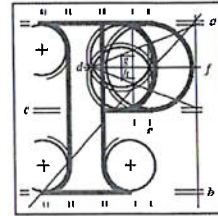


Our Case Number: ABP-316272-23

Your Reference: Greg and Audrey Turley



**An
Bord
Pleanála**

HBMO Solicitors
12 Ely Place
Dublin 2
D02 T651

Date: 11 July 2023

Re: Bus Connects Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Templeogue/Rathfarnham to 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,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

HA02A

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Facs	Fax	(01) 872 2684
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



AN BORD PLEANÁLA

LDG- _____
ABP- _____

12 JUN 2023

Fee: € _____ Type: _____
Time: _____ By: *post*

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Your Ref: Plot List 1066 (1).1d, 1066(2).2d
Our Ref: RH/MD/TUR0010-27
Please quote our reference when replying

09 June 2023

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

Re: Our Clients: Greg and Audrey Turley
Matter: Proposed Templeogue/Rathfarnham to City Centre – Core Bus
Corridor Scheme Compulsory Purchase Order 2023

Dear Sirs,

We refer to the above matter and our letter to you of the 8th of June 2023 in respect of the above. On behalf of our client, we paid a cheque in the sum of €110 on the 8th of June 2023. On checking the Regulations, they seem to confirm that if our clients are directly affected (as they are in this case), that the fee should not be due. If this is correct, please refund the fee as appropriate. If not and the fee is still due, please confirm if that is the correct position. In any event, the fee was paid by our clients for the avoidance of doubt on the 8th June 2023.

We look forward to hearing from you.

Yours faithfully,

HBMO SOLICITORS LLP
1194514



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Your Ref: Plot List 1066(1).1d,1066(2).2d
Our Ref: TUR0010-27

AN BORD PLEANÁLA
LDG- 064199-23
ABP-
09 JUN 2023
Fee: € 110 Type: CHQ
Time: By: post

26 May 2023

The Secretary
An Bord Pleanála
Strategic Infrastructure Division
64 Marlborough Street
Dublin
D01 V902
By Post:

Re: Our Clients: Greg & Audrey Turley
Matter: Proposed Templeogue/Rathfarnham to City Centre – Core Bus Corridor Scheme Compulsory Purchase Order 2023

Dear Sirs,

We refer to previous correspondence, and in particular the enclosed letter of the 19 April 2023 from the NTA. We act for Greg and Audrey Turley and respond on their behalf, and we enclose a cheque fee payment to you of €110.

Our clients will lose in this matter proceeds as is proposed by the NTA a two-hundred-year-old copper beech tree and a one hundred- and fifty-year-old evergreen oak tree along with mature hedging and four semi mature hornbeam trees in their front garden. They are essential to protect the amenity value of the garden and the home from the busy street and traffic. Depending on the extent of the works and the root damage, these are irreversible and very substantial losses, which cannot be replaced. This would take hundreds of years to simply replace what's there at present. The callous disregard shown by the proposers seems to only be indicative of the total lack of concern for the loss of biodiversity mature trees and the failure by the state so far to tackle climate change.

The essential services for this family home are all contained in this proposed area and there will be substantial disruption to these services and to the peace, use and enjoyment of the property, both during and post works for our clients. There will also be considerable costs with the reallocation of these services. This will also have an impact on the garden in other areas resulting in greater damage than just the area directly affected by these proposed works.

The rights of our clients to peaceful enjoyment of their own home and gardens in this entire process has been very seriously adversely affected. Natural justice has not been followed. There has been no Objective assessment too the points raised by our clients or indeed the neighbouring properties. It seems that this is a predetermined matter which has already been decided, and our clients' rights will be flouted ignored and breached.

The complete lack of consultation with our clients and their neighbours has been remarkable from the outset. There has been no proper consultation or objective assessment of the damage that will be



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caused to our client's property as well as the loss of value to the said property and the neighbouring properties.

The environmental reports used by the authorities seem to use outdated data and very old photos. For example it states there are only two trees affected however, in fact the truth multiple trees are actually involved. Out of date satellite images seem to have been used therefore, the analysis with respect to same is severely flawed and consequently so are the conclusions. Our client's submission is enclosed, and they strongly oppose the proposal.

