

The Secretary
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

AN BORD PLEANÁLA	
LDG-	<u>058627-22</u>
ABP-	
28 OCT 2022	
Fee: €	<u>50.00</u> Type: <u>land</u>
Time:	<u>13.38</u> By: <u>hand</u>

Date: 28/10/2022
Our Ref: BC17174

Dear Sir or Madam,

RE: SUBMISSION ON DART + WEST ON BEHALF OF SPENCER PLACE DEVELOPMENT COMPANY LIMITED

ABP Ref. NA29S.314232

Description - DART+ West Railway Order - Dublin City to Maynooth and M3 Parkway

Submission on behalf of: Spencer Place Development Company Limited, with an address of Cooney Carey Consulting Limited, Units 15/16, The Courtyard, Carmanhall Road, Sandyford, Dublin 18

Introduction

Our client, Spencer Place Development Company, welcomes the opportunity to make a submission on the Railway Order for the DART + West line.

Our client has a number of observations and concerns in relation to the Railway Order, which are addressed under two broad themes:

1. Facilitation and impact on potential future development
2. Construction impacts on the operation of adjoining development.

Our client also wishes to highlight the difficulties in assessing the proposals from the documentation submitted. The drawings relevant to Spencer Dock, do not show separation distances, or the dimensions of areas proposed for temporary and permanent land take. Furthermore, it is not clear from the information submitted, the purpose of the temporary land acquisitions and the nature and arising restrictions of permanent subterranean acquisitions. Our client would welcome further information in this respect, and an opportunity to further comment.

Our client further notes that in relation to funding, it is understood that funding under the 2040 Plan will only be approved at some point after a Railway Order is confirmed for both the land acquisition and the construction of the Scheme. Clarification on this point should

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI

Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPI Rory Kunz BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPI
Stephen Blair BA (Mod) MRUP MIPI MRTPI Blaine Cregan B Eng BSc MSc

Senior Associate Directors: Luke Wymer BA MRUP Dip Plg & Env Law Dip PM Prof Cert Env Mgmt MIPI
Meadhbh Nolan BA MRUP MRTPI Kate Kerrigan BA MSc MRTPI

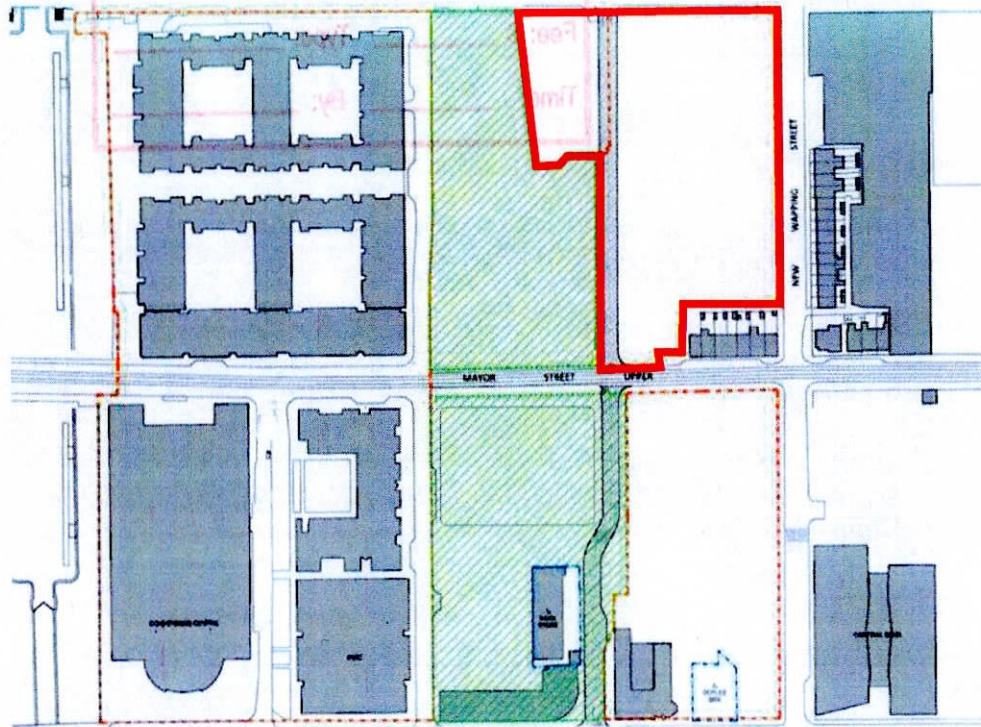
Associate Director: Ian Livingstone MA (Hons) Town & Regional Planning, MSc. Spatial Regeneration. MRTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2 D02 ND61. VAT No. IE 6416306U

