

Submission No.			174	
Organisation Name or Name of Submitter			Hanashoe Solicitors, on behalf of the Estate of John Quinn (Deceased) (Represented by Kevin J. Hamell & Associates - Consulting Architects)	
Item No.	Section Ref.	Page No.	Observation Statement	TII Response
Re: Intended Application by the National Roads Authority (operating as Transport Infrastucture Ireland) for the Railway (Metrolink-Estuary to Charlemont via Dublin Airport) Order (2022).				
1	Introduction	2	<p>I have been instructed by M.E. Hanahoe Solicitors of Sunlight Chambers, 21 Parliament Street, Dublin 2 to make a submission regarding the above on behalf of the Estate of John Quinn (Deceased) Apartment 10, Block A, Dalcassian Court, Dalcassian Downs, Finglas Road, Dublin 11. M.E. Hanahoe are Executors for the Estate of the said late John Quinn.</p> <p>The attached Title Map shows the location of Apartment 10 Block A and its designated car parking space.</p> <p>The proposed development will adversely affect the property in many ways.</p> <ul style="list-style-type: none">- The Railway Order itself as a threat to the property.- The proposed permanent land take.- The proposed temporary land take.- The construction works.	<p>TII thank you for your response. We have reviewed the submission and provided detailed responses for the issues and concerns raised below.</p>
2	The Railway Order Itself as a Threat to the Property (paragraph 1)	2	<p>The very fact that the property is affected by a Railway Order means that even by now Apartment 10 Block A will have greatly depreciated in value. Potential buyers will not want to buy an apartment with no carparking and no open space during the 10 year construction period. Even when construction is complete there will be very little parking and very little open space.</p>	<p>Where an entitlement to statutory compensation exists, each claim will be assessed on its own merits. The assessment of compensation and relevant heads of claim are derived from a combination of statute, case law and established practices which are referred to as the compensation code. There needs to be casual connection between the loss and the acquisition due to the scheme, which should not be too remote. Claimants are expected to take reasonable steps to mitigate their loss and cannot claim any unavoidable losses. Experienced professionals should advise on the relevant heads of claim which commonly include the following: (i) value of legal interest in land e.g. freehold or leasehold (ii) severance or other injurious affection which relates to the devaluation of the retained lands (iii) disturbance and other matters including professional fees and losses sustained or expenses incurred by an owner as a result of the acquisition of land.</p> <p>While the duration of all works at Glasnevin are anticipated to take approximately 8.5 years to complete (EIAR Chapter 5, Diagram 5.4: Summary Construction Programme), the duration of temporary land possession outside Dalcassian Court will be approximately 6.5 years. Further, TII commit to procuring their contractor to further reduce this temporary land possession period during the construction phase.</p>
3	The Railway Order Itself as a Threat to the Property (paragraph 2)	2	<p>Apartment 10 currently has a designated car parking space in the area of the temporary land take. There is no certainty that this situation will still obtain when the construction works are completed and the temporary land take areas are returned to the apartment complex.</p> <p>Residents of Blocks A & B will have lost virtually all their amenity space as well as all their parking spaces.</p>	<p>On completion of the works at Glasnevin Station, TII intend to reinstate the existing carpark and amenity in a reconfigured layout. Please refer to Railway Order Plans\Drawings - Structures Details Book 2 of 3 MetroLink Stations Dublin City Council, sheet 21 of 61 (Drawing reference ML1-JAI-SRD-ROUT_XX-DR-Y-02057).</p> <p>Referring to land parcel reference ML 4N A2 - The permanent plot is referenced as it is the footprint of the underground station box where it is top down construction. TII can return surface rights, subject to any necessary restrictions, to the balance of ML 4N A2 lands not required permanently by MetroLink at surface level i.e. Fire brigade lift etc.</p> <p>In the case of The Court Dalcassian the property acquisition requirements are represented on the property plans and include, permanent and temporary elements together with substratum requirements in relation to the underground tunnel element. The above-mentioned drawing shows the reinstatement of large parts of the enclosed estate common areas at surface level, including the restoration of the equivalent number of demarcated car park spaces, landscaping and heritage items. In the intervening period, between the commencement of construction and subsequent reinstatement of car park spaces, temporary parking will be provided. TII are in discussion with the local authority and other parties to identify a suitable location in the immediate vicinity. This process will involve engagement with parties whose property interests may be directly impacted by the proposed works and it is the intention to communicate and outline all available options with as much notice as possible in advance of the works commencing within the grounds of the apartment development. See response (2) above where an entitlement to statutory compensation exists.</p>