Everything the NTA have assumed and planned is now very much out of date, since Covid ect. The information the NTA were working from was completely out of date. A full up to date independent traffic flow assessment needs to be completed as a minimum requirement before any planning decision. The NTA environmental assessment regarding our client's garden is completely inaccurate and our clients will take all necessary action if the NTA proceed based on inaccurate and out of date information or misinformation.

Only when planning permission has been granted is the acquiring Authority (the NTA) in a position to demonstrate that there is any need for the compulsory acquisition of the lands contained in the order. In terms of the acquisition before the Bord for the Appeal of a Compulsory Purchase Order for the proposed Scheme, it is premature to consider the approval of a CPO, since the Scheme does not have planning permission; nor has the NTA established that there is a need for the Scheme or that the lands to be acquired are in fact required in order to preform a defined statutory function; nor has the NTA considered alternative solutions and identified sufficiently the nature of the problem which their statutory function requires them to address.

Our clients wish to in addition to raise inter alia the following non exhaustive list of objections:

- 1. The "land take" proposed for Terenure Road East (TRE) does not make sense when one considers the traffic volume repercussions of the broader Route 12 plan. It's time to pause.**

An inevitable consequence of the Bus Gate initiatives at Military Road and Terenure Library is a major diversion of outbound traffic away from Rathmines, Rathgar and Terenure. Car traffic coming from town will be forced to cross the canal at either Harold's Cross Bridge or Charlemont Bridge (Ranelagh) to "get home".

Apart from people who actually live on TRE, most commuters will opt for an alternative route. Including TRE in one's outbound route will make no sense.

Only those living in the immediate area will attempt to enter Rathgar Village via Highfield Road and journey on via TRE. Using TRE as a through route will be challenging, especially given a complex junction at Terenure Cross (at which buses will now be able to make a right turn coming from Rathfarnham) and given the new bus gate at Terenure Library.

The NTA itself accepts that traffic volumes will be much reduced on TRE. In its published documentation (www.templeogueathfarnhamscheme.ie) in Chapter Six (Traffic & Transport) on page 161, the NTA predicts an evening peak hour reduction of traffic on Rathgar Road from 782 to 70 and on Terenure Road East from 903 to 386.



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So, the NTA accepts that there will be much reduced private car volumes on TRE caused by the broader Route 12 plan. Therefore, it is unnecessary to proceed with the proposed new bus corridor on a section of TRE (from the old Argos House to Greenmount Road). A priority bus signalling approach – already in place and operating successfully - will do the job just as well at virtually zero cost. Accepting the logic of this argument will relieve the NTA of major expense (in terms of CPO compensation), and major inconvenience (dealing with affected property owners and the conservation lobby). It would also be beneficial for the NTA (in public relations terms) to avoid being responsible for damaging the TRE built heritage, where there are 77 protected structures on one road. The NTA would no longer have to remove original railings, stone boundaries, mature trees, and parts of gardens.

The proposed road widening will take out many of the most significant trees on TRE. Indeed, there are trees endangered by this proposal which are not included in the NTA map, such as the trees at Beaumont House. All in all, TRE has a significant natural and built heritage which should not be interfered with lightly.

2. The “alleged” consultative process pertaining to the Core Bus Corridor Scheme has been unfair and undemocratic. It's time to pause.

The Covid-19 pandemic and associated movement restrictions made it virtually impossible for communities to gather and discuss the impact of Bus Connects. Many impacted residents and communities were not comfortable with Internet technology and were unable to access information, maps and brochures. Similarly, many could not engage with virtual consultation rooms. This meant that many affected citizens were effectively excluded from the process. “Virtual” community meetings presented the same limitations and exclusions. All in all, the public consultation was unsatisfactory and undemocratic.

Local political input from City and County Councillors to the Bus Corridor process appears to have been neutralised, paying little attention to formal local authority development plans. It seems that no consultation took place with the Dublin City Council (DCC) or South Dublin City Council (SDCC) conservation authorities regarding the impact of the NTA’s proposals on the historic heritage villages and communities of Rathmines, Rathgar, Terenure, Kimmage and Templeogue.

The NTA proposals openly conflict with the Dublin City Development Plan 2016 - 2023 for the future development of Dublin’s villages and local communities. This suggests a detachment from the shared civic responsibility to preserve our urban heritage. It also implies a democratic deficit in the nature of the Bus Connects planning process.