be sought in any event and the Bord should be requested not to confirm the Railway Order until such time as it is confirmed that the funding for both land acquisition and construction of the Scheme are assured.

Our clients' lands are impacted as shown in the enclosed map (see Appendix 2 for map prepared by our client's architects – Henry J. Lyons), which includes temporary land take, permanent subterranean land take and complete permanent land take.

Our clients' lands are approximately outlined below and include the recently completed and operational Spencer Place residential development.



Approximate Outline of our client's lands in red, overlain on Figure 14 of Application Spencer Dock Station Design Report

The following is enclosed with this submission:

- Appendix 1 – Letter from MSA Fire Safety Engineers
- Appendix 2 – HJL Drawing
- Appendix 3 – CS Consulting Engineers Drawing and Memo
- Appropriate Fee of €50

Facilitation and impact on potential future development

The Spencer Dock Station and associated works are located within the North Lotts and Grand Canal Dock Planning Scheme 2014. The Planning Scheme sets out parameters (Development Code) for future development. The Planning Scheme was prepared in the context of DART Underground and allowed for a station at Spencer Dock in City Block 2.



North Lotts and Grand Canal Dock Planning Scheme 2014 – City Block 2 Development Code

The station is located on Blocks A and C, denoted by the black hatched area with the following description:

“The hatched line as indicated in City Block 2A & 2C shall be retained as a reservation strip for the future provision of the DART Underground Station. No permanent structures shall be built over this until the position of the DART Underground Station has been confirmed. In the interim period temporary uses and/or pavilion structures will be considered. Any future over-site development must incorporate the smoke ventilation and air intake provisions into their design, and that temporary buildings should not pose a risk to the delivery of the station. All applications for buildings within the zone of influence will demonstrate to Iarnród Éireann in their planning application how the proposal relates to the DART Underground Line.”

There is therefore clear provision in the statutory Planning Scheme for a 6 storey commercial / 7 storey residential development on the location of our clients lands in Block 2A, permissible on confirmation of the location of the station. The applicant's drawings and Spencer Dock Station Design Report show a notional future over station development for Spencer Dock. Detail is provided as to how Block 2C may be developed; however, no such detail is shown for Block 2C, which is partly in our client's control.

The following queries, arising from review of the documentation, are posed by Cronin Sutton Consulting Engineers (Appendix 3) on behalf of our client:

1. *What is the programme for delivery of the rail works? Could the over-station development progress in advance of the rail works?*
2. *What extent of over-station development is currently envisaged?*
3. *Single block either side of the tracks or is an air-rights development spanning over the tracks considered?*
4. *The proposed permanent sub-surface land take (ref DW.002.S.08(A)) is under the noted "over station development" on the Dart+ West plans – how are foundations/basements/sub-floor drainage/etc for an over-station development to be facilitated in a permanent sub-surface land take?*
5. *If an air-rights development, over the tracks, was considered feasible with a view to maximising density of development at transport hubs, can permanent support structure be incorporated into the track alignment design – subject to detailed consultation with Iarnród Éireann Irish Rail?*

Cross sections have been prepared by CS Consulting Engineers (Appendix 3) illustrating the land take and potential over station development support structure.

Our client seeks further information from the applicant to demonstrate that the design of the Spencer Dock Station incorporates the required elements to facilitate future over station development, both on our client's land interest and as part of a wider more comprehensive approach to an over station development at Block 2C. If such provisions are not incorporated at this stage, the proposals may prevent such appropriate future development, contrary to the provisions of the Planning Scheme.

There is potential for the proposals to negatively impact future over station development, notwithstanding that it is recognised in the Railway Order in a notional manner.

