

Submission No.			155		
Organisation Name or Name of Submitter			Juliana and Joe Boland and Family		
Item No.	Section Ref.	Page No.	Observation Statement	TII Response	
RE: Case Ref. NA29N.314724 Railway (Metrolink - Estuary to Charlemont Via Dublin Airport) Order (2022) Observations/Arguments re potential Compulsory Purchase Order of Properties on the proposed Metrolink route in Swords area submitted by: Juliana and Joe Boland and family					
1	Letter	2	<p>This is the second Railway Order which we as a business and family have been directly subjected to.</p> <p>The original Metro north proposed routes published by the RPA in 2006 and further changes to proposed routes published in 2008 at which time the RPA applied for a railway order to An Bord Pleanála.</p> <p>During this period we had various communications with the RPA as to potential CPO of part and or whole of both our family home and business premises which lie east and west respectively of the R132 between the Coachmans roundabout and what is now known as Boroimhe/Airside Junction, Swords, Co Dublin.</p> <p>The Oral hearings took place in 2009 and 2010, which I (Juliana Boland) personally attended at the Gresham Hotel, Croke Park and finally in the offices of An Bord Pleanála. My concerns about the project led me to attend at least two thirds of the Oral Hearing, even on days which did not directly relate to our own properties.</p> <p>The Oral Hearings were suspended in 2009 by An Bord Pleanála requiring further detailed submissions to be made by RPA re environmental impact statement and various engineering tests to be carried out as opposed to relying on previously published reports by others not related to nor contracted by the RPA to carry out such investigations.</p> <p>In October 2011 a Railway Order was granted after revised submissions had to be made with regards to the end point of the route to cease at Estuary as opposed to further North on the R132 in the vicinity of Blakes Cross, with a completion date of 10 years, if memory recollects correctly. Only for the then Minister for Transport Leo Varadkar to announce a month later that the Metro North project was been indefinitely deferred.</p> <p>In 2015 the government of the day announced that the Metro North would now go ahead potentially opening in 2027, with an application for extension of the Railway Order having to be made. 2018 revised plans extending Metrolink from St Stephens Green to Charlemont were announced this section alone at an estimated then cost of €3 billion euro.</p> <p>In 2021 with no works commencing and Eamon Ryan stating that it was never likely to be achievable by 2027, (on RTE 26/9/21) John Kilraine on RTE news 9/11/21 announced that the Metrolink would be postponed for ten years meaning the Order was now nullified as it would not commence never mind be completed within the time frame of the Order. Finally in 2022 a new Railway Order application was submitted</p>	TII are aware of the frustrations experienced by you due to the ongoing arising from the Railway Order Applications for Metro North and MetroLink. TII are committed to implementing the MetroLink project upon receipt of an Enforceable Railway Order.	
2	Letter	3	<p>Throughout the above time period from 2006 to present money has been spent as if it were going out of fashion with regards to the Metro proposal. Even during the Covid Pandemic ground works were carried out in Swords in November 2020 when it was feasibly possible that the government and TII were aware that the existing Order would not be adhered to. This money may have been spent more wisely reopening disused existing railway lines and stations around the county and thereby servicing the county as a whole as opposed to simply Dublin benefitting yet again. The Kishoge, West Dublin train station built in 2009 approx. cost in excess of €6 million is still not operational and required a refurbishment at an estimated cost in excess of €3 million. Does the wastage ever end ?</p>	Ground investigation works carried out in November 2020 were not related to the old Metro North Railway Order but rather were required for the updated design of the current MetroLink proposals. The other schemes mentioned are outside TII scope.	
3	Letter	3	<p>As hopefully you can appreciate from the above our lives have been put on hold literally living in oblivion since 2008 a period of 14 years due to will it won't it go ahead. We have had brief periods where it has been 'shelved' when we started to plan again for our lives only for these to be dashed by talks of the Metro. Will we be here in another 10 years submitting another Observation for a new Metrolink Railway Order application ?</p>	TII are aware of the frustrations experienced by you due to the ongoing arising from the Railway Order Applications for Metro North and MetroLink. TII are committed to implementing the MetroLink project upon receipt of an Enforceable Railway Order.	
4	Letter	3	<p>We are not only potentially losing our family home but also our family business.</p> <p>Whilst we have had several meetings and communications with the Property Acquisition Dept of TII (Michael Horan) and previously Rory O'Connor of the RPA, these are simply general what may possibly happen conversations and nothing concrete.</p>	Please see response to item (5) below	
5	Letter	4	<p>Although we had from the beginning been reluctant to agree to moving we were always painfully aware that we may end up been subject to a CPO and with that in mind we have kept our eyes open for appropriate premises to relocate to. This was done by generally window shopping by viewing estate agent's premises, reading the Property sections and gaining contacts in the industry who are aware of the type of properties we would be interested in all the ways people normally seek out a property. Very few ticking all or at least most of the boxes, have come on the market in the 14 year period, bearing in mind location and similar property type. There have in fact only been three properties which we would have contemplated moving to.</p> <p>In early 2022 one particular property was brought to our attention, so much so that with the impending new Railway Order to be submitted we contacted TII's Michael Horan to discuss the possibilities of coming to a settlement at that time for TII to purchase our properties. However as Michael noted during our meetings no financial recompense could be agreed and paid at that time, in fact this would not be possible until a Business Plan was agreed by the Government and an actual Railway Order obtained. Even then there is no guarantee of when this would actually happen. In the meantime we are expected to look for suitable properties only for them to be unavailable by the time any financial settlement is obtained. An unrealistic position to put anyone in.</p>	TII understands and acknowledges the importance for residential property owners and businesses to plan their affairs with as much notice as possible. As part of the Land Acquisition Strategy, TII has introduced a discretionary scheme for residential property owners to encourage early engagement. Our intention is to enter into a pre-agreement with residents who are subject to compulsory acquisition to agree terms to acquire which will accelerate the acquisition process following an enforceable Railway Order and avoid protracted negotiations. Where businesses are to be displaced an agency service will be established to support the search for suitable alternative accommodation. Following approval to the Railway Order, confirmation of funding, TII will use reasonable endeavours to make arrangements to provide business with a longer period in which to relocate, commensurate with the co-ordinated progress of the MetroLink works. In both cases compensation will be paid in accordance with the compensation code. Please refer to metrolink_cpoguideline_final_september-2022	
6	Letter	4	<p>Under CPO guidance a property is valued at Average Market Value. Any property or good has two values one which a purchaser is prepared to pay and one which a willing seller is prepared to accept, the AMV does not reflect this and is wholly unfair to property owners who are subjected to a CPO.</p>	The principles of compulsory purchase are to seek to place affected parties in no better or worse position than prior to the acquisition of their property interest. Compensation is paid in accordance with the compensation code and assessed depending upon individual circumstances. The main heads of claim are (i) market value which is the estimated amount for which an asset should sell on a valuation date between a willing buyer and willing seller in an arm's length transaction (ii) disturbance costs (iii) professional fees and cost of reinvestment where relevant.	