Many members of the public feel that the NTA has not listened to local residents and business owners. The over-riding impression following extended private contact with its officials is that they are going through the consultation motions and have not listened to well-grounded concerns and objections. Regrettably, the NTA has for some time been coming across as a law unto itself.

The style of the consultation process has been infuriating. Piecemeal release of the network redesign and core bus corridors has diluted the public’s capacity to meaningfully engage with the consultation phase and has had the effect of limiting opposition. In effect, the public consultation process has been orchestrated to limit the ordinary citizen’s participation.

Members of the public are assured over and over again that all the information they require is on the Bus Connects website, but the layman finds that the available information is obscured by technical language, technical drawings, engineering-speak, etc. It is not possible to access data which is readily understandable.



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A proper process of engagement would allow for discussion and, indeed, negotiation with residents' representatives on an area by area basis. The local knowledge possessed by local residents would enable them to respond to NTA proposals by suggesting practical and cost effective alternatives. Such a pragmatic communication process would by and large result in a compromise set of proposals which had the support of the general public. Unfortunately, the NTA has operated to date in a manner which abhors dialogue and assumes that a State juggernaut can inexorably crush all opposition.

Under the Aarhus Convention members of the public have a right to participate in a range of decisions where there may be an environmental impact. The Bus Connects project may be playing close to the wind in the arbitrary way it defines "consultation" (especially during the pandemic) and it is possible that a future appeal under the Aarhus Convention by disaffected members of the public may result in major scheduling setbacks for the NTA.

The NTA has made little effort to make simple effective communication its byword. Box-ticking "consultation" of this kind is profoundly undemocratic. It erodes faith in the important principle that public servants serve the public. It helps to generate ill-founded conspiracy theories. It leads to a feeling of helplessness in the minds of ordinary citizens. And it undermines the social contract.

3. There is no indication that the NTA's plan is robustly and objectively costed.

The NTA puts the cost at €2 billion with exact final costs to be estimated. A trustworthy Cost Benefit Analysis is required; yet there is no clear data suggesting that the current proposals represent good value for money for the taxpayer. An overall improvement of 7 buses per hour (i.e. from the current 63 buses per hour to a projected 70 per hour) hardly seems to warrant such a massive investment. There also appears to be a major problem with bus capacity in terms of procuring bus stock and recruiting bus drivers.

In the aftermath of a pandemic which has radically affected working patterns, Bus Connects should be reappraised. A host of assumptions about population movements and traffic volumes are now questionable and pausing the plan seems not just desirable but imperative. In general, given the unreliability of historic public infrastructure costings, the NTA's plans and cost justification for the 12 Core Bus Corridors - for which statutory applications are now being made - are clearly of concern to taxpayers.

4. Bus Connects seems to be an all or nothing plan.

There is surely merit in trialling or implementing various aspects of the plan to verify the time or money-saving estimates. For example, the NTA itself says that a cashless bus network will provide up to 50% of the bus journey savings it is forecasting. The NTA estimates that the 7-8 minute improvements in peak time travel along the Rathfarnham corridor will be achieved primarily by implementing priority signalling and cashless fares (as there are already significant bus lanes along the route). So why not press ahead first with the cashless bus initiative? This will enable the NTA to put together a transparent budget for this aspect of Bus Connects, to implement this phase, to verify the time savings and all in all to compare its current claims and forecasts with a real world outcome (in advance of spending billions).

In general, so as to be more transparent with the public, the NTA Bus Connects Plan should clearly separate time savings brought about by creative low cost measures and time savings brought about by



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the proposed bus corridor infrastructure per se. The cost benefits of a Bus Connects Plan minus the low cost measures (which can go ahead independently) may not be compelling.

On a wider issue, the NTA's focus on Bus Connects fails to plan for long term strategies that will serve the south west city more favourably, not just in the short term but well into the future. The ideological resistance of the NTA to the logical long term solution to Dublin's transport issues – an underground metro – is not in the public interest. There is a strong possibility that by the time this project is completed it will be obsolete and population growth will necessitate a more sustainable solution.

5. Once the landscape and fabric of the historical suburbs is changed, there is no "going back".

Cllr Deirdre Conroy (an architectural heritage specialist) made a number of fine submissions to the NTA in Spring 2019 and Spring 2020 covering (among other locations) Rathfarnham Road, Terenure Road East and Rathgar Road. She detailed the impact on those family homes on Rathfarnham Road that are affected by the removal of up to 6 metres of severely gradient driveways. (The bus route and proposed bus corridors end at a junction which cannot be widened).