Further, clarity is required on the nature of the subterranean acquisition to the east of the station building, and the restrictions on subterranean works which would facilitate over station development or development adjacent the station. This is considered essential to enable the Board to properly address whether the proposed scheme the subject of the Railway Order application can be considered to be consistent with the proper planning and sustainable development of the area.

Construction Impacts on the operation of adjoining development.

The use of the lands sought for temporary acquisition adjoining our clients Spencer Place residential development are unclear. These lands are critical to the operation of the residential development, being part of the fire tender access route. The fire tender access route, as is set out in Appendix 1 of this submission in a letter from MSA, our client's Fire

Safety Engineers, includes the new street to the west of the Spencer Place development, and is required to be always accessible.

Additionally, the new road along the west of Spencer Place (north-south through the city block from North Wall Quay to Sheriff Street Upper) is an important servicing route and was delivered to comply with the provisions of the Planning Scheme and requirements of Dublin City Council. Basement parking for the development is accessed from this street and there is conditionality on the permission through the Mobility Management Plan, that servicing must use this street, with the only set down/drop off point (taxis, postal, online orders, food deliveries, furniture move in, maintenance, consumables to name a few) at this location. Closing or restricting access for the Spencer Place Development along this street would potentially have severe operational impacts on the development.

The North Lotts pumping station is located within the footprint of the Spencer Place development, with maintenance access for Irish Water from this street. The street would be location used by a crane to change out a generator in an emergency.

A 400mm water mains is located within the street, as conditioned by Dublin City Council to service the apartments and add resilience to the wider network. The maintenance of this infrastructure is essential for the operation of the development.

Furthermore, the development operates as rental properties and the impact of the construction phase will potentially negatively impact the scheme with respect to rental income, with units likely to be vacant, or attract a reduced value. For the construction phase, noise and vibration impacts have the potential to impact the entire development and the outlook of the units on the western side will be of a construction site and diminished.

The following queries, arising from review of the documentation, are posed by Cronin Sutton Consulting Engineers (Appendix 3) on behalf of our client:

1. *How is it proposed to protect the existing properties from damage?*
2. *How is it proposed to protect the existing properties from environmental nuisance (dust, noise, vibrations, etc) during the works?*
3. *How are light spill/light pollution effects on existing properties during works and in operation mitigated?*
4. *How are noise/nuisance factors mitigated in operational times for the rail?*

It is respectfully requested that the applicant is required to provide this documentation and to ensure these matters are appropriately mitigated and clarity provided as to how the fire tender access route will be maintained.

Concluding Comments

Our client welcomes the submission of the Railway Order and the sustainable transport benefits which would be delivered. Our client acknowledges a scheme of this scale will result in significant impacts however these should be carefully managed to minimise operational disruption to adjacent development. The maintenance of fire tender access is of critical importance for safety. Additionally, the construction impacts have the potential to render elements of our client's development unusable and unserviceable during the construction phase.

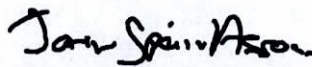
In relation to potential development over the Spencer Dock Station, whilst it is welcomed that future over station development is recognised, it is not apparent that this is facilitated by the works proposed, and may in fact be prevented, unless addressed at this stage. The proposals may prohibit the development of our client's land and also a potential more comprehensive approach to over station development.

Our client reserves the right to elaborate further on these issues as necessary should the Board decide to hold an oral hearing or require any clarification, and would welcome any responses from the applicant. Our client also reserves the right to maximise the development potential above and below ground of the lands in question.

We trust this submission will be taken into consideration in assessing the proposals.

The assessment of compensation would not be limited to the content of this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Spain".

John Spain Associates

Appendix 1 – Letter from MSA Fire Safety Engineers



Michael Slattery Associates
Fire Safety Engineers
Our Ref: 16235 > 16235-2c034 DART
Date: 26/10/2022
By Email

SPDC Devo North Ltd.
c/o Cooney Carey Consulting Ltd
Units 15/16
The Courtyard,
Carmanhall Road,
Sandyford
Dublin 18

www.msa.ie

MSA Dublin
19 Windsor Place
Lower Pembroke Street
Dublin 2 Ireland
Tel: +353 (0)1 6765713
Fax: +353 (0)1 6765247
Email: dublin@msa.ie

Re: Spencer North – DART Underground Works:

To whom it may concern,

We have reviewed the potential impact of these works with reference to fire safety compliance (Part B) and confirm our opinion that the closing of the New Road to the west side of the Spencer North Development (as indicated on HJL drawing C0002 Dart Overlay P1) would impact on compliance with the approved Fire Safety Certificate for the development.