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4	The Railway Order Itself as a Threat to the Property (paragraph 3)	3	<p>The Metrolink Non-Technical Summary 7. 5.6.3.1 confirms that the Glasnevin Interchange Station is classed as Major Construction Works.</p> <p>Construction will include the new Glasnevin Station, new railway platforms for the Western Commuter Line and the Southwestern Commuter Line and a vast common concourse. There will be major alignment works to the existing Iarnrod Eireann track.</p> <p>There will also be extensive works to the Royal Canal involving closure of the canal and its walkways.</p>	<p>TII acknowledge that there will be extensive works required at Glasnevin Station for a prolonged period and that these works will be disruptive. The impacts of the works and the measures proposed to mitigate during construction and operation of the MetroLink are set out in the EIAR documents.</p> <p>It should be noted that the closure to the canal is temporary in nature, as is the walkway closure with suitable alternative provided as evidenced in Chapter 5 of the EIAR.</p>
5	The Railway Order Itself as a Threat to the Property (paragraph 4)	3	<p>When completed Glasnevin Station will transform my client’s environment from being a tranquil backwater to a bustling hub of activity. Many of the existing occupants of the apartments will choose to leave the area and thus destroy the feeling of community within the three blocks of apartments.</p>	<p>TII acknowledge that the surrounding environment will change with the implementation of this Project. The Dublin City Development Plan zoning for this area is" a district centre"</p> <p>Section 11.5.3.1 of Chapter 11 of the EIAR outlines the proposed Glasnevin Station shall positively facilitate the land use zoning ‘District Centre’ and will enhance the public realm. The impact on the local population post construction is considered to be positive, moderate, and long-term, as the proposed station will enhance the functioning of the area as a "district centre" allowing enhanced connectivity to the area, benefiting the local communities and businesses.</p>
6	The Proposed Permanent Land Take. (paragraph 1/2)	3	<p>I attach Map A showing the Dalcassian Court apartment complex outlined in red and the permanent Land Take Area coloured yellow.</p> <p>The yellow area comprises circa 1,445 sq. metres and is made up of 23 car parking spaces and a very large amount of visually attractive planted open space amenity area. The enclosed Map B shows the apartment complex outlined in red and the extent of landscaping that will be lost forever.</p>	<p>The existing landscape will be significantly impacted during the construction phase of the project requiring the felling of trees and the removal of other vegetation in this area (Refer to Chapter 27 Landscape). However, it is important to note that on completion of the construction phase, planting will be re-established within the garden area to be reinstated, although at a reduced size when compared to the existing area.</p> <p>For details of the proposed carpark and garden area reinstatement, please also refer to response item number (3) above.</p>
7	The Proposed Permanent Land Take. (paragraph 3)	3	<p>The development of the Dalcassian Court apartments was granted planning permission on foot of drawings showing these 23 car parking spaces and the full extent of the existing open space amenity.</p>	<p>The planning application for the site is no longer applicable as the site has already been developed, in line with that planning approval. Once granted, the Railway Order will authorise the land-take proposed in the application documents.</p> <p>During the construction phase, the loss of parking and landscape at the site will result in a significant impact. Following completion of the station works, the parking spaces will be reinstated and although reduced in size the vast majority of the landscaped area will also be reinstated in a new reconfigured layout. For details, please refer to response item number (3) above.</p>
8	The Proposed Permanent Land Take. (paragraph 4)	3	<p>To reduce both car parking and open space by the extent shown on the proposed land take would render the planning permission null and void. The apartments would then become unmarketable and would not constitute legitimate collateral in terms of raising finance.</p>	<p>Please refer to response item numbers (3), (6) and (7) above.</p>
9	The Proposed Permanent Land Take. (paragraph 5)	3	<p>At the completion of the construction period the residual land between Block B and the permanent land take area could only provide safe parking for about 6 cars. This would leave a permanent deficit of 17 car parking spaces as well as the loss of grassed and planted open space.</p>	<p>Please refer to response item numbers (3), (6) and (7) above.</p>
10	The Proposed Permanent Land Take. (paragraph 6)	3	<p>Perhaps additional parking could be provided by Transport Infrastructure Ireland on the land at the rear of the Brian Boru Pub.</p>	<p>As set out in the application documentation, the rear of the Brian Boru is required for construction and subsequently by the station and hence is unavailable.</p>

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11	The Proposed Temporary Land Take. (paragraph 1-3)	3	<p>The extent of the temporary land take is shown coloured blue on the attached Map A. It comprises circa 1,054 sq. metres which currently contains 9 car parking spaces and a large tract of landscaped open space running from east to west across the full width of the land south of Blocks A & B.</p> <p>During the construction period neither Block A nor Block B would have any car parking spaces available to their residents. Blocks A & B combined comprise 12 Two Bedroom and 24 One Bedroom dwelling units. They are homes to circa 60 people.</p> <p>There is no other part of the apartment complex that could accommodate additional parking spaces.</p>	Please refer to response item numbers (3), (6) and (7) above.