The significant alteration to transport patterns arising as an outcome of the pandemic suggest alternative solutions must be considered by the NTA, as opposed to the destructive impact of bus corridors on the residential roads of this historic area. One also queries the benefits of the minimal bus journey time saved on the Rathfarnham Road section when contrasted with the enormous cost of compulsory purchase compensation and associated construction.

Deirdre Conroy made a separate heritage submission in April 2020 regarding Terenure Road East. She noted that the architectural heritage of our capital city and its few historic suburban villages must be preserved. Streetscapes from Victorian, Edwardian and Art Deco periods containing both listed and unlisted buildings deserve protection. We should never repeat the mistakes that ruined historic Dublin in previous decades.

The implications for side roads of rat-running (to avoid bottlenecks and one-way road systems along the proposed routes) further compromise these heritage areas.

6. The NTA is approaching the project in a very technocratic fashion instead of exhausting all the "common sense" ideas first.

The proposed massive infrastructure programme needs to be paused. In its place, the NTA should run a major trial (for at least six months) deploying a package of low-cost measures and evaluating the impact of this package before going any further with the high-cost aspects of Bus Connects. Here are a number of ideas which might be included in this package of measures:

- (a) introduce the proposed cashless buses system
- (b) introduce hefty fines for drivers of vehicles which encroach illegally on the bus corridors – at least €1,000 plus penalty points for each offence [and enable buses to have cameras on board which provide evidence of such offences, with fine notices going automatically to owners of the vehicle number plates in question]
- (c) provide more buses at peak demand times
- (d) consider later start times for schools and universities, thus evening out traffic flow over the current artificially intense peak hours



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(e) retain independent traffic management consultants to look at traffic flow in the city and, in particular, at inadequate management of traffic light synchronisation and adjustment where delays and build-ups occur, why not transfer traffic light management to a private entity? There is a suspicion on the part of motorists that DCC wants to create congestion along certain routes, and that this generates traffic figures supporting NTA and DCC policy preferences.

(f) put mandatory school bus transport in place to reduce the volume of cars bringing children to school

(g) introduce congestion charges

(h) establish Park and Ride locations with a free ongoing bus service

(i) deploy a specific corps of traffic management staff to get to grips with poor driving habits, traffic offences, faulty traffic light synchronisation and change times, counter flow/ intelligent bus priority signalling, breaches of congestion charge laws, etc.

In this context, the NTA should be asked to detail the level of consultation which has occurred to date with the people responsible for monitoring traffic flow, namely the Dublin Regional Traffic Control Centre. The NTA should also detail the ongoing level of consultation with the DRTCC which will obtain.

7. The Rathfarnham to City Centre corridor will introduce a new right turn for buses, taxis and bicycles at Terenure Cross, from Rathfarnham Road towards Rathgar via Terenure Road East.

This will add an extra traffic light sequence to an already complex junction, reducing time available for vehicles from Terenure Road West/Templeogue Road to move across the junction. The diversion of buses coming from Rathfarnham down TRE instead of proceeding to Harold's Cross seems justifiable only in terms of NTA & Dublin Bus convenience. Adding an additional 12 right-turning buses per hour to what will now be an extraordinarily busy route (totalling 72 buses per hour going through Rathgar) makes administrative sense but not "real life" sense to the residents affected.

However, if this measure is set in stone, it is unwise to permit taxis and cyclists to turn right at Terenure Cross. Such a measure will wreak havoc at the Cross and guarantee local traffic congestion at even nominally quiet times of the day. Our clients would urge the NTA to reconsider the cyclists/taxis aspect of their proposal.

8. The loss of on-street parking, loading areas and local access will adversely affect local traders and businesses.

Rathgar and Terenure traders/businesses will lose access to their customers due to parking/loading restrictions. As business suffers, villages and neighbourhoods will decline. Will the NTA provide alternative car parking for villages in lieu of the removal of on street parking and loading facilities?

It is worrying that business owners in the roads and areas affected by the NTA's proposals have up to now been required to make submissions in the absence of much relevant data underpinning the NTA's programme (e.g. no available environmental impact studies, no credible traffic volume studies). These studies and reports have now been issued but residents and business owners have only been allowed allowed 8 weeks to read and analyse this highly technical material and to prepare submissions to An Bord Pleanála. This restricted time frame is unfair and undemocratic.

