

# Luas Finglas

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# Compulsory Purchase Order (CPO) Guide

November 2024

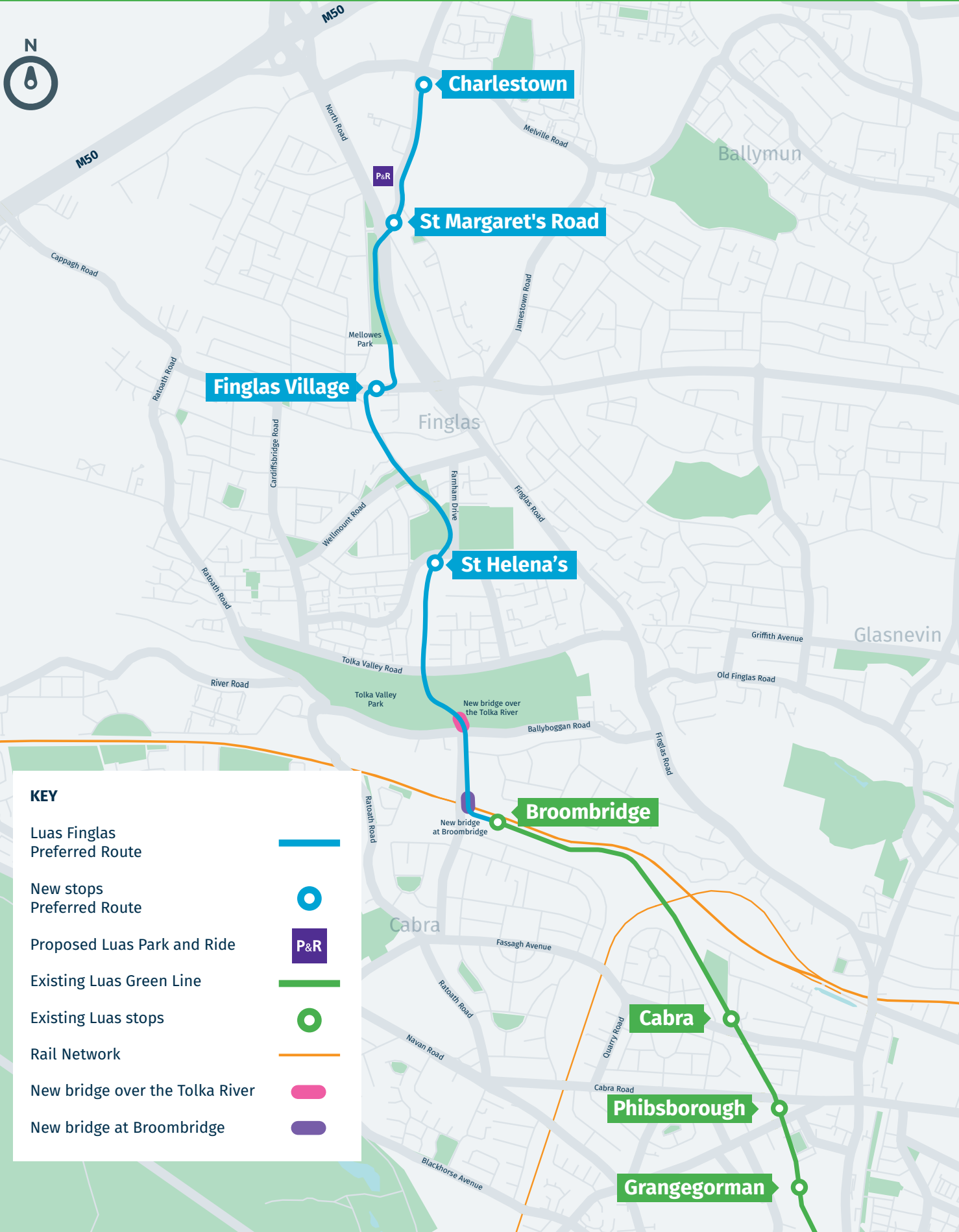


**Project Ireland 2040**  
Building Ireland's Future

# Luas Finglas



Project Ireland 2040  
Building Ireland's Future



**KEY**

- Luas Finglas Preferred Route
- New stops Preferred Route
- Proposed Luas Park and Ride
- Existing Luas Green Line
- Existing Luas stops
- Rail Network
- New bridge over the Tolka River
- New bridge at Broombridge

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# Introduction



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Luas Finglas is the next extension of the Luas Green Line.

