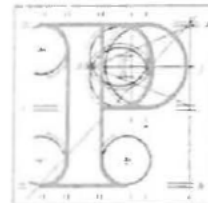


**Our Case Number:** ABP-317742-23



**An  
Bord  
Pleanála**

Rathmichael National School  
c/o Diocesan Board of Education  
Church of Ireland House  
Church Avenue  
Rathmines  
Dublin 6

**Date:** 24 July 2024

**Re:** BusConnects Bray to City Centre Core Bus Corridor Scheme  
Bray to Dublin City Centre.

Dear Sir / Madam,

An Bord Pleanála has received your recent correspondence in relation to the above mentioned case. The Board will take into consideration the points made in your submission.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at [laps@pleanala.ie](mailto:laps@pleanala.ie)

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully

Breda Ingle  
Executive Officer  
Direct Line: 01-8737291

CH08

Tell  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
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[bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Macilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

# Diocesan Board of Education

DUBLIN AND GLENDALOUGH

Chairman  
The Most Reverend  
The Archbishop of Dublin

Secretary & Accounting Officer  
Ms. C. Richardson  
c/o The Diocesan Office  
Church of Ireland House  
Church Avenue, Rathmines, Dublin 6

12 July 2024

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

**Re:- Bray to City Centre Core Bus Corridor Scheme CPO 2023  
Case Number ABP-317742-23 and ABP-317780-23**

**Ref:- Plot List 1104 (1-6) and 1106 (1-2)**

Dear Sirs,

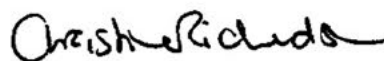
With reference to letters dated 13<sup>th</sup> and 17<sup>th</sup> June last regarding CPO 2023 Bray to City Centre Core Bus Corridor Scheme, the Diocesan Board of Education (the Board) notes that the ABP does not intend to proceed with an oral hearing, but invites the Board to make a further submission at this stage.

The Board has noted the response from the NTA, reference 3.12.10 165 & 166 – Rathmichael National School & Rathmichael Parish School. The Board believes that the impact of the construction of the proposed development on the day-to-day activities at the School has been underestimated and it remains concerned about the restriction, both temporary and permanent, to its boundaries.

A copy of the submission written by Mr Ciaran Sudway on behalf of the Board of the Management of the National School is appended to this letter.

The Board requests that this CPO is not approved at this time.

Yours faithfully



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Christine Richardson  
Secretary

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

9<sup>th</sup> July 2024

**Re.: NTA – Bray to City Centre Core Bus Corridor Scheme**  
**Compulsory Purchase Order 2023 – Rathmichael Primary**  
**School/Rathmichael Parish School-Shankill– Plot No's 061 and 062**  
**– ABP Reference No. ABP-317780-23**

Dear Sir/Madam,

I am responding to the letters from ABP dated the 13<sup>th</sup> June and the 17<sup>th</sup> June 2024, in connection with the above matter and which letters indicate that ABP has decided to determine the CPO without an Oral Hearing and at the same time inviting my clients to make a further submission to ABP in respect of the NTA's response to my client's original submission. I am instructed by Naomi Rousseau, Principal, of the above school.

Before considering the response from the NTA, I wish to make the following observations in respect of the Bord's letter of the 13<sup>th</sup> June 2024.

1. There are two matters before the Bord in connection with this Scheme, namely approval of the planning permission, EIS, etc and separately, the approval of the Compulsory Purchase Order (CPO). S. 217A of the Planning and Development Act 2000, as amended, gives the Bord absolute discretion to request submissions from any person who may have information which is relevant to the Bord's decision. The Bord may also hold meetings with the NTA under S. 217A (1) (b). I would be grateful to receive the minutes of any and all such meetings in respect of this matter.

2. The Bord has indicated (letter of 13<sup>th</sup> June 2024) that it has considered the case" and I would be grateful to receive the details of the Bord's consideration of my client's original submissions, so that I might also have an opportunity to respond to those considerations.
3. In the current circumstances the Bord has not appointed an Inspector to consider my clients submission, and I would be grateful if the Bord could identify, the person or persons appointed by the Bord, who have "considered the case" and who are responsible for determining the case. I would also be grateful if the Bord could indicate whether or not they intend to make a recommendation before issuing a decision, and whether or not any decision made, will provide details as to the rationale behind how that decision was made.
4. The Bord's letter of the 17<sup>th</sup> June 2024 ostensibly relates to the letter of the 13<sup>th</sup> June containing an incorrect URL address. However, it also includes the additional proviso that the Bord **"cannot consider comments that are outside the scope of the matter in question"**. It is not clear what this means or relates to and I would be grateful to receive clarification in this regard.
5. The Bord has decided not to hold an Oral Hearing in this instance. I am concerned that the Bord should have made this decision at the outset, and not following receipt of submissions from the landowners affected. I am conscious that at the commencement of the recent Oral Hearing into the latest iteration of Metro North, TII indicated in their opening statement to the Hearing, that the Oral Hearing was the forum at which landowner's concerns would be addressed and considered. In the instant case the absence of the Oral Hearing deprives my client from having the opportunity to engage with the acquiring Authority, and this may well be prejudicial.

In respect of the NTA's response to my client's original submission, I wish to make the following observations.

1. It is not clear who wrote the NTA's submission and in the absence of an Oral Hearing, this should be established. Furthermore, it would have been helpful if the Bord had issued its own response to the submissions made on behalf of my client, thereby giving my client an opportunity to respond the Bords consideration of the matter.

2. Table 2 65 relates to objections made in respect of proposed CPO plots at "Beauchamp House". This is clearly incorrect and sloppy in the extreme. The NTA might clarify what they are referring to.
3. The NTA has been unavailable to be contacted by phone to discuss matters arising and the NTA has not indicated whether or not they have appointed an Agent to act on their behalf.
4. I acknowledge that the NTA has admitted that the scheme has no funding, and coupled with the fact that it does not have planning permission, the CPO cannot be considered as being urgently necessary at this time or indeed required to serve the public good. The CPO can only be considered to satisfy the constitutional exigencies of the common good, when it becomes a scheme with an urgent need to be implemented. Without planning, without funding, and without any detailed design, the confirmation of a CPO is quite simply premature and breaches all of the principles that were considered in *Sporrong and Loennroth v Sweden* (1982) 5 EHRR 35, and *Sporrong and Skibinscy v Poland*, ECHR No. 52589/99, 14<sup>th</sup> November 2006, and indeed the Convention of Human Rights. It is notable that all of the more recent, significant schemes, including Metro North, Galway Outer Bypass and Galway City Bypass, failed to progress primarily on the grounds that either the planning application was effectively rejected, or due to a lack of funding to proceed with the Scheme after the CPO was confirmed. It is the delay in proceeding with a confirmed CPO which offends European legal principles and the Convention of Human Rights. I am attaching a copy of the Bords recent Order to annul a CPO in Waterford on the basis that it's confirmation would have offended the Constitutional and Human Rights Convention.

I trust that the Bord will consider this submission positively and that it will refuse to approve the CPO at this time.

Your sincerely,



Giaran Sudway, FRICS, FSCSI