9. Overall, the scope of the Bus Connects plan is excessive – providing a 24/7 plan for a 4 to 6 hour problem.



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Beyond rush hour, traffic flows freely. The NTA should examine the necessity for certain aspects of the Route 12 proposal to operate for most of the day. For example, must the Bus Gates operate for 14 hours a day (6 am to 8 pm)?

10. The proposed Cycling arrangements are unsatisfactory and piecemeal in many places and contradict public policy.

The proposed arrangements give the illusion of a plan when in reality the lookout for cyclists is both chaotic and dangerous. Allowing cyclists to turn right at Terenure Cross onto Terenure Road East, for example, is unsafe.

It is puzzling how the much vaunted "segregated cycling lanes" will be kept segregated (i.e. unoccupied by cars parking or pausing). To be fair to cyclists, they cannot be blamed for expecting cycling lanes to be reserved for exclusive cycling use. The Camden Street / Georges Street area is especially chaotic for cyclists, with many businesses operating along this route such that loading bays are extremely busy.

Several of the cycling campaign groups have indicated what is already obvious - cyclists will always take the most direct route. They will not take a circuitous alternative (i.e. where no cycling lane is provided and a diversion is recommended and put in place). Any proposed "diversions" are not credible.

11. The inevitable creation of rat-running to avoid bottlenecks and one-way road systems along the proposed routes will seriously compromise the safety of local residents of all ages.

Many of the routes under threat of increased traffic volumes are local suburban roads, some of which also contain schools. They were never designed or intended to carry the anticipated traffic volumes arising from displaced through-traffic.

The NTA's bus corridor model assumes that impacted traffic can be streamed onto neighbouring radial roads. The logic of this approach is founded on a grid-based street model. Such models come unstuck where the proposed orbital routes do not have the capacity to accommodate the proposed volume of traffic or where the orbital options ultimately lead back towards the same downstream bottlenecks.

While it is difficult to assess the likely level of extra traffic that will try to use residential streets to bypass the bus gates on their journeys to and from the city, it should not be beyond the capability of the design team to provide modelling scenarios which forecast various "rat-running" possibilities. The planners should also make it plain where all the heavy goods vehicles are going to be diverted: this is an issue studiously avoided in the NTA documentation.

12. The combined impact on private cars of the bus gate at Military Road and the one-way system on Rathgar Road are very profound and unwise.

Locals driving into town will only have two access options – turning right onto Castlewood Avenue (opposite the Stella Cinema) or going through Harold's Cross. Locals driving out of town will have to cross the Canal at either Harold's Cross Bridge or Charlemont Bridge (Ranelagh).

All of these inbound and outbound options guarantee congestion. The NTA must flesh out this part of its plan in modelling terms and describe clearly what they reckon will happen in a post-Bus Connects world. The planners should go through various scenarios – for example, travelling by car from



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Christchurch to Harold's Cross Bridge to Terenure to Rathfarnham; and travelling by car from Camden Street to Charlemont Bridge to Ranelagh and on to Terenure and Rathfarnham. These journeys should be modelled in off peak as well as peak traffic scenarios.

The NTA needs to spell out (under various location scenarios) how elderly residents will find their way home from Rathmines by car if they live on or adjacent to Rathgar Road or Terenure Road East. The full implications of the bus gate and one-way system proposals are not being spelt out. [Equally, no attempt is being made to model various likely traffic outcomes to residents of Castlewood Avenue and the Mount Pleasant area].

A particular issue arises on Rathgar Road. Between cyclists heading downhill towards Rathmines at high speed and frequent buses travelling at relatively low speeds, it will be a very tricky operation for residents to emerge safely in their cars onto the roadway.

A number of vulnerable elderly people are affected by possible compulsory purchase orders. They are learning of the proposed developments only by means of technical communications from the NTA. They have not yet been approached by a human being. (Other residents whose property is affected - and who would not regard themselves as vulnerable - are having great difficulty arranging personal meetings with an NTA representative to have the implications explained to them).

A further significant point relates to the independent traffic modelling put in place by the NTA for each of the routes Templeogue/Rathfarnham to City Centre; Kimmage to City Centre; and Tallaght/Clondalkin to City Centre. No attempt has been made so far to arrange integrated modelling (i.e. the cumulative and inter-related impact of these three routes working together). Until this critical level of modelling is provided, the potentially chaotic impact generated by all the proposed measures being implemented at the same time will be masked.

