permitted by law as part of the statutory planning process, including An Bord Pleanála and relevant local authorities;
- outsourced property referencing providers, including the CIÉ Group Property Management department ;
- other third parties who we engage to provide services to us, such as outsourced service providers, IT services providers, professional advisers and auditors;
- other public authorities and bodies where required or permitted by law, such as An Garda Síochána, for the purposes of the prevention, investigation or detection of crime; and
- members of the public where we are required to make information publicly available under applicable law.

Retention

We will not hold your personal data for longer than is necessary. We retain your personal data for as long as we need it for the purposes described in this Notice, or to comply with our obligations under applicable law and, if relevant, to deal with any claim or dispute that might arise between you and us.

The NTA has determined that:

- Compulsory Purchase Order documentation shall be retained for 3 years after completion of all Acquisitions for BusConnects Dublin;
- copies of contracts shall be retained up until all Acquisitions are complete and for 13 years from the expiration of the contract; and
- original contracts shall be retained indefinitely.

Transfers Abroad

In connection with the above, the NTA may transfer your personal data outside the European Economic Area (EEA) to the United Kingdom, which is a jurisdiction that is recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. This is solely for the purposes of the operation of the scheme specific website (and not for direct marketing purposes).

If and to the extent that the NTA transfers your personal data outside of the EEA to any jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. These may include entering into a contract governing the transfer that contains the 'standard contractual clauses' approved for this purpose by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us at privacy@nationaltransport.ie.

Your rights

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- ***Right to access the data*** - You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- ***Right to rectification*** - You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- ***Right to erasure*** - You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- ***Right to restriction of processing or to object to processing*** - You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- ***Right to data portability*** - You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

Please note that these rights are not absolute, and are subject to certain restrictions and exemptions. For example, the right to erasure of personal data will not apply where we have a legitimate interest to hold such data and we may continue to process your personal data, despite an objection by you, where we have compelling legitimate grounds for the processing which override your interests, rights and freedoms.

If you wish to exercise any of the rights set out above, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Updates

We may occasionally update this policy. We encourage you to periodically review this policy for the latest information on our privacy practices at www.busconnects.ie.

Complaints

If you are not happy with the way we are using your personal data or how we facilitate your rights or comply with our obligations under applicable data protection law, you have the right to make a complaint to the Data Protection Commission by using the online web-form available here: <https://forms.dataprotection.ie/contact>

fao Ruadán Kenny

Matheson LLP Solicitors
70 Sir John Rogerson's Quay
Dublin
D02 R296

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

26th October 2022

Plot Reference Number: 1013(1).1f

RE: BusConnects Lucan to City Centre Core Bus Corridor Scheme - Compulsory Purchase Order 2022 – Torcross Unlimited Company

Dear Sir/Madam,

Please find enclosed a copy of the following sent to your client, Torcross Unlimited Company, Old Lucan Road, Dublin 20, which your client asked also be sent to you:

- Statutory landowner notice;
- Extracts from the Schedules to the Compulsory Purchase Order describing the location and extent of the impacted lands and/or rights relating to your client;
- 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.

Should you have any queries in relation to the enclosed documentation, please contact:

Colin Murdock, Project Manager BusConnects

E: colin.murdock@nationaltransport.ie

T: +353 (0)1 902 9624 M :+353 (85) 870 3782

Yours Sincerely,



Aidan Gallagher

Head of Bus Connects Dublin Infrastructure, National Transport Authority

**Torcross Unlimited Company
Old Lucan Road,
Dublin 20,
D20W722**

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: 1013(1).1f

Wednesday 26th October 2022

**RE: Lucan 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 Lucan to City Centre Core Bus Corridor Scheme to An Bord Pleanála and will be submitting the associated application for confirmation of the Lucan 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.

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 buildings themselves will not be directly affected by the CPO. The extents of the CPO are shown on the maps provided.

Further information relating to the Lucan 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 Lucan to City Centre Core Bus Corridor Scheme at:

www.lucanscheme.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,

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

Aidan Gallagher

Head of BusConnects Dublin Infrastructure
National Transport Authority



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

**“Lucan to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2022”**

To: Torcross Unlimited Company
Of: Old Lucan Road,
Dublin 20,
D20W722

Plot List: 1013(1).1f

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 Lucan to City Centre Core Bus Corridor Scheme for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith. The Lucan to City Centre Core Bus Corridors of the CBC Infrastructure Works measures approximately 9.7 km from end to end and is routed along the R835 Lucan Road from its junction with the R136 Ballyowen Road to the roundabout serving the Lucan Retail Park and also the N4 Lucan Road eastbound on-slip. It is then routed via the N4 (passing the Liffey Valley Shopping Centre) as far as Junction 7 (M50) and via the R148 along Palmerstown bypass, Chapelizod bypass, Con Colbert Road, St John's Road West, ending at Frank Sherwin Bridge, where it will join the prevailing traffic management regime on the South Quays, all in the County of Dublin and within the Dublin City Council (DCC) and South Dublin County Council (SDCC) administrative areas.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023.**

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

www.lucanscheme.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 **11th day of January 2023**.

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:

<p>National Transport Authority Dún Scéine Harcourt Lane Dublin 2D02 WT20</p> <p>Opening Hours Monday to Friday 09:15 to 16:00</p>

<p>An Bord Pleanála 64 Marlborough Street Dublin 1 D01 V902</p> <p>Opening Hours Monday to Friday 09:15 to 17:30</p>

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023** and at the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at www.lucanscheme.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 **11th day of January 2023**. 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, and 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.

Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022

Dated this Wednesday 26th October 2022.

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

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

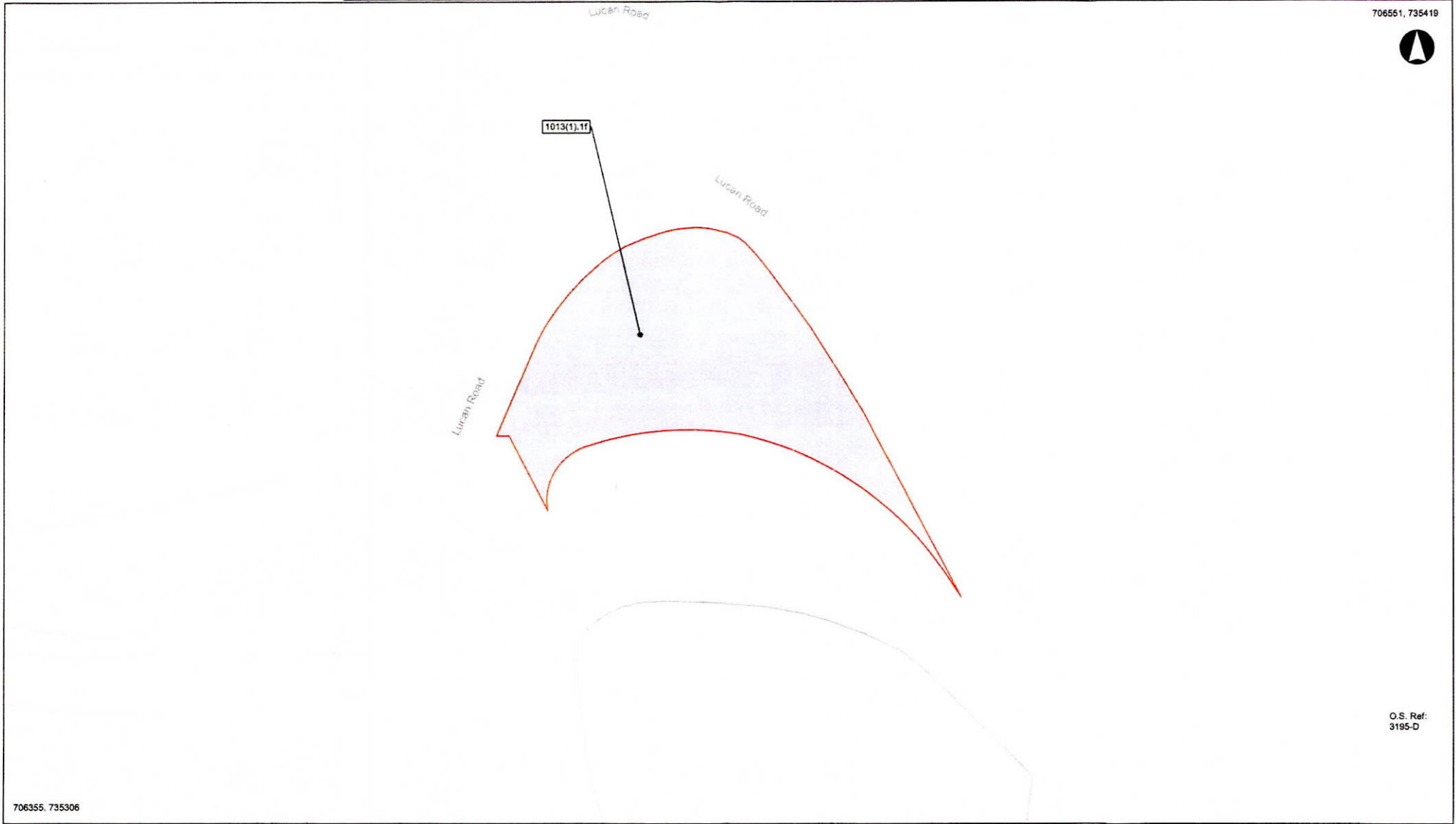
Number on map deposited at NTA	Quantity, Description, and situation of land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
1013(1).1f	Area (Ha): Area (m2): Description: County: Address:	0.11297 1129.7 Recreational Dublin Green area adjacent to Hermitage Medical Centre Entrance, Fonthill, Co. Dublin	Barkhill Ltd., 21 Lavitt's Quay, Co. Cork, T12HYT9 Marese Limited, One Royal Canal House, Royal Canal Park, Dublin 15 South Dublin County Council, County Hall, Tallaght, Dublin 24, D24A3XC	None	Owner(s) Ervia, Colvill House, 24-26 Talbot Street, Dublin 1, D01NP86

