

Submission No.			103, 285	
Organisation Name or Name of Submitter			Gerhard and Rosemary Mayrhuber, Susan Cosgrove - Refer to Index	
Item No.	Section Ref.	Page No.	Observation Statement	TII Response
Re.: Metro Link Railway Order - Gerhard and Rosemary Mayrhuber/Susan Consgrove - College Gate Apartments				
1	Objection Letter	1	I am instructed on behalf of the above named claimant to lodge the within objection to the Making of the above Railway Order for the following reasons: 1 . The Railway Order should not be approved until such time as the Bord is satisfied that there is an urgent need for the Scheme and that TII have the funding to complete the Scheme expeditiously if the Railway Order is approved.	<p>Chapter 03 (Background to the MetroLink Project) of the EIAR details the need for the Project, and how MetroLink will address urgent challenges such as meeting Ireland's climate change targets, and contributing to the achievement of Ireland's National Strategic Outcomes (NSOs) as set out in the National Planning Framework such as compact growth, sustainable mobility, enhanced regional accessibility, high quality international connectivity, enhanced amenity and heritage, transition to a low carbon and climate resilient economy, access to quality childcare, education and health services, a strong economy supported by enterprise, innovation and skills, strengthened rural economies and communities, and sustainable management of water, waste and other environmental resources.</p> <p>Further, TII as the Government Agency responsible for delivering MetroLink, are committed to expediting the delivery of this transformative project on receipt of an Enforceable Railway Order as the business case has been approved.</p>
2	Objection Letter	1	2. The Railway Order should not be approved until such time as TII have provided drawings to an appropriate scale and my client has had an opportunity to consider same.	<p>TII have provided the necessary detail. As discussed and agreed with An Bord Pleanála, paper/hard copies and electronic/soft copies of the Railway Order documentation (containing identical information) comprised the following: * The draft Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order 2022; * The associated Book of Reference and Schedules to the draft Railway Order, describing the works and listing owners and occupiers of lands by reference to the relevant plans accompanying the application; * The associated Railway Order Plans and drawings, identifying the proposed railway works and identifying the owners and occupiers of lands listed in the Schedules; * An Environmental Impact Assessment Report (EIAR) on the likely effects on the environment of the Project; * The Natura Impact Statement (NIS) for the Project; and * The Planning Report.</p> <p>As noted, electronic versions of the documents specified are available at www.metrolinkro.ie. Paper copies were made available for public access at An Bord Pleanála, Dublin City Council, Fingal County Council, Transport Infrastructure Ireland, and the National Transport Authority offices. Multiple newspaper notices were published regarding the availability of the Railway Order documentation, with the notice also indicating that copies of the documents, including the plans and drawings, could be purchased from TII (contact details for such requests were provided). The dates for consultation, including the extension of the submission deadline, were also noted.</p>
3	Objection Letter	1	3. My clients have been invited to participate in a voluntary Discretionary Scheme by TII. This Scheme is vague at best and does not alleviate my clients concerns, that the uncertainty caused by the Making of a Railway Order in the absence of a commencement and completion date for the Scheme works, will have a detrimental impact on the value of their property under the definition of Rule 2 of the Acquisition of Land (Assessment of Compensation) Act 1919. You will note that any negative impact on the value of my clients property arising out of the Making of the Railway Order cannot be addressed by the Property Arbitrator, as he has no jurisdiction to deal with the question of sterilisation caused by the Making of the Railway Order. Any Discretionary Scheme that might be contemplated must give certainty to the landowner and must involve a commitment by the acquiring Authority to complete the purchase immediately. In this regard, the Bord will note that TII has already completed the purchase of a number of properties under the first Metro North Railway Scheme, and there is therefore no reason why they cannot continue with the process of advance purchases under the current iteration of the Scheme.	<p>TII understands and acknowledges the importance for residential property owners to be able to plan their affairs with as much notice and certainty as possible. TII powers to aquire the properties concerned are contingent on the scheme obtaining an Enforceable Railway Order and as such it is not possible to enter into advance purchase agreements. As part of the Land Acquisition Strategy, TII has introduced a descretionary scheme to encourage early engagement. Our intention is to enter into a pre-agreement with residential property owners to agree a baseline apartment price and other matters of compensation, which will be payable under the compensation code. This will be detrmined at an early date and provides a commitment from TII to agree terms ahead of the statutory process, locking in a baseline apartment rice, with an agreement to apply an index to reflect any future uplift. The scheme will accelerate the acquisiiton process following as enforceable Railway Order avoiding protracted negotiations. TII advocates that residential property owners are professionally advised aspart of the process and have agreed to meet all reasonable professional fees and costs. The scheme does not prejudice property owners nor are they obligated to participate. TII have appointed external property consultants to assist with the implementation of the discretionary scheme. This also ensures that engagement with residential proeprty owners continues and concerns can be addressed where practicable. Further details on TII's Land Acquisition Strategy can be viewed at https://www.metrolink.ie.</p>

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4	Objection Letter	2	The Bord should not approve any CPO/Railway Order until an urgent need for the scheme is established and that the Bord is satisfied that the scheme works will commence, and be completed expeditiously, should the Railway Order be confirmed.	Please refer to response (1) above in relation to the need for the Project, and TII's commitment to the delivery of MetroLink once an Enforceable Railway Order is received.
5	Objection Letter	2	My client reserves the right to add and/or expand on this objection at the Oral Hearing. In particular, my client reserves the right to comment in detail on the Discretionary scheme which is being promoted by TII.	<p>TII wish to thank you for submission. The Railway Order application including the EIAR and associated appendices, will be considered together with any feedback/submissions received during the statutory consultation process (such as your own) by An Bord Pleanála. The Board has noted that it will call an Oral Hearing prior to making a decision on the RO application. TII and its specialists will be given the opportunity to present evidence on the proposed Project and on submissions received. There is also an opportunity for The Board and parties who made submissions (such as yourself) during the statutory consultation process to question TII and its specialists. Following this process and based on the information available to The Board, they will make a decision on the application.</p> <p>Please refer to response item (3) in relation to the Discretionary Scheme as part of the proposed Project.</p>

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Organisation Name or Name of Submitter	Various submitters, as detailed on second tab
Other Relevant Submissions	
103	Gerhard and Rosemary Mayrhuber (College Gate Apartments) - submitted by Ciaran Sudway & Associates Ltd, Chartered Surveyors
285	Susan Cosgrove (College Gate Apartments) - submitted by Ciaran Sudway & Associates Ltd, Chartered Surveyors