The Fire Brigade Access for the West Elevation of Spencer North Development is via the New Road and as such is required to be always accessible to comply with the approved Fire Safety Certificate.

Any deviation to this strategy, would require submission of a revised Fire Safety Certificate to address this change.

Yours Sincerely

Michael Slattery BE MSc (Fire Eng) CEng FIEI MSFPE EUR ING
Managing Director

For and on Behalf of

Michael Slattery Associates
19 Windsor Place
Lower Pembroke Street
Dublin 2
Tel: +353 (0)1 6765713
Fax: +353 (0)1 6765247
Email: dublin@msa.ie

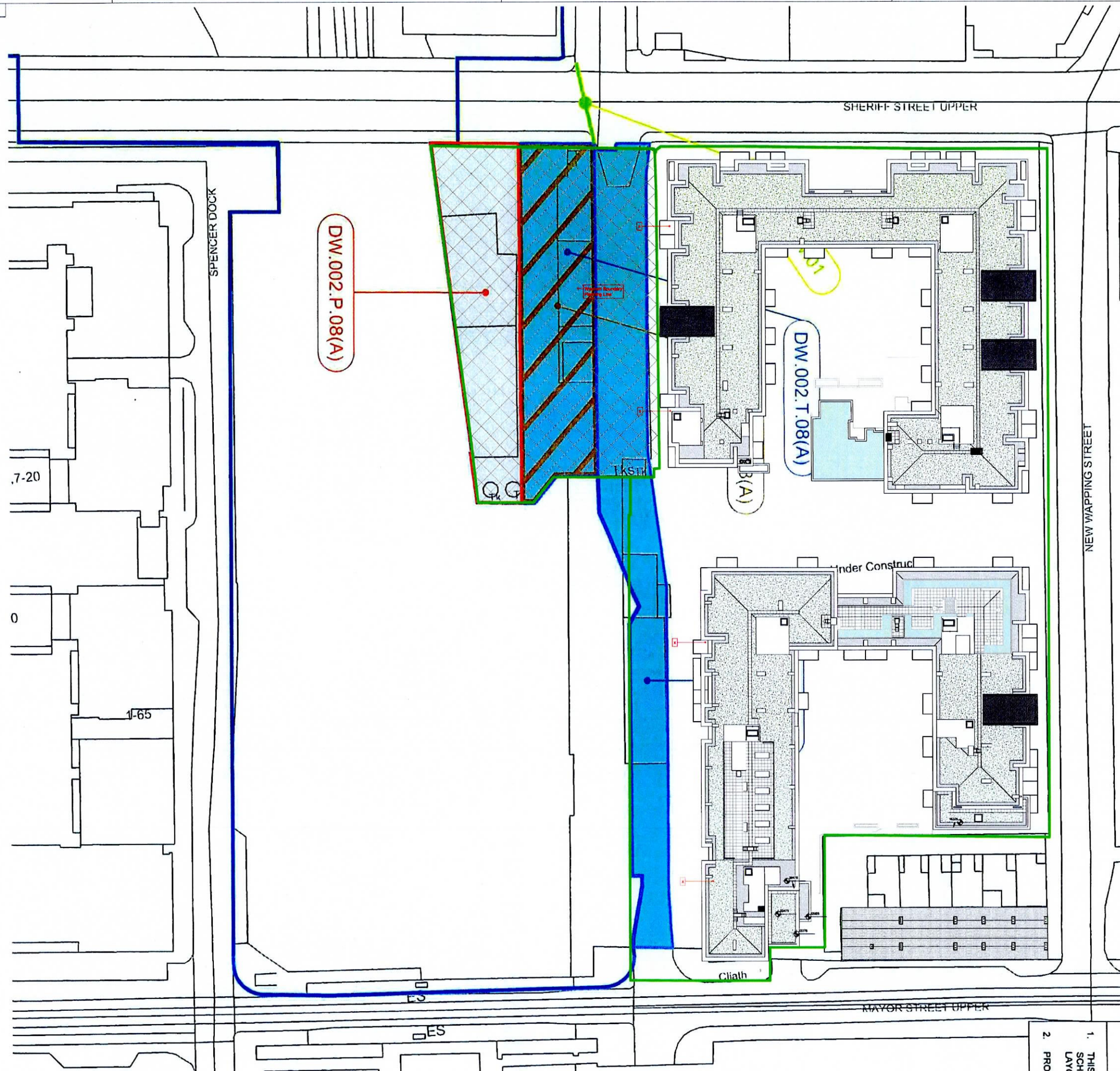


ACEI
Association of Consulting
Engineers of Ireland

Michael N Slattery & Associates Ltd
Registered in Ireland No. 137616
Director: M. Slattery, A. Slattery
B. Foley, G. Hanrahan

File: J:\16000\16200 - 16235\16
211 Correspondence\16235-2\2
Works.docx

Appendix 2 – HJL Drawing



Ownership Boundary

ISSUE FOR INFORMATION			
Henry J Lyons			
Architect - Interior	4003 1 888 3333	21 44 Thomas Street	
hjl@henryjlyons.com	hjl@henryjlyons.com	Date: 08/15/20	
Spencer Place Development			
Company Limited			
Spencer Place Residential City			
Block 2			
DATE	08/15/20		
SCALE	As indicated on plan		
DRAWN	NP		
CHECKED	NP		
MODEL FILE NAME	00001-Spencer Place North		
DRAWN			

Site Plan - DART Overlay

1. THIS
SCH
LAY
2. PRO

HJL JOB NO.	958291	DRAWING NUMBER	SPNS - HJL - 00-00-DR-A-C0002
DRAWING DATE	02	ISSUED FOR INFORMATION	03
COPYRIGHT			

Appendix 3 – CS Consulting Engineers Drawing and Memo

MEMORANDUM

To: Blaine Cregan – John Spain Associates

From: Damien Byrne

Date: 27/10/2022

Re: Spencer Place Development Company Limited – Dart+ West Observation

Dear Blaine,

Please see below some thoughts/queries for consideration as part of the observation to be submitted on the Dart+ West proposals.

Construction of "over station development"