**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
1013(1).1f (cont'd)	Area (Ha): Area (m2): Description: County: Address:	0.11297 1129.7 Recreational Dublin Green area adjacent to Hermitage Medical Centre Entrance, Fonthill, Co. Dublin	Torcross Unlimited Company, Old Lucan Road, Dublin 20, D20W722		



706355, 735306

O.S. Ref:
3195-D

Legend:

LANDS BEING PERMANENTLY ACQUIRED* 1001(1).1d * SCHEDULE PART I (Shaded in Grey)	LANDS BEING TEMPORARILY ACQUIRED** 1001(2).2d **SCHEDULE PART II (Shaded in Grey)	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)
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NTA
National Transport Authority
Údarás Náisiúnta Iompair
National Transport Authority

**Lucan to City Centre
Core Bus Corridor Scheme
Compulsory Purchase Order 2022
Land Acquisition Map**

Rev.	Date	Description	Appr.
M01	18/10/22	ISSUED FOR PLANNING APPLICATION	CA

Lands to be Compulsorily Acquired Server Map
MapScale 1:50,000. MapData: Ordnance Survey, Geo-Data, County Councils, Ordnance Survey, Ordnance Survey

Designed: AD	File Name	Drawing No.	Rev.
Drawn: AD	BCDA-CPO-PDV_SP-0006_XX_00-DR-GG-0010	0008-SM-0010	M01
Checked: MB	Scale: 1:500 (A3)		
Approved: CA	Date: 18/10/22		

National Transport Authority

Privacy Notice for BusConnects Dublin

This Privacy Notice is issued by the National Transport Authority of Dún Scéine, Iveagh Court, Harcourt Lane, Dublin 2 ("NTA", "we", "us", "our").

The BusConnects initiative aims to develop the current bus service network in Dublin to ensure that it can meet increasing public transport needs ("**BusConnects Dublin**"). In order to build the infrastructure which is required by BusConnects Dublin, it will be necessary for the NTA to acquire certain lands by agreement or by means of compulsory purchase order ("CPO") under section 44(1)(c) of the Dublin Transport Act 2008, as amended.

The purpose of this notice is to inform you of the data relating to you that we may collect and use in connection with any acquisition or potential acquisition of land which is required to deliver BusConnects Dublin (an "Acquisition") and the uses (including disclosures to third parties) we may make of such data.

If you have any questions about our use of your personal data, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Personal Data that we Collect and Process

We will collect and process personal data relating to you that you or other people with an interest in the relevant lands provide to us in connection with an Acquisition. We will also collect and process personal data relating to you from publicly available sources such as the Property Registration Authority of Ireland, Land Registry and the Registry of Deeds.

This personal data may include:

- your name and contact details, including your address, phone number and email address;
- your interest in the lands which may be the subject of an Acquisition (the "Lands") (e.g. owner, reputed owner, occupier, reputed occupier etc.);
- details of the Lands including, for example, spatial location, boundary details and folio number (where applicable);
- where applicable, details of any lease or any other interest in the Lands; and
- any other personal data relating to you that you provide to us or that we generate about you in connection with an Acquisition.

Purposes of Processing and Legal Bases

We will use personal data relating to you for the purposes of:

- a) compiling CPO documentation in order to make the CPO and submit same to An Bord Pleanála for confirmation , in which case the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended; and
 - ii. for compliance with the legal obligation that applies to us under the Housing Act 1966 (as amended) and the Planning and Development Act 2000 (as amended) to detail the lands as well as the owners, lessees and occupiers of those lands in the CPO;
- b) publishing details relating to the relevant CPO in a newspaper, in which case the legal basis is that this is necessary to comply with a legal obligation that applies to us under Article 4(a) of the Third Schedule to the Housing Act 1966 (as amended);
- c) publishing the details relating to the relevant CPO on the NTA's website, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- d) processing submissions received by the NTA from impacted property owners during a consultation process with us, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- e) creating a database to log and manage details of Lands, owners, tenancies, and correspondence and transactions with owners and/or tenants, in which case the legal basis is that this is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- f) making an Acquisition in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- g) corresponding with you, in which case that the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for the performance of our contract with you (in circumstances where an Acquisition will be effected by a contract);

- h) calculating and making payments to you in respect of an Acquisition in which case that the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for compliance with the legal obligations that applies to us under the Housing Act 1966 (as amended) and the Acquisition of Land (Assessment of Compensation) Act 1919 (as amended); and
- i) establishing, exercising or defending legal claims, in which case the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended
 - ii. to comply with our obligations under applicable law, including common law obligations regarding dealing with legal claims.

Recipients of Data

We may disclose your personal data to other people and organisations in connection with the above purposes, including:

- statutory agencies, where required or permitted by law as part of the statutory planning process, including An Bord Pleanála and relevant local authorities;
- outsourced property referencing providers, including the CIÉ Group Property Management department ;
- other third parties who we engage to provide services to us, such as outsourced service providers, IT services providers, professional advisers and auditors;
- other public authorities and bodies where required or permitted by law, such as An Garda Síochána, for the purposes of the prevention, investigation or detection of crime; and
- members of the public where we are required to make information publicly available under applicable law.

Retention

We will not hold your personal data for longer than is necessary. We retain your personal data for as long as we need it for the purposes described in this Notice, or to comply with our obligations under applicable law and, if relevant, to deal with any claim or dispute that might arise between you and us.

The NTA has determined that:

- Compulsory Purchase Order documentation shall be retained for 3 years after completion of all Acquisitions for BusConnects Dublin;
- copies of contracts shall be retained up until all Acquisitions are complete and for 13 years from the expiration of the contract; and
- original contracts shall be retained indefinitely.

Transfers Abroad

In connection with the above, the NTA may transfer your personal data outside the European Economic Area (EEA) to the United Kingdom, which is a jurisdiction that is recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. This is solely for the purposes of the operation of the scheme specific website (and not for direct marketing purposes).

If and to the extent that the NTA transfers your personal data outside of the EEA to any jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. These may include entering into a contract governing the transfer that contains the 'standard contractual clauses' approved for this purpose by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us at privacy@nationaltransport.ie.

Your rights

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- ***Right to access the data*** - You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- ***Right to rectification*** - You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- ***Right to erasure*** - You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- ***Right to restriction of processing or to object to processing*** - You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- ***Right to data portability*** - You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

Please note that these rights are not absolute, and are subject to certain restrictions and exemptions. For example, the right to erasure of personal data will not apply where we have a legitimate interest to hold such data and we may continue to process your personal data, despite an objection by you, where we have compelling legitimate grounds for the processing which override your interests, rights and freedoms.

If you wish to exercise any of the rights set out above, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Updates

We may occasionally update this policy. We encourage you to periodically review this policy for the latest information on our privacy practices at www.busconnects.ie.