Our clients continue to reserve all their rights in full. In the interim.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink, consisting of several loops and lines, is written over a horizontal line. Below the line, the text 'HBMO SOLICITORS LLP' is printed in a bold, black, sans-serif font.

HBMO SOLICITORS LLP



Mrs. Audrey Turley
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59 Terenure Road East,
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Plot List: 1066(1).1d, 1066(2).2d

Wednesday 19th April 2023

**RE: Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2023**

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 Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme to An Bord Pleanála and will be submitting the associated application for confirmation of the Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2023 (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.

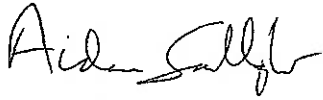
Important Note: Many of you who receive this letter are owners, lessees or occupiers of portions of multi-occupancy buildings, such as apartment buildings. Please note that there is no intention to acquire the building itself. The buildings themselves will not be directly affected by the CPO. The extents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

Further information relating to the Templeogue/Rathfarnham 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 Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme at:

www.templeoguerathfarnhamscheme.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 that reads "Aidan Gallagher". The signature is written in a cursive style with a large initial 'A'.

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

“Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2023”

To: Mrs. Audrey Turley
Of: Argus House,
59 Terenure Road East,
Dublin 6,
D06N1K6

Plot List: 1066(1).1d, 1066(2).2d

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 Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme together with all ancillary and consequential works associated therewith for the purpose of facilitating public transport. The Scheme will commence on the R821 Grange Road at the junction with Nutgrove Avenue, then travel along the R821 Grange Road, the R115 Rathfarnham Road, the R114 Rathfarnham Road, Terenure Road East, Rathgar Road, Rathmines Road Lower, Richmond Street South, Camden Street Upper and Lower, Wexford Street, Redmond’s Hill, Aungier Street, South Great George’s Street and terminates at Dame Street. The Core Bus Corridor is also routed along the R137 Tallaght Road, commencing east of the M50 junction 11 interchange and is routed via the R137 along Tallaght Road and Templeogue Road, through Templeogue Village, terminating at Terenure Cross. In addition to the above, alternative cycle facilities are provided along Harold’s Cross Road / Terenure Road North between Terenure Cross and Parkview Avenue, as well as along Bushy Park Road, Wasdale Park, Wasdale Grove, Zion Road and Orwell Road, all in the County of Dublin and within the Dublin City Council (DCC), South Dublin County Council (SDCC) and Dún Laoghaire-Rathdown County Council (DLRCC) 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 **Tuesday 25th April 2023 to Tuesday 20th June 2023.**

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

www.templeoguerathfarnhamscheme.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 **20th day June 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>
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<p>An Bord Pleanála 64 Marlborough Street Dublin 1 D01 V902</p> <p>Opening Hours Monday to Friday 09:15 to 17:30</p>
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on working days during the opening hours listed above from **Tuesday 25th April 2023** to **Tuesday 20th June 2023** and at the National Transport Authority website for the Templeogue/Rathfarnham to City Centre Core Bus Corridor Scheme at www.templeoguerathfarnhamscheme.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 **20th day June 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 19th April 2023.



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
	1066(1).1d	Area (Ha): 0.00485 Area (m2): 48.5 Description: House Garden County: Dublin Address: Argus House, 59 Terenure Road East, Dublin 6, D06 NIK6	Mr. Gregory Turley, Argus House, 59 Terenure Road East, Dublin 6, D06NIK6 Mrs. Audrey Turley, Argus House, 59 Terenure Road East, Dublin 6, D06NIK6	None	Owner(s)

SCHEDULE

PART II

Lands Being Temporarily Acquired

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

Number on map deposited at NTA	Quantity, Description, and situation of land	Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
1066(2).2d	Area (Ha): 0.00496 Area (m2): 49.6 Description: House Garden County: Dublin Address: Argus House, 59 Terenure Road East, Dublin 6, D06 N1K6	Mr. Gregory Turley, Argus House, 59 Terenure Road East, Dublin 6, D06N1K6 Mrs. Audrey Turley, Argus House, 59 Terenure Road East, Dublin 6, D06N1K6	None	Owner(s)