

| Submission No. | | | 93 | | |
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| Organisation Name or Name of Submitter | | | Farrier Technology Limited (represented by Downey) | | |
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| Item No. | Section Ref. | Page No. | Observation Statement | TII Response | |
| RE: SUBMISSION TO THE DRAFT RAILWAY ORDER (METROLINK - ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER - Prospect House, No. 2, 3 Prospect Road, Prospect Road Glasnevin | | | | | |
| 1 | Executive Summary | 5 | 4) Notwithstanding our client' concerns about the proposed location of the Metrolink Station and impact on their property in principle, this representation seeks to ensure that: a. Our client's land interests are accurately reported in the draft Railway Order on client's interest to ensure accurate reporting of impacts and decision taking to come; and b. Open communication, strategy and regard to issues including the time needed to source alternative facilities with a similar offering, including relocating long-term business premises and findings a new source of long-term rental income, well in advance regarding the Metrolink Land Acquisition Strategy 2022 and prior to the finalisation of the Railway Order | TII thank you for you submission, which has been reviewed. We provide detailed responses for the issues and concerns raised below. | |
| 2 | Introduction | 7 | The Metrolink proposes to develop the Glasnevin Metrolink Station on land includes our client's land interest. Within this context, the purpose of this submission is to ensure that our client's land interests are correctly reported within the Draft Railway Order to ensure that the scheme can be designed accordingly, including in relation to the environmental baseline, associated assessment of environmental effect to ensure accurate reporting of environmental impacts and any required mitigation, including through the separate Compulsory Purchase Order (CPO) process. | Please refer to response Item number (1) above. | |
| 3 | 5.0 Material Considerations | 14&15 | <p>The impact of the Metrolink proceedings have already been felt at the property of 2 - 3 Prospect House with our client refused planning permission by Dublin City Council as it was considered would "inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project."</p> <p>A first party appeal is currently being heard by An Bord Pleanála, having regard to the following particulars: Reg. Ref. 3526/21: On the 12th of November 2021, Bytek Office Systems Ltd. were refused planning permission on lands at Prospect House, 2-3 Prospect Road, for proposed development consisting of the following: The development will consist of: a) the demolition of the existing rear first floor balcony, and; b) the construction of a three-storey extension, over parking level, to the rear of the existing building, comprising of: 584sqm of office space and 294sqm of media rooms and associated staff welfare facilities; 8 no. car parking spaces and 8 no. bicycle storage spaces at lower ground floor level; a bin store and plant room at the lower round floor; and, all associated engineering and site development works necessary to facilitate the development. The application was refused, with one of the reasons being that it was refused on the grounds that 'the application site forms a critical future Urban Transport Node comprising a rail interchange station with linkages to Bus Connects at surface level along the R108 (Prospect Road). Due to the proposed development being located on lands earmarked for acquisition and demolition, as part of the MetroLink project, it would be inappropriate to further develop this land in the interest of protecting and facilitating the development of the MetroLink project'.</p> <p>A first-party appeal was submitted to An Bord Pleanála, in which a decision is still due.</p> <p>The client's business has been impacted by the material considerations of the Metrolink in the submission of planning applications, to facilitate the growth of the business.</p> | <p>TII are aware that of the status of the planning application and are in agreement with the reasons for refusal given by DCC. Regrettably the property concenred is required for the construction of the MetroLink's proposed Glasnevin station.</p> <p>The Land Acquisiiton Strategy sets out TII's commitment to communicating with parties whom may be impacted by the MetroLink proposals. TII will ensure that where practicable, they and their advisers will seek to respond in due course to all enquiries received from affected parties and/or their representatives.</p> | |
| 4 | 6.1 Metrolink Land Acquisition Strategy 2022 | 15 | <p>The acquisition strategy puts an emphasis on the early engagement with affected properties prior to the finalization of the Railway Order (Expected to be decided by 2023), in order to assess the full impact and needs of affected businesses and reach a pre-conditional agreement prior to the finalization.</p> <p>TII state the following in regard to assistance to businesses whom are affected by the acquisition proposals: "TII recognises the importance for existing businesses of being able to plan their relocations with as much advance information as is reasonably practicable in order to ensure a smooth transition of their operations from one location to another. Therefore, once TII has received approval to the Order, the necessary funding arrangements are in place and a notice to treat has been served, where practicable, TII will use reasonable endeavours to make arrangements to provide businesses with a longer period in which to relocate than the normal statutory process provides. In such cases, TII's overall aim will be to provide as long a period as possible, commensurate with the co-ordinated progress of the MetroLink works."</p> <p>The client submits that they are aware and open to a clear communication line with Transport Infrastructure Ireland to accommodate these acquisition proposals but wants to ensure that regard is given in any communications to the matters raised in this representation including, in particular, the need for early and clear dialogue, communication and strategy discussions having regard to the particular land interests in question.</p> | <p>TII notes the assurances requested by the submitter regarding clear and open communication with the property owner.</p> <p>The Land Acquisiiton Strategy sets out TII's commitment to communicating with parties whom may be impacted by the MetroLink proposals. TII will ensure that where practicable, they and their advisers will seek to respond in due course to all enquiries received from affected parties and/or their representatives.</p> | |