Complaints

If you are not happy with the way we are using your personal data or how we facilitate your rights or comply with our obligations under applicable data protection law, you have the right to make a complaint to the Data Protection Commission by using the online web-form available here: <https://forms.dataprotection.ie/contact>

Torcross Unlimited Company
Old Lucan Road,
Dublin 20,
D20W722



27 OCT 2022

Chief Executive Office
RECEIVED



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

Dún Scéine, Harcourt Lane
Dublin 2, D02 WT20

t 01 879 8300

info@nationaltransport.ie
www.nationaltransport.ie

Plot List: 1010(1).1i, 1010(2).2i

Wednesday 26th October 2022

RE: Lucan 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 Lucan to City Centre Core Bus Corridor Scheme to An Bord Pleanála and will be submitting the associated application for confirmation of the Lucan 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.

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 buildings themselves will not be directly affected by the CPO. The extents of the CPO are shown on the maps provided.

Further information relating to the Lucan 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 Lucan to City Centre Core Bus Corridor Scheme at:

www.lucanscheme.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



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

**“Lucan to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2022”**

To: Torcross Unlimited Company

Of: Old Lucan Road,

Dublin 20,

D20W722

Plot List: 1010(1).1i, 1010(2).2i

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 Lucan to City Centre Core Bus Corridor Scheme for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith. The Lucan to City Centre Core Bus Corridors of the CBC Infrastructure Works measures approximately 9.7 km from end to end and is routed along the R835 Lucan Road from its junction with the R136 Ballyowen Road to the roundabout serving the Lucan Retail Park and also the N4 Lucan Road eastbound on-slip. It is then routed via the N4 (passing the Liffey Valley Shopping Centre) as far as Junction 7 (M50) and via the R148 along Palmerstown bypass, Chapelizod bypass, Con Colbert Road, St John's Road West, ending at Frank Sherwin Bridge, where it will join the prevailing traffic management regime on the South Quays, all in the County of Dublin and within the Dublin City Council (DCC) and South Dublin County Council (SDCC) administrative areas.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023.**

4. A copy of the Order and map is also available for inspection and downloading on the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at:
www.lucanscheme.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 **11th day of January 2023**.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023** and at the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at www.lucanscheme.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 **11th day of January 2023**. 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, and 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 Wednesday 26th October 2022.

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

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

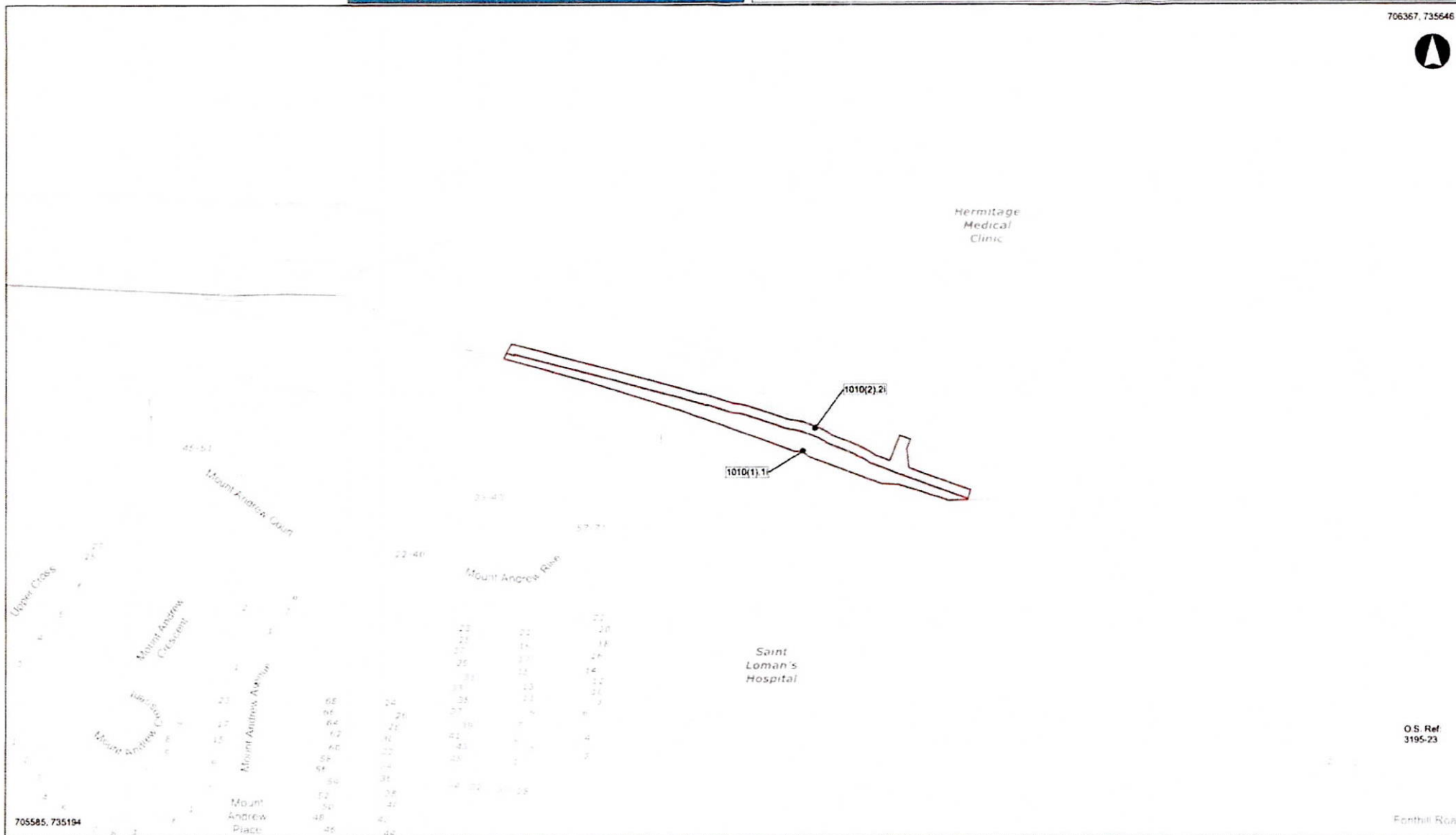
Number on map deposited at NTA	Quantity, Description, and situation of land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
1010(1).ii	Area (Ha): Area (m2): Description: County: Address:	0.17697 1769.7 Community Dublin Woodland to Front of Hermitage Clinic, Lucan, Co. Dublin	Hermitage Clinic Unlimited Company, Old Lucan Road, Dublin 20, D20W722 South Dublin County Council, County Hall, Tallaght, Dublin 24, D24A3XC Torcross Unlimited Company, Old Lucan Road, Dublin 20, D20W722	None	Owner(s) Ervia, Colvill House, 24-26 Talbot Street, Dublin 1, D01NP86

**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
1010(2).2i	Area (Ha): Area (m2): Description: County: Address:	0.14007 1400.7 Community Dublin Woodland to Front of Hermitage Clinic, Lucan, Co. Dublin	Hermitage Clinic Unlimited Company, Old Lucan Road, Dublin 20, D20W722 South Dublin County Council, County Hall, Tallaght, Dublin 24, D24A3XC Torcross Unlimited Company, Old Lucan Road, Dublin 20, D20W722	None	Owner(s) Ervia, Colvill House, 24-26 Talbot Street, Dublin 1, D01NP86



705585, 735194

O.S. Ref
3195-23

Fonthill Road

Legend:

LANDS BEING PERMANENTLY ACQUIRED* * SCHEDULE PART I (Shaded in Grey)	LANDS BEING TEMPORARILY ACQUIRED** ** SCHEDULE PART II (Shaded in Grey)	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)
1001(1).1d	1001(2).2d					

NTA
National Transport Authority
Údarás Náisiúnta Iompair
National Transport Authority

**Lucan to City Centre
Core Bus Corridor Scheme
Compulsory Purchase Order 2022
Land Acquisition Map**

Rev	Date	Description	Appr
M01	18/10/22	ISSUED FOR PLANNING APPLICATION	CA

Lands to be Compulsorily Acquired Server Map			
Designed AD	File Name	Drawing No	Rev
Drawn AD	NCEA-CPO-PDR_SP-0006_XE_00-DR-GG-0008	0006-EM-0008	M01
Checked MB	Scale	1:2000 (A3)	
Approved CA	Date	18/10/22	

National Transport Authority

Privacy Notice for BusConnects Dublin

This Privacy Notice is issued by the National Transport Authority of Dún Scéine, Iveagh Court, Harcourt Lane, Dublin 2 ("NTA", "we", "us", "our").

