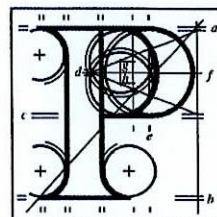


Our Case Number: ABP-317164-23

Your Reference: Neil Sorahan



**An
Bord
Pleanála**

Fitzgerald & Company Solicitors
Block 1, Suite 3, Arran Square
Arran Quay
Dublin 7

Date: 18 July 2023

Re: Swords to City Centre Core Bus Corridor Scheme, Compulsory Purchase Order 2023
Swords to Dublin City Centre

Dear Sir / Madam,

An Bord Pleanála has received your letter of objection on behalf of your client Neil Sorahan in relation to the above-mentioned compulsory purchase order.

In respect of same, please note that in circumstances where

- (i) no objections are received by the Board within the period provided for making objections, or
- (ii) all objections made are subsequently withdrawn, or
- (iii) all objections made relate exclusively to matters which can be dealt with by a property arbitrator the Board will inform the local authority as appropriate and, in such circumstances, the local authority can itself confirm the order with or without modification or refuse to confirm the order in accordance with the provisions of section 216 of the Planning and Development Act, 2000, as amended.

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 on this matter in due course.

If you have any queries in the meantime, 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,

PP Klaudia Wierach

Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

CH03

Tel	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

fitzgerald & company solicitors

Our Ref: PF/SS/2724

Date: 17th July 2023

BY REGISTERED POST AND COURIER

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

AN BORD PLEANÁLA	
LDG-	<u>065087-23</u>
ABP-	<u>317164-23</u>
17 JUL 2023	
Fee: €	Type:
Time: <u>15:45</u>	By: <u>Courier</u>

RE: Our Client: Neil Sorahan
Property: 270 Swords Road, Santry, Dublin 9
Swords to City Centre Core Bus Corridor Scheme
Compulsory Purchase Order 2023
Plot List: 1139(1).1d, 1139(2).2d

Dear Sir/Madam,

We are instructed by the aforementioned Neil Sorahan, the owner of property at 270 Swords Road, Santry, Dublin 9.

Firstly, there are a number of concerns that our client has in relation to the manner in which this process has been conducted. Please note that our client retains Managing Agents in relation to the property at 270 Swords Road. A copy of the NTA correspondence in respect of 270 Swords Road, Santry, Dublin 9 was sent to the property addressed to "The Occupiers" of 270 Swords Road, Santry, Dublin 9 with associated documentation including the name of our aforementioned client and his home address. The Bord will no doubt be aware of the recent decision in the Circuit Court which awarded €2,000 to a party for non-material damage arising from a data breach. Please note that the writer has gone through the "Purposes of processing and legal bases" in relation to your use of personal data and we would respectfully suggest that you have breached your own process and disclosed all of our client's details to parties in occupation at 270 Swords Road, Santry, Dublin 9. We have also taken the liberty of copying this correspondence to the Data Protection Office at the details given – privacy@nationaltransport.ie in order to register our complaint in relation to the disbursement of our client's personal information to the occupants of 270 Swords Road, Santry, Dublin 9 without his consent.

Pauline Fitzgerald BA (Mod), Dip LS,
Dip Property Tax, Commercial Law

Block 1, Suite 3, Arran Square,
Arran Quay, Dublin 7
tel + 353 1 872 7562
fax + 353 1 567 4002
email info@fitzgeraldandco.ie
DX: 1062 FOUR COURTS

While this was an employment case, our client sought the assistance of Management Agents in order to keep his own contact details private and was paying an outside agency to deal with all matters arising in respect of the property at 270 Swords Road, Santry, Dublin 9. The idea that his full contact details were included in a batch of documents furnished to 270 Sword Road, Santry, has caused him considerable discomfort.

In relation to the essence of the documents we have been instructed to put forward our client's objection to what is proposed in the most robust terms possible for a number of reasons.

We are aware of the obligations under the Housing Act in relation to objections furnished with respect to the proposed compulsory acquisition of land and in this particular situation our client has a number of objections under a number of headings:-

1. Please note that St. Canices Public Utility Society Limited first created leasehold and mortgage interests in these properties almost 100 years ago. The Utility Society was associated with St. Canices of Finglas whose historic presence in this Country cannot be overstated. Indeed, in April 2022 St. Canices Ecclesiastical Site, Conservation and Management Policy was published by the Department of Housing, Local Government and Heritage to ensure the conservation of the ecclesiastical site. For some historical context it is believed in 1649 the army of Oliver Cromwell marching towards Drogheda were responsible for toppling the Nethercoss or at least local parishioners removed it and buried it deliberately to prevent its desecration. Similar accounts relate to stone crosses at Crumlin and Kilgobbin.