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| 5 | Downey Submission, 7.1 Environmental Impact Assessment: Reporting of Environmental Effects | 16&17 | <p>On behalf of our client's land interests we have significant concerns about the methodology for reporting of environmental effects as part of the EIAR as reported in Chapter 21: Land Take. Page 9 of the EIAR reports as follows with Table 21.2: Criteria for Baseline Categorization that follows reporting as follows:</p> <p>"Properties in general are viewed as being very important to the individual owners and occupiers and are sensitive to acquisition. However, the baseline ratings for land take/properties are evaluated by means of their capacity to accept change taking into account its value at a community/societal level and the current use of the property. Table 21.2 outlines the criteria for baseline categorisation."</p> <p>We would like to register our significant concerns that our client's property - a significant major employer - is being considered in a category akin to a car park or, a level above, derelict land and vacant properties. There is no logic provided for the disposition of these categories or why other employment-generating uses such as retail, hospitality or construction services are ascribed as higher baseline sensitivity. We would strongly recommend that the assessment of the sensitivity of the receptor is revised having regard to its ability to accommodate the change, including the availability of alternative premises.</p> | <p>The baseline categorisation used in the EIAR was developed through reference to the land use policy context from the Dublin City Council Development Plan (2016-2022) & the Guidelines on Information to be Contained in EIARs (EPA 2022) as outlined in Chapter 21.</p> <p>TII recognise the inherent value of Prospect House to the owners and occupiers of the buildings. However, for the purpose of the baseline categorisation outlined in Table 21.2 (Chapter 21), building types have been categorised according to their use. In this case, as Prospect House’s primary use is that of an office / commercial building, it has been categorised with a low baseline rating. Buildings such as offices get a lower rating because they have a greater capacity to accommodate change, when compared to buildings such as hospitals, churches and educational facilities which have a lower capacity to accept change and additionally have more benefit to the population.</p> | |
| 6 | 7.2 Subject Lands: Environmental Baseline Description | 18 | The subject land of Prospect House are lands that contain high potential value due to accessibility and to economic and social opportunities. The area is well served by public transport, bus, cycling and walking. Regard should be had to this environmental baseline position in the Metrolink Draft Railway Submission including EIAR Chapter 21 (Land Take) Section 21.4 and Table 21.6. | Please refer to response item number (5) above. | |
| 7 | 7.3 Subject Lands - Future Potential | 19 | Having regards to the scenario where the Metrolink does not proceed, it is reasonable to assume the premises would continue on its current basis and more realistically grow in future. Regard should be had to this environmental baseline position in the Metrolink Draft Railway Submission including EIAR Chapter 21 (Land Take) 21.5 Predicted Impacts including 21.5.1 Do Nothing Scenario. | The Do Nothing scenario considers the environmental baseline if the MetroLink does not proceed (refer to the methodology used in preparation of the EIAR detailed in Chapter 2). The potential impact of the Do Nothing scenario is neutral as no land take would be required for this scenario. The success of individual business is not included in the assessment of this baseline categorisation. | |
| 8 | 7.4.1 Construction phase impact | 19 | Our clients need early and constructive dialogue to work out construction phase impacts and timeframes on the property and business use for the reasons set out in the sections that follow, i.e. impact and disruption on business relocation and sitting tenants. | Please refer to the response for Item 8. | |
| 9 | 7.4.2 Operational Impacts: Relocation | 19 | <p>The client, in ownership of 2 - 3 Prospect House, is concerned about the relocation of the business premises. The subject lands facilitate Bytek office Systems Limited, F&M Accountants, Aviator Limited, Viso Limited and Atum Consultants Limited as tenants of the premises. Due to the multi-let nature of these premises, it will be difficult to coordinate the relocation of these businesses due to a range of reasons such as accessibility, costs, disruption, location, time, and altered lease attributes.</p> <p>The relocation of a business is a lengthy procedure for the current context of the premises, being made up of multiple tenants. The client is concerned about the timeframe that they will be provided with in facilitating the acquisition proposals of the Metrolink, and if they will be able to locate a site that provides the same convenience and high value economic and social functions of the subject lands.</p> | <p>Please refer to the MetroLink Compulsory Purchase Order (CPO) Guideline (metrolink_cpoguideline_final_september-2022). Businesses which are subject to compulsory acquisition will be subject to compensation, in accordance with the compensation code. TII understands the importance for businesses to be provided with certainty and is therefore proposing to introduce an agency service, at its own expense to support affected businesses to identify suitable alternative accomodation. The agency will assist in assessing property requirements and will be established following confirmation of the Railway Order.</p> | |