The BusConnects initiative aims to develop the current bus service network in Dublin to ensure that it can meet increasing public transport needs ("**BusConnects Dublin**"). In order to build the infrastructure which is required by BusConnects Dublin, it will be necessary for the NTA to acquire certain lands by agreement or by means of compulsory purchase order ("CPO") under section 44(1)(c) of the Dublin Transport Act 2008, as amended.

The purpose of this notice is to inform you of the data relating to you that we may collect and use in connection with any acquisition or potential acquisition of land which is required to deliver BusConnects Dublin (an "**Acquisition**") and the uses (including disclosures to third parties) we may make of such data.

If you have any questions about our use of your personal data, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Personal Data that we Collect and Process

We will collect and process personal data relating to you that you or other people with an interest in the relevant lands provide to us in connection with an Acquisition. We will also collect and process personal data relating to you from publicly available sources such as the Property Registration Authority of Ireland, Land Registry and the Registry of Deeds.

This personal data may include:

- your name and contact details, including your address, phone number and email address;
- your interest in the lands which may be the subject of an Acquisition (the "**Lands**") (e.g. owner, reputed owner, occupier, reputed occupier etc.);
- details of the Lands including, for example, spatial location, boundary details and folio number (where applicable);
- where applicable, details of any lease or any other interest in the Lands; and
- any other personal data relating to you that you provide to us or that we generate about you in connection with an Acquisition.

Purposes of Processing and Legal Bases

We will use personal data relating to you for the purposes of:

- a) compiling CPO documentation in order to make the CPO and submit same to An Bord Pleanála for confirmation , in which case the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended; and
 - ii. for compliance with the legal obligation that applies to us under the Housing Act 1966 (as amended) and the Planning and Development Act 2000 (as amended) to detail the lands as well as the owners, lessees and occupiers of those lands in the CPO;
- b) publishing details relating to the relevant CPO in a newspaper, in which case the legal basis is that this is necessary to comply with a legal obligation that applies to us under Article 4(a) of the Third Schedule to the Housing Act 1966 (as amended);
- c) publishing the details relating to the relevant CPO on the NTA's website, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- d) processing submissions received by the NTA from impacted property owners during a consultation process with us, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- e) creating a database to log and manage details of Lands, owners, tenancies, and correspondence and transactions with owners and/or tenants, in which case the legal basis is that this is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- f) making an Acquisition in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- g) corresponding with you, in which case that the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for the performance of our contract with you (in circumstances where an Acquisition will be effected by a contract);

- h) calculating and making payments to you in respect of an Acquisition in which case that the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for compliance with the legal obligations that applies to us under the Housing Act 1966 (as amended) and the Acquisition of Land (Assessment of Compensation) Act 1919 (as amended); and
- i) establishing, exercising or defending legal claims, in which case the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended
 - ii. to comply with our obligations under applicable law, including common law obligations regarding dealing with legal claims.

Recipients of Data

We may disclose your personal data to other people and organisations in connection with the above purposes, including:

- statutory agencies, where required or permitted by law as part of the statutory planning process, including An Bord Pleanála and relevant local authorities;
- outsourced property referencing providers, including the CIÉ Group Property Management department ;
- other third parties who we engage to provide services to us, such as outsourced service providers, IT services providers, professional advisers and auditors;
- other public authorities and bodies where required or permitted by law, such as An Garda Síochána, for the purposes of the prevention, investigation or detection of crime; and
- members of the public where we are required to make information publicly available under applicable law.

Retention

We will not hold your personal data for longer than is necessary. We retain your personal data for as long as we need it for the purposes described in this Notice, or to comply with our obligations under applicable law and, if relevant, to deal with any claim or dispute that might arise between you and us.

The NTA has determined that:

- Compulsory Purchase Order documentation shall be retained for 3 years after completion of all Acquisitions for BusConnects Dublin;
- copies of contracts shall be retained up until all Acquisitions are complete and for 13 years from the expiration of the contract; and
- original contracts shall be retained indefinitely.

Transfers Abroad

In connection with the above, the NTA may transfer your personal data outside the European Economic Area (EEA) to the United Kingdom, which is a jurisdiction that is recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. This is solely for the purposes of the operation of the scheme specific website (and not for direct marketing purposes).

If and to the extent that the NTA transfers your personal data outside of the EEA to any jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. These may include entering into a contract governing the transfer that contains the 'standard contractual clauses' approved for this purpose by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us at privacy@nationaltransport.ie

Your rights

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- **Right to access the data** - You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- **Right to rectification** - You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- **Right to erasure** - You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- **Right to restriction of processing or to object to processing** - You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- **Right to data portability** - You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

Please note that these rights are not absolute, and are subject to certain restrictions and exemptions. For example, the right to erasure of personal data will not apply where we have a legitimate interest to hold such data and we may continue to process your personal data, despite an objection by you, where we have compelling legitimate grounds for the processing which override your interests, rights and freedoms.

If you wish to exercise any of the rights set out above, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Updates

We may occasionally update this policy. We encourage you to periodically review this policy for the latest information on our privacy practices at www.busconnects.ie.

Complaints

If you are not happy with the way we are using your personal data or how we facilitate your rights or comply with our obligations under applicable data protection law, you have the right to make a complaint to the Data Protection Commission by using the online web-form available here: <https://forms.dataprotection.ie/contact>

Torcross Unlimited Company
Old Lucan Road,
Dublin 20,
D20W722



27 OCT 2022

Chief Executive Office
RECEIVED



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

Dún Sceine, Harcourt Lane
Dublin 2, D02 WT20

t 01 879 8300

info@nationaltransport.ie
www.nationaltransport.ie

Plot List: 1013(1).1f

Wednesday 26th October 2022

RE: **Lucan 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 Lucan to City Centre Core Bus Corridor Scheme to An Bord Pleanála and will be submitting the associated application for confirmation of the Lucan 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.

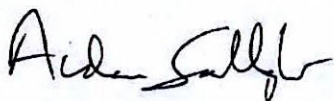
Important Note: Many of you who receive this letter are owners, lessees or occupiers of portions of multi-occupancy buildings, such as apartment buildings. Please note that there is no intention to acquire the building itself. The buildings themselves will not be directly affected by the CPO. The extents of the CPO are shown on the maps provided.

Further information relating to the Lucan 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 Lucan to City Centre Core Bus Corridor Scheme at:

www.lucanscheme.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



Údarás Náisiúnta Iompair
National Transport Authority

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

**“Lucan to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2022”**

To: Torcross Unlimited Company

Of: Old Lucan Road,

Dublin 20,

D20W722

Plot List: 1013(1).1f

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 Lucan to City Centre Core Bus Corridor Scheme for the purposes of facilitating public transport, and together with all ancillary and consequential works associated therewith. The Lucan to City Centre Core Bus Corridors of the CBC Infrastructure Works measures approximately 9.7 km from end to end and is routed along the R835 Lucan Road from its junction with the R136 Ballyowen Road to the roundabout serving the Lucan Retail Park and also the N4 Lucan Road eastbound on-slip. It is then routed via the N4 (passing the Liffey Valley Shopping Centre) as far as Junction 7 (M50) and via the R148 along Palmerstown bypass, Chapelizod bypass, Con Colbert Road, St John's Road West, ending at Frank Sherwin Bridge, where it will join the prevailing traffic management regime on the South Quays, all in the County of Dublin and within the Dublin City Council (DCC) and South Dublin County Council (SDCC) administrative areas.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023.**

4. A copy of the Order and map is also available for inspection and downloading on the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at:
www.lucanscheme.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 **11th day of January 2023**.

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 2D02 WT20**

**Opening Hours
Monday to Friday 09:15 to 16:00**

**An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902**

**Opening Hours
Monday to Friday 09:15 to 17:30**

on working days during the opening hours listed above from **Wednesday 2nd November 2022 to Wednesday 11th January 2023** and at the National Transport Authority website for the Lucan to City Centre Core Bus Corridor Scheme at www.lucanscheme.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 **11th day of January 2023**. 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, and 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 Wednesday 26th October 2022.

