



Oifig na
nOibreacha Poiblí
Office of Public Works



Opening Statement by the Commissioners of Public Works in Ireland

Good afternoon, Inspector.

The Commissioners of Public Works in Ireland (hereinafter, The Office of Public Works (OPW)) welcome the opportunity to participate in this oral hearing and wish to express and reiterate their overall support for the MetroLink project which it is hoped will deliver economic, social and tourism benefits to the city of Dublin.

The OPW has made a number of submissions for consideration by An Bord Pleanála, as part of the Railway (MetroLink–Estuary to Charlemont via Dublin Airport) Order 2022 public consultation process. These submissions relate to buildings and properties owned or managed by the OPW along the proposed route that are occupied by various Government Departments and other State bodies, such as An Garda Síochána and the Houses of the Oireachtas. Any matters raised in these submissions stem from the role and responsibility, statutory and otherwise, of the OPW to ensure the protection and preservation of these important State properties, historic and national monuments and are aimed at ensuring the continuity of State business and the delivery of critical Government services throughout the project. These include but are not limited to 14–17 Moore St, The GPO, National Library, The Leinster House Complex, National Museum of Archaeology and St. Stephen's Green.

The OPW wishes to acknowledge the positive and constructive engagement between officials from Transport Infrastructure Ireland ('TII') and the OPW on this project over the past number of years. As a result of that engagement, the OPW is of the view that significant progress has been made in terms of reaching agreement on many of the matters raised in its submissions relating to the



construction and operation phases of MetroLink insofar as they impact on properties owned or managed by the OPW.

It is anticipated that, where agreement has been reached, these will be presented to the oral hearing in the form of an agreed schedule of commitments and mitigation measures which the Board will be requested to attach as a condition to the railway order. It is also hoped that further matters which remain outstanding will be resolved by agreement before the end of the oral hearing.

The submissions made by the OPW are identified as submissions 213 to 240 in Table 4 of the "Response to Submissions Received" document prepared by TII.

The submissions were also accompanied by a cover letter which identified a number of priorities reflecting the OPW's role and responsibility for ensuring the protection and preservation of State properties that come under the remit of the OPW.

As stated on page 8 of TII's response document, the submissions received from the OPW relate to several individual properties. The OPW welcomes the response prepared on behalf of TII and is anxious that the matters addressed in the submissions, as well as the commitments in the TII response, are reflected in the Board's decision, should it decide to confirm the Railway Order.

As noted in the submissions, and the TII response, the potential impact of the MetroLink project on St Stephen's Green is significant. As set out in the cover letter accompanying the submissions, St. Stephen's Green is a National Monument. The OPW acknowledges that TII has proposed a number of specific conditions relevant to St Stephen's Green.

OPW reiterates that it has a specific statutory obligation in respect of St Stephen's Green. Section 15 of the St Stephen's Green (Dublin) Act 1877 provides that the



Commissioners of Public Works shall maintain St. Stephen's Green as an ornamental park or pleasure ground for the recreation or enjoyment of the public and may erect any lodges or ornamental buildings or indeed provide ornamental fountains or waterworks.

This is subject to section 116 of the Dublin Transport Act 2008 which dis-applies section 15 of the 1877 Act in certain defined circumstances. This includes railway works (within the meaning of section 2 of the Transport (Railway Infrastructure) Act 2001 carried out on or under Saint Stephen's Green pursuant to a railway order under section 43 of the 2001 Act.

While the OPW is of the view that this section is broad enough to capture the elements of construction and operation of the MetroLink project, insofar as it potentially affects or impacts St. Stephen's Green, it only dis-applies section 15 of the 1877 Act in those particular circumstances and does not repeal same. Therefore, the confirmation of the Railway Order should ensure that the proposed MetroLink project properly falls into one or more of the criteria in section 116 of the 2008 Act.

As per our submission, the OPW is of the view that the requirements in the National Monuments Act 1930, as amended, or the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023, whichever is relevant at the time, would have to be complied with, irrespective of the confirmation of the Railway Order and that an application for a Ministerial consent or consents will have to be made by TII and, if necessary, consent obtained prior to any works at St. Stephen's Green.

The OPW welcomes a commitment by TII to ensure that contractors working on its behalf on property owned or managed by the OPW comply with property protocols in respect of access, security and safety and to ensure adherence to best industry practice in the implementation of MetroLink.



It is hoped that these protocols and method statements can be agreed and the OPW will endeavour to progress this with TII and the NTA before the close of the oral hearing. In the event that agreement is reached, the OPW would intend to notify the Board and to furnish the oral hearing with agreed documents.

The OPW would like to thank the Inspector and the Board for affording it the opportunity to participate in this oral hearing.