The proposed route is 3.9km in length and will include four new stops: St Helena's Road, Finglas Village, St Margaret's Road, and Charlestown; creating a new public transport connection between the surrounding communities and linking to the city centre. A Park and Ride facility will be provided near the St Margaret's Road stop, close to the M50. It will also include cycling facilities and infrastructure.

The route will provide interchange opportunities with bus networks at all the new stops and with mainline rail services at Broombridge.

Most of the route will be built using grass track, an attractive and sustainable innovation for urban transport in Ireland.

Luas Finglas will be comparable to the higher efficiency sections of the Luas network. At present, journey times from Charlestown to Trinity College in the city centre are approximately 44 minutes during the morning rush hour. Luas Finglas will reduce this to approximately 30 minutes.

By 2035, Luas Finglas will drive an annual increase of 46% in public transport boardings within its 1km catchment, thereby supporting modal shift.

From **Broombridge stop** the track will cross the existing Iarnród Éireann Maynooth line and Royal Canal via a bridge, continue along Broombridge Road, cross the Tolka River via another bridge and continue through Tolka Valley Park. The alignment will cross Tolka Valley Road and continue along the former Finglaswood Stream Valley to arrive at **St Helena's stop** before crossing to Farnham pitches which will be modified to accommodate the scheme. The line will continue through the park and cross Wellmount Road into Patrickswell Place, where the existing access road will be realigned. The alignment will proceed between the existing Ravens Court development and Finglas Garda Station to arrive at **Finglas Village stop**. The line will then run parallel to the N2 road before crossing the existing roundabout which will be replaced with an at-grade signalised junction. A multi-storey Park and Ride structure will be constructed in this area. The alignment will then turn onto St Margaret's Road where the **St Margaret's Road stop** will be located. The route will continue northwards before arriving at the **Charlestown stop** terminus where the existing junction with Melville Road will be reconfigured.

To facilitate construction and operation, a requirement will arise for the acquisition of land and property, either permanently or temporarily, along the proposed alignment. Luas Finglas will deliver significant benefits to the thousands of passengers who will use the service and, through reduction in both vehicular traffic and carbon emissions, to wider society and the economy. However, for property owners and occupiers who are the subject of a Compulsory Purchase Order (CPO), it can pose challenges and uncertainty but positive engagement can assist in mitigating the challenges that a project of this nature may pose.

To give effect to this important investment in transport infrastructure, a Railway Order (RO) is required and it is intended that this guide will provide an overview of the various stages involved in the application for such a RO, including the land acquisition process. The purpose of this document is to explain that process to those affected and provide information and clarity around the steps involved.

**The content of this guide is provided for general information purposes only and does not constitute legal or other advice.**

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# Overview



# Overview

## Luas Finglas Railway Order Application to An Bord Pleanála

Transport Infrastructure Ireland (TII) published notices in a local and a national newspaper outlining the intention to lodge a Railway Order (RO) application with An Bord Pleanála prior to lodgement.

This application itself follows and includes:

- Draft RO;
- Plan of the proposed railway works;
- Book of Reference indicating the identity of the owners and occupiers of lands described in the plans;
- Environmental Impact Assessment Report (EIAR);
- Appropriate Assessment Screening Report and Natura Impact Statement.

The identification of the extent of lands required and reputed ownership / occupier details are indicated in the Book of Reference.

A copy of the newspaper notice and relevant extracts from the draft RO and relevant extracts from other application documents are served on all owners / occupiers of land referred to in the draft RO.

### An Bord Pleanála Consideration of the Application

Interested parties may make submissions to An Bord Pleanála (ABP) within a specified time period (six weeks at a minimum) as set out in the newspaper notice in relation to the draft RO or in relation to the likely effects on the environment of the proposed railway works, and the likely significant effects of the proposed railway works on European Sites.

ABP may, at its absolute discretion, hold an oral hearing into the RO application.

### An Bord Pleanála Decision / Making of a Railway Order

ABP will consider the application and decide whether to make the RO in such manner and subject to such conditions, modifications, restrictions and requirements and on such other terms as ABP thinks proper and specifies in the order or refuse to make the RO application. The RO, if made, may include provisions such as details of any land or substratum of land, the acquisition of which is necessary for giving effect to the RO and details of any rights in, under or over land, water or any public road, the acquisition of which is necessary for giving effect to the RO.