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

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

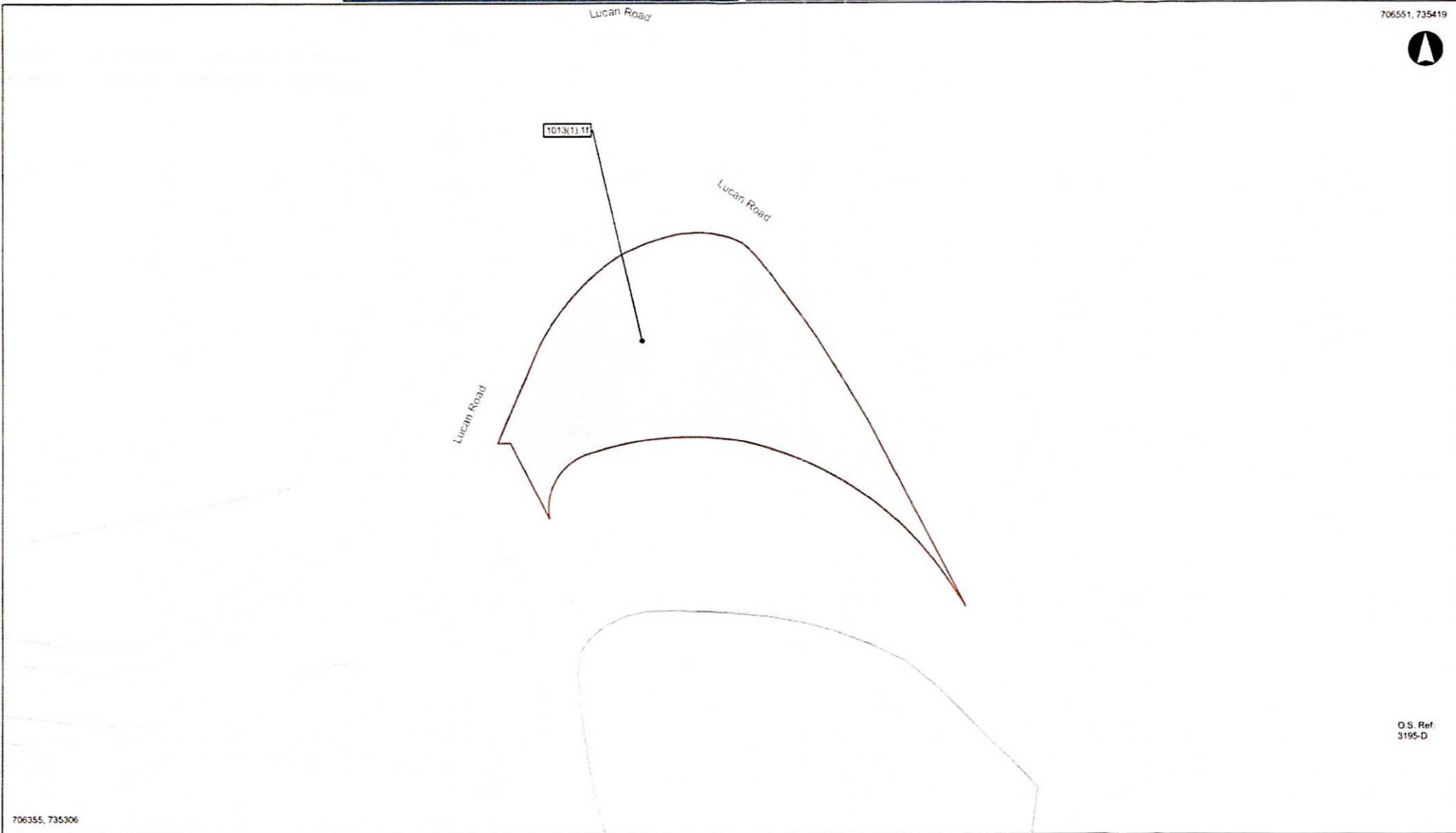
Number on map deposited at NTA	Quantity, Description, and situation of land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
1013(1).1f	Area (Ha): Area (m2): Description: County: Address:	0.11297 1129.7 Recreational Dublin Green area adjacent to Hermitage Medical Centre Entrance, Fonthill, Co. Dublin	Barkhill Ltd., 21 Lavitt's Quay, Co. Cork, T12HYT9 Marese Limited, One Royal Canal House, Royal Canal Park, Dublin 15 South Dublin County Council, County Hall, Tallaght, Dublin 24, D24A3XC	None	Owner(s) Ervia, Colvill House, 24-26 Talbot Street, Dublin 1, D01NP86

**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
1013(1).1f (cont'd)	Area (Ha): Area (m2): Description: County: Address:	0.11297 1129.7 Recreational Dublin Green area adjacent to Hermitage Medical Centre Entrance, Fonthill, Co. Dublin	Torcross Unlimited Company, Old Lucan Road, Dublin 20, D20W722		



706355, 735306


O.S. Ref.
3195-D

Legend:

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

1001(1).1d

1001(2).2d



National Transport Authority
 Údarás Náisiúnta Iompair
 National Transport Authority

**Lucan to City Centre
 Core Bus Corridor Scheme
 Compulsory Purchase Order 2022
 Land Acquisition Map**

Rev	Date	Description	Appr
MIT	18/10/22	ISSUED FOR PLANNING APPLICATION	CA

Lands to be Compulsorily Acquired Server Map			
Designed: AD	File Name	Drawing No	Rev
Drawn: AD	BCCA-CPO-PDV_5P-0008_KL_20-EM-GG-0010	0008-EM-0010	MD1
Checked: MS	Scale: 1:500 (A3)		
Approved: CA	Date: 18/10/22		

National Transport Authority

Privacy Notice for BusConnects Dublin

This Privacy Notice is issued by the National Transport Authority of Dún Scéine, Iveagh Court, Harcourt Lane, Dublin 2 ("NTA", "we", "us", "our").

The BusConnects initiative aims to develop the current bus service network in Dublin to ensure that it can meet increasing public transport needs ("BusConnects Dublin"). In order to build the infrastructure which is required by BusConnects Dublin, it will be necessary for the NTA to acquire certain lands by agreement or by means of compulsory purchase order ("CPO") under section 44(1)(c) of the Dublin Transport Act 2008, as amended.

The purpose of this notice is to inform you of the data relating to you that we may collect and use in connection with any acquisition or potential acquisition of land which is required to deliver BusConnects Dublin (an "Acquisition") and the uses (including disclosures to third parties) we may make of such data.

If you have any questions about our use of your personal data, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Personal Data that we Collect and Process

We will collect and process personal data relating to you that you or other people with an interest in the relevant lands provide to us in connection with an Acquisition. We will also collect and process personal data relating to you from publicly available sources such as the Property Registration Authority of Ireland, Land Registry and the Registry of Deeds.

This personal data may include:

- your name and contact details, including your address, phone number and email address;
- your interest in the lands which may be the subject of an Acquisition (the "Lands") (e.g. owner, reputed owner, occupier, reputed occupier etc.);
- details of the Lands including, for example, spatial location, boundary details and folio number (where applicable);
- where applicable, details of any lease or any other interest in the Lands; and
- any other personal data relating to you that you provide to us or that we generate about you in connection with an Acquisition.

Purposes of Processing and Legal Bases

We will use personal data relating to you for the purposes of:

- a) compiling CPO documentation in order to make the CPO and submit same to An Bord Pleanála for confirmation , in which case the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended; and
 - ii. for compliance with the legal obligation that applies to us under the Housing Act 1966 (as amended) and the Planning and Development Act 2000 (as amended) to detail the lands as well as the owners, lessees and occupiers of those lands in the CPO;
- b) publishing details relating to the relevant CPO in a newspaper, in which case the legal basis is that this is necessary to comply with a legal obligation that applies to us under Article 4(a) of the Third Schedule to the Housing Act 1966 (as amended);
- c) publishing the details relating to the relevant CPO on the NTA's website, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- d) processing submissions received by the NTA from impacted property owners during a consultation process with us, in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008 (as amended);
- e) creating a database to log and manage details of Lands, owners, tenancies, and correspondence and transactions with owners and/or tenants, in which case the legal basis is that this is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- f) making an Acquisition in which case the legal basis is that it is necessary for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
- g) corresponding with you, in which case that the legal bases are that it is necessary:
 - i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for the performance of our contract with you (in circumstances where an Acquisition will be effected by a contract);

- h) calculating and making payments to you in respect of an Acquisition in which case that the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended;
 - ii. for compliance with the legal obligations that applies to us under the Housing Act 1966 (as amended) and the Acquisition of Land (Assessment of Compensation) Act 1919 (as amended); and
- i) establishing, exercising or defending legal claims, in which case the legal bases are that it is necessary:
- i. for the performance of tasks that we carry out in the public interest and the exercise of official authority vested in us by law, including Section 44(1)(c) of the Dublin Transport Authority Act 2008, as amended
 - ii. to comply with our obligations under applicable law, including common law obligations regarding dealing with legal claims.