It may seem that this historical reference is very remote in relation to the proposals at hand, but this is a unique development on the Swords Road provided by the St Canice's Public Utility Society and to interfere in any part thereof would be a massive step backwards in relation to the protection of Dublin's heritage. Indeed, it is very evident in large parts of the City now, particularly in the Dublin 2 area, that replicas of buildings that were destroyed or demolished years ago to put up modern eyesores are being reinstated in order to bring back the aesthetic. The city's archaeological heritage and groups of vernacular buildings of special character that may not be protected structures of designated as Architectural Conservation Areas, contribute to local distinctiveness and sense of place for local communities. The preservation in situ of archaeology and the protection of the setting and character of vernacular groups of buildings are well established heritage and planning principles that will be compromised by the proposals.

2. Notwithstanding that it is on a busy road, the gardens at the front provide legibility to the historic plots that contributes to the appreciation of their special historical character and that of the streetscape, . The depth of the garden plots also provides a significant buffer that protects the use, enjoyment and amenity of the dwellings. The significant reduction in this buffer to increase the width of the heavily trafficked road will undermine the amenity and the value of the dwellings, and these amenity impacts will be compounded

by the elevated ground floor level of the dwellings relative to the level of the road.

3. There is also significant concern in relation to the damage that might be done to the properties due to the construction works to be carried out. These are properties of almost 100 years old and the kind of construction works envisaged could have adverse ramifications for the properties, ramifications that damages or compensation will not sufficiently address.
4. The elevation of this unique row of cottages with the set back from the public road together with their special architectural character warrant protection and preservation and the precautionary principle underpinning EU and national planning and environmental law mandates the rigorous interrogation of alternative routing and design options on infrastructure projects that are the subject of Environmental Impact Assessment and our client has no issue in relation to infrastructural obligations but does not believe that this is the best course of action for the common good and believes that there is a reasonable, suitable and viable alternative available.
5. It is understood that under number section 15 of the Dublin Transport Authority Act 2008, the NTA must review its transport strategy every 6 years. We understand that arising from the review of the 2016 plan, an updated strategy has been developed which sets out the framework for investment and transport infrastructure services over the next two decades to 2042. While the writer appreciates the contents thereof, it does suggest at 3.2 in the strategic alternatives for the plan states that it is the 2016 – 2035 GDA transport strategy and goes on to say that it is the 2022 – 2042 GDA transport strategy. Is it possible to get sight of the 2022 review in accordance with number 15 of the 2008 Act.

The writer appreciates the large body of infrastructure work that needs to take place, it is just a bit confusing as to whether or not proper review was carried out in 2022 as it seems that the Bus Connects Dublin work was commenced in 2017. We would like this objection dealt with comprehensively. The assessments have not adequately or properly detailed and established that the infrastructure cannot be accommodated within the existing road corridor and that given the disproportionate impact on the dwellings the Board should request Further Information and revised plans from the applicant that accommodate the infrastructure within the existing road reservation and without the need to acquire any part of the gardens.

6. There is a concern by the owner of the property that there will be an increase infestation of vermin due to the construction works and the area where the construction works will be taking place. This could cause extreme hardship in relation to management of the property and any damage caused to human life.
7. There is a rich range and variety of flora that has matured over many years and because these unique cottages have been there for such a long time they have

extreme sentimental value for our client and many other people living there because they have been tended to and planted by deceased relatives.

8. There is no moving away from the fact that there is going to be a massive noise nuisance, which while we appreciate is part of any development, but with all of the additional items referred to above you can appreciate how this will no doubt cause massive distress.

Financial

1. While these are not planning considerations they must be taken into account in the current cost of living crisis:-
 - a. Steps to greatly affect the architectural aesthetic of these properties by taking large parcels of the front garden will greatly reduce the overall value of the property 270 Swords Road. One of the beauties of these properties was the elevated nature of the site with the large garden keeping it stepped back from the heavily trafficked road. This is a unique and distinctive architectural footprint approach which you can also see in Clontarf. It has always been a beautiful aspect of Dublin's historical development. No doubt if the residence of Clontarf have been told that their setback properties were going to have chunks of their gardens taken from them they would also see the enormous impact on the architectural heritage of Dublin that this would have.
 - b. This will also affect greatly the ability of the owner of the property, owner of the property, who has acquired as part of their retirement planning to earn rental income and will impact if any proposed legislative changes take place in relation to tenants being afforded an opportunity to purchase properties (tenant in situ provisions) as it will give greater leverage to the Local Authority to reduce values, if that were to come to pass.

In conclusion, it does seem that there is such a significant detrimental impact on the unique and distinctive architectural and streetscape quality and character of these cottages and something is quite unique to Dublin, when you go to other European Cities the elevated and set back from the road nature of these properties generally about 100 years old, is something that we should be preserving and not chopping up in circumstances where other alternatives will meet the same public need.

We look forward to your response by return.

Yours faithfully,


Pauline Fitzgerald
FITZGERALD & CO.

fitzgerald & company solicitors

Our Ref: PF/SS/2724

Date: 17th July 2023
AN BORD PLEANÁLA
LDG- 065087-23
ABP- 317164-23
18 JUL 2023
Fee: € _____ Type: _____
Time: _____ By: Reg

BY REGISTERED POST AND COURIER

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

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Plot List: 1139(1).1d, 1139(2).2d

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