12	The Proposed Temporary Land Take. (paragraph 4/5)	4	<p>Transport Infrastructure Ireland haven't offered any alternative parking for the construction stage or post-construction.</p> <p>The north boundary of the temporary land take area is shown to be 5 metres from the south wall of Block A and 2 metres from the south wall of Block B. This situation might be tolerable for a very short period of say 3 months but it would be absolutely unbearable for a period of 10 years.</p>	<p>TII acknowledge the impact that the proximity of the construction site will have on these properties together with loss of parking during the construction phase.</p> <p>TII are actively engaged in sourcing suitable alternative parking for residents for the duration of the works. It is in anticipated that tempoary carparking arrangements will be secured in advance the commencement of tthe works. See also item (3) above.</p> <p>While the duration of all works at Glasnevin are anticipated to take approximately 8.5 years to complete (EIAR Chapter 5, Diagram 5.4: Summary Construction Programme), the duration of temporary land possession outside Dalcassian Court will be approximately 6.5 years. Further, TII commit to procuring their contractor to further reduce this temporary land possession period during the construction phase.</p>
13	The Proposed Temporary Land Take. (paragraph 6	4	<p>The south walls of Blocks A & B have 24 living room and bedroom windows and 6 balconies which will virtually touch the hoarding of the temporary land take area. This situation will have to be brought to the attention of the Health & Safety Authority. It simply cannot be permitted.</p>	<p>The positioning of Hoarding in such close proximity to the apartments at Dalcassian Downs is not considered by TII to be a health and safety risk and in fact is being proposed to protect the residents from the potential impacts arising from the construction of MetroLink. However it is acknowledged that the proximity of such hoarding will have the effect of reducing light to these properties and as such TII will be engaging with the owners and occupiers of the effected properties to arrived at appropriate alternative arrangements to mitigate these construction phase effects.</p>
14	The Construction Works. (paragraph 2)	4	<p>The Dalcassian apartments, as they adjoin the construction site, will suffer from heavy traffic, restricted vehicular access to their homes, loss of their tranquil open space amenity, loss of parking spaces, poor air quality and virtually non-stop demolition and construction noise and dust.</p>	<p>Access and Parking: Appendix A9.5 to the EIAR outlines an assessment of the potential traffic impacts in the area of Dalcassian Downs during the construction period. It has identified that there will be no restricted vehicular access to Dalcassian Downs and that impacts on traffic flows in the area will be minor, primarily occuring during the enabling works period.</p> <p>As referred to in response item number (12) above, it is acknowledged that reducing parking within areas of the estate will mean that people may need to walk further from their cars to their apartments.</p> <p>Noise and Vibration: As identified in the EIAR (Chapter 13 Airborne Noise& Vibration), the exceedence of noise limits at the majority of properties within Dalcassian Downs will be mitigated by the use of mitigation measures described in that chapter, including the use of hoarding. However further mitigation measures will be required in line with the TII Airborne and Groundborne Noise Mitigation Policy at 1-18 The Court Apartments and 19-36 The Court Apartments, Dalcassian Downs.</p> <p>Air Quality: In terms of dust generation there is potential for significant dust generation at Glasnevin as outlined in Table 16.44 of Chapter 16 Air Quality of the EIAR, if not miitgated. However Section 16.61 of Chapter 16 Air Quality and the Construction Environmental Management Plan outlines measures that will be undertaken to manage the effects of the generation dust. Consistent implementation of good dustmiitgation practices will ensure that the impact from construction dust is not significant.</p>