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| 10 | 7.4.3 Operational impacts: Impact on sitting tenancies | 19&20 | As with relocation procedures, the client is concerned about the loss of existing long-term tenants within the current facility and affects their future capacity in selecting a location. It is a difficult procedure to co-ordinate a location that works for every individual business tenant within the premises. The result of this can be the potential loss of tenants, which directly can affect tenants and businesses on an individual basis. The implication of this is that the lengthy process that is the Railway Order, the client is unsure about the future of their business premises. They are not able to develop the existing business premises any further, nor can they be secure that their land will be claimed through acquisition by Transport Infrastructure Ireland until the draft Railway Order is granted or refused by An Bord Pleanála within an undetermined date in 2023. The client asks of An Bord Pleanála in the instance of approving the Draft Railway Order, that a clear communication line opens regarding the property and land acquisition procedures, and how businesses will be assisted. | Please see the response to Item 9. | |
| 11 | 7.4.4 Communication with TII | 20 | There was a lack of clarity in regard to the communication about the timelines in which the subject properties will be affected prior to the potential finalization of the Railway Order. In order to facilitate the potential acquisition of the properties, as well as the relocation of the properties, a clear communication and timeline is a necessity in order for our clients to facilitate their next decisions in regard to the properties that are affected as a result of a potential CPO acquisition. We would recommend for An Bord Pleanála to ensure, that if the Draft Railway Order is approved, to put an emphasis that the National Road Authority, under Transport Infrastructure Ireland, provide clear details about the interval stages of the project, and the expected timeframes for the duration of the initialization plans of the Metrolink, construction, monitoring and implementation stages of the project, particularly in regard to when lands will be required to be acquired. Regard should be had to this environmental baseline position in the Metrolink Draft Railway Submission including EIAR Chapter 21 (Land Take) 21.5 Predicted Impacts including 21.5.1 Do Nothing Scenario. | When the Railway Order is granted by ABP, and is enforceable, TII's CPO powers as set out in the Railway Order Application will come into affect. 'Notice to Treat' will be served on each landowner whose land is being acquired. A Notice to Treat is a formal request served by the acquiring authority to agree a price for the portion of land or property identified. Following service of Notice to Treat the property owner will be required to submit a claim for compensation and as part of this process NTA will pay the reasonable costs (as part of the claim) for them to engage their own agent or valuer in preparing, negotiating and advising on compensation. | |
| 12 | 7.5 Next steps and mitigation | 20&21 | DOWNEY submit that the necessary next steps and mitigation measures to undertake regarding the context of 2-3 Prospect House are as the following: •Ensure for the accurate reporting within the EIA and supplementary documents submitted, including revisions to the methodology for the assessment, and for decision taking measures to be undertaken in the early stages of the project in the course where action is undertaken. •Clear strategy and timelines for relocating business, through accurate timeline reporting and strong communication being provided. • Open communication through other external processes that may have a direct and indirect impact on the client's site. • Ensure for the preparation and implementation of the Construction and Environmental Management Plan (CEMP). • Early communication with property owners who are affected by the potential implementation of the Metrolink project, and ensure that prior to construction, there support systems are set up to accommodate individual and business properties. | We have reviewed the submission and provided detailed responses for the issues and concerns raised, further: - For the EIAR Process, please refer to response item numbers (5) through to (7) above for clarification. - For request of TII to continue dialogue and open communication with the represented client, please refer to response item numbers (8) through to (11) above. - Prior to the commencement of any work at Glasnevin, a Construction Environmental Management Plan (CEMP) will be prepared by the Contractor, approved by Dublin City Council and implemented. The outline CEMP is provided in the EIAR Chapter 5, Appendix A5.1. | |
| 13 | 8.0 Conclusion | 21 | The submission is essentially to raise concerns regarding possible impacts of the Metrolink on the lands located at 2-3 Prospect Road, Glasnevin, Dublin 9. These concerns can be summarised as follows: 1) Our clients is a long-term owner of the above-listed property which are currently used for a range of business uses, including our client's existing business use (Farrier Technology Limited - Bytech) and associated long-term and secure tenants. 2) These lands are centrally located within the Dublin City Area being located alongside Quality Bus Corridors (QBC) and zoned 'Z3 - Neighbourhood Centres' in the Dublin City Council Development Plan (2017 to 2022) and also have the capacity to attract a range of different uses on the site, outside of the office sector. 3) Owing to this potential, one of our clients Farrier Technology Limited would like to expand their existing operations on the site, proposals for which are currently being determined by An Bord Pleanála (Ref. ABP 312150-21). 4) Notwithstanding our clients' concerns about the proposed location of the Metrolink Station in principal and their ability to find suitable alternative facility with a similar offering, the difficulties associated with moving businesses and the renewal of long-term rental revenue; this representation is seeking to ensure (a) accurate reporting of the impact in the draft Railway Order on client's interest to ensure appropriate decision taking to come; and (b) revision to the approach for the assessment of environmental effects on office premises; and (c) open communication well in advance regarding the Metrolink Land Acquisition Strategy 2022 and prior to the finalisation of the Railway Order. | In response to points 4 a, b and c of the conclusion to the submission we respond as follows: a) The impact on the property is clearly and accurately set out in the EIAR b) The approach to the environmental assesment methodology used in preparation of the EIAR is detailed in Chapter 2 of the EIAR and is consistant with relevant guidelines, policy and legislation and cannot be revised as suggested c) TII will continue to consult with affected property owners prior to and post a Railway Order being granted. | |