Recipients of Data

We may disclose your personal data to other people and organisations in connection with the above purposes, including:

- statutory agencies, where required or permitted by law as part of the statutory planning process, including An Bord Pleanála and relevant local authorities;
- outsourced property referencing providers, including the CIÉ Group Property Management department ;
- other third parties who we engage to provide services to us, such as outsourced service providers, IT services providers, professional advisers and auditors;
- other public authorities and bodies where required or permitted by law, such as An Garda Síochána, for the purposes of the prevention, investigation or detection of crime; and
- members of the public where we are required to make information publicly available under applicable law.

Retention

We will not hold your personal data for longer than is necessary. We retain your personal data for as long as we need it for the purposes described in this Notice, or to comply with our obligations under applicable law and, if relevant, to deal with any claim or dispute that might arise between you and us.

The NTA has determined that:

- Compulsory Purchase Order documentation shall be retained for 3 years after completion of all Acquisitions for BusConnects Dublin;
- copies of contracts shall be retained up until all Acquisitions are complete and for 13 years from the expiration of the contract; and
- original contracts shall be retained indefinitely.

Transfers Abroad

In connection with the above, the NTA may transfer your personal data outside the European Economic Area (EEA) to the United Kingdom, which is a jurisdiction that is recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. This is solely for the purposes of the operation of the scheme specific website (and not for direct marketing purposes).

If and to the extent that the NTA transfers your personal data outside of the EEA to any jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. These may include entering into a contract governing the transfer that contains the 'standard contractual clauses' approved for this purpose by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us at privacy@nationaltransport.ie.

Your rights

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- ***Right to access the data*** - You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- ***Right to rectification*** - You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- ***Right to erasure*** - You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- ***Right to restriction of processing or to object to processing*** - You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.
- ***Right to data portability*** - You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.

Please note that these rights are not absolute, and are subject to certain restrictions and exemptions. For example, the right to erasure of personal data will not apply where we have a legitimate interest to hold such data and we may continue to process your personal data, despite an objection by you, where we have compelling legitimate grounds for the processing which override your interests, rights and freedoms.

If you wish to exercise any of the rights set out above, please contact us at privacy@nationaltransport.ie or you can contact our Data Protection Officer at privacy@nationaltransport.ie.

Updates

We may occasionally update this policy. We encourage you to periodically review this policy for the latest information on our privacy practices at www.busconnects.ie.

Complaints

If you are not happy with the way we are using your personal data or how we facilitate your rights or comply with our obligations under applicable data protection law, you have the right to make a complaint to the Data Protection Commission by using the online web-form available here: <https://forms.dataprotection.ie/contact>

Matheson LLP
Solicitors
70 Sir John Rogerson's Quay
Dublin 2 Ireland
D02 R296

Matheson

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W www.matheson.com DX 2 Dublin

FAO Colin Acton
BusConnects Core Bus Corridors
National Transport Authority
Dun Scéine
Iveagh Court
Harcourt Lane
Dublin 2
D02 WT20
By Registered Post
By Email property@busconnects.ie

Our ref
NDU/RK/671752/2

10 November 2022

Dear National Transport Authority

BusConnects Lucan to City Centre Corridor | Proposed CPO of land owned by Torcross Unlimited Company

We refer to your letter of 10 October 2022 and the responses provided in respect of the seven issues of concern to Torcross which were identified in our letter of 16 September 2022.

Torcross welcomes NTA's offer of a meeting to discuss Torcross' concerns and confirms that it wishes to meet with NTA. In order for that meeting to be as productive as possible, Torcross requests that NTA provide the following information / confirmations by return (using the same numbering as our letter of 16 September 2022), arising from NTA's letter of 10 October.

1. The extent of the proposed land take

Torcross reserves its position in respect of NTA's position that "*the permanent landtake is the minimum required to provide the necessary bus priority measures and cycle tracks for the Proposed Scheme, and the temporary landtake is required as working space to construct the necessary retaining wall / new boundary wall.*"

In order for Torcross to verify the areas of the permanent and temporary CPOs, please provide a CAD file of the NTA's survey drawing and CPO areas.

2. Operational concerns | curtailment of development opportunities at Property

Please clarify the basis upon which the potential effects of the Corridor (referenced as the "*Proposed Scheme*" in your letter) on the significant view of the Liffey Valley in the vicinity of the

Managing Partner: Michael Jackson - Chairperson: Tara Doyle - Partners: Sharon Daly, Ruth Hunter, Tony O'Grady, Anne-Marie Bohan, Patrick Spicer, Turlough Galvin, Patrick Molloy, George Brady, Robert O'Shea, Joseph Beasheal, Dualta Counihan, Deirdre Dunne, Fergus Bolster, Christian Donagh, Bryan Dunne, Shane Hogan, Nicola Dunleavy, Julie Murphy-O'Connor, Mark O'Sullivan, Brian Doran, John Gill, Joe Duffy, Pat English, Shay Lydon, Aidan Fahy, Niamh Counihan, Gerry Thornton, Liam Collins, Darren Maher, Michael Byrne, Philip Lovegrove, Rebecca Ryan, Catherine O'Meara, Elizabeth Grace, Alan Keating, Alma Campion, Brendan Colgan, Garret Farreily, Rhona Henry, April McClements, Gráinne Dever, Oisín McClenaghan, Rory McPhillips, Michelle Ridge, Sally-Anne Stone, Matthew Broadstock, Emma Doherty, Leonie Dunne, Stuart Kennedy, Brian McCloskey, Madeline McDonnell, Barry O'Connor, Donal O'Donovan, Karen Reynolds, Kevin Smith, Michael Hastings, Barry McGettrick, Kate McKenna, Donal O'Byrne, David O'Mahony, Russell Rochford, Gráinne Callanan, Geraldine Carr, Brian Doohan, Richard Kelly, Yvonne McWeeney, Mairéad Ní Ghabháin, Vahan Tchakian, Kieran Trant, Deirdre Crowley, Philip Tully, David Jones, Kimberley Masuda, Susanne McMenamin, David Fitzgibbon, Cillian O'Boyle, Angela Brennan, Louise Dobbryn, Catriona Cole, Paul Carroll, Stephen Gardiner, Caroline Austin, Sandra Lord, Caroline Kearns, Rory O'Keeffe, Davinia Brennan, Tomás Bailey, Ailbhe Dennehy, William Foot, Kevin Gahan, Anthony Gaskin, Sarah Jayne Hanna, Elaine Long, Vincent McConnon, Justine Sayers, Sean Scally, Calum Warren, Daniel Peart, Carlo Salizzo, Karen Sheil, Niall Collins, Niamh Mulholland, Maireadh Dale. - Tax Principal: Catherine Galvin - Senior Tax Principal: John Ryan
General Counsel: Dermot Powell

Hermitage Medical Clinic identified in South Dublin County Development Plan, 2022 – 2026 have been assessed as "neutral".

3. Operational concerns

NTA's proposal that "the NTA will also require the appointed contractor to liaise with the Hermitage Medical Clinic in advance of the commencement of construction works to inform them of the proposed construction management arrangements" is not sufficient to address concerns about the critical issue of compliance with the *National Guidelines for the Prevention of Nosocomial Aspergillosis*. Any incidents of dust over the acceptable limits could have very serious consequences for the Clinic and for patient welfare. A requirement for advance liaison is wholly insufficient.

Torcross has inspected the EIAR submission as lodged with An Bord Pleanála (Reg. Ref. 313182) in particular Chapters 07, 11, 22, 23 and Appendix A21.2. There is no reference to Nosocomial Aspergillosis.

Accordingly, Torcross requests that the NTA now provide its written procedures for: (i) mandatory practices that will be followed to avoid impact on the operations of the Hermitage Clinic; (ii) dust control protocols; (iii) monitoring protocols including monitoring for PM10; (iv) real time early warning system; (v) trigger values and (vi) remedial actions to be taken (including suspension of works) if excessive dust is detected.

