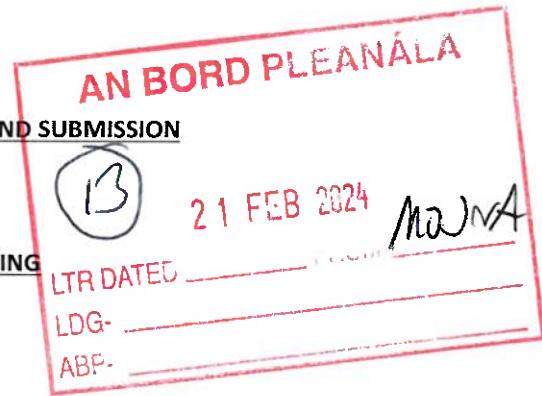


OPENING STATEMENT AND SUBMISSION

TO

ORAL HEARING

FOR



RAILWAY (METROLINK - ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER 2022 ESTUARY THROUGH SWORDS, DUBLIN AIRPORT, BALLYMUN, GLASNEVIN AND CITY CENTRE TO CHARLEMONT COUNTY DUBLIN

AN BORD PLEANÁLA REFERENCE ABP-314724-22 / SUBMISSION REFERENCE 196

ON BEHALF OF MOUNA UNLIMITED COMPANY

MODULE 1 AZ3

TUNNELLING AND EXCAVATION ISSUES & AIRBOURNE NOISE AND VIBRATION

DARDISTOWN SECTION (DUBLIN AIRPORT SOUTH PORTAL, DEPOT, ALIGNMENT AS FAR AS NORTHWOOD

LANDS AT SILLOGUE GREEN LANE AND BALLYSTRUAN LANE, SWORDS, CO. DUBLIN

**Introduction**

My name is Tom Flynn, I am a Senior Counsel and together with my colleague Ellen O'Callaghan B.L, instructed by Mr. Barry Chair of Beauchamps Solicitors, we appear for Mouna Unlimited Company ('Mouna'). Mouna is grateful to the Board for the opportunity to address this Oral Hearing and for the time being afforded to it to do so today and later in Module 2. I am also accompanied by Mr. Stephen Ward, Town Planning and Development Consultant, and Mr Joe Gibbons, Chartered Civil Engineer of Waterman Moylan Consulting Engineers who will shortly deliver presentations to the hearing. The presentations and submission today are focused purely on matters relating to Module 1 and arise from the responses received from TII (Ref. Submission No. 196) to Mouna's initial submissions made in January 2023 and on issues arising from those responses from TII.

Prior to these presentations I wish to make a short submission to the hearing on behalf of Mouna.

As you will be aware inspector, Mouna is the owner of a site located at Sillogue Green Lane and Ballystruan Lane, Swords, Co. Dublin ('the Site'). That Site is located in the AZ3 Dardistown Section of the proposed MetroLink the subject of the Railway Order. It is materially and adversely impacted by the proposed MetroLink, including the excavation works and related impacts associated with same. The Site is owned by Mouna, which has the same ownership as Anglo Beef Processors Ireland and thus Mouna is part of the ABP Food Group ('ABP Group') which is one of Europe's leading food processors.

At the outset I wish to emphasize that Mouna and the ABP Group are, in principle, supportive of the MetroLink. Furthermore, Mouna wishes to acknowledge the consultation and engagement with TII throughout the process and remains open to further engagement with TII. However, despite this engagement Mouna still has a number of serious concerns in respect of the impact of the MetroLink on the Site. These have previously been set out in written submissions to the Board. The focus of these submissions today and the submissions which will be made later in Module 2, relate to these concerns which Mouna considers have been overlooked, misunderstood, or incorrectly considered by TII and which we request you inspector and the Board to consider prior to determining the application for the Railway Order.

### **Impact of proposed excavation works on Site**

In order to understand the impact of the proposed excavation works on the Site it is necessary to consider its role in some detail. The Site has a particular role and importance within the ABP Food Group. Firstly, it has an established use in planning terms as an abattoir and meat processing facility, a matter which will be addressed further by Mr. Ward in his presentation to the hearing. This confers the Site with strategic importance as the only abattoir and processing facility within the ABP Food Group with full planning permission located within the greater Dublin area.

Second, the Site has an essential role in the ABP Food Group in providing an essential redundancy or surge capacity to the ABP Food Group to support and supplement its operations at existing facilities. Such capacity provides essential operational flexibility and resilience. Thus, although not currently operational, it should be noted that all the infrastructural facilities required for the operation of an abattoir/meat processing plant such as a lairage, a slaughter hall, boning hall and chilling facilities remain in place. This includes the white wall food grade panelling on the walls and the refrigeration fixture and fittings for the chilling hall/ blast freezer. Furthermore, ancillary services such as the amenity hall, offices and car parking for staff remain in place, to facilitate the operation of the Site as an abattoir if necessary. As highlighted below, the current use of part of the Site by Frylite is temporary in nature and does not impact on the use of the Site as an abattoir if required.

Part of the Site is currently leased on a temporary basis by Frylite (Dublin) Limited ('Frylite'), which operates a cooking oil distribution and recycling business. This operation covers only part of the Site and is authorised by specific grant(s) of planning permission which reflects the temporary nature of that use. This will be addressed further by Mr. Ward. The temporary nature of the partial use of the Site by Frylite is also reflected in the terms of the lease agreement between Mouna and Frylite which can be terminated with four months' notice.

As will be discussed further by Mr. Ward and Mr. Gibbons, Mouna has particular concerns that the excavation works and matters arising therefrom will jeopardise the functionality of the Site as an abattoir. Similarly, the current tenant occupying part of the Site, 'Frylite' has expressed concerns to Mouna that its operations may similarly be hindered by excavation works and associated noise, vibration dust, and air pollution.

Having regard to the use and established use of the Site Mouna and Frylite consider the Site has a very specific use type and to be a sensitive receptor as opposed to TII which has clearly considered and assessed the site as an ordinary industrial premises. In the event the Site is operational as an abattoir the excavation works associated noise, vibration dust, and air pollution will adversely impact on animal welfare causing undue stressing to animals in the lairage which will adversely impact on the quality of the meat produced. Furthermore, the failure to designate and assess the Site as a sensitive receptor has resulted in a flawed environmental assessment. This matter will be the subject of further submission by Mouna in Module 2 and is addressed in this Module solely in the context of the assessment of the impact on the Site of excavation works and associated noise, vibration dust, and air pollution.

Again, these matters will be addressed further by Mr. Ward and Mr. Gibbons in their presentation to the hearing.