15	The Construction Works. (paragraph 3/4)	4	<p>Paragraph 7.1.1 of the Metrolink Non-Technical Summary states that the normal working hours will be 07.00 to 19.00, with a 30 minute site preparation time either end. The site will therefore be in operation from 06.30 to 19.30, a total of 13 hours, every day except Saturday and Sunday.</p> <p>Saturday will have a working day of 7 hours, 06.30 to 13.30.</p>	<p>TII acknowledge that the wording within the Non Technical Summary is misleading when defining "normal working hours". For clarity, the proposed working hours at Glasnevin Station are set out in full within Chapter 5: MetroLink Construction Phase, section 5.2.4 Construction Working Hours, and table 5.5: Schedule of Working Hours at each Construction Compound.</p> <p>In terms of the definition of the standard working hours that would be applied at Glasnevin Station and elsewhere on the Project, we refer you to table 5.3 that allows for 30 minutes at the start and conclusion of each shift included within the standard working hours stated. For clarity the total normal working hours are 07.00 to 19.00 Mon-Fri and 07.00-13.00 on Saturday. (These times are inclusive of the site prep time at either end.)</p>

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16	The Construction Works. (paragraph 5)	4	In addition to this Paragraph 7.5.6.3.1 states that works to the Iarnrod Eireann infrastructure at the Glasnevin Station will operate for 24hrs every day.	<p>This summary of the proposed working hours is correct, but the reference in the EIAR document for 24hour/7 day a week working is limited to some activities only. These activities are listed in Chapter 5: MetroLink Construction Phase, Table 5.5, stating as follows:</p> <ul style="list-style-type: none">- Sliding New Rail Bridge into position (GSWR).- Blockades or weekend possessions works required with Irish Rail, where works such as piling, structural or the installation of protection are next to the live operational railway lines.- MEP Works within the completed station structure.
17	The Construction Works. (paragraph 6)	4	Tunelling works will also operate for 24 hours every day.	<p>This summary of the proposed working hours is correct. However, it should be noted that the passage of the Tunnel Boring Machine will only effect these properties for a short duration of time i.e maximum of up to 2 weeks (estimated)</p>
18	The Construction Works. (paragraph 6)	4	Residents of these departments are going to undergo a dreadful ten years of severe disturbance.	<p>We note the concern. Mitigation measures will be put in place to minimise the construction impacts and disturbance to the residents as outlined in the EIAR and further referred to above in response item numbers (12), (13) and (14) above. In addition, the statutory compensation process will be available to all parties entitled to make a claim. Further information is available on the Compulsory Purchase Order (CPO) Guidelines available under the Your Property section of the MetroLink website. https://www.metrolink.ie/media/0jlpbyso/metrolink_cpoguideline_final_september-2022.pdf</p>
19	Conclusion	4	The proposed works will greatly and adversely affect Apartment 10 Block A Dalcassian Court in terms of loss of value, loss of amenity and loss of tranquillity both during and after construction.	<p>Please refer also to response item number (2) above.</p> <p>TII acknowledge that there will be extensive works required at Glasnevin Station for a prolonged period and that these works will be disruptive. The impacts of the works and the measures proposed to mitigate during construction and operation of the MetroLink are set out in the EIAR documents. During the construction phase, the loss of parking and landscape at the site will result in a significant impact. Following completion of the station works, the parking spaces will be reinstated and although reduced in size the vast majority of the landscaped area will also be reinstated in a new enclosed and reconfigured layout. For details, please refer to response item number (3) above. In addition, further mitigation measures will be required in line with the TII Airborne and Groundborne Noise Mitigation Policy and TII is committed to engagement with residents and the owners management company in relation to impacts to common areas during works and proposed mitigation measures, temporary car park options, and common area reinstatement post construction.</p>