Where ABP issues a decision to make the RO, as soon as possible thereafter, it must publish newspaper notices regarding the making of the RO. The RO comes into operation after eight weeks.

### **Compulsory Acquisition Process**

Once the RO comes into operation, TII may initiate the compulsory acquisition process. There are several public and privately owned properties that will be impacted where the acquisition, whether in whole or in part, will be necessary. TII will be authorised to acquire any rights in, under or over land or any substratum of land specified in the RO.

TII must publish a newspaper notice outlining that the RO has been confirmed in respect of all or part of the land to be acquired and outlining where a copy of the RO and a map of the land to be acquired may be accessed.

TII must serve a 'Notice to Treat' on landowners, occupiers and holders of any interest in the relevant land, including the following:

- A statement that TII is willing to treat for the purchase of the relevant interest(s);
- A requirement for the recipient(s) to state within a specified period (minimum one month) the exact nature of the interest in respect of which the recipient will claim compensation; and
- If required by TII, distinguishing separate amounts of compensation in such a manner as may be specified in the Notice to Treat, and showing how each amount is calculated.

Following service of the applicable Notice(s) to Treat, and after giving not less than 14 days' notice in writing to the relevant landowners / occupiers, TII is authorised, subject to service of a 'Notice of Entry', to enter onto and take possession and use of the relevant land.



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# Frequently asked questions in relation to Compulsory Purchase and Compensation



**Q. What is a Compulsory Purchase Order (CPO)?**

**A.** A CPO allows certain statutory bodies to acquire land and property for projects such as road and railway schemes in the public interest. Compulsory purchase powers are provided to enable the acquiring authority to acquire land, property and other interests compulsorily (including the creation of new rights) to carry out their public function.

**Q. Who can CPO?**

**A.** Any statutory body with specific powers to do so. For transport projects, these include local authorities, TII, Iarnród Éireann and the National Transport Authority (NTA). CPO powers cannot be exercised until after the order has been confirmed.

**Q. When does the CPO process commence?**

**A.** Land, property and other interests can only be acquired once the RO has been made by ABP. The process leading up to the making of the RO can allow the opportunity for negotiations to take place, where appropriate.

The acquiring authority has 18 months following the operative date to exercise its powers of acquisition. The authority can do this by service of a Notice to Treat and Notice of Entry. Compensation will be paid, in accordance with the statutory compensation code, to parties from whom land, property and interests are acquired.

**Q. Can I object to the making of a CPO?**

**A.** Yes. Once a RO application is made to ABP there is a statutory consultation process during which time submissions and objections to the RO can be made to ABP.

Submissions and objections relating to compensation may be disregarded by ABP since there is a separate procedure for resolving disputes regarding compensation.

**Q. What is the purpose of compulsory purchase and compensation?**

**A.** The acquisition of the various specified rights and interests in land and property is necessary to ensure the delivery of the project in its entirety. Luas Finglas must demonstrate to ABP that the extent of compulsory acquisition is proportionate to the public interest in the scheme.

The principle of compulsory purchase compensation is generally to seek to place the affected party in no better or worse position than prior to the compulsory purchase. Compensation is assessed and paid in accordance with the statutory compensation code which applies to the compulsory acquisition of land, property and other interests. The nature and amount of compensation payable will depend on the specific circumstances.

Typical heads of claims may include: market value of property, disturbance costs, professional fees, and cost of reinvestment, where relevant and appropriate. In addition, you may also claim reasonable costs incurred in consequence of the transaction, including surveyor's or agent's fees for negotiating compensation and legal costs, vouched and properly incurred in consequence of the purchase by the acquiring authority.

**Q. How do I know when a Railway Order / Compulsory Purchase Order application has been made?**

**A.** If your property is to be the subject of a RO / CPO you will receive a letter notifying you that an application has been made and of the timeframe available to you to make submissions to ABP.

**Q. What is a Notice to Treat?**

**A.** A Notice to Treat states that the acquiring authority is willing to treat for the purchase of the owner, lessee and occupier interest in the land and invites affected parties to submit details of their claim with a view to agreeing a price for the portion of land or property being acquired.

The Notice to Treat is not considered a binding contract and does not in itself have the effect of passing any interest or estate in land to the acquiring authority. The transfer of legal interest(s) in lands occurs at a later stage.