4. Difference in ground levels post CPO and 5. Retaining wall and security concerns

Please provide the following information:

- (i) How the freestanding height of the retaining wall (2.0 metres from the proposed cycletrack) was calculated?
- (ii) Is the retaining wall proposed for the temporary or permanent CPO?
- (iii) What is the proposed finish to the retaining wall?
- (iv) What height railings are proposed for the top of the wall?
- (v) What screen planting will be reinstated by the NTA?

7. Servicing of Property by public transport / cycle routes

Torcross notes the NTA's response in respect of this issue. As set out in the submission of 1 December 2020, direct public transport to the Property should be a consideration for the NTA. If a suitable drop-off / location for a bus stop can be provided on the Property, would NTA be willing to direct bus routes through the Property?

8. Additional query | Future interface with proposed Metro West

Please confirm the provisions being made by NTA for future interface and alignment between the Corridor and Metro West. In this regard, Torcross has noted the indicative alignment as shown on Map 2 South Dublin County Council Development Plan 2022-2028 and the reference at 7.6.2 of the Plan that "The Council will continue to engage with the NTA, having regard to the NTA's Transport Strategy for the Greater Dublin Area 2016-2035, as updated to 2042, regarding

public transport options for Dublin south-west including the feasibility of Metro and / or Luas to serve the area"

We look forward to hearing from you in respect of the above queries in advance of the meeting.

Torcross suggests that if NTA can provide this information by 25 November 2022, a meeting could be arranged in the week beginning 12 December 2022.

Torcross reserves all rights, including the right to identify additional issues of concern regarding the Corridor.

Yours faithfully

A handwritten signature in blue ink that reads "Matheson". The signature is written in a cursive, flowing style.

MATHESON LLP

Kenny, Ruadhán

From: Colin Murdock <Colin.Murdock@nationaltransport.ie>
Sent: 07 December 2022 14:55
To: Client Reception; Dunleavy, Nicola; Kenny, Ruadhán; david.torpey@matheson.com
Subject: BusConnects Lucan to City Centre Core Bus Corridor FAO Nicola Dunleavy, Ruadhán Kenny & David Torpey
Attachments: BCIDA-ACM-PDV_SB-0006_XX_00-M2-CR-0001_HMC-A1.pdf; BCIDA-ACM-PDV_SB-0006_XX_00-M2-CR-0001_HMC.dwg

Matheson LLP Solicitors
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D02 R296

Ternary Limited
45 Kildare Street
Dublin
D02 EC61

fao Nicola Dunleavy
fao Ruadhán Kenny

fao David Torpey

Your ref: NDU/RK/671752/2

7th December 2022

RE: BusConnects Lucan to City Centre Core Bus Corridor - Property Referencing – Land Owned by Torcross Unlimited Company
[PLOT REFERENCE 1010(1).1i & 1010(2).2i]

Dear Sir/Madam

Thank you for your letter dated 10th November 2022 in connection with the above.

Please note that since our last letter dated 10th October 2022, the National Transport Authority (NTA) has applied under section 51(2) of the Roads Act 1993 (as amended) to An Bord Pleanála ("the Board") for approval in relation to a proposed road development consisting of the construction of the Lucan to City Centre Core Bus Corridor Scheme (the "**Proposed Scheme**"). The application was made to the Board on the 21st October 2022.

Submissions/observations may be made in writing to the Board at An Bord Pleanála (Strategic Infrastructure Division), 64 Marlborough Street, Dublin 1, D01 V902 between Wednesday 02nd November and Wednesday 11th January 2023. Submissions/observations can also be made on the An Bord Pleanála website at the following address: <https://online.pleanala.ie/en-ie/sid/observation>.

An application for confirmation of the associated Compulsory Purchase Order under Section 76 of, and the Third Schedule to, the Housing Act 1966 (as amended) was submitted to the Board on the 27th October 2022. As Torcross Unlimited Company has an interest in lands included in the CPO namely in the above plot reference numbers, a notice was sent to your client on 26th October notifying them of the CPO and that any objection to the order should be made in writing 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 11th day of January 2023.

A copy of all the application documentation may be viewed and downloaded free of charge at:
www.lucanscheme.ie.

We would be happy to arrange a Teams meeting to discuss the concerns raised in your letter. In the meantime, we provide the following responses to each of the points raised (using the same numbering as your letters).

1 **The extents of the proposed land take**

Please see attached AutoCAD and Pdf files of the CPO Plots.

2 **Operational concerns – impact on view of the Liffey Valley**

The basis on which the potential effects of the Proposed Scheme on the view of the Liffey Valley in the vicinity of the Hermitage Medical Clinic have been fully assessed in the Environmental Impact Assessment Report (“EIAR”) and is described as “Negative, Slight and Long-Term “as detailed in Chapter 10 of the EIAR which was submitted to the Board as part of the NTA’s application under section 51(2) of the Roads Act 1993 (as amended) on 21st October 2022.

As you know, the full EIAR can be viewed and downloaded free of charge at www.lucanscheme.ie.

However, in particular, we would draw your attention to the following relevant sections of the EIAR:

- EIAR Chapter 17 Landscape and Visual:
Section **17.3.3.1** identifies SDCC policy NCBH7 which states that *“that development within this designation should be designed and sited to minimise visual impacts and preserve the amenity value of the river valley including its landscape value and views and vistas of the river valley.”*
- Section **17.3.3.1** goes on to note that *“The Development Plan indicates an objective to Protect and Preserve Significant Views from the eastbound lane of the N4 at the N4 / Fonthill Road Junction looking north towards the Liffey Valley, although this is now almost completely screened by roadside tree planting.”*
- In relation to the Construction Phase, Section 17.4.3.2.7 states: *“Views towards the Liffey Valley are identified for protection north from Junction 2 of the N4, Fonthill. Although the designation exists, in reality the views from the N4 towards the valley are almost entirely screened by roadside tree planting therefore sensitivity is low. Works to the Hermitage Medical Clinic will occur in the foreground of the view with the removal of trees potentially opening up views slightly to the north. The proposed works to the junction will be largely to the slip roads and the Construction Compound LU1a will be located on a space between the junction and the Old Lucan Road, and these works will be mostly screened by roadside tree planting. The sensitivity is low and the magnitude of change is low. The potential townscape / streetscape and visual effect of the Construction Phase on Preserved Views / Scenic Views is assessed to be Neutral, Slight and Temporary / Short-Term.”*
- In relation to the operational Phase, Section 17.4.4.2.7 states: *“A view is identified for protection north from N4 at Junction 2, Fonthill, however, the existing view is almost completely screened by roadside tree planting and therefore sensitivity is low. The Proposed Scheme involves modest changes to the junction and reinstatement of verge area used for a Construction Compound. There is potential for a slight opening up of the view with removal of tree planting at the Hermitage Medical Clinic, although the boundary wall will be raised and proposed planting will reinstate this screening over the medium to long-term. The sensitivity is low and the magnitude of change is low. The potential townscape / streetscape and visual effect of the Operational Phase on preserved views / scenic views is assessed to be Neutral, Slight and Short-Term becoming Neutral, Imperceptible, Long-Term.”*

3 **Operational Concerns - Nosocomial Aspergillosis**

In relation to your concern about dust, the EIAR Chapter 5 Construction: section **5.3.1.4** 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. Refer to Chapter 7 (Air Quality) for more information on the dust mitigation measures which will be implemented by the appointed contractor. The expected construction duration will be approximately 18 months.”*

EIAR Chapter 7 Air Quality: the assessment of necessary dust mitigation measures has been undertaken in accordance with the Institute of Air Quality Management (IAQM) guidelines (IAQM, 2014) which outline the assessment criteria for assessing the impact of dust emissions from construction activities based on both receptor sensitivity and the number of receptors affected. Section 7.2.4.4 identifies hospitals as a high sensitivity receptor. Section 7.5.1.1 sets out the dust mitigation measures during the construction phase.

Chapter 11 – Human Health makes direct reference to the Hermitage Clinic and the perceived risk of Nosocomial Aspergillosis (Please see Section 11.4.3.4). In this section, the risk has been deemed as negative, not significant and short-term, based on the nature of the proposed construction works, the duration of the works and the proposed mitigation measures for dust suppression in this area during the construction stage.