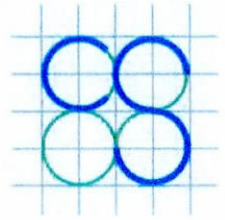
1. What is the programme for delivery of the rail works? Could the over-station development progress in advance of the rail works?
2. What extent of over-station development is currently envisaged?
3. Single block either side of the tracks or is an air-rights development spanning over the tracks considered?
4. The proposed permanent sub-surface land take (ref DW.002.S.08(A)) is under the noted "over station development" on the Dart+ West plans – how are foundations/basements/sub-floor drainage/etc for an over-station development to be facilitated in a permanent sub-surface land take?
5. If an air-rights development, over the tracks, was considered feasible with a view to maximising density of development at transport hubs, can permanent support structure be incorporated into the track alignment design – subject to detailed consultation with Iarnród Éireann Irish Rail?

LONDON OFFICE:

Centralpoint, 45 Beech St,
London, EC2Y 8AD,
UK
T | +44 207 070 3660
E | info@csconsultinguk.com

LIMERICK OFFICE:

45 O'Connell Street,
Limerick, V94 XE18,
Ireland
T | +353 61 594 988
E | info@csconsulting.ie



Protection of Existing Developments During Rail Works

1. The proximity of the Spencer Place North residential development to the east of the proposed rail works refers.
2. How is it proposed to protect the existing properties from damage?
3. How is it proposed to protect the existing properties from environmental nuisance (dust, noise, vibrations, etc) during the works?
4. How are light spill/light pollution effects on existing properties during works and in operation mitigated?
5. How are noise/nuisance factors mitigated in operational times for the rail?

I trust the above is clear but do not hesitate to contact the undersigned should you have any queries.

Damien Byrne
Director & Chartered Engineer
CS Consulting