**Q, What is a Notice of Entry?**

**A.** A Notice of Entry is a formal legal notice which is served by the acquiring authority following the service of a Notice to Treat and gives the acquiring authority power to enter on and take possession of the relevant lands to be acquired. The affected party / interest is given a minimum of 14 days' prior notice and typically access is arranged between liaison officers and the parties by agreement.

**Q. How can I prepare a compensation claim?**

**A.** Upon receipt of a Notice to Treat, a claimant may wish to obtain independent professional advice and representation in preparing and negotiating a claim for compensation.

In all usual circumstances, Luas Finglas will be responsible for the payment of your reasonable professional costs arising from the compulsory acquisition and negotiation of compensation, including reasonable and properly incurred and vouched surveyor's or agent's fees and legal costs.

If compensation is not agreed, it may be determined by an arbitrator who may make an award of costs in favour of the claimant or the acquiring authority.

Luas Finglas would not be responsible for your costs in objecting to the Compulsory Purchase Order.

**Q. What are the main elements to a claim for compensation?**

**A.** Whilst every effort is made to minimise the impact on individual properties, in certain circumstances the whole or partial acquisition of lands / curtilage to a property is necessary. Where the entitlement to statutory compensation exists, each case is assessed on its own merits. The assessment of compensation and those items that can be considered in that assessment are governed by legislation.

The claimant must take all reasonable steps to mitigate its loss and cannot claim any avoidable losses. There needs to be causal connection between the loss and the acquisition due to the scheme. A claimant's legal duty to mitigate starts upon confirmation of the CPO. A suitably qualified and experienced professional should be able to advise on the elements to be included. The main heads of claim are:

- Value of Legal Interest in the land to be acquired such as freehold interest in land;
- Severance or other Injurious Affection which relates to devaluation to retained lands, if any, caused as direct consequence of the acquisition;
- Disturbance and any other matters such as professional fees and the loss sustained or expenses incurred by an owner as a result of the acquisition of land, apart from the value of the land taken and the reduction in value to retained lands, if any.

**Q. What can I claim if my land is required temporarily?**

**A.** In a situation where land or property is required on a temporary basis, the affected party can claim for any loss or damage caused by Luas Finglas as a direct consequence of its occupation.

**Q. When will I receive my compensation?**

**A.** Once the negotiations process is complete and a proposed settlement is reached between the parties, or following an Award from the property arbitrator, the matter is referred to each side's respective legal representatives to undertake the conveyance (transfer of ownership) process.

It is always advisable to request your solicitor to ensure that your legal title documentation is in order as only good and marketable title is acceptable. Difficulties in payment of compensation may arise if clear title or ownership details cannot be confirmed.

**Q. How long do I have to relocate?**

**A.** If the whole of the premises is affected by the Compulsory Purchase Order, it may be necessary for owners, lessees, tenants and occupiers to relocate to other premises. Luas Finglas will notify parties, at the earliest opportunity, if relocation is considered necessary and inform the party of the timescales within which arrangements for relocation will be necessary.

**Q. Who can I contact to prepare my claim?**

**A.** There are several professional representative bodies where some of their members practice in the area of compulsory purchase and compensation. These include the Society of Chartered Surveyors Ireland (SCSI); Institute of Professional Auctioneers & Valuers (IPAV); Royal Institution of Chartered Surveyors (RICS); and the Law Society.

**Q. Can you send the Notice to Treat, or a copy of the Notice to Treat, to my solicitor?**

**A.** The original Notice to Treat must be served on the named person. A copy can be sent to a representative, where requested.

**Q. Can I sell my property once I have been notified of a potential CPO?**

**A.** Yes. Any future purchaser of your property should be advised of the fact that the property may be the subject of a CPO.

**Q. Can I apply for planning permission to extend / alter my property?**

**A.** There is no barrier to you making a planning application. All planning applications submitted along the proposed alignment will be referred to the acquiring authority to ensure such development does not adversely impact on the construction / operation or structural integrity of the proposed works.

**Q. Do you have an independent guide for occupiers / owners for the CPO process?**

**A.** Further information can be found on the SCSi website: <https://scsi.ie/a-clear-guide-to-compulsory-purchase-orders-and-compensation/> A Clear Guide to Compulsory Purchase Orders and Compensation – Society of Chartered Surveyors Ireland (scsi.ie).

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