Should an approval under section 51 of the Roads Act 1993 (as amended) for the Proposed Scheme be granted, in order to address the concerns raised in respect of Nosocomial Aspergillosis the construction contract documents will include appropriate mandatory practices to be followed by the contractor, who will also be required to liaise with the Hermitage Medical Clinic in advance of the commencement of construction works to inform them of the proposed construction management arrangements, refer to Table 5.2 in the Construction Environmental Management Plan (CEMP), <https://lucanscheme.ie/wp-content/uploads/sites/7/2022/10/Appendix-A5.1-Construction-Environment.pdf>

We note that your letter refers to having inspected the EIAR under ABP Ref. 313182. The correct reference for this Proposed Scheme is ABP Ref. 314942 and as mentioned above, all of the application documents are available at www.lucanscheme.ie. As you will see from the above, there are specific references to Nosocomial Aspergillosis in the EIAR for this Proposed Scheme and so we do not understand your comment that you were not able to locate any such references and so you may wish to check that.

4 Difference in Ground Levels Retaining Wall and 5. Security concerns

- i. The 2.0m height of the proposed relocated boundary wall, which is higher than the existing boundary wall, was determined as the appropriate height to provide enhanced security to the site by preventing ease of access as highlighted in the letter from Gordon Dunne (Chief Executive) dated 1st December 2020.
- ii. The proposed retaining wall relates to the permanent land acquisition line.
- iii. Details of the proposed wall are provided on Structures Detail Drawing BCIDA-ACM-STR_GA-0006_RW_04-DR-CB-0101 included in Appendix J5 of the Preliminary Design report provided as part of the Supplementary Information for the Proposed Scheme available on the scheme website at the following link: <https://lucanscheme.ie/wp-content/uploads/sites/7/2022/10/Preliminary-Design-Report-Appendix-J.5-Preliminary-Design-Report-TII-Retaining-Walls.pdf>. This shows that finish will match the existing boundary wall.
- iv. The drawing referred to above shows that no railing are proposed for the top of the wall.
- v. EIAR Volume 3 Figures Part 1 of 3 Chapter 4: 05 Landscaping General Arrangement drawings show that 11 no Heavy Standard trees are proposed at this location.

7 Servicing of Property by public transport / cycle routes

Your query regarding the servicing of the Hermitage Medical Clinic property is outside the scope and objectives of the Lucan to City Centre infrastructural proposals. The BusConnect Network Redesign is currently being implemented and the C-Spine BusConnects services commenced in early 2022, and are routed along the Lucan Road, providing improved frequency and operating hours within walking distance of the Hermitage Medical Centre. Further network improvements, including new orbital services (W2 & W4) which will provide improved connectivity to the South Dublin area are anticipated to commence next year, which will also assist in patients / staff accessing the Hermitage Medical Centre by public transport. Whilst the NTA under the BusConnects programme has no immediate plan to alter the new network proposals at present, further iterations of the network redesign in the future may allow consideration of facilitating direct public transport to the clinic.

8 Future Interface with Metro West

MetròWest is not included in the current Transport Strategy for the Greater Dublin Area (2016-2035), and is not proposed in the draft Transport Strategy for the GDA, which is currently with the Minister for Transport for approval. It should be noted however that the GDA Transport Strategy supports improved walking and cycling connectivity with the strategic public transport networks (which includes the Lucan BusConnects Core Bus Corridor). The BusConnects Core Bus Corridors Project is included in the draft GDA Transport Strategy. It will provide for the infrastructure required to facilitate continuous priority for bus movement on sections of the Core Bus Network within the Metropolitan area.

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Finally, with regard to a Teams meeting week commencing 12th December please advise of possible dates and times that would suit your team.

Kind Regards



Colin Murdock
Project Manager, BusConnects
National Transport Authority | Údaras Náisiúnta Iompair

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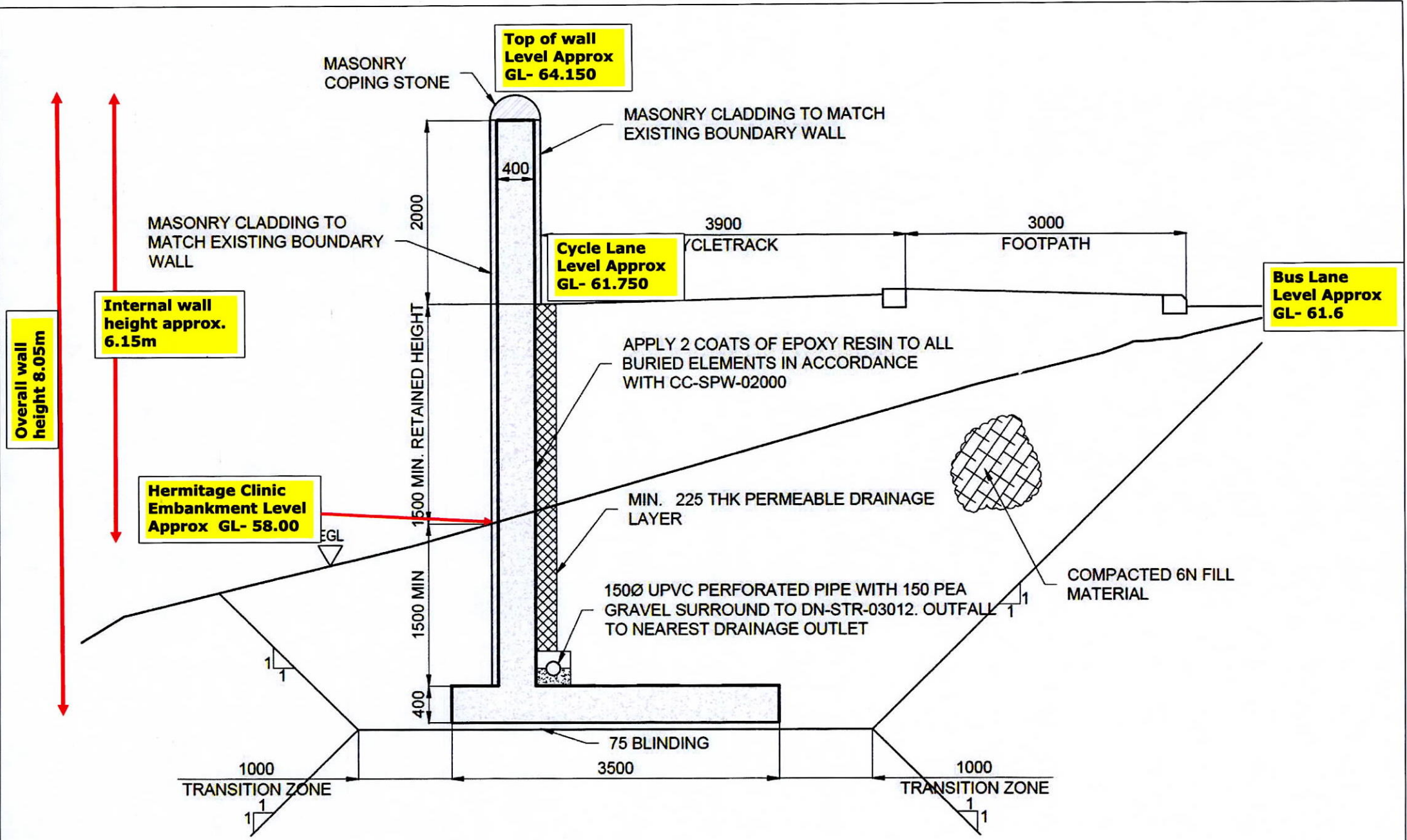
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Tá eolas sa teachtaireacht leictreonach seo a d'fhéadfadh bheith príobháideach nó faoi rún agus b'fhéidir go mbeadh ábhar rúnda nó pribhléideach ann. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Tá cosc ar rochtain don teachtaireacht leictreonach seo do aon duine eile. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo agus b'fhéidir d'fhéadfadh bheith mídhleathach.

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Overall wall height 8.05m

Internal wall height approx. 6.15m

Hermitage Clinic Embankment Level Approx GL- 58.00

Top of wall Level Approx GL- 64.150

Cycle Lane Level Approx GL- 61.750

Bus Lane Level Approx GL- 61.6

SECTION 1-1

1:50 @ A1
1:100 @ A1

NTA SECTION TAKEN FROM RETAINING WALL DOCUMENT
NOTE: LEVELS TAKEN FROM JACOBS BAPTIE SURVEY DRAWING AND ADDED BY